

Editorial Notes

AMENDMENTS

1986—Pub. L. 99-272 struck out provision which had required the Secretary of Commerce to report from time to time, not less frequently than annually, his findings under this section (including an evaluation of the short-term ecological effects and the social and economic factors involved) to the Congress.

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1442. Research program respecting possible long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems

(a) Secretary of Commerce

(1) The Secretary of Commerce, in close consultation with other appropriate Federal departments, agencies, and instrumentalities shall, within six months of October 23, 1972, initiate a comprehensive and continuing program of research with respect to the possible long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems. These responsibilities shall include the scientific assessment of damages to the natural resources from spills of petroleum or petroleum products. In carrying out such research, the Secretary of Commerce shall take into account such factors as existing and proposed international policies affecting oceanic problems, economic considerations involved in both the protection and the use of the oceans, possible alternatives to existing programs, and ways in which the health of the oceans may best be preserved for the benefit of succeeding generations of mankind.

(2) The Secretary of Commerce shall ensure that the program under this section complements, when appropriate, the activities undertaken by other Federal agencies pursuant to subchapter I and section 1443 of this title. That program shall include but not be limited to—

(A) the development and assessment of scientific techniques to define and quantify the degradation of the marine environment;

(B) the assessment of the capacity of the marine environment to receive materials without degradation;

(C) continuing monitoring programs to assess the health of the marine environment, including but not limited to the monitoring of bottom oxygen concentrations, contaminant levels in biota, sediments, and the water column, diseases in fish and shellfish, and changes in types and abundance of indicator species;

(D) the development of methodologies, techniques, and equipment for disposal of waste materials to minimize degradation of the marine environment.

(3) The Secretary of Commerce shall ensure that the comprehensive and continuing research program conducted under this subsection is consistent with the comprehensive plan for ocean pollution research and development and monitoring prepared under section 1703¹ of this title.

(b) Action with other nations

In carrying out his responsibilities under this section, the Secretary of Commerce, under the foreign policy guidance of the President and pursuant to international agreements and treaties made by the President with the advice and consent of the Senate, may act alone or in conjunction with any other nation or group of nations, and shall make known the results of his activities by such channels of communication as may appear appropriate.

(c) Cooperation of other departments, agencies, and independent instrumentalities

Each department, agency, and independent instrumentality of the Federal Government is authorized and directed to cooperate with the Secretary of Commerce in carrying out the purposes of this section and, to the extent permitted by law, to furnish such information as may be requested.

(d) Utilization of personnel, services, and facilities; inter-agency agreements

The Secretary of Commerce, in carrying out his responsibilities under this section, shall, to the extent feasible utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities (including those of the Coast Guard for monitoring purposes), and is authorized to enter into appropriate inter-agency agreements to accomplish this action.

(Pub. L. 92-532, title II, §202, Oct. 23, 1972, 86 Stat. 1060; Pub. L. 94-62, §2, July 25, 1975, 89 Stat. 303; Pub. L. 96-381, §3, Oct. 6, 1980, 94 Stat. 1524; Pub. L. 96-470, title II, §201(f), Oct. 19, 1980, 94 Stat. 2242; Pub. L. 99-272, title VI, §6062, Apr. 7, 1986, 100 Stat. 131; Pub. L. 100-627, title I, §101, Nov. 7, 1988, 102 Stat. 3213.)

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REFERENCES IN TEXT

Section 1703 of this title, referred to in subsec. (a)(3), was repealed by Pub. L. 102-567, title II, §204, Oct. 29, 1992, 106 Stat. 4282.

AMENDMENTS

1988—Subsec. (a)(3). Pub. L. 100-627 added par. (3).

1986—Subsec. (a). Pub. L. 99-272, §6062(1)-(3), designated existing provisions as par. (1), substituted "in close consultation" for "in consultation", and added par. (2).

Subsec. (c). Pub. L. 99-272, §6062(4), redesignated subsec. (d) as (c), and struck out former subsec. (c) which required the Secretary of Commerce to make an annual report to Congress, in March of each year, on the results of activities undertaken by him pursuant to this section during the previous fiscal year, and to include in that report the report to Congress required by section 665 of title 16 on activities of the Department of Commerce under that section.

Subsecs. (d), (e). Pub. L. 99-272, §6062(4), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

¹ See References in Text note below.

1980—Subsec. (a). Pub. L. 96-381 inserted provision including within the responsibilities of the Secretary the scientific assessment of damages to natural resources from spills of petroleum or petroleum products.

Subsec. (c). Pub. L. 96-470 inserted provision requiring the Secretary to include in his annual report the report on activities of the Department of Commerce under section 665 of title 16.

1975—Subsec. (c). Pub. L. 94-62 substituted “March” for “January”.

Statutory Notes and Related Subsidiaries

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§ 1443. Research program respecting ocean dumping and other methods of waste disposal

(a) Cooperation with public authorities, agencies, and institutions, private agencies and institutions, and individuals

The Administrator of the Environmental Protection Agency shall—

(1) conduct research, investigations, experiments, training, demonstrations, surveys, and studies for the purpose of—

(A) determining means of minimizing or ending, as soon as possible after October 6, 1980, the dumping into ocean waters, or waters described in section 1411(b) of this title, of material which may unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities, and

(B) developing disposal methods as alternatives to the dumping described in subparagraph (A); and

(2) encourage, cooperate with, promote the coordination of, and render financial and other assistance to appropriate public authorities, agencies, and institutions (whether Federal, State, interstate, or local) and appropriate private agencies, institutions, and individuals in the conduct of research and other activities described in paragraph (1).

(b) Termination date for ocean dumping of sewage sludge not affected

Nothing in this section shall be construed to affect in any way the December 31, 1981, termination date, established in section 1412a of this title, for the ocean dumping of sewage sludge.

(c) Regional management plans for waste disposal

The Administrator, in cooperation with the Secretary, the Secretary of Commerce, and other officials of appropriate Federal, State, and local agencies, shall assess the feasibility in coastal areas of regional management plans for the disposal of waste materials. Such plans should integrate where appropriate Federal, State, regional, and local waste disposal activities into a comprehensive regional disposal

strategy. These plans should address, among other things—

(1) the sources, quantities, and types of materials that require and will require disposal;

(2) the environmental, economic, social, and human health factors (and the methods used to assess these factors) associated with disposal alternatives;

(3) the improvements in production processes, methods of disposal, and recycling to reduce the adverse effects associated with such disposal alternatives;

(4) the applicable laws and regulations governing waste disposal; and

(5) improvements in permitting processes to reduce administrative burdens.

(d) Report on sewage disposal in New York metropolitan area

The Administrator, in cooperation with the Secretary of Commerce, shall submit to the Congress and the President, not later than one year after April 7, 1986, a report on sewage sludge disposal in the New York City metropolitan region. The report shall—

(1) consider the factors listed in subsection (c) as they relate to landfilling, incineration, ocean dumping, or any other feasible disposal or reuse/recycling option;

(2) include an assessment of the cost of these alternatives; and

(3) recommend such regulatory or legislative changes as may be necessary to reduce the adverse impacts associated with sewage sludge disposal.

(Pub. L. 92-532, title II, §203, Oct. 23, 1972, 86 Stat. 1061; Pub. L. 96-381, §1, Oct. 6, 1980, 94 Stat. 1523; Pub. L. 99-272, title VI, §6063, Apr. 7, 1986, 100 Stat. 131.)

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CODIFICATION

In subsec. (a)(1)(A), October 6, 1980, was substituted for “the date of the enactment of this section”, which has been translated to reflect the probable intent of Congress as meaning the date of enactment of Pub. L. 96-381 which amended this section generally and which was approved Oct. 6, 1980.

AMENDMENTS

1986—Subsecs. (c), (d). Pub. L. 99-272 added subsecs. (c) and (d).

1980—Pub. L. 96-381 substituted provision authorizing the Administrator of the Environmental Protection Agency to conduct research, etc., and to encourage and cooperate with public authorities, etc., for the purpose of determining means of minimizing or ending, as soon as possible after Oct. 6, 1980, dumping in ocean waters, or waters described in section 1411(b) of this title, of materials which may unreasonably degrade or endanger human health or the marine environment and to develop disposal methods as alternatives to dumping for provision authorizing the Secretary of Commerce to conduct research, etc., and to encourage and cooperate with public authorities, etc., for the purpose of minimizing or ending all dumping of materials within five years after the effective date of Pub. L. 92-532, which was approved Oct. 23, 1972, and inserted provision directing that nothing in this section be construed to affect in any way the Dec. 31, 1981, termination date, established by section 1412a of this title for ocean dumping of sewage sludge.