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FIRST ANNUAL ENVIRONMENTAL QUALITY REPORT
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HEARING

BEFORE THE

COMMITTEE ON

INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

NINETY-FIRST CONGRESS

SECOND SESSION

ON

FIRST ANNUAL ENVIRONMENTAL
QUALITY REPORT

AUGUST 13, 1970

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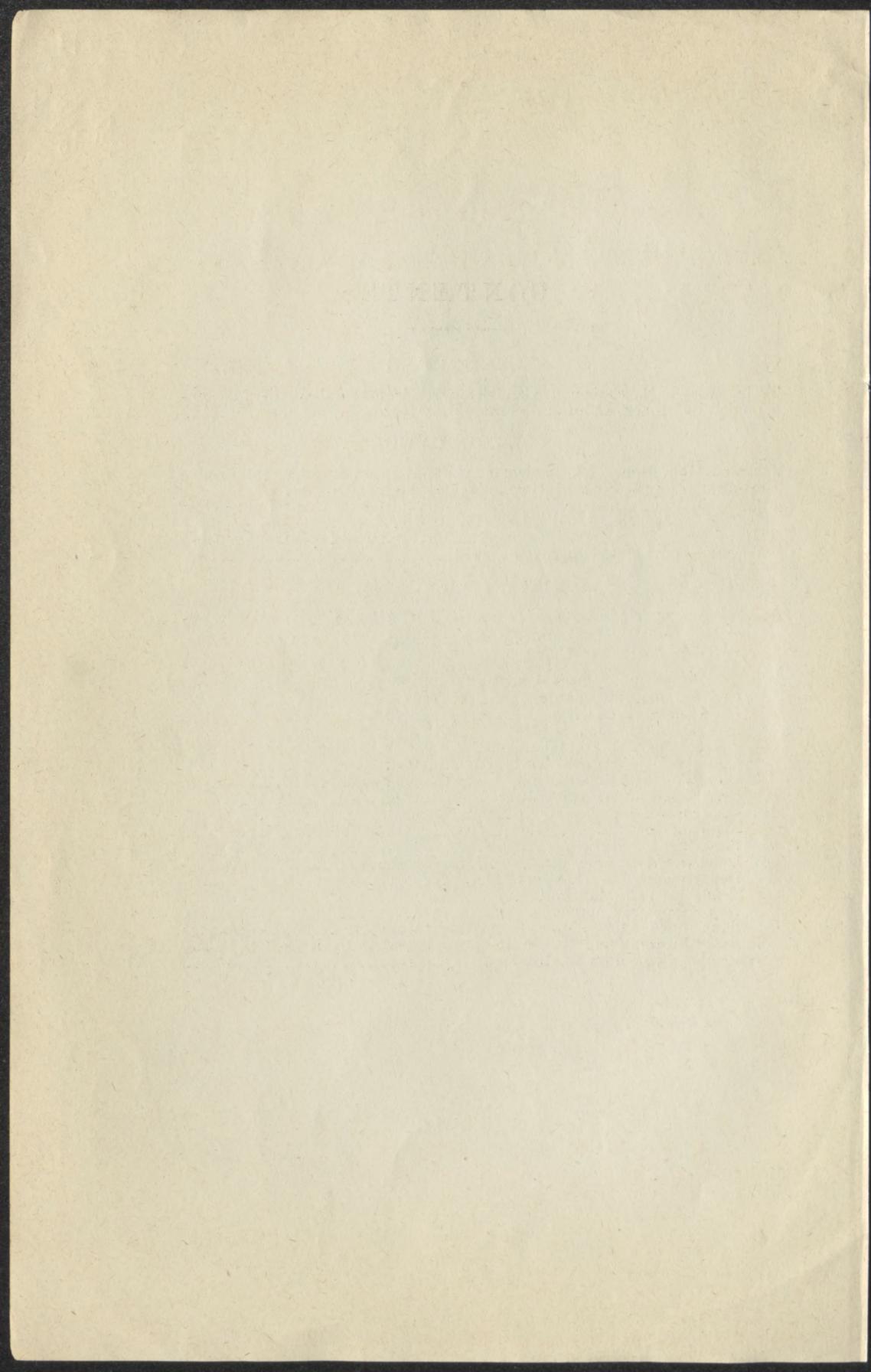
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FIRST ANNUAL ENVIRONMENTAL QUALITY REPORT

THURSDAY, AUGUST 13, 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, New Senate Office Building, Senator Henry M. Jackson (chairman of the committee) presiding.

Present: Senators Henry M. Jackson (Washington), Frank Church (Idaho), George S. McGovern (South Dakota), Gordon Allott (Colorado), Len B. Jordan (Idaho), Clifford P. Hansen (Wyoming), Ted Stevens (Alaska), and Henry Bellmon (Oklahoma).

Also present: Senator Jennings Randolph (West Virginia).

Staff members present: Jerry T. Verkler, staff director; William J. Van Ness, special counsel; Dan Dreyfus, professional staff member.

The CHAIRMAN. The committee will come to order.

This is an open public hearing to review the First Annual Environmental Quality Report. This report which is required under section 201 of the National Environmental Policy Act was transmitted to the Congress on August 10. Appearing before the committee today are the Council's Chairman, Russell E. Train, and Council members Robert Cahn and Gordon J. MacDonald.

I recognize, and the members of the Council have acknowledged in the report, that it has many shortcomings. These, of course, are largely due to the limited time available for preparation and because this is the first report. Nevertheless, in view of these conditions I believe the report is an historic and important document in the history of this country. Together with the President's message, the report represents the Nation's first "state of the Union" on the environment—the life support system on which all humanity depends.

The report represents an assessment; an overview; a taking stock of the environmental problems facing America and the world community; an evaluation of our resources for dealing with these problems; and some very tentative recommendations and conclusions. It does not, however, contain a number of very important chapters which the act calls for and which the committee will want to see in future reports. These include:

A description of a functioning information and monitoring system which can provide baseline information on a wide range of environmental quality indicators;

An evaluation and projection of various environmental trends together with some sound judgment on where these trends will take us if they are allowed to continue;

A discussion of the adequacy of available natural resources to fulfill the Nation's need for quality environment together with the need to eradicate poverty through quality economic growth.

The report does, however, contain important recommendations for new national policies on land use, energy, and transportation. I especially welcome the Council's and the President's recognition that the quality of life and of our surroundings is a direct function of how well we plan, manage, and use our limited land resources.

The development of an effective national policy for the land is a complex task. It will require imagination and bold thinking to relate transportation systems to open spaces; energy requirements to aesthetics; industry to recreation; and new communities to existing urban areas. Because the development of a national land use policy will require a substantial break from conventional land use practices and wisdom, I am frankly disappointed with the recommendations made by the Council under the heading "What Needs To Be Done." They are far too modest and far too limited to make an effective break with past practices. Stronger medicine is needed if we are to come to grips with problems of poor planning, conflicting patterns of land usage, and the inexcusable perpetuation of the land use problems of yesterday.

The report does indicate that the magnitude and complexity of the problems are appreciated. The recommendations, however, are so limited in scope that their immediate implementation would, in my view, have very little impact on the overall shape of the Nation's land use patterns.

I urge the Council and the President to assemble a task force of Federal officials to review the alternatives, to establish priorities and to prepare legislation which represents the administration's response to the need for a national land use policy. The task force should have representatives of both State and local government as well as representative members of the public.

The Senate Interior Committee's efforts in the development of a thorough and indepth hearing record on S. 3354, the "National Land Use Policy Act of 1970" have brought together in one place the most advanced thinking and the recommendations of State and local government, private industry, the design profession, and leading planners. The record is solid and makes a strong case for immediate action. The one omission from the record is the detailed view of the various Federal agencies. While all agree on the need and all have pledged support to the concept of a national land use policy their comments have not been detailed or specific.

The President's message and the Council's First Annual Report are a step in the right direction. What is needed now is commitment and followthrough—either in the form of a task force as I have suggested or in some other form which will bring together the resources of the Federal Government and focus on the task of developing imaginative solutions.

I pledge the President and the Council my support for their efforts.

A second area of major significance involves international environmental problems and the need to initiate research and to work with other members of the world community toward attaining and maintaining a quality environment. As the chapter in the report on "International Cooperation" notes, environmental problems are the

common concern of all mankind. Because they do not pose ideological issues or involve competing geographic claims environmental problems present unique opportunities for meaningful international cooperation.

Before I call on Chairman Train I would like to ask the distinguished Senator from Colorado, the committee's ranking minority member, Mr. Allott, to comment. We are delighted, too, of course, to have the distinguished chairman of the Public Works Committee of the Senate here, Senator Randolph of West Virginia. Senator Magnuson or members of his committee, the Committee on Commerce, were also invited to join in this discussion.

Senator Allott?

Senator ALLOTT. Thank you, Mr. Chairman.

First of all, I would like to compliment Chairman Train and the Council members, Mr. Cahn and Dr. MacDonald, for what I consider to be a most thorough and comprehensive report.

As members of this committee, and as I suppose all Congressmen know, the reporting function of many arms of the Federal Government is quite inadequate. Because of this, it personally pleases me to obtain a report of this quality, and I thank you.

In examining the report, I believe that it was wise to begin with a statement concerning the understanding of environmental problems. While any definition of "environmental problems" has to be broad; I believe that there are certain similarities in many of these problems. By defining the similarities, the problems will be easier to understand and therefore easier to overcome.

The instruments which the Federal Government has to fight these problems are highlighted in the second chapter. President Nixon and his administration have done much in improving the existing instruments, and where it is necessary, he is attempting to develop new tools. This desire to take action in improving the environment is evidenced by the pending executive reorganization plans. I am sure that the members of the Council have had much to do with these recent activities.

Much of the remainder of the report deals with many of the specific problems affecting the environment. I believe that the recommendations made are both useful and timely.

I am particularly interested in the section on air pollution. This section is excellent in describing what needs to be done, and I am pleased to see the recommendation concerning the need to develop alternative transportation systems.

The report correctly states that a mass transit system's primary goal is a more efficient means of moving people and goods. But along with this stated primary goal there is another goal which is as important and perhaps more important and that is the reduction of the many environmental problems surrounding transportation generally.

I believe that this is an excellent example of a "hidden policy" which we in government must become more alert to. We must attempt to define social policies which have beneficial ramifications on other social problems. There are probably more hidden environmental policies than any other kind.

Let me give an example. A transportation policy which encourages mass transit systems affects not only transportation but also our environmental policy. A mass transit system promises to stem the increasing pollution caused by automobiles. As we all know, the bene-

fits of cars are many, but these benefits are now being offset by the problems caused by "oversaturation" in metropolitan areas. These problems should be analyzed, I believe, in a rational manner in arriving at a policy which is far-reaching and all-encompassing.

I might add, there is another possible benefit in this particular area, a sort of a cross-pollenization, if you will, where the development of mass transportation systems, besides affecting the two qualities that I have spoken of, also would help to provide many jobs for those in the urban areas. So you start out with something which is related, and you are motivated primarily by environment, perhaps by the social problems of transportation, and then you end up with a cross-pollenization which would actually provide jobs for many people in the urban areas.

I hope the Council will continue to examine and recommend courses of action such as this.

Mr. Chairman, I want to make this statement, because I will have to leave. I have spoken to Chairman Train about it, but I have to leave and preside over another committee meeting here in just a few minutes, and I know that the Council will not think that it is because of any lack of interest, but there seems to be no one else to do the other job this morning.

The CHAIRMAN. Thank you, Senator Allott.

I have to leave at 11 o'clock myself, for a very important meeting downtown.

Senator Randolph, did you wish to make a statement?

Senator ALLOTT. Excuse me, could I ask, Senator, would you yield to me?

Senator RANDOLPH. Yes, indeed.

Senator ALLOTT. Could I ask just one question before I leave?

You are aware, Mr. Train, of the action which occurred on appropriations in the conference on environmental quality. Do you intend to touch on that in your statement?

Mr. TRAIN. I am glad you asked that question, Senator. Yes, I certainly do.

Senator ALLOTT. I must say that this question was not prompted by that.

Mr. TRAIN. No, it was not, sir, but consistent with your continuing interest in the Council—

Senator ALLOTT. Well, if you are going to comment later, that is sufficient, and I can read it. But I do not want this particular phase to be entirely overlooked.

Mr. TRAIN. May I just say very quickly, we consider this a very serious matter, as I feel this committee likewise does, and I intend to address myself to that particular point very early in my remarks, so that if the Senator would be here 5 minutes or so, I think I would be able to cover it during that time.

Senator ALLOTT. All right, fine.

The CHAIRMAN. Well, I think it is fair to say that we are unanimous in this committee on the need for the full amount of \$1.5 million. Of course, the Senate did adopt that position. I would express a hope that a supplemental will be sent up, or at the least, that funds will be put in for the \$500,000, in a deficiency appropriation, so that you can proceed in an orderly way this year to meet the essential requirements of the National Environmental Policy Act.

Senator Randolph, did you wish to make an opening comment before I call on Chairman Train?

Senator RANDOLPH. Well, I hesitate, Mr. Chairman, to delay the Director and his associates from speaking on the Environmental Report, but I do so in a very few words to express appreciation for all the members of the Senate Public Works Committee for the invitation that you have given to us and especially to me to represent the committee, to hear the report today.

It was impossible for me to be in the city on Tuesday, as Judge Train knows, when he came before our Subcommittee on Air and Water Pollution, and at that time, made a report, and was questioned, and we note this morning, I think, and the record should so indicate, that there is complete cooperation between the Committee on the Interior and Insular Affairs, the Committee on Commerce, and the Committee on Public Works, in moving forward and not with timid steps, Judge Train, but in a sense with an all-out frontal attack to enhance the environment, and strengthen the quality of living in the United States. We are working in concert, as it were. Jurisdictional matters are of no concern to us. We want to bring to bear—the members of all these committees, in hearings, and the Senate itself—we want to bring to bear the strength here on the Hill to support the efforts that you and your colleagues are making in the administration, and certainly in the Senate.

I think, Mr. Chairman, that I might refer to S. 4092 at this point, which is a Senate resolution which I offered on July the 16th to establish a Commission on Fuels and Energy to recommend programs and policies to insure the U.S. requirements for low-cost energy will be met, and to reconcile—and this is a part of the title—to reconcile environmental quality requirements with future energy needs, and it is gratifying to report that we now have 53 sponsors of the legislation, including the able chairman of this committee, and the able ranking minority member of the committee, and the able Senators who sit here today with you, Senators Jordan, and Hansen, and it is our desire, with the cooperation of those of you who are on the measure from this committee, and also the measure has the support of Senator Magnuson, who is a sponsor, and this legislation, I would say, Judge Train, has also been introduced in a different degree, but the concept is the same, and there are 26 cosponsors in the House of Representatives on such legislation. The measure has been referred to the Interior and Insular Affairs Committee for hearings, and it is just my hope, expressed publicly, Mr. Chairman, that hearings can be held as expeditiously as you and the members of your committee would believe possible.

The CHAIRMAN. May I assure my good friend from West Virginia that that will be done.

Senator RANDOLPH. Now, the reason I have stressed it here is because in this legislation, the bill presented, there is a full realization of the environmental factors which must be considered in establishing the fuels and energy policy for the United States, and I want to express appreciation especially to Senator Allott this morning, because of his remarks at the time of the introduction of the bill, and others, of course, who have been intensely interested, as is the chairman. in this subject matter.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Randolph.

Chairman Train, we are delighted to have you with us this morning, and together with Robert Cahn and Gordon MacDonald, to participate in this discussion. I want to compliment you and your colleagues for what I think has been very fine stewardship in the short time that you have been on the council. The very nature of a report discussion is somewhat of an adversary proceeding, as you know, in order to get all the ideas out on the table but I would not want the press or anyone else to construe the nature of any questions, at least that I may ask, as being critical of any one of you three gentlemen. I think you have been doing a fine job, and I want to commend you. We have a lot of problems ahead. I think with the kind of leadership that we have in the council, and the effort that you are making, we are going to be able to move forward.

This has been a difficult and trying period for you. The question put to you by Senator Allott, I think, emphasizes one of the problems you face, staffing and the need to provide for proper research, in order to just ask the proper questions, if nothing else. I want to commend you. You have a prepared statement, I believe, I will have to leave at 11 o'clock, and I have asked Senator Church to preside this morning after I leave.

STATEMENT OF RUSSELL E. TRAIN, CHAIRMAN, COUNCIL ON ENVIRONMENTAL QUALITY; ACCOMPANIED BY ROBERT CAHN AND GORDON J. MacDONALD, MEMBERS

Mr. TRAIN. Thank you, Mr. Chairman, and on behalf of the council, may I express my appreciation to you and Senator Allott for your very kind and generous remarks about the work of the council.

This committee has been wonderful supporters of our work and our efforts, every member of the committee, and we do appreciate this opportunity to return to you and give this report on the first 6 months of our existence.

In addition to members of the Council, we have a number of the members of our staff present, and I would appreciate a quick opportunity to introduce them to you: Mr. Boyd Gibbons, who is the Secretary to the Council; and Mr. Timothy Atkeson, our General Counsel; Mr. Alvin Alm, who is our Senior Staff Member for Environmental Pollution; Dr. Lee Talbot, Ecologist and Senior Scientist, recently with the Smithsonian Institution; and some of our younger staff, William Matuzeski, William Reilly, Russell Cahill, Jayne Brumlye, and then perhaps most important of all, we have a group of interns that I would like to simply ask to stand up, as a group. I don't think they are all present, but some may be here. Do we have any interns present?

Well, we did pretty well.

The CHAIRMAN. You bring your audience right along with you. [Laughter.]

Mr. TRAIN. Not a bad idea, sometimes, Senator.

The CHAIRMAN. I admire the quality. From the number of young ladies, I see you are implementing the equal rights amendment before it is even in the Constitution.

Mr. TRAIN. We have been enabled to bring together a truly extraordinary group of people. I could say young people, because with

few exceptions, the age of this staff, I would say, is under 30, well under 30, in many respects. They are a highly trained, highly competent group. We have had hundreds of applications from all over the country, which speaks to the public interest in this whole field of environment, and the Council really has been enabled to, as I say, pick and choose its staff with great care. And we are very proud of the staff, and they have all contributed, even the interns, to the development of the report which is before you.

I might just say in passing that on Monday, when the report was sent to the Congress by the President, the President invited the entire staff to the White House, including all of our clerical people, all of the interns, and met with us for about 45 minutes, and individually met with each member of the staff, and had a few moments with each member of the staff, and had a few moments with each person, and that, of course, was a very inspiring occasion for us.

It is a pleasure to appear before this distinguished committee again. Today, approximately 6 months after the Council on Environmental Quality took office, we return to report to you in connection with the filing by the President of the first annual Environmental Quality Report—a Report whose legislative framework your committee did so much to establish.

As you know, the first annual report has been prepared during the organizing period of the Council. Only a few months have been available for the task. Likewise, the Council has had only a small staff during this period, all of whom have carried major responsibility for a wide variety of projects and issues, other than the report, which have concerned the Council during these months. We also recognize that we possess insufficient environmental quality indicators or systems by which to monitor the environment and outline trends with any degree of the accuracy at this time. Nevertheless, within the bounds of these limitations, the Council has attempted to bring together a comprehensive description of environmental problems and issues facing the Nation.

It does not require a highly developed monitoring system to tell that the present state of our environment is badly degraded, that our waters remain seriously polluted, that the air in and around our cities is in unsatisfactory condition, that congestion and noise and stress are increasing, that environmentally related disease is rising, that the solid wastes of our society are continuing to mount, that open space and natural areas are diminishing, that the natural diversity of our surroundings is decreasing, that ugliness and tawdriness are spreading across our American landscape.

Nevertheless the year 1970 is a landmark for the environment as an issue. Not only did public awareness and concern reach unforeseen heights but at the same time:

We began to get a better understanding of the complex root causes of our problem,

We began to build into the decisionmaking process of Federal agencies a consideration of the broad scope of environmental problems,

And we began to develop a comprehensive action program that, given persistence and support, can arrest and reverse the adverse trends in our environment.

Improving the Federal Government's ability to deal with environmental problems:

Our Council has seen that the way the components of the Federal Government are organized can strongly influence their strategies, programs, and effectiveness in serving public needs. In recent years, our Federal institutions responsible for environmental quality have been handicapped by organizational arrangements poorly suited to effective programs. There has been need for improvement in at least three areas.

First, there has been the need to focus environmental policy development and analysis of trends and programs. Since many problems of the environment cut across the responsibilities of a number of Federal agencies, no one entity had an overview function.

Second, environmental concerns have often been slighted when agencies pursue their primary missions with inadequate attention to side effects. For example, the agencies constructing highways, dams, or airports are chiefly concerned with economic and engineering feasibility. Such quantitative factors have tended to overshadow consideration of the environmental impact of proposed projects.

Finally, as pollution control programs have grown in scope and authority, effective management has become increasingly difficult. Different agencies carrying out similar pollution control functions such as standard setting, research, monitoring and regulation have grown up piecemeal.

There has been progress this year in all these areas. The establishment of the Council on Environmental Quality under the National Environmental Policy Act (Public Law 91-190), which your committee initiated and whose progress you have guided, has provided a focal point in the executive branch for the development of environmental policy.

The Council's ability to perform its functions has been significantly strengthened potentially by the passage of the Environmental Quality Improvement Act of 1970 (Public Law 91-224), which provides for the Office of Environmental Quality and staff support to the Council, and for which the Chairman of the Council on Environmental Quality serves as Director. This additional legislation has brought the total authorization for the Council and the Office to \$800,000 for fiscal year 1970; \$1,450,000 for 1971; \$2,250,000 for 1972; and \$2,500,000 for 1973. For fiscal 1971, the administration requested funding up to the full amount of the authorization, that is, \$1,450,000 and an additional \$50,000 for the Citizens Advisory Committee on Environmental Quality. As you know, Congress recently appropriated a total of \$1 million for the Council and Office and for the Citizens Committee.

Section 102(2)(C) of the National Environmental Policy Act has helped meet the second deficiency which I noted in the Federal Government's organization with respect to environmental issues—environmental impacts of Federal action were being overlooked in decisionmaking. The President stated in his message transmitting the annual report that with the help of the 102(2)(C) provision he intends “to insure that environmental considerations are taken into account at the earliest possible stage of the decisionmaking process.”

As you know, section 102(2)(C) requires Federal agencies to include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment a detailed statement on: the environmental impact of the action, adverse impacts that cannot be avoided, alter-

natives, the relationship between short and long term uses, and any irreversible commitment of resources involved. These detailed statements are to include comments of State and local environmental agencies as well as appropriate Federal agencies with environmental expertise. The statements are to be made available to the Council on Environmental Quality, the President, and the public.

On April 30, the Council issued Interim Guidelines for the preparation of environmental impact statements, requiring each Federal agency to establish internal procedures for implementing this provision of the act by June 1, 1970. These Interim Guidelines have been published in the Federal Register.

In response to these guidelines the agencies have been developing internal procedures to implement section 102. At the same time we have been developing our own staff capacity to review agency programs with particular impact on the environment, to evaluate the section 102 statements that have been filed and to identify actions which should be covered. With this foundation we should be able to assess the overall effectiveness of the section 102 procedure.

At this point, with your permission, I would like to offer for the record a more detailed statement on the performance of the agencies to date with respect to the section 102(2)(C) requirement. In our view it would be desirable to get another 6 months or so of experience before considering the desirability of any change in the law. Our guidelines have only been in effect for a short period. The agencies' own internal procedures are even more recent. We are only now beginning to have an opportunity to develop actual operative experience with these new procedures. Having said this, I would like to underline the understanding of the Council on two points that have occasioned some debate.

First, it is our understanding that section 102(2)(C) contemplates preparation of the impact statement and its circulation for comment by the relevant agencies early enough to affect the decisionmaking process before the action is taken. We believe this interpretation to be consistent with, and indeed, required by, the statutory requirement that the statement "shall accompany the proposal through the existing agency review processes."

Secondly, we believe section 102(2)(C) to be a remedial provision that should be applied, to the fullest extent possible, to further actions even though they may be part of a sequence started before January 1, 1970. As our Guidelines put it with respect to existing projects and programs:

Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

Finally, with respect to the section 102 procedure, we have not limited our operating responsibility simply to the issuance of formal guidelines. On the contrary, we have endeavored to develop and maintain close working relationships at the staff level with the key agencies. At this early stage in trying to effectuate a mass change in agency decisionmaking procedures, it would be easy to sit back and criticize agency performance. We have chosen the more difficult, but we believe more productive, course of working with the agencies to

remedy the current defects in their 102 procedures. We are also being aided by the considerable attention the section 102 procedure is now receiving from the Congress, the public and the courts.

The third gap in our Federal organization to handle environmental problems I mentioned—the fragmentation of our pollution control operating programs, is proposed to be redressed in Reorganization Plan No. 3, which would consolidate our major operating pollution control programs in a new, independent Environmental Protection Agency.

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

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

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

OTHER COUNCIL ACTIVITIES

Apart from these matters of the Federal Government's organization and procedure to handle environmental issues, the Council has been involved in a broad variety of environmental policy questions which I will mention briefly. In his February 10, 1970, message on the environment, the President directed the Council to provide leadership in the areas of agricultural pollution, the research and development of nonpolluting power sources for the automobile, the problem of junked automobiles and the recycling and reuse of commonly used materials. In a subsequent message to the Congress on pollution in the Great Lakes and the oceans, the President also directed the Council, in consultation with other Federal agencies and State and local governments, to develop a Federal policy and programs for controlling disposal of wastes in the oceans. The Executive order which directed Federal agencies to undertake an extensive program for bringing Federal facilities into compliance with air and water quality standards also assigned the Council continuing responsibility to oversee implementation of the order.

In addition to these Presidential directives, the Council is involved in a number of other activities. It participated with other agencies in the development of the President's proposals to control and prevent oil spills from waterborne transport. It is currently working with a number of Federal agencies on proposals for improved control of pesticides, noise, and mercury pollution; reduction of phosphates in detergents; and pollution control programs in the Great Lakes.

We also are giving attention to review of existing environmental monitoring systems, the development of improved indicators of environmental quality and establishment of comprehensive environmental monitoring systems. In addition, the Council is evaluating alternative methods of pretesting and controlling the growing levels of toxic substances in a variety of complex manufacturing processes.

Because of the leading role your committee has played in stimulating thinking about a national land use policy, I would like to invite your attention to our treatment of the subject, particularly in chapter 9 of the annual report. You will find that the problems of land use both in the way they affect people and ecosystems of which man is a part, are greatly emphasized in this report. You will note, also, the attention given the subject in the President's Message forwarding the report.

In recommending development of a national land-use policy, the Council has recognized the necessity of first identifying what levels of Government will perform which responsibilities. We have identified the present conflicting nature of land use controls exercised by the many units of local government, which are unable to take into account the broader public interest and the environmental impact on the total land environment from the great number of local decisions. We have noted the need for States to begin assuming far greater authority over the use of land, most particularly the critical areas where development must be limited, notably the wetlands of Coastal States, stream beds, steep slopes, flood plains, and so on. The States are in the best position to play a key role with respect to private land-use decisions because they represent existing political institutions with traditional land-use powers (although almost uniformly these powers have been delegated to local units of Government), which are sufficiently removed from the pressures of short-range economic development to reflect the interests of the public and yet are not so remote, as is the Federal Government, from the nature of local issues. This need not mean that local government becomes powerless in this area. It does mean that in time the States should begin asserting the broader public interests in wise land use and be able to step in when local governments are obstructing State land-use policy.

Finally, we see that the development of a National Land Use Policy must require the Federal Government to take stock of its own programs and the ways in which they influence poor land-use decisions across the country.

In the Council the President now has a permanent staff in the Executive order for the specific purpose of evaluating the effects of Federal programs and policies on the environment and for developing environmental policy recommendations. We have built this staff capacity slowly and carefully. I believe its high quality should give considerable satisfaction to this committee.

CONCLUDING COMMENTS

The first environmental quality report shows that much can be done to prevent some of the worst forms of environmental deterioration. As it spells out in detail, much improvement can be accomplished despite serious deficiencies in research and monitoring. In the immediate future, it is reasonable to expect to be able to slow or to stop environmental degradation, especially air and water pollution. Many

essential steps toward this end have been proposed by the President and are awaiting action by the Congress.

I will conclude this "report on the report" by saying that we on the Council believe that the new experiment in Government your committee helped launch—involving the attempt by a self-governing free society such as ours to find ways to arrest environmental degradation and to build institutions and attitudes that will positively enhance the quality of life—is one of the most exciting assignments ever given to officers of our Government. We have valued the sustained support and interest of this committee and the help we have received from many quarters. We hope you will find the first environmental quality report a useful start, and we intend to improve the second in many respects. We are conscious of many contributions made by the Congress to our understanding and better handling of environmental problems and welcome your comment and suggestions with respect to the first and subsequent reports.

Just some further comments: Our present professional staff is, I believe, at the level of 17, and of that number either two or three are on detail and paid by other agencies, so that we presently have a level of about 14 professional staff members paid by our own appropriations.

We had hoped, in the course of fiscal 1971, to raise the level of our staff in number to approximately 54, and this was authorized by the level of funding which has been requested by the administration, namely, \$1,450,000.

In view of the present level of the appropriation approved by the Congress for 1971 of \$1 million, which includes \$50,000 for the Citizens Advisory Committee on Environmental Quality, we anticipate that we will have to reduce our staff plans for fiscal 1971 to approximately 43 people, including not only professional but also clerical, so that I would suppose, given that level of funding, we will probably have to stay about where we are, which I have no hesitancy in telling this committee creates very serious problems for the Council in meeting not only the mandate of the National Environmental Policy Act, and the Environmental Quality Improvement Act, but also the expectations of the public of the Council, which I think is also very important.

I think if we are going to create an institution of this sort, that does give rise to very strong public expectations, it is unfortunate to have those expectations not be in a position to be met effectively.

As you will have deduced from reading the report, and from the wide variety of programs and subjects with which this Council has necessarily been involved, ranging across all the pollution concerns, population, economic problems, resource problems, education, international cooperation, the writing of an Annual Report, which in itself is a matter of requiring an enormous amount of time and staff dedication, these requirements call for a staff, if we are to meet them, that is substantially in excess of what we presently have, and I say that with some reluctance, because I have never been one to believe in solving problems simply by building large bureaucracies and large organizations, and we have not approached the job in the Council with that kind of point of view at all.

We have moved slowly. We intend to maintain the principle of a small, highly qualified expert staff. We believe that is the most effective approach, but we do believe that there is sort of a critical

mass involved, and we feel we, under present funding, are not enabled to reach that critical mass.

You will, in the course of our discussion, as in my prepared statement, recognize that we have in the Council one important statutory responsibility, namely, the review of environmental impact statements filed with the Council by other Federal agencies.

These, of course, range across the entire spectrum of Federal activities: the Department of Defense, the Federal Power Commission, the Atomic Energy Commission, housing programs of HUD, agricultural programs, water resource programs, mineral development programs, international programs.

If we are to address ourselves to these statements in a way which makes our review meaningful, rather than simply a matter of filing pieces of paper away, if we are to make that review meaningful, we must have the staff competence, both in terms of numbers and terms of professional disciplinary expertise, to deal with these matters, and at the present time, gentlemen, I will say honestly we are hanging on by our teeth, trying to keep up with these problems, and I would be concerned that the congressional intention that environmental factors be included in decisionmaking by all Federal agencies from now on can't be effectively monitored and effectively promoted by our Council over the long range, at our present level of staffing and funding.

The Report of the Council was transmitted by the President with a message that I frankly feel is a landmark in terms of Presidential documents.

The President's message speaks to such things as man's interrelationship with his environment. He points to the fact that when we deal with the environment, we are not talking about simply an esthetic concern, or indeed are we only talking about the environment itself. We are talking essentially about the human condition.

The CHAIRMAN. Mr. Chairman, I wonder if we might interrupt. Senator Allott had a matter that he wanted to ask about.

Mr. TRAIN. Certainly.

The CHAIRMAN. The question relates to the staff and the appropriations, that I think would be most appropriate at this point.

Senator ALLOTT. I am sorry to interrupt you, but I want to make the record on this particular matter. It is very important.

As you know, the Senate put in a million and a half for your obligational authority for this coming year, the year 1971, and as you also know, it was reduced to a million dollars in the conference.

I think that I have reason to believe that there would be a more receptive attitude on the part of the other body during a supplemental appropriation, although there are no commitments to this.

However, there is one possibility in the offing—I don't say probability, necessarily, but at least it is a possibility—that Presidential veto might be upheld on that million in either one House or the other, in which event you would revert to a continuing resolution until a bill is passed.

Now, the question I wanted to ask you, Mr. Train, is exactly in terms of your ability to perform your functions. Where would a continuing resolution leave you?

Mr. TRAIN. I think that, speaking generally, which is not what you want, I could say it would leave us in a very difficult situation, but what I would like to do is address myself to a detailed response to your question, Senator Allott, and submit it to the committee for the record in writing, very promptly, by which I mean, hopefully, sometime today.

Senator ALLOTT. I would appreciate it very much, because I think we need to have this spread out before us, and to know what we are dealing with.

I think that the members of this committee are all in sympathy with your being adequately staffed and financed to do your job. There is no question about that. But there is this possibility, that might occur, and I would like to know exactly where it would leave you in the event it did occur.

If you will supply that for the record.

Mr. TRAIN. Thank you very much. I think that is a very valuable suggestion, and we will respond very promptly.

(The information requested by Senator Allott follows:)

EXECUTIVE OFFICE OF THE PRESIDENT,
COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, D.C., August 14, 1970.

HON. GORDON ALLOTT,
*U.S. Senate,
Washington, D.C.*

DEAR SENATOR ALLOTT: This letter is in answer to your question as to whether the present "continuing resolution" providing interim FY 71 funding is adequate for the Council's needs.

We have discussed this with staff of the Office of Management and Budget and have been advised that under the terms of the resolution, we can operate on a level that assumes an appropriation of at least \$1,000,000 for fiscal year 1971. This will be adequate for our near term requirements.

Our continuing concern is, of course, the actual appropriation for fiscal year 1971. As you are aware from our previous discussions and correspondence, the Council definitely requires the full \$1,500,000 requested by the President. Now that the issue of the HUD-Independent Offices Appropriations Bill is reopened, by virtue of the President's veto having been upheld, your efforts in our behalf will be greatly appreciated.

Sincerely,

RUSSELL E. TRAIN, *Chairman.*

Mr. TRAIN. The President's message also speaks to the need for far more effective land planning in this country, as you, Mr. Chairman, have noted, and, of course, this is a matter that our report takes up in great detail.

The President also speaks to the global nature of our environmental problems, and emphasizes the importance of international cooperation, and finally, while the President indicates that the problems in the environment that we are all aware of are exceedingly serious, and indeed urgent, they are susceptible to effective, positive action by the American people, if there is the necessary national commitment, and he also said, "and rational commitment."

I refer to the message because I believe that in its articulation of some of our most basic environmental concepts and concerns, the relationship of man to his environment, the President has articulated concepts that have really never been stated before by a head of state in this fashion, and I think for that reason, among others, the document is highly significant, and of landmark significance.

Our report itself, as you know, covers such matters in detail as water pollution, air pollution, solid waste management, pesticides, noise—one of the newer fields of pollution, which is of growing concern—radiation, economic growth, population, natural resources generally, land use, in great detail, including the urban environment, and the suburban and rural environments, natural areas of wilderness, environmental education, a short review of the current state of citizen action of interest in the environment, and finally the very broad and burgeoning field of international activity in the environment.

We are under mandate by the Congress to report in detail on the condition of the various environments, and to identify trends, and I think we have done this to a considerable extent.

At the same time, we point out in the report, as does the President in his message, that our monitoring systems and our data systems are today really very inadequate to the task of environmental measurement and prediction. And, of course, it will be some time before these systems are available to us, so that this is one of the limitations which I think it is important to bear in mind in considering the scope and the detail of the report.

At the same time, our Council is giving a high priority to the development of such monitoring and information systems. We do not intend, and I don't think Congress intended, that the Council itself be the responsible agency for implementing such systems, or actually carrying them out. We see that as the function of other agencies, with a much wider capability.

But we do consider it our responsibility, within the Federal Government, in cooperation with other agencies, to design and develop and push the establishment of adequate monitoring and information systems.

I think one of the earmarks of our report is its comprehensive description of problems, and related to that, its comprehensive approach to solutions to problems. Rather than dealing with water pollution as somehow a discrete kind of problem to be dealt with by itself, our air pollution in the same fashion, it relates all of these to one another, to the problems of land use, to the problems of economic growth, to the problems of our tax structures, to the problems of human population, numbers and distribution, among other factors.

All of these things are interrelated to one another, and I think this is a very important point of emphasis in our report, and one of the reasons why this report is different than most Government documents that deal with similar subjects.

Likewise, in our approach to solutions to the problems, we emphasize you can't really deal with air pollution separate from transportation policy, separate from energy policy, or from land use policy.

All of these things are of essential importance to any truly effective approach to improving the environment of the American people.

So here again, I think, is a particularly important characteristic of this report: Its emphasis on the need for comprehensive approaches, and systems approaches, to the solution of environmental problems.

Turning to the problem of section 102, as this committee is aware—and, Mr. Chairman, as you know, my statement goes into this in some detail—one of the primary thrusts of the National Environmental Policy Act is to require all Federal agencies from now on to take environmental factors into appropriate account in their planning of

decisionmaking, and section 102(2)(c) of the statute spells out in considerable detail the nature of this process, and calls for an environmental impact statement to be prepared by all agencies and submitted to the Council and to the President.

In March, the President issued an Executive order governing the activities of the Council, and further implementing the provisions of the National Environmental Policy Act, and that Executive order, among other things, directed the Council to develop guidelines and publicize them for the guidance of all Federal agencies in complying with section 102.

Now that has been done. Those guidelines were effective, developed as of April 30, and publicized in the Federal Register of May 12.

I would like at this point in the record, Mr. Chairman, to submit for the record a very thorough documentation of the activities of the Council under section 102, and the responses of the agencies under section 102, including the guidelines which each agency has in turn developed for its own internal use in compliance with the statute. And if I may submit that for the record.

The CHAIRMAN. Without objection, it will be so included.

Mr. TRAIN. As you can note, it is fairly substantial.

The CHAIRMAN. It may be incorporated by reference, with appropriate description of what it is, so that it will be a part of the record.

(Document referred to follows:)

FEDERAL AGENCY COMPLIANCE WITH SECTION 102(2)(C) OF THE NATIONAL ENVIRONMENTAL POLICY ACT

In Executive Order 11514, Section 3(h), dated March 5, 1970 the President directed the Council on Environmental Quality to issue guidelines to Federal Agencies for the preparation of detailed statements on proposals for legislation and other major federal actions affecting the environment, as required by Section 102(2)(C) of the National Environmental Policy Act. On May 12, 1970, the Council published Interim Guidelines in the *Federal Register*, (35 *Fed. Reg.* 7390) (Exhibit A). The Council's Guidelines required each Federal Agency to establish no later than June 1, 1970, its own formal procedures for "(1) identifying those agency actions requiring environmental statements, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statement, (4) consulting with and taking account of the comments of appropriate Federal, State, and local agencies, and (5) meeting the requirements of Section 2(B) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact." (Sec. 3).

All major Federal Agencies with domestic programs now have forwarded 102 (2)(C) procedures to the Council. Although the procedures of some agencies are in draft form and are not yet formally operative, the Council is nevertheless receiving environmental statements from these agencies. During this initial phase of experience under the Act, the Council is reviewing closely all statements submitted. Inadequacies in the treatment of environmental issues in the decisionmaking process which statements may reveal are being brought to the attention of the Federal Agencies.

The Council is endeavoring to focus wide-spread attention upon the requirements of Section 102(2)(C). Copies of all final environmental impact statements submitted to the Council are being transmitted to the Congressional Committees which authored the legislation under which the Council operates and are made available to members of Congress on request. Lists of final environmental statements together with the names of the Federal officials responsible for issuing them to the public are being regularly compiled by the Council and sent to a large group of environmental and public interest organizations which are following the "Section 102" process. The Council has requested members of the Congress and citizen groups aware of major federal actions significantly affecting the quality of the environment to bring to the attention of the Federal Agency concerned and the Council the necessity of preparing an environmental impact statement.

The effects of Section 102(2)(C) are sometimes not publicly apparent. In some instances, Council inquiries and requests for environmental statements on Federal projects complained about by citizens to the Council have influenced Federal Agencies to change their plans. Council review of draft environmental statements has occasionally resulted in reconsideration of the decision and deferral pending further study of environmental problems.

It is unrealistic to expect that the Council, with its very limited resources, can by itself make the Section 102 procedure work. In the view of the Council it will require the efforts of the agencies themselves and alert spot checks by the Council, the public and the Congress. On occasion, it will also involve review by the courts, by administrative proceedings and by the General Accounting Office.

The Section 102(2)(C) process requires important changes in the Federal decisionmaking process. The Council is aware of serious problems of implementation confronting some Federal Agencies. Federal Agencies whose programs are generally carried out by State and local governments (e.g. HUD) cannot themselves be expected to collect and compile all environmental information which Section 102(2)(C) requires. Often the only practical course is for State and local applicants for Federal assistance to themselves compile more detailed information, and to consider a greater range of alternatives with regard to the environmental effects of projects. The Federal Agencies with programs of this type are having to prescribe new regulations, policy guides, and program handbooks to assure that State and local governments give appropriate consideration to environmental goals in the formulation of projects. This is a complex, time-consuming operation. Nevertheless, State and local activities which are to be Federally supported must be conducted in accordance with the goals and procedures of the National Environmental Policy Act.

Federal Agencies with direct program implementation responsibilities (e.g. Corps of Engineers, Bureau of Reclamation) and with long environmental experience may be expected to have less difficulty in complying promptly with Section 102(2)(C). For these Federal Agencies, many of which administer large programs with significant environmental impact, the preparation of environmental statements will necessarily become a regular, possibly even daily, activity. Thus, adequate staff resources will have to be allocated to the task of preparing such statements.

On July 30, 1970, the Council issued a memorandum to all Federal Departments listing those Federal Agencies with "jurisdiction by law or expertise" to make comment with respect to various types of environmental impact of proposed Federal actions. (Exhibit B).

Section 103 of the National Environmental Policy Act requires all Federal agencies to review their statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any "deficiencies or inconsistencies therein which prohibits full compliance with the purposes and provisions of the Act." The Council has requested Federal Agencies to report to it no later than September 1, 1970, on the results of this review, and to propose such measures as may be necessary to bring agency authority and policy into conformity with the Act. Thus far no Federal Agency has informed the Council of any such deficiencies.

The results of Federal Agency review in response to Section 103 which will be available in September, together with an appraisal of the experience under the Council's Interim Guidelines which will be conducted in December, should suggest ways of improving the Guidelines. An assessment of the experience during 1970 under the National Environmental Policy Act should also suggest possible desirable amendments to the Act.

To date, 26 final environmental statements have been filed with the Council in accordance with Section 102(2)(C) of the National Environmental Policy Act. A list of these statements, and of the Federal officials responsible for making them available to the public, is attached (Exhibit C). In addition to the final environmental impact statements listed, 45 draft statements have been submitted to the Council and are now in various stages of review and consultation by Federal, State and local agencies.

The Office of Management and Budget has recently issued a Bulletin establishing Interim Procedures for implementing Section 102(2)(C) with regard to recommendations or reports on proposals for legislation (Exhibit D). Under this Bulletin, Federal Agencies are required to submit draft environmental impact statements with those legislative proposals and reports to which the Act applies when these are sent to the Office of Management and Budget for clearance. At the same time, these draft statements are to be furnished to the Council on

Environmental Quality. Environmental impact statements are to be circulated by the Office of Management and Budget as part of the normal legislation clearance process. After consultation and review have been completed, and differences among agencies have been resolved, the originating agency is to prepare final environmental statement which shall accompany the proposal or report to the Congress.

For those agencies having major program actions with significant impact on the human environment, annual budget estimates are to be accompanied by a summary environmental statement.

All project reports to which Section 102(2)(C) applies and which are received after adjournment of the present session of the Congress will be returned by OMB to the proposing agency if the Section 102(2)(C) statement has not been submitted.

The following is a summary review, agency by agency, of the Section 102 procedures (Exhibit E), number of final and draft statements filed as of August 1, and types of activity covered.

Section 102(2)(C) has also been widely cited by courts and administrative agencies. The following is a survey of court (as of August 1) and administrative (as of June 1) proceedings (Exhibit F).

DEPARTMENT OF AGRICULTURE

The Department of Agriculture has prepared a draft Secretary's Memorandum implementing Section 102(2)(C). Agency Heads, in consultation with the Department's Environmental quality Executive Committee, are responsible for determining whether proposed actions require environmental statements. The Office of the Coordinator of Environmental quality Activities is to provide general oversight and assure public availability of the statements.

Recommendations or reports, other than those of an appropriations nature, are to be accompanied by, and to make reference to, appropriate environmental statements.

"Major actions" are defined to include, but not be limited to, the following:

- (a) projects and continuing activities
 - directly undertaken by USDA agencies
 - supported in whole or in part through educational, technical or other forms of USDA assistance and contracts, grants, cost-sharing, subsidies, loans or other forms of funding support
 - involving a USDA lease, permit, license, certificate or other entitlement for use.

- (b) policy and procedure-making

Some examples are

1. New programs initiated or current ones significantly modified under existing legislation
2. Projects requiring local sponsorship which are initiated or significantly modified
3. Decisions to initiate actions that are likely to be highly controversial, some of which may result in administrative appeals or court actions.

As of August 10, 1970, the Department of Agriculture had filed 11 statements with Council, of which 3 were final, as follows:

Management Practices on the Bitterroot National Forest in Montana (Forest Service) June 20, 1970.

Water Bank Act (H.R. 15770) May 27, 1970

Proposed FIFRA Amendments—May 17, 1970

APPALACHIAN REGIONAL COMMISSION

Commission-funding planning, research, technical assistance and demonstration projects are to be considered and a determination made in accordance with Section 102(2)(C) under a review procedure currently in preparation by the Commission. The General Counsel has been designated responsible for coordinating Commission comment on proposed Federal Agency activity in the area of the Commission's jurisdiction.

ATOMIC ENERGY COMMISSION

The Atomic Energy Commission has published amendments to its regulations in the *Federal Register* (35 *Fed. Reg.* 5463), and currently has under consideration further revisions.

Under proposed procedures AEC's operational activities of the following kind are to be the subject of environmental statements "as a matter of policy":

- (1) New AEC Power and Production reactors.
- (2) Reactivation of existing AEC Power and Production reactors.
- (3) Cooperative arrangements with industry for the construction of demonstration nuclear power plants.
- (4) Establishment of long-term AEC waste storage facilities.
- (5) Fuel Element Reprocessing facilities.
- (6) Nuclear cratering tests conducted on the Nevada Test Site (NTS) or the Supplemental Test Site in Nevada (STS).
- (7) Plowshare experimental projects not conducted at NTS or STS.
- (8) Nuclear test conducted on the Island of Amchitka, Alaska.
- (9) Nuclear test of more than one megaton conducted at NTS or STS. Statements will be prepared on an individual test basis.
- (10) Nuclear test programs of one megaton or less conducted at NTS or STS. Statements will be prepared annually covering the total program.

For non-operational activities, AEC will require that applicants for construction permits for nuclear power reactors and fuel reprocessing plants submit with their application a separate "Report on environmental consideration," prepared in accordance with AEC guidelines. These reports are to be treated as draft environmental statements and are to be circulated for Federal Agency comment. Governors of affected States are to be furnished the reports directly, and summary notice in the Federal Register is to invite other State and local comment.

After receipt of comment the Commission's Director of Regulation is to prepare the final environmental statement. Application for operating license are also to be accompanied by environmental reports on all environmental aspects not covered in construction applications.

As of August 10, 1970, 14 environmental statements had been filed by the Atomic Energy Commission. Four are final statements, as follows:

Operation and Construction by the Tennessee Valley Authority of the Sequoyah Nuclear Plant Units 1 and 2 April 29, 1970.

Operation by Northern States Power Company of the Monticello Nuclear Generating Plant Unit 1—April 29, 1970.

Construction and Operation by the Duquesne Light Company, Pennsylvania Light Company, and Ohio Edison Company, of the Beaver Valley Power Station—May 7, 1970.

Operation by the Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and the Millstone Point Company of Millstone Nuclear Power Station Unit 1—July 7, 1970.

CIVIL AERONAUTICS BOARD

The Civil Aeronautics Board has issued a proposed policy statement implementing Section 102(2)(C). The Board is to serve notice of proceedings indicating possible environmental consequences of proposed actions in the Federal Register and directly to Federal Agencies with environmental expertise or jurisdiction. Governors of affected States are to be directly informed.

CAB actions likely to have significant environmental impact are described as primarily, through not exclusively, those licensing activities which result in the authorization of air transportation: (1) to an area not previously served by air transportation; and (2) to be operated under conditions or with equipment which might result in changes significantly affecting noise or air pollution levels.

DEPARTMENT OF DEFENSE

Department of the Army/Corps of Engineers

The Corps of Engineers has issued Circular No. 1165-2-86 implementing Section 102(2)(C). Agency actions requiring statements are defined as follows:

(a) Recommendations or reports to the Congress on proposals for legislation affecting Corps of Engineers programs including proposals to authorize projects.

(b) Recommendations or reports on proposals for authorization of projects by the Chief of Engineers or the Secretary of the Army except for emergency measures under PL 99.

(c) Initiation of construction or land acquisition on projects which are not yet started for which funds have been appropriated or are provided by the FY 1970 Appropriation Act.

(d) Budget submissions requesting funds for the construction or real estate acquisition on authorized projects.

(e) Budget submissions requesting funds for continuation of construction or for operation and maintenance of projects whenever there are unresolved conflicts concerning alternative uses of available resources. For items for which funds are requested for FY 1972, statements will be prepared on projects on which there are known unresolved conflicts. However, prior to initiation of submissions for FY 1973, all authorized projects and all projects under Federal operation and maintenance will be reviewed, in consultation with Federal, State and local agencies which are authorized to develop and enforce environmental standards. Submissions will contain a notation that there are no unresolved conflicts or will include the statement required by Section 102(2)(C) of P.L. 91-190.

(f) Issuance of permits for structures, dumping, and other actions in navigable waters of the United States whenever any of the Federal, State, and local agencies which are authorized to develop and enforce environmental standards certify or the District Engineer determines that the action which it is proposed to permit would result in significantly and adversely affecting the quality of the human environment.

As of August 10, 1970, the Corps had filed 17 statements.

Three were final statements, as follows:

Supplemental Report on Dredging and Water Quality Problems in the Great Lakes—April 15, 1970.

Proposed modification to the Authorized Oakley Reservoir Project, Sangamon River, Illinois—July 3, 1970.

Proposed Harbor and Waterway Renewal Act of 1970—May 15, 1970.

Other Department of Defense Activities

Proposed interim guidelines are currently in preparation by the Department of Defense. These guidelines provides that the following activities are to be "assessed carefully for the necessity of preparing an environmental statement":

- (1) Real estate acquisitions, outleases of land, and developments of new installations;
- (2) Construction at installations or major mission changes which will result in a significant impact on the surrounding communities or natural resources;
- (3) Initiation of the development of new weapon systems;
- (4) Programs for weapons testing;
- (5) Large scale training operations;
- (6) Programs for utilization of pesticides and herbicides;
- (7) Proposed legislation which, if enacted, would initiate commitments for natural resources, result in possible degradations of the environment, forecast changes in the use of land, or alter population concentrations.

The DOD guidelines provide as examples of actions which "normally" would not require submission of environmental statements, the following:

- (1) Improvement projects for the abatement of air and water pollution;
- (2) Routine training operations;
- (3) Transportation of munitions;
- (4) Activities or actions in foreign countries (However, the requirements of Section 3i of DOD Directive 5100.50 are to be complied with.);
- (5) Actions for which there exist no practical alternatives and that are not unique to the DOD, such as the purchase of automobiles with internal combustion engines or products packaged in nonbiodegradable containers.

As of August 10, 1970, the Department of Defense had filed one statement with the Council, on "Operation CHASE," proposed disposal of chemical munitions at sea.

FEDERAL POWER COMMISSION

The Federal Power Commission has identified 300 actions on which environmental statements will be prepared. Formal procedures have not yet been completed.

As of August 10, 1970, two statements had been filed by FPC, as follows:

Cornwall Pumped Storage Project by the Consolidated Edison Company of New York, Inc.—Project No. 2338 May 20, 1970.

Application by the Empire District Electric Company of Joplin, Missouri for the Ozark Beach Project No. 2221 July 29, 1970.

GENERAL SERVICES ADMINISTRATION

A proposed GSA Order is in effect which cites as actions which may require environmental statements the following:

- (a) Recommendations or reports to the Congress on proposals for legislation.
- (b) Prospectuses to the Congress requesting authority to proceed with a project by purchase, lease, or construction.
- (c) Awards of contracts or other agreements for repair, maintenance or operation of a facility which may, through the processes involved, the residue caused or collected, and disposal thereof adversely affect the environment. Examples could include service contracts for cleaning, cafeteria operation, and pest extermination.
- (d) Issuance of permits, licenses or certificates for use of land or water for structures, dumping, or other actions that could affect the quality of the environment.
- (e) Actions involving the moving or displacement of people which would change population density.
- (f) Research efforts which affect the environment.
- (g) Property disposal actions.

Procurement Regulations are the subject of a second GSA order.

As of August 10, 1970, GSA had filed one environmental impact statement (draft) with the Council.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The Department of Health, Education and Welfare has issued interim procedures implementing Section 102(2)(C), and has established an Environmental Impact Review Panel in the Office of the Secretary for identifying HEW actions requiring environmental statements and for coordinating HEW comment on statements referred by other agencies for HEW consultation.

The Director, Facilities Engineering Construction Agency is made responsible for preparing environmental statements on HEW construction authorizations. Regional Facilities Utilization Boards are to review proposed direct construction, and that supported by grant, loan, or other subsidy authority to determine if environmental statements are necessary and, where appropriate, to prepare them.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The Secretary of the Department of Housing and Urban Development has issued a memorandum on the implementation of Section 102(2)(C) directing each Assistant Secretary to:

- (a) prepare an environmental statement for each new or revised policy circular and program handbook;
- (d) assist in identifying and reporting on controversial and precedent-making decisions affecting the environment;
- (c) assure that no later than August 15, 1970, all policy circulars and program guidance are consistent with the National Environmental Policy Act.

The General Counsel was directed to observe the requirements of Section 102(2)(C) in the legislative process, and Regional Directors were instructed to prepare environmental statements on controversial or precedent-making pending decisions.

As of August 10, 1970, two (draft) environmental statements had been filed by the Department of Housing and Urban Development.

DEPARTMENT OF THE INTERIOR

The Department of the Interior has prepared draft procedures which would require the preparation of environmental statements on the following actions:

- (1) the acquisition or disposal of natural resources;
- (2) the regulation, permission, prohibition, or other institutional control of the use of natural resources;
- (3) the operational or physical management of natural resources;
- (4) the construction of various structures to manage natural resources and of facilities to carry out the various programs of the Department;

(5) the recommendation of comprehensive, program, or project plans for the management of natural resources or for other programs of the Department which affect the environment;

(6) the performance of research programs for projects which have an impact upon the environment;

(7) the promulgation of policies, principles, standards, and procedures which affect the environment.

As of August 10, 1970, the Department of Interior had filed 11 environmental statements with the Council, of which 3 were final statements, as follows:

Dyke-Marsh-George Washington Parkway Land Exchange—June 15, 1970.

Yukon River-North Slope Road Alaska—March 20, 1970.

Proposed offering of Oil and Gas Leases Off the Coast of Louisiana under the Outer Continental Shelf Lands Act—June 16, 1970.

NATIONAL CAPITAL PLANNING COMMISSION

The National Capital Planning Commission has adopted a resolution identifying Commission responsibility for preparing environmental statements in the following areas:

(a) Elements of the Comprehensive Plan for the National Capital, as required by Section 4(a) of the National Capital Planning Act of 1952.

(b) Urban renewal plans, and urban renewal plan modifications, for urban renewal areas in the District of Columbia pursuant to Sections 6(b) and 12 of the District of Columbia Redevelopment Act of 1945, as amended.

(c) Acquisition of lands in Maryland or Virginia for the George Washington Memorial Parkway, in accordance with Section 1(a) of the Act of May 29, 1930 (The Capper-Cramton Act).

(d) Contributions and advances to Maryland National Capital Park and Planning Commission, or to appropriate Virginia authorities for the acquisition of land for stream valley parks in Maryland and Virginia pursuant to Sections 1(b) and (c) of the Act of May 29, 1930 (the Capper-Cramton Act).

In addition, Commission review of Federal activities within its jurisdiction, will extend to environmental aspects of fiscal year budget requests, general location or site boundary proposals, preliminary and final site and building plans, and master plans for major installations within the National Capital Region.

NATIONAL SCIENCE FOUNDATION

The National Science Foundation has issued a draft circular implementing Section 102(2)(C). The Circular provides that within 90 days of issuance, an inventory of all NSF programs and activities will be conducted to identify those actions which have a potential for "significantly degrading the environment."

POST OFFICE DEPARTMENT

The Post Office Department has appointed Environmental Quality Representatives from each of the major bureaus and offices. The Post Office Department's Environmental Coordinator has been named the responsible official for assuring implementation of Section 102(2)(C).

DEPARTMENT OF TRANSPORTATION

The Department of Transportation has prepared draft procedures for implementing Section 102(2)(C). The procedures would make the 102(2)(C) environmental statement the vehicle for all environmental findings, determinations and clearances required under any legislation applicable to the Department, including Section 4(f) of the Department of Transportation Act of 1966 and Section 16 of the Airport and Airways Development Act of 1970.

Each applicant for a grant, loan, permit or other Departmental approval would be required to submit, together with the original application, either a draft 102(2)(C) statement or a negative declaration, as appropriate.

Within two weeks of the effective date of the order, each operating administration would be required to submit to the Assistant Secretary for Environment and Urban Systems draft internal instructions implementing the order.

Federal actions requiring the preparations of environmental statements are to include, but not be limited to, the following:

(a) Direct Federal programs, projects and administrative activities, such as:

- (1) research, development, and demonstration projects
 - (2) rulemaking and regulations
 - (3) construction of and operation of Federal facilities
 - (4) waste disposal
 - (5) transportation of dangerous or contaminated commodities
 - (6) making of treaties or agreements (international, or with other Federal or State governments)
 - (7) development of plans
- (b) Federal grants, loans, or other financial assistance
- (c) Federal permits, licenses, certifications, approvals, leases, or any entitlements for use, such as:
- (1) aircraft certification
 - (2) approval for use and integration into the NAS of privately financed air navigation equipment
 - (3) approval of State highway programs and plans prior to grant of money

Actions "significantly affecting" the environment are defined to include (1) any action that is likely to be highly controversial on environmental grounds, and (2) any matter falling under Section 4(f) of the Department of Transportation Act of 1966.

In addition, the Department's procedures list the following actions as "likely" to be significant:

- (1) noticeably affect the ambient noise level for a substantial number of people
- (2) displace significant numbers of people
- (3) divide or disrupt an established community, divide existing uses, e.g., cutting off residential areas from recreation areas or shopping areas, or disrupt orderly, planned development
- (4) have a significant aesthetic or visual effect
- (5) have any effect on areas of unique interest or scenic beauty
- (6) destroy or derogate from important recreational areas not covered by Section 4(f) of the DOT Act
- (7) substantially alter the pattern of behavior for a species
- (8) interfere with important breeding, nesting or feeding grounds
- (9) significantly increase air or water pollution
- (10) adversely affect the water table of an area
- (11) disturb the ecological balance of a land or water area
- (12) involve a reasonable possibility of contamination of a public water supply source, treatment facility, or distribution system.

As of August 10, 1970, the Department had filed 12 environmental statements with the Council. Eleven were final statements, as follows:

- Proposed Route to Corridor E of the Appalachian Highway System, Morgantown, West Virginia
- Statement on Grand Central Parkway-Alley Park, Queens County, New York
- Proposed Palmdale International Airport in California
- California I-5, Holiday Park, City of Carlsbad
- Federal-aid Highway Project in Savannah, Georgia
- River Relief Route and I-81, Harrisburg, Pennsylvania
- Franconia Notch, New Hampshire, Interstate-93
- Relocation of State Route 237—Berea, Ohio
- Realignment of U.S. Route 90—Morgan City, Louisiana
- In the Matter of U.S. Route 101—Ventura County, California
- Fort Niobrara National Wildlife Refuge, Cherry County, Nebraska
- Highway Trust Fund Extension—Federal Aid Highway Act of 1970

DEPARTMENT OF THE TREASURY

The Department of the Treasury has issued an Administrative Circular directing its bureaus, offices and services to prepare procedures implementing Section 102(2)(C).

As of August 10, 1970, the Department of the Treasury had submitted two draft environmental statements to the Council.

TENNESSEE VALLEY AUTHORITY

The Tennessee Valley Authority has issued Environmental Quality Planning Procedures for implementing the National Environmental Policy Act. The procedures designate the Manager of Health and Environmental Science responsible for preparing environmental statements.

Environmental statements are to be prepared with respect to actions for which a TVA project authorization has been approved but on which construction has not yet started, or on which construction of a major element has not yet begun.

DEPARTMENT OF COMMERCE

The Department of Commerce has prepared tentative draft procedures for implementing Section 102(2)(C). Under the procedures, heads of operating units would be required to establish procedures for assuring that environmental statements are prepared with respect to proposed major actions significantly affecting the quality of the human environment. Actions requiring statements are to include, but not be limited to, the following:

- (a) Recommendations or reports relating to legislation and appropriations;
- (b) Projects and continuing activities directly undertaken by Federal agencies supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance or involving a Federal lease, permit, license, certificate or other entitlement for use; and
- (c) Adoption of, or changes in, policies or procedures.

The Administrator, Business and Defense Services Administration, is responsible for coordinating the Department's activities in preparing environmental statements.

Mr. TRAIN. Among the particular concerns which—

The CHAIRMAN. I wonder if I might interrupt here, Mr. Chairman, and then you can continue after I ask these questions, and I will turn the Chair over to Senator Church.

I have a problem, that I have to be downtown at 11, with Senator Stevens and some others, and I would like to just ask a couple of questions before I leave.

First let me just say that I agree with you on your description on what kind of a staff you should have. It has to be a quality staff. You don't want to set up a bureaucratic operation, obviously. There is nothing better than a small staff which is highly qualified.

I believe there is a real need for special allowance in this kind of an operation for extra quota on higher grades. You just have to have this. Otherwise, you can't do your job. Yours is a professional undertaking, and certainly it is completely interdisciplinary. You touch upon every conceivable problem that we can face in our daily life, and I want to commend you for the approach that you are taking as far as the staff is concerned. I think your description is accurate and to the point, considering the task that you face.

Now, I wanted to ask a question, on a matter which is coming up at 12 noon today. Senator Proxmire has introduced an amendment to the Military Authorization Act which would require that a section 102 statement be submitted by the Department of Defense before any funds may be spent on a wide range of activities. This amendment will be voted on at 12 noon.

What is the Council's position with respect to this amendment?

Mr. TRAIN. I believe I would like to comment in some detail on various aspects of that proposal.

Let me say at the outset, I would consider that such an amendment would be premature at this time.

Now let me comment in more detail. We believe that there is absolutely no question that any activities of the Department of De-

fense, like those of any other agency, which have a significant environmental impact, are governed by the National Environmental Policy Act, and are subject to the provisions of section 102(2)(c).

So, to that extent, as far as the interpretation of the statute by the Council is concerned, the amendment is not necessary.

Second—

The CHAIRMAN. Well, might I say at that point, what concerns me, not only is it not necessary, but what bothers me is that if the Senate approves this amendment, then we will have to attach a similar amendment to every single authorization or appropriation bill that comes up, and if we make an exception, the inference will be that that agency is exempt from the act. As you know, the act says, and I quote, "all Federal agencies shall be required to comply with the provisions of this section." That means exactly what it says. There are no exceptions.

Mr. TRAIN. And section 105 of the act, Mr. Chairman, states that the provisions of the National Environmental Policy Act are supplemental to any existing authority, so it has been superimposed upon other statutory requirements.

The Department of Defense has just recently, I think under date of August 8, submitted to the Council its own interim in-house guidelines for compliance with section 102, and we are at the present time having discussions with the Department of Defense dealing with its compliance under the section, and relationship to the Council, and it may well be, in the months ahead, that we will be recommending to this committee some changes under the National Environmental Policy Act.

We believe that it is too early for us to make such recommendations at this time, and I am speaking now generally with respect to section 102. We have had really very limited experience.

The agency compliance and response has been accelerating at a very marked rate, and we are now receiving statements at the rate of one or more a day. We will have far more experience in the very near future. Now that our report is out of the way, we will have far more time to concentrate our staff on very, very important requirements.

Well, back to the amendment that you referred to, just to repeat, we believe that these requirements are already called for by the act. We are not ready to recommend changes in the act at this time.

We believe it is a mistake to single out the compliance by any one agency, as the chairman has suggested, for statutory exception at this time, and therefore we would suggest our own opposition to this amendment.

The CHAIRMAN. I want to make it very clear, I think that all agencies, and that includes Defense Department, must comply with section 102.

As you know, in connection with the Culebra matter, in Puerto Rico, I have asked for a section 102 statement and report on that problem. I believe they have been in touch with you, have they not?

Mr. TRAIN. We have met with them.

The CHAIRMAN. And this emphasizes the need for compliance with the law.

I know that you feel the same way about it, and the Council does, and I do personally, as chairman of this committee, but I think we

could make a very bad legislative error if we apply special provisions to one agency and then fail to follow through across the board.

Now, if we want to make it a condition precedent to going ahead with any authorized activity under which funds have been appropriated, that they must have complied in all detail with section 102, that, I think, we ought to treat as a general amendment to the act, if that is the wise course.

But, as you point out, the Council is not prepared yet to make recommendations as to amendments to either section 102 or to the act as a whole, and I fully understand that. You have only been in office 6 months.

I appreciate having your statement, and that will be very helpful on the floor.

May I just ask one general question?

I have been convinced for a long time if we are going to do something about air pollution, that we must set a target date, at which time the basic standards, whatever they may be, must be met, and once a target date is set, then you set up the kind of action-forcing procedures that I believe bring results.

I don't mean to set just an arbitrary date, but I do believe that we ought to set a date which is reasonable, which is obtainable. If we set that kind of sensible target date, I believe we can marshal our Federal and our State and local and private resources in such a way as to achieve that goal.

We did this in the space program and we did this in connection with the nuclear submarine program that I was involved in years ago.

If you don't set a target date of some kind, and a target date that is reasonable, I don't think we can do what we want to do.

What is your idea of that general approach, Mr. Train?

Mr. TRAIN. Well, I certainly agree that targets and goals in the environment are very important, and can be a very important part of any national environmental strategy, and I fully support that concept.

In terms of specific air quality deadlines, while I would want to see and review the exact language of any proposal before—

The CHAIRMAN. Well, it must be reasonable and sensible. It can't be so arbitrary that it is unobtainable. This, I think, would be a step backward instead of a step forward.

Mr. TRAIN. I consider, in principle, that the setting of such deadlines is a desirable, useful device. I think it is important, and I am sure that this committee would concur, that the public impression not be conveyed that the setting of deadlines can in fact solve problems.

The CHAIRMAN. That is right. It can, if it is a sensible, reasonable deadline.

Mr. TRAIN. It can provide an impetus to the solution of problems, but not in itself solve them.

The CHAIRMAN. That is right.

Mr. TRAIN. The President, for example, has set a target date of 1975 for the development of two commercially feasible alternative modes of automotive power. This kind of target is exceedingly useful. It gives all agencies and the private sector something to aim at.

The CHAIRMAN. It is a good action-forcing device, is it not, in which you can really get your organization lined up and going, and you can

thereby, of course, get your priorities, and get your resources properly marshaled to do the job.

Senator HANSEN. Would the Senator yield at that point?

The CHAIRMAN. I am going to have to turn the Chair over to the able Senator from Idaho at this point, to preside. I had other questions, and I will ask Senator Church to ask them.

Senator HANSEN. Mr. Chairman, let me say, if you have further questions, please go ahead.

The CHAIRMAN. No, I can't. I have to leave.

Senator CHURCH (presiding). Go ahead, Senator Hansen.

Senator HANSEN. Mr. Chairman, let me say that I share the pleasure each of us senses this morning in your appearance before this committee, and I have not had a chance to read every word of the Annual Report which we have in our hands. I have scanned it.

I think you have done a most commendable job in trying to meet the deadlines that have been placed before you.

Having said that, let me say that I look forward to further definitive recommendations, as you may develop them from time to time.

I am constrained to say just a word along the line of questions that were exposed by Chairman Jackson.

I am fully conscious of the fact that Congress has written into the law some guidelines that will be devised under your wise leadership, that will be equally applicable, as I understand it, to all agencies of the Federal Government, or perhaps all State governments as well.

I can't do anything about that, but I would want to make this observation: I recall back following the close of World War II, when there were a number of reports published about Pearl Harbor, what may have happened, what steps might have been taken that were not taken, what reports were read that were not heeded, and so forth, and I don't recall which ones I read, but I read all that I could get my hands on, and I do recall, I think, that there were some who studied that tragic strike at Pearl Harbor, and the events that preceded it, who believed that a somewhat similar departmental right or authority had, in the opinion of some of those who examined the Pearl Harbor tragedy, contributed to that tragedy.

It was the opinion of at least one of the study groups, or at least some of those on one of the study groups, that the Department—it wasn't the Department of Defense at that time—I think the Department of the Army, I believe, had requested the right or had requested that they be given the right to establish a radar on one of the higher mountains on one of the islands in the Hawaii group, and this particular mountain, as I recall, was in the Hawaii National Park.

It would violate the mandate that had been given to the Park Service by the Congress, in that it would markedly alter the appearance of the landscape. On that, there can be no question that the Park Service was right. And yet, for what it is worth, for about a year's time, as I recall, this request from the Department of the Army, I think, had received no action by the Government, either by the Park Service or by the President, to permit the installation of radar. Because there was not as effective radar as might otherwise be the case, and because that fateful Sunday morning, as I remember, at 7 o'clock, one of the young men whose duty it was to observe for the approach of offensive planes sent in a report, but someone else went off duty at 7 o'clock, and nothing happened, and we know what happened after that.

I want to make this observation: I hope that we can proceed with the terribly important job of cleaning up our environment, and I think the lines you have suggested and those that have been recommended by the President move us markedly toward that goal, though it is still a long way yet to move, as I am sure we can all agree.

But I am frightened to think of what could result, if every action that might be contemplated by the military had to be scrutinized by your able body, and I hold no greater respect for any three men than for you three, but I am frightened to think what could happen.

Let's say that by 1975, or by 1980, we follow the lead that has been taken in California, and say that there shall be no internal combustion engines to propel machines around, Will this apply also to the military? If it will, it might immobilize us far better than enemy sabotage could immobilize us.

I just hope that we will keep some things in perspective, and not say that in our great anxiety, which we all share to get on with this job, we are going to let our defenses down so that we could very well wind up not making decisions that would affect this country at all. They might be made by someone else.

If you do have any response you would like to make, I would be happy to hear it. I don't ask it as a question.

Mr. TRAIN. Well, obviously, we share your concern.

Let me back up. Now, it is our approach that environmental factors should be considered along with other appropriate factors by the agency, the responsible agency itself.

Now, in all cases, I would not say that the Defense Department should not in any case take environmental factors into account. I think it is exceedingly important that all agencies, Defense included, take as a matter of course the requirement to consider environmental factors in their decisions, just as they consider budget matters, economic matters, engineering factors, and so forth.

I do not believe that this approach to decisionmaking should, if properly done, if initiated at the earliest practicable level in the planning stage, should impose any greater impediment and obstacle to the effective implementation of programs than any other factor does.

I think that environmental concerns are fairly recent, so we tend not to take them for granted. Other factors, which equally slow down the rapid implementation of plans, are of a technological nature, of a budgetary nature, of an engineering nature, and we take those for granted.

And if an economic problem is run into, then, of course, we assume that the project will be held up, perhaps, until that particular problem is solved.

I think that we must simply give the environment an equal shake, and essentially this is all we are saying.

Now, our Council does not have, as this committee is aware, a veto power over any project, any legislative proposal, put forward by any agency. We do believe that it is the intent of Congress that our Council have an adequate opportunity to review and comment upon—

Senator HANSEN. I didn't catch that.

Mr. TRAIN. To review, and have an adequate opportunity to review and comment upon proposed actions and proposed legislative matters of all agencies as they affect the environment.

Now, we are used to this, with the Bureau of the Budget, or, as now known, the Office of Management and Budget, in its review of activities of all agencies of the Federal Government. Now, we take that for granted, although I think both within agencies and in Congress this sometimes gives rise to some sense of frustration and impatience, but at the same time we recognize, I think, by and large, that this is an appropriate part of good executive management.

Now, we say essentially no more than that consideration of environmental factors is a matter of sound executive management, and increasingly I think this is recognized not only in Government but in the private sector as well, and—

Senator CHURCH. May I ask at that point, if I may, do you regard your primary function as being a kind of environmental nursemaid for the Federal Government?

Mr. TRAIN. Well, "nursemaids" are sort of out of fashion nowadays, but we have been described as everything from an environmental conscience and now to nursemaid.

I think I would shy away, Senator Church, from trying to put a label on our role.

Senator CHURCH. It isn't. Let me make my point.

Mr. TRAIN. We are the focal point for environmental policymaking in the executive branch of the Government.

Senator CHURCH. Let me make my question a little clearer.

I certainly don't object to the nursemaid function. I think it is very necessary, where the Federal Government and its many agencies are concerned. The Federal Government is like an octopus, and someone has to look after where it is about to go with all its tentacles.

But I am concerned that if you focus your attention primarily on the octopus, that you will fail to do the larger job, which relates to the entire country, and the impact that industry generally has upon the environment, and the development of more effective ways to cope with that impact. After all, the Federal Government, though large, couldn't be the principal contributor to our environmental problems today.

I ask the question because you made a statement earlier that suggested to me—let's see if I can find it and quote it back to you—you said with reference to keeping up with those reports under section 102 that you are presently hanging on by your teeth to keep up with the reports that are coming in.

I could see a very serious danger that the Council would be inundated with reports, and you will fall victim to the kind of bureaucratic exercise that must account for at least 20 percent of the Federal employees today—maybe more. I should think more. If that happens, we might as well forget the Council.

That is what I meant when I said do you regard it as your primary function to be an environmental nursemaid for the Federal Government.

Mr. TRAIN. Could I respond?

We are very sensitive to just this problem which you describe, Senator Church.

We do believe we have two broad areas of responsibility, one directed to the ongoing activities of the Federal Government, because it is set out clearly in the statute. We are expected to provide this monitoring review function.

Secondly, it is intended that our Council assume a broader responsibility for long-range trends, problems in the environment, the impact of economic incentives and the entire relationship of our economic incentives and the entire relationship of our economic system to environmental quality, as an example.

We are very aware of this, and we are also aware that, given our existing small capabilities in terms of numbers of staff, it is difficult to do either job very adequately, and we are trying to do both. And I think as you review the report you will recognize that we are trying to do both, but we do at the same time recognize the difficulties of doing both under present circumstances.

Now, with regard to these environmental statements, we are most concerned that section 102(2)(c) not become simply one more papermill in the Federal Government, and it could very easily become that.

There are certain specific requirements of the statute, and each agency now is very aware that they have to set out the alternatives, and they have to have a section talking about the long-range costs, and so all of these are addressed in the typical statement we get, even though in some cases it would seem that it is probably more lip service than a real attention to the underlying issues.

What the statute, of course, calls for is that each agency in reality and in substance address itself to environmental factors and alternatives in their planning and decisionmaking, and this is the real part of the statute.

The 102(c) statement is simply sort of a surface indicator, if you will, it is a handle that we have to get hold of to work with agencies, and to try to bring about a better compliance with the basic thrust of the statute, to the effect that the agency itself must take these factors into account.

And when the day comes when we don't have to worry about section 102 statements any more, because we know that the agencies are really doing the job that they are supposed to be doing, this is the direction that I think we must look forward to, and not a pro forma compliance with the section 102 statement.

Senator CHURCH. Well, I would hope that your Council could come to perform for the President in the field of environmental quality the function that the President's Economic Advisers supply with reference to the state of the economy, and that your Council would become the focal point for probing inquiry into environmental conditions in the country at large. In this way, you will ascertain the actual effect that Federal laws are having with respect to the correction of these problems that you find, so that you can come annually to the President—not only with a general appraisal of the trends—but with recommendations for changes and corrective programs that you think are necessary if we are to be effective.

I am very much concerned at the spreading feeling in this country that Government is impotent, and there is much evidence to support that feeling. It is accumulating all around us.

We have had legislation on the books now for some years in the matter of what to do about water pollution. This hasn't come to us just within the past few months, or we haven't suddenly become aware of the problem since the time your Council was established. Congress has been working on it for a number of years, and we passed these laws with the anticipation that they were going to do some good.

But I am informed that only one enforcement action has been brought under the law which has been passed in the matter of actually doing something about industry that was polluting an interstate river.

Mr. TRAIN. I think there have been a number of more enforcement actions under the water pollution statute. There has only been one under the Air Quality Act with respect to—

Senator CHURCH. Oh, air quality.

Mr. TRAIN. The famous chicken rendering plant out here in Maryland. It has taken 5 years to deal with it.

Senator CHURCH. That is it. It was the Air Quality Act, rather than water pollution. But the point, nevertheless, is that here we have established a Federal program to deal with air quality, and we can only point to one effective enforcement action in this entire country today

A few years ago we passed a much-heralded act to do something about the esthetics upon the highways, into which we have poured so many billions of dollars. We were going to clean up the billboards, and we were going to eliminate the automobile dumps that degraded the view from every highway, and I saw some figures the other day—after all the fanfare and all of the money that has been spent on this program—showing that a grand total of 725 billboards out of millions have actually been removed.

This suggests to me that the most important thing that you could do is to find out what is wrong with our methods and our procedures and our laws, that we are not getting effective action.

I drive back and forth from my house to work every day, and I drive in a convertible. I am choking. It used to be that I had trouble with smarting eyes only in Los Angeles. Now it is a common condition of life in every major city in America.

I remember some years ago President Kennedy was asked if he was reading the Herald Tribune, which was being quite critical of his administration. He said, "Yes, I am reading it more and enjoying it less."

And I think in this whole environmental business we are talking about it more, and achieving less. We are in retreat, and the evidence lies all about us. We are not making any progress, in terms of how fast the problem is accumulating. We are retrogressing. And I can see us here 5 years from now talking about a new environmental control program, and choking in our microphones.

And so I think that if we are going to do the job, this is the place where the Environmental Council can make its greatest contribution.

I am not lecturing you, because you are just setting up, and you are going to commence your task, and you are organizing to do a job as effectively as you can.

But I do plead with you to focus on these areas which suggest to the American people that though we talk a lot, we do nothing, though we set up programs, they are not enforced, and though we talk about remedies, they are ineffectual.

Senator RANDOLPH. Mr. Chairman.

Senator CHURCH. Senator Randolph.

Senator RANDOLPH. I share, Mr. Chairman, your concern as it is expressed, and it is very abrupt in the way you express it, and that makes it understandable.

But I do want to say that we must be careful, and I say this with the full realization that someone can perhaps put the wrong implica-

tion into what I am saying, but we can't expect by the passage of legislation that the implementation of that law can be made overnight.

We are faced today with the continuing criticism of the Bureau of Mines, of the Department of Interior, in reference to the enforcement under the Coal Mine Health and Safety Act.

Now let's see what we have to do. We have some 200 inspectors now in the Bureau of Mines, for the purpose of attempting to determine the health and safety conditions within the mines, as those conditions affect the life and well-being of those who mine the coal.

Now, to do the job under the legislation which the Congress placed its imprint on, we have to have more than 700 inspectors, and they can't be screened, they can't be employed in a period of a few weeks, or a few months. There has to be a necessary time, because you can't take the inspector off the street that is going to do this very, very important job.

And so the Bureau of Mines today is coming under the harsh criticism of those who really don't understand the problem that we face. We don't want any delay, certainly not an inordinate delay, in those inspections being made. They are in three categories. I will not discuss them.

And it was so in our environmental program as it affected the health and safety of the men in the mines, Mr. Chairman. The equipment was not available for the installation within the mines, the equipment that we have asked for in the bill. It was not in volume, or even being manufactured, in some degree.

So I think the Congress must be very careful, as the American people must be conscious, of the fact that we sometimes can undo what we have done by law by doing too quickly, without the necessary careful screening, employment, acquisition of facilities.

I only mention this because I am so conscious of this problem as it affects our own State of West Virginia, and it is so easy today to be the accuser, you know. This is a very easy role to assume, as the Bureau of Mines is coming under continuing fire, but it is difficult for a response to be made by the Bureau of Mines, and to really have it understood by the American people.

I only bring this into the discussion today because I think it has a certain validity, but now I return to underscoring my concern with what the chairman has said, and I agree with him.

I am only giving at least this attention that the record might indicate that your Council, or any agency of the Government charged with doing a job, whatever it may be, if it is plowing new soil, why you have to give a certain cushion of time to allow it to become effective.

Thank you, Mr. Chairman.

Senator CHURCH. Yes, I concur in everything that the Senator has said.

The point I want to emphasize, is this: that in the review that we will be making of the environment and the problems, I hope we will, and I am sure you will, look carefully at how effective our legislative efforts with our programs are, in terms of meeting the need, and then tell us, tell the President and tell the Congress, what is refunded to make them more effective, if and where you find them wanting on the evidence.

Senator RANDOLPH. Yes.

Senator CHURCH. This, I think, is a terribly important function for the Council, and one that it would be clearly able to fulfill, because of the extent of the oversight that you will exercise on this whole question.

Mr. TRAIN. May I comment, Mr. Chairman?

Senator CHURCH. Yes, please do.

Mr. TRAIN. I quite agree with you as to the importance of this aspect of our job, but I would like to say that I think we have addressed ourselves to just this problem, not as fully as we would like, of course. That probably will always be the case.

But our report addresses itself at great length to the inadequacy of our existing legislative framework. The problems of enforcement are dealt with in great detail, and we consider the matter of improving the enforcement capabilities of the Federal Government in this area, as well as other government levels, a matter of the highest priority, and we have set forth specific recommendations to the Congress in the field of strengthening enforcement.

The present air and water quality statutes include very limited enforcement authorities for the Federal Government, primarily a cease and desist order process, and we have recommended—indeed, this has been submitted to the Congress by the President—a substantial strengthening of the entire enforcement procedure, including penalties, a penalty system of up to \$10,000 a day, in both the air and water quality programs, for each violation.

And I share the Senator's concern over these matters, and I do believe that is an important area for our Council to address itself to, and my only difference would be that I think we have, within the limits of available time.

As to the Senator's earlier comments about our dealing with long-range problems, somewhat akin to the broader concern, broad concerns of the Council of Economic Advisers, we do believe that this is an important element of our responsibility.

At the same time, I think different from the Council of Economic Advisers, there is a continuing surfacing, here in Congress and before the public generally, and in the Federal agencies, of a wide variety of critical, current issues of an environmental nature, that it is really impossible to insulate the Council from. At least, I know no effective way.

I think you are familiar with a number of the things that have been recently before the Congress by way of public hearings. For example, this nerve gas shipment. The Congress naturally looks to our Council to have something to say on this subject. This requires a process of review and examination, testifying.

Another comparable subject would be an atomic energy test program, the Amchitka proposal.

Senator CHURCH. I might say in that connection, Mr. Train, there is also the developing problem of permanent and safe disposal of atomic wastes, which is coming on rapidly. We need to stay ahead of this because unlike other kinds of pollution, if we don't stay ahead, we might not be around.

Mr. TRAIN. Specifically, that is a matter of the disposition of radioactive wastes, that we are in contact with the Atomic Energy Commission about.

The interim guidelines, the in-house guidelines, published by the Atomic Energy Commission, specifically cover the disposal of wastes as one of the areas in which they will expect to be filing environmental impact statements with our Council, so that we will be in a position to review these programs as they develop.

And I think this is a good example of the variety of important environmental issues that concern the public, which this Council can't shy away from, and take sort of an ivory tower approach to.

I think if we refuse to respond to both the congressional and public questions about programs of this sort, we would very soon lose our credibility, both in the Congress and to the public, as effective environmental advisers.

So that I believe, really, unlike the Council of Economic Advisers, we are confronted with the necessity of addressing ourselves on a day-to-day basis to a wide variety of pressing environmental current issues.

Senator CHURCH. I think I agree with that.

Mr. TRAIN. I guess I am saying we have a tougher job than the Council of Economic Advisers in this respect.

Senator CHURCH. Senator Jordan, would you like to ask some questions?

Senator JORDAN. Yes. Thank you.

I would like to first commend all three of you members of the Council for getting off to a good start. I think the report that you have presented to us, to the Congress, is a good start in the very tremendous task that lies ahead of you.

You have been speaking a good deal about section 102 of the National Environmental Policy Act, and the monitoring review function it provides for prospective development, for things that are to take place in the future.

As I see it—correct me if I am wrong, or tell me if you agree—your duties are in that sense preventive. You want to be in on the takeoff to insure that abuses which have been tolerated in the past will not be so likely to be tolerated in the future. This is No. 1 of your duties.

A second duty you have, it seems to me, is corrective. How do you recommend corrective action to get rid of some of the flagrant abuses that were perfectly legal in their time, and at their inception?

Would you agree pretty much to that preventive and corrective broad definition of your responsibility?

Mr. TRAIN. Yes; I would, so long as the preventive aspect does also include the long-range, large problems that may be coming down the road.

Yes; I think that is a good statement.

Senator JORDAN. In the preventive part of it, the fact that you have been monitoring the review function on legislation that arises in all of the committees having to do with the environment, I think this is highly desirable, and one that is likely to take more of your time, because it deals with the pressures of the agencies and the committees of the Congress, and the legislation before the Congress, and I hope that it doesn't take too much of your time, so that you can get to this task of correcting the abuses that have been allowed to develop, back through the years, and persist in making the quality of life almost unendurable in many of the areas.

I am thinking now of the problem that lies before us, of energy. How are we going to meet the tremendous demand for energy and still satisfy the guidelines for sound ecological development?

I think we all know that the load growth—take electrical energy, for instance. The load growth for electrical energy proceeds at an inexorable rate of about 7 percent a year, meaning that it doubles every 10, 11 years.

We all know, too, that most of the hydroelectric development has already taken place in the country. There are very few sites left that have economic feasibility, and yet, from an ecological standpoint, perhaps this is the cleanest of all energy sources.

So we turn, then, to either fossil fuels or nuclear fuel generation, and at every turn, where developments of this kind are planned or under consideration, we run head-on into an ecological challenge.

How best can we meet the demand for energy, and satisfy the environmental preservations required? What do you have to suggest in this way? And I ask this very earnestly, because I think we are facing a brown-out in this country. Already, when one big plant goes off the system for one reason or another, we are asked to cut down on our air conditioning, we are asked to make fewer demands for energy, and yet we had a witness in here before this committee not too long ago from Consolidated Edison who said that the lead-time for supplying new plants is tremendous, that they were required to have as much capacity under construction as they had in use.

So when the public clamor prevents the establishment of either a fossil fuel plant or a nuclear fuel plant, postpones it a year, and the demand continues, what is the answer?

Mr. TRAIN. Well, if I had the answer, Senator, to provide you here this morning, completely, I would be, I suppose, some sort of a magician, and I would not pretend to have the instant answer to the problem. There are no instant answers to the problem, or any simple ones.

We recognize in our report the great significance of the energy picture, and its relation to the environment. We do recognize that our energy demand is doubling about every 10 years, a little over 7 percent a year, and our challenge is to supply this demand, and to do so in ways which are consistent with a high quality environment.

That is the challenge we have before us, and we recognize, as you do, that the siting of plants is becoming increasingly a matter of public concern, and yet we are aware that there doesn't seem to be any slackening at the same time of public demand for electric power, and the various conveniences that electric power makes possible for the American people.

Now, we apparently have not yet, as a people, faced up to these difficult choices, and I think it is important that we have a great deal of public discussion and clearer understanding of the choices that are before us.

Now, as to how we can meet some of these problems, there are a whole range of things that are involved, low sulfur fuels among others. This involves import policy, it involves, in some cases, changes in State laws, and, as we talked about earlier, the development probably of a national energy policy, that would include as one of its essential elements the importance of providing low sulfur fuels for power generating capacity.

We also need technological breakthroughs and further research in terms of the control technologies for certain emissions, such as sulfur oxides and nitrous oxides, that are particularly a problem in the fossil fuel area.

Now, I think these are coming. They are going to take a little bit more time, but a great deal, I think, is being done at the present time.

We will be moving, doubtless, more into the field of nuclear power generation, which will reduce the air pollution problems. At the same time, of course, nuclear power gives rise at the present time, at least, to other problems, most notably in the area of thermal pollution.

Control technologies are available for making a substantial improvement in the thermal pollution problem, but at substantial costs.

In addition, in relation to those environmental problems, the siting of plants, their location, is an avenue whereby, if done properly, some of these environmental impacts can be either avoided or substantially minimized.

I believe that we need, as a matter of national policy, a very positive approach to this whole problem of power generating site location, and guidelines and regional State approaches that look to a far broader range of concerns than are normally presently expressed in the way in which these decisions are made at the present time.

Now then, of course, looking further down the road in the energy field, I think we must undertake now and support new research, continuing research, into alternative modes of power generation, looking to the use of MHD, magnetohydrodynamics, fusion, I suppose solar energy.

I am afraid I am getting pretty far afield for a tax lawyer, but I think that we must, while we are making adjustments as best we can in our existing technologies and our existing power sources, our existing fuel sources, and our existing institutions for making decisions as to the siting of plants, we must at the same time recognize that looking far down the road we are going to need alternative sources of power.

The fossil fuels, eventually, of course, will run out, and so we must find other sources of power.

Senator JORDAN. I just want to touch on one other subject, and that is the nonfuel minerals.

I am looking at a chart on page 157 of your report. You say that the nonfuel minerals, U.S. demand and production in the year 1968, demand already exceeds the production, and then extending that to the year 2000, the demand will exceed the production by about four times, and then on the next page, I look to see what you are going to recommend, and I read down to the bottom of the page, "Recycling of minerals would also appear to be desirable, in view of a lessened environmental impact."

I think you are too timid about what you are saying about recycling. I think this has got to have a lot of emphasis, and it has got to have a lot of leadership, and you are the people who can supply that leadership in that direction, and I hope that you will give us some real support, if you agree that recycling is indicated, and not say it tentatively, as you do here, but say we have got to start recycling now, and we have got to do it, even if it costs a substantial sum to do it. There is no other way.

Mr. TRAIN. We are less timid under another chapter of the report, Senator. Over under "Solid Waste," we do address ourselves very positively to the need for recycling.

Senator JORDAN. Well, as I say, I just got it last night, and that is as far as I got.

Mr. TRAIN. Well, go back to the "Solid Waste" chapter, and read that.

Senator CHURCH. Judge Train, we are all under this particular handicap of not having had an opportunity to fully digest your report, because, as you know, this came to us yesterday, and any question we ask, you should consider in that light. Once we have an opportunity to review this thoroughly, we will be in a better position to understand just what your present set of recommendations are.

But I do want to add, in connection with what Senator Jordan has said, that this recycling might be the answer to the junkyard problem in this country.

I took a helicopter trip over part of New York State. I don't mean to single out New York as being any different than any other, but it is a State of large population, and I was simply amazed at the number of junkyards that are scattered everywhere. I think there is a tremendous value there in metal that is rusting away, that we ought to find some way to recycle back into our industry, and as fossil fuels are going to disappear one day, so are minerals, and the human race is expanding so rapidly, and resources are being depleted so rapidly, that we have got to be, I think, very energetic now in commencing to solve these problems.

Mr. TRAIN. I believe recycling is a matter of high priority. We agree with you. We are actively pursuing this in the Council.

Senator JORDAN. Mr. Chairman, I know we are up against a deadline. I would like to yield.

Senator CHURCH. Yes.

Senator Bellmon.

We do have a reprieve. I understand that the vote has been postponed until 1 o'clock, so we do have a reprieve.

Senator JORDAN. I see.

Senator CHURCH. And there will be plenty of time, Senator, to come back to you.

Senator Bellmon.

Senator BELLMON. Thank you, Mr. Chairman.

I would like to add my compliments to the others that have been paid to the members of the Council for the fine start they have made.

I recognize that the job which they have undertaken is one of tremendous magnitude, and that it is going to relate to a great many things that the Congress will be doing, as well as to the overall development of this country in the years ahead, and it seems to me you start off in a very fine, very responsible way.

I want to get down to some points that are very, perhaps, detailed, and very close to home.

Earlier this week, along with a small group of people, I took a trip down the Potomac River. I don't know whether any members of the Council have done this or not, but if you do, I think you will find——

Mr. TRAIN. I have avoided that, Senator Bellmon.

Senator BELLMON. I suggest that you do avoid it.

But I have never seen a dirtier, filthier, more stinking river. I don't think there is one, anywhere in the country.

And this condition is caused not by private enterprise, and not by industry, as far as I can tell, but largely by the agencies of the Federal Government, or by the facilities that are built to serve employees of the Federal Government, and largely—I am assuming, now—with money that has been provided by the Federal Government.

And I am curious to know who in our present governmental makeup or organization is responsible for doing something about the Potomac River, and for the raw sewage and garbage that gets dumped into the river. Is it your Council, or where have we fallen down here?

Mr. TRAIN. Well, of course, the basic responsibility, within the Federal Government, for water quality, is the Federal Water Quality Administration, in the Department of the Interior.

The District of Columbia is, as an entity, responsible for the treatment of sewage from the city of Washington, and this is largely treated at the Blue Plains facility, just south of the city, on the Potomac, and the Federal Government has been and is helping finance the development of a much higher level of sewage treatment, I believe at the tertiary level, at the Blue Plains plant.

And at the present time, that plant is badly overloaded. I don't know what the percentage of treatment is, but it is not good, and, of course, has been loaded beyond its capacity by not only the city of Washington, but the growth of outlying communities that are tied into it by connecting lines.

And the whole problem of rapid real estate development and growth in the outlying areas around Washington, most of which drain into the Potomac, have exacerbated the problem of water quality in this area, and made it very difficult to bring under control.

A very major element in the pollution of the Potomac River is sediment, runoff, from land that is under development, and, of course, I think we must recognize that the Potomac has probably always looked dirty. Its color is naturally dirty. I don't believe that the Potomac has ever been a crystal-clear river, even back in prehistoric times. That is the nature of the country in this part of the world.

Senator BELLMON. Well, it probably isn't the nature of the river to stink.

Mr. TRAIN. But the red clay of the area does give the river a characteristic muddy look.

But the combination of overloaded sewage treatment capacity and sedimentary runoff are the problems in the Potomac. The Federal Government is very concerned about this, and has been working closely with the city of Washington.

There is also, of course, here in the city, a difficult problem with storm water runoff in the city, and this in turn overloads the waste treatment facilities at times, when we have heavy rains.

The Federal Government, here again, in the Department of Interior, is experimenting with—and I don't know what the state of this is in terms of finishing—with an innovative, potentially very exciting new project known as Kingman's Lake, over here right behind the D.C. stadium, in which the storm runoff water, which otherwise has been discharged directly and untreated into the Anacostia River, would go into a series of small lakes, receiving progressively higher levels of treatment, so that in the final holding lake the water would be of a quality adequate to support swimming by literally thousands of Washington citizens, particularly in that very low income area.

Senator BELLMON. My point in raising the question is, it seems to me that the Federal Government is in a very poor position to enact and enforce pollution standards in other areas until we sort of clean up our own backyard, here, and I am interested in knowing if we are doing that.

For instance, I am sure most of these real estate developments that you mention are financed with FHA funds, and are we continuing to allow or cause development of more residential properties here, and not requiring that the sewage treatment keep up with the demand?

Mr. TRAIN. Well, this is a matter, Senator, I just say that I am very much concerned about. I don't think we are doing enough in this field to exercise the leverage, and muscle, if you will, that the Federal Government does have in some of these existing programs, and I think that FHA is one that I would single out, where we do have not only an opportunity but a responsibility to not provide Federal funds which will encourage environmental deterioration.

I guess that is stated simply, and that the giving of assistance funds and loans should be coupled with requirements to insure that environmental protection is included in the plans of a particular project.

Senator BELLMON. Well, is the authority of the Council on Environmental Quality sufficiently broad to allow the Council to insist on these sorts of considerations before a grant?

Mr. TRAIN. Well, we do not have any statutory power to force this kind of requirement.

We have addressed ourselves to this in the report, under Land Use, and under Water Quality, quite extensively, and refer to our housing programs as an area where the Federal Government does have an opportunity to act, but we as a Council can recommend, and at times persuade, but we can't force action directly.

Senator BELLMON. Well, at the present moment, then, there just isn't any Federal agency with adequate policing powers to avoid conditions such as we have on the Potomac. Is that true?

Mr. TRAIN. I think that is probably true.

Senator BELLMON. I would like to ask about another situation.

A few weeks ago, here in this Chamber, we heard a great deal of testimony—

Mr. TRAIN. Could I, before you leave this point, Senator, add one thing?

We do share your concern that the Federal Government itself, with respect to its own facilities, set a good example to the rest of the Nation of environmental quality control. Now, this is a matter that the administration has been getting at, and I think effectively.

On February 4 of this year, the President issued an Executive order directing all Federal agencies to bring their performance in this connection up to air and water quality standards no later than December 31, 1972, and the President also has allocated and required the necessary—well, required reprogramming of substantial amounts of funds to meet this problem, because it is a highly expensive program, and among the very effective steps which the President took in that Executive order is to put all Federal agencies on notice that when they receive funds, either by appropriation or reprogramming, to improve their waste treatment facilities, they will not be permitted to reprogram those funds to some other purpose.

In other words, once appropriated, the funds are going to be used for the waste treatment improvement. And this has not been the case in the past. This has been one of the difficult problems, that funds would be appropriated by the Congress, and then the agencies would find it more desirable to use the funds for some other purpose, which it thought had a higher priority, and in consultation with the Appropriations Committees would reprogram the moneys. Now, this will not be done in the future.

In addition, the President said that not only must all Federal agencies meet water and air quality standards, but all Federal agencies must actually exercise leadership and display leadership to the rest of the country in this respect.

And we have recently received from all agencies, I think from all agencies concerned, a set of their operational plans and procedures setting out how they intend to comply with this target that the President has set.

Senator BELLMON. On that point, this has to do with a different kind of environmental deterioration, but as you are probably well aware, the old so-called temporary buildings along Constitution are being taken down, and the offices that were formerly located in those buildings have now been moved to a new section out towards Virginia, the Crystal City area, and this move has produced an unbelievable amount of traffic congestion.

There are literally thousands of man-hours being wasted by people trying to get to and from work, or even to get to those offices during the regular office hours.

My question is, why does the Federal Government, in making a move of this type, not consider the fact that people who are going to be relocated will need facilities, or transportation facilities, to get to and from work, and a place to park their cars once they get there?

It seems to me that our Government is extremely blind in almost deliberately producing such congested conditions for the workers who are to serve our Federal agencies, and the question is, who is in charge of considering matters of this kind in Government?

Mr. TRAIN. Well, I was going to use the same word that you use, the Federal Government is frequently blind in its approach to activities in this sort of way.

I don't mean to point a finger at the Federal Government in this respect. As I often say, our whole society has been blind to this sort of broad spectrum decisionmaking, and we tend to, if we want to move an office from A to B, to simply consider the physical problem of the financing, and the adequacy of office space, but never look at the related environmental problems, social problems, community values, and so forth, that may be very substantially affected.

This is the kind of thing that agencies are supposed to consider under the Environmental Policy Act, and should be reporting as part of environmental policy statements to our Council.

But the responsibility, Senator, for doing this, and for effectively taking environmental factors into account, in making this kind of decision, belongs in that agency, the responsible agency—in this case I guess the General Services Administration, although I am not sure. It might be the Department of Defense.

But in all cases, I think it is important to keep that point in mind, that the essential responsibility for carrying out the intent and pro-

visions of the National Environmental Policy Act belongs in the program agency.

Senator CHURCH. May I ask at that point, what consideration you have given to taking cases of this kind, that do involve emergencies, and in your report to the President and to the Congress, point up instances of exceedingly bad planning, just to lay the finger upon particular agencies that are not meeting this responsibility? Do you plan to do that?

Mr. TRAIN. Yes.

Senator CHURCH. Have you given any thought to that?

Mr. TRAIN. We have done a bit of this already. In our report, we cite one case, of the development of the space center at Cape Kennedy, and its effect on land use, and patterns of land use, and really the quality of living in Brevard County, and how this mushrooms without any kind of planning or forethought by any agency of government, Federal or other, and how with the cutback in the programs there now, of course, there has been the collapse in the same forces, again with absolutely no forethought to these consequences.

Now, we do believe it would be an exceedingly good idea to approach this problem of decisionmaking in individual agencies on a case study basis, and we do hope to have the opportunity to single out a variety of good examples, or, let us say, good problems, to study and analyze, and to develop from that process really what will amount to some education for Federal agencies and for ourselves in how we can make this process of decisionmaking more effective in an environmental sense.

Senator BELLMON. Mr. Chairman, I had one additional question to put to Mr. Train.

In this room some weeks ago we had a lot of testimony in connection with the Santa Barbara problem. As you know, there has been legislation introduced to call for cancellation of the leases in the channel, and return to the oil company, perhaps, a billion or more dollars.

And the testimony seemed to hinge around the fact that some of the residents and some of those who testified objected to the presence of the drilling rigs or platforms in the channel, and they referred to this as "visual pollution."

Now, the people of Santa Barbara certainly use petroleum products for heating their homes, for running their means of transportation, and when asked, they found no fault with drilling wells in other areas to produce the energy that they needed.

My question to you as a member of the Council is, will the Council get into such things as visual pollution?

Mr. TRAIN. I don't think there is any question that physical facilities can have a visual impact on environment. That necessarily is one of the factors that should be taken into account.

Now, equally obviously, visual impacts of that sort probably do not have the same priority as hazard to health, for example, direct hazard to health, but I think they are real, just as noise levels, to recall another form of pollution are real. They tend to have health aspects, we are quite certain.

Yes; we will be taking visual impacts into account.

Senator BELLMON. Will this put the Council in the position of deciding what is good and what is bad architecture?

Mr. TRAIN. I would think that the Council, if it is wise, would avoid judgments of taste. At the same time, I would think that the Council would consider it important for agencies to consider a wide range, the widest possible range, of environmental impacts in connection with not only the siting of Federal structures, but the design of Federal structures.

This, it seems to me, is appropriate, and a proper part of the planning responsibility of the agencies themselves, and I emphasize that we do not seek to interject our judgment on matters of taste into this process, but there are a great many elements of design that do involve the environment, noise shielding, for example.

The setting of proper construction standards to minimize noise in Federal housing projects would be an example of design characteristics in which I would think our Council could properly inject itself.

Senator BELLMON. When you mention noise as one of the elements that the Council would consider, does this mean that at some point the Congress can expect from the Environmental Quality Council an opinion about such things as the SST?

Mr. TRAIN. I have personally testified before the Joint Economic Committee, and I think on May the 12th, on the supersonic transport, and the environmental concerns and uncertainties which our Council had identified with respect to the development of a commercial fleet of SST's.

Senator BELLMON. Mr. Chairman, that is all I have.

Senator CHURCH. Thank you, Senator.

I would like to take up just one further question with you gentlemen, and here again this is a subject that may have been covered in your report, and if so, I haven't yet had an opportunity to read it.

The subject I have in mind deals not only with the population growth and its impact upon the environment and capacity, the carrying capacity of the land to sustain the people, but also the problems entailed in migrations of people.

We are accustomed to thinking of the latter part of the last century as the period of great migration. I was astonished to read the other day that in the last 20 years the internal migration of the United States exceeds any previous period of migration in our history, that in that period some 20 million Americans, between 1947 and 1967, as I recall, have migrated out of the countryside and into the cities, and we all are aware, at least, of how the cities have been crushed by this migration and the immensity of the problems that we now face in the cities.

Throughout that whole period, to my knowledge, Government paid no attention to this migration, or its consequences.

I am wondering what you would feel the Council's interest would be in recommending programs that might alter this migration, or might result in a counterflow of people back into the countryside, which could well contribute to the solution of the problems that now face us in the cities. We need to know how the whole question of population and the migration of peoples within the United States—or even the numbers that we let in from abroad—affect the environmental question.

Could you give us some testimony on that aspect?

Mr. TRAIN. Well, we do address ourselves to this in the report.

We are clearly of the opinion that these matters involving population numbers and distribution and patterns of movement are critically relevant to environmental quality, and thus to our responsibilities.

Now, we have, to a great extent, simply analyzed and identified in this report the various elements of the problem and the trends that seem to be apparent at this time.

The President has, as you know, established a Commission on Population Growth in the American Future. This has been done by statute, in the legislation that the President requested, and he has appointed John D. Rockefeller III as chairman of that council.

That council has a temporary life, I think about another year and a half, and it is charged specifically with responsibility for making recommendations to the President with respect to these matters, and very particularly as they impact on environment, as one of the requirements of the statute.

We are working closely—or let us say we are in touch with that Commission. We have not had the opportunity to work closely with them. They are just getting underway, and just hiring their own staff.

We expect to work closely with them, and I would say that our Council will be most responsive to proposals for the development of population policy.

We have emphasized that population policy, as energy policy, fuels policy, and transportation policy, are all part of this very complex system that we must develop by way of approach to our environmental problems.

Senator CHURCH. And if your studies should lead you to conclude that alterations should be made in the tax laws, let us say, to furnish certain incentives to people to remain in smaller communities, or to encourage the dispersal of capital investment, which is now so heavily concentrated, then you would not feel that this fell without your province, that it was an interference in fiscal matters or in tax matters?

Mr. TRAIN. Not at all. Not a bit.

We have emphasized in our report the importance of using economic incentives, or disincentives, as you may wish to look at them, in relation to problems such as urban growth and patterns of population movement.

We do have a Tax Policy Advisory Committee that we have established that is working with the Council, and looking at the tax structures of the Federal, State, and local levels of government, to determine their impact on environment.

This is a very broad charge, and I am not looking to any hasty response from this group, but I think all I would want to emphasize is that we are keenly aware of this whole field, and we do consider that it is clearly part of our responsibility.

Senator CHURCH. I mentioned it because it seems to me to have great potential. I recall what we were able to accomplish with the investment tax credit in stimulating capital investment, and it seems to me that with the prudent use of taxes, we could also reach out to the correction of some of these problems that have a serious impact upon the environment, and lead capital to new patterns of investment that would be helpful to improve the quality of life in this country.

Senator Magnuson has sent a letter to which he has attached some questions relating, I think, particularly to chapter 10 of the report,

and we will furnish you with a copy of the letter, and we would appreciate it if you could furnish answers to these questions for the record.

Mr. TRAIN. We would be very happy to do so.

Senator CHURCH. Also, our committee has some questions the staff has prepared that we would like to submit to you for answers also to be included in the record.

Mr. TRAIN. We would be very glad to do that.

Senator CHURCH. Well, I want to thank you three gentlemen, Mr. MacDonald, Mr. Cahn, and Mr. Train, for coming this morning. Your testimony has been excellent.

Mr. TRAIN. Thank you, Mr. Chairman.

Senator Church. And, as you know, this committee is very much on your side, and we are glad you are there, we are glad you have started, and I certainly take encouragement from the answers that you have given today, with respect to the scope of your responsibilities, as you see them, and I hope that 20 years from now we can look back upon the establishment of the Council and say that that was the turning point, when the Federal Government began to come to grips with the environmental problems, and began actually to make some progress toward overcoming them, the quality of life is greatly improved, over 20 years from now, and if it is, it will be largely the result of the work you gentlemen are doing.

Mr. TRAIN. Thank you, Mr. Chairman.

Senator CHURCH. Thank you very much.

(Senator Magnuson's letter, his questions, and answers by Mr. Train follow.)

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C., August 10, 1970.

Hon. WARREN G. MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR WARREN: Earlier today, in accordance with Section 201 of the National Environmental Policy Act of 1969, the President transmitted to the Congress the First Annual Report of the Council on Environmental Quality. A hearing has been scheduled for Thursday, August 13, 1970, before the Senate Interior and Insular Affairs Committee to receive testimony from the members of the Council on Environmental Quality and to review the major provisions of the Annual Report.

On behalf of the Senate Interior Committee, I would like to invite you to sit with the Committee and to discuss the report with Chairman Russell E. Train and the other members of the Council. Thursday's hearing will provide an opportunity for a broad review of the President's Message and the Council's major recommendations. Other Committees of the Congress will, of course, in the weeks and months ahead, be considering in detail the specific recommendations made in the Annual Report which are within their jurisdiction.

The hearing will begin at 10:00 A.M. in Room 3110 of the New Senate Office Building.

Sincerely yours,

HENRY M. JACKSON, *Chairman.*

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C., August 11, 1970.

Hon. HENRY M. JACKSON,
U.S. Senator,
Washington, D.C.

DEAR SCOOP: Thank you very much for your letter of August 10 and your invitation to participate in the hearing you have scheduled to receive and review

the First Annual Report of the Council on Environmental Quality. The very existence of this Report and the Council from which it comes is a tribute to your leadership and foresight in authoring the National Environmental Policy Act of 1969.

I would like very much to attend the hearing on Thursday, August 13, but unfortunately I do have to chair hearings of the Appropriations Subcommittee on the Departments of Labor, Health, Education and Welfare, and Related Agencies. I would be most grateful, however, if you and the Interior Committee would undertake to ask Chairman Russell E. Train the questions that I have attached, or to submit them for the record and his response.

These questions pertain specifically to Chapter X of the Report, "International Cooperation." As you know, I have been quite active in the international environmental policy field, and have authored, with the co-sponsorship of you and thirty-eight other Senators, Senate Resolution 399, to facilitate creation of a World Environmental Institute. S. Res 399 and my related efforts in the international environmental field have involved extensive discussions with representatives of other nations, international scientific organizations, and our own Department of State. These discussions have convinced me of the urgency of the international environmental problem and the need for prompt action to facilitate international environmental cooperation on a greatly expanded scale.

Once again, let me offer my congratulations to you on the occasion of the Report's submission. Thank you, too, for making possible the inclusion of my line of questioning at the hearing.

Personal regards.

Sincerely,

WARREN G. MAGNUSON.

QUESTIONS FOR CHAIRMAN RUSSELL E. TRAIN, COUNCIL ON ENVIRONMENTAL QUALITY, BY CHAIRMAN WARREN G. MAGNUSON, COMMITTEE ON COMMERCE

1. Mr. Train, I'd like to ask you a few questions relating to Chapter X of the Council's Report, "International Cooperation." This is a matter of particular interest to me, since I have been active in the international environmental policy field for some time. I understand that you, the Council, and the Council staff are aware of my World Environmental Institute Resolution (S. Res. 399), which now has forty co-sponsors, including the Chairman of this Committee, the Chairman of the Public Works Committee, the Chairman of the Air and Water Pollution Subcommittee, and the Chairman of the Subcommittee on Energy, Natural Resources, and the Environment.

Leaving aside for the moment the details of the World Environmental Institute, let me point out that the salient features of S. Res. 399 are reaffirmed in the opening and concluding sections of Chapter X of your Report; namely, that human environmental problems are global in nature, and that, as you point out, new institutional arrangements may be necessary "to deal coherently and systematically with both immediate and long-range problems of the environment."

Since you outline in some detail the organizations presently involved in international environmental policy-making and research, I'd like to ask you your opinion as to the adequacy of existing institutional arrangements to cope with this problem. Specifically, would you agree with the consensus I have seen that (1) there is a basic inadequacy on the part of existing organizations to perform comprehensive research on global environmental problems, (2) there is an urgent need for a centralized environmental information "clearinghouse" to coordinate and disseminate the results of environmental research throughout the world, and (3) that existing international organizations in the environmental field are in desperate need of coordination to avoid duplication and to deal effectively with international environmental problems?

Without going into proposed institutional remedies for these shortcomings, I wonder if you would agree that these shortcomings do exist at the present time?

2. Again, without discussing particular proposals, do you feel that the concept of having a centralized environmental information agency, a "data bank" on environmental information accessible to all nations, is one that holds merit?

3. Do you feel that ongoing research activities in the international environmental field should be supplemented by financial support from various governments?

4. Do you feel that one effective mechanism for channeling that financial support would be a new institution—either governmental or non-governmental—

whose specific mission it would be to undertake research on global environmental problems? I am speaking here of an institutionalization, on an international basis, of something like the Study of Critical Environmental Problems (SCEP) or the Scientific Committee on Problems of the Environment (SCOPE) recently established by the International Council of Scientific Unions (ICSU).

5. When I spoke of a "consensus" in my first question, I was referring to a consensus that has emerged from my discussions with a number of organizations and individuals active in this field, including the National Academy of Sciences, ICSU, the U.S. National Committee of the International Biological Program, SCEP, the Prime Minister and Ambassador of Sweden, the Environmental Policy Division of the Library of Congress, Under Secretary of State Christian A. Herter, Jr., and numerous individual scientists and statesmen. Leaving aside the official views of the Department of State, I think it is safe to say that all the groups and individuals I have just mentioned would agree that new international institutions are going to be necessary to effectively handle international environmental programs, and that there is a danger in the unchecked proliferation of existing institutions and the competition that may arise among them. Wouldn't you say that the groups and individuals whom I have mentioned are a fairly authoritative coalition, and that this judgment of theirs is probably fairly accurate?

6. Some criticism has been leveled against creating new institutions in the international environmental field. One argument is that a new institution, if established and if restricted to information-gathering and research, would be too expensive. Do you feel that this is a valid criticism, in light of the problems we face and in view of the present chaotic organizational situation in the international environmental field?

7. Another criticism has been that creation of new international institutions, however desirable they may be, will cause serious "political problems" with existing organizations intent on asserting jurisdiction in the environmental field. First of all, is this criticism valid? Has the creation of SCOPE by ICSU caused such problems? And second, don't we have to make a trade-off between organizational disputes and the establishment of an effective institutional structure? Some organizations involved in this field obviously do not have the capability to be very effective, but they can obstruct the creation of new institutions if we feel that every organization must be satisfied.

8. Mr. Train, I'd like to ask you some questions now about the practicality of establishing new institutions in this field. As you know, ICSU has established SCOPE, and one of the proposals for SCOPE is that it set up an International Centre for the Environment (ICE). ICE is almost identical to my World Environmental Institute proposal in terms of the functions outlined for it. The Ad Hoc ICSU Committee that first proposed creation of SCOPE and ICE has said that a plan for creation of ICE and funding by governments should be advanced at the UN Conference in Stockholm in 1972.

Do you feel, first, that ICE is a proposal that should be implemented? If you do, do you think that a practical payment mechanism can be worked out so that governmental support for ICE or some similar institution can be provided?

9. Mr. Train, isn't it conceivable that the type of global monitoring effort that the United States may soon undertake could be performed with the cooperation of other nations? Shouldn't the research and the dissemination of the information obtained be conducted similar to the manner in which the International Geophysical Year programs were conducted?

10. Mr. Train, the National Academy of Sciences and the U.S. National Committee of the IBP have advised me that they will soon endorse S. Res. 399, which as you know is a flexible resolution aimed more at stimulating an affirmative American effort in this field than at a particular institutional proposal. I expect, since we have forty co-sponsors of this Resolution, that we will pass it shortly. In the event that the Resolution is passed, is the Council on Environmental Quality prepared to view the Resolution as a mandate for more affirmative efforts in the international field, and is the Council prepared to advance this institutional concept within the Administration?

EXECUTIVE OFFICE OF THE PRESIDENT,
COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, D.C., October 1, 1970.

DEAR SENATOR MAGNUSON: I appreciate the opportunity to reply for the record to a number of questions which you directed to me during the hearings before

the Senate Interior Committee on August 13. Let me take them up separately, following the order in which they are presented in your letter.

(1) I would agree with your observation that existing organizations lack a capacity to perform comprehensive research on global environmental problems, although many important sectors of this work are being capably undertaken by such UN organizations as WMO. I would agree, also, that some centralized clearinghouse would be desirable to disseminate the results of environmental research throughout the world. Two basic questions, however, immediately arise: how much new funding would such a clearinghouse require and what would be the most practical way of organizing such a clearinghouse? Certainly the need for better coordination of existing international organizations is apparent, although the possible means for doing so are in dispute among those who have studied the problem most closely.

(2) The proposal for an environmental "data bank" accessible to all nations in my view has merit. My comments on feasibility would be much the same as on the clearinghouse proposal.

(3) The question of "supplementing current research activities" by means of new financial support "from various governments" is of course difficult to address in the abstract, given the inherent problem of allocating limited government resources, and more investigation into the specifics would seem essential before a judgment could be reached.

(4) The question of whether a new institution could be established to undertake research on global environmental problems is linked to the organizational and financial considerations I alluded to above. A solid record of achievement by the various specialized international agencies would be unwise to ignore. At the same time there are only the most general estimates of how much money such a new organization might require to establish and to maintain. In addition, the concept of a single world research organization may not be as valid for the specific needs of many nations as, for example, a small number of specialized regional research institutes which would be able to concentrate on specific problem areas, draw together the best available manpower resources from the regions, and serve as training centers with a strong area base.

(5) As suggested above, I share your concern and that of some of the authorities with whom you have consulted, about possible competition among existing organizations. It is less certain whether the admitted inefficiencies of this kind of competition, to the extent it is serious, would be overcome by the establishment of a wholly new institution, particularly given existing constraints upon governmental financial resources.

(6) On the recurring question of expense, I would only add to what I have said above that it would seem more prudent, at least at this juncture, to do our utmost to coordinate the existing machinery and make the maximum use of its existing capacities and potential than to embark upon a sweeping new organizational approach involving significant financial burdens.

(7) I would agree that "political" opposition to change mounted by the existing organizations should in itself not be a controlling factor in considering the advantages of new forms of international organization on the environment. What we should primarily be concerned about is effectiveness in relation to cost. In my judgment, we simply do not yet have a basis for concluding categorically that only an entirely new institution would meet the need for improved environmental quality on an international scale.

(8) The proposal for an international center for the environment, under the aegis of the International Council on Scientific Unions, is of course still under discussion. Until we have more information about the precise nature of this proposal and its relationship to national budgets, I would prefer not to comment in detail on it.

(9) I share your view that a global monitoring effort should be carried out, with the cooperation of other nations. We shall have a better basis for assessing the best path to achieve this goal after the current meeting in Rome of the International Biological Program.

(10) Although the passage of any specific resolution would not be needed in order to provide the Council with a mandate for "more affirmative efforts in the international field", since a strong mandate for such efforts already exists in the Environmental Protection Act, we would attach appropriate weight to the passage of S.R. 399 and would, of course, consider its implications fully in our policy assessments and recommendations.

In making these comments, I wish to emphasize that the Council, together with the Department of State, fully recognizes that more comprehensive, and

more effective mechanisms may be needed in order to tackle the problems of the environment over the coming years. At this juncture, however, when the most experienced authorities are still examining the various alternatives, in relation to both cost and effectiveness, I do not think we are in a position to make a categorical judgment about any single form or mechanism. The spirit which underlies S.R. 399, of course, we fully accept, for just as we have worked to develop a more effective national organizational framework to deal with the environment, so we should work, toward a similar goal on the international scene.

Sincerely,

RUSSELL E. TRAIN, *Chairman.*

(Whereupon, at 12:31 p.m., the committee recessed, to reconvene subject to the call of the Chair.)

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