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STATEMENT OF ASSISTANT SECRETARY OF TRANSPORTATION
HERBERT F. DeSIMONE, U. S. DEPARTMENT OF TRANSPORTATION,
BEFORE THE SUBCOMMITTEE ON COAST GUARD OF THE HOUSE
COMMITTEE ON MERCHANT MARINE AND FISHERIES REGARDING
H. R. 867, H. R. 6232 AND H. R. 8140, PORTS AND WATERWAY
SAFETY PROPOSALS, TUESDAY, JULY 20, 1971.

Mr. Chairman and Members of the Committee:

I welcome the opportunity to participate here today in your deliberations on H. R. 867, H. R. 6232, and H. R. 8140, The Ports and Waterway Safety proposals. I will not offer any detailed comments on these proposals, since Admiral Bender, the Commandant of the Coast Guard, who is with me today, will comment at length on the proposals and offer certain suggestions for your consideration.

I do wish to extend the Department's general support of legislation in this area, and to express our appreciation for the Committee's actions in moving forward with this legislation which we consider most necessary if we hope to eventually control the sources of pollution of our coastal waters and the world's oceans.

I should also like to add that I am personally most interested in this legislation. Not only because I am an advocate for the environment, but because I am from Rhode Island where we depend so much on our very beautiful Narragansett Bay both for recreation and the area's economy.

This legislation protects such waterways for our people to enjoy. What a shame it would be if lack of environmental control causes destruction of coastal waters such as Narragansett Bay through ravages of pollution.

In addition, as we look to the future of transportation, it is becoming evident that this country will be increasingly using navigable waters, both inland and coastal, as an integral part of our transportation system. This important legislation, in providing for a strong sense of safety on our waterways, will help insure orderly development of such new systems.

We in the Department are particularly interested in the progress of this legislation because in our estimation it places the focus where it properly belongs -- on the prevention of those activities which ultimately result in the degradation of our water and water resources. Past efforts have focused primarily upon activities designed to clean up the waters once the catastrophe has occurred. The Department through the Coast Guard is continually strengthening and expanding these efforts, but they are limited in that they can only hope to restrain -- not eliminate -- wide-spread damage to our waters and the marine ecology.

President Nixon pinpointed this problem in his message to the Congress on February 8, 1971, when he said:

"Environmental control efforts too often have been limited to cleaning up problems that have accumulated in the past. We must concentrate more on preventing the creation of new environmental problems and on dealing with emerging problems."

As the Committee is aware, in January of this year the President also transmitted a message to the Congress in which he specifically

mentioned and recommended action on the Ports and Waterway Safety Act, this Department's proposal which was introduced in the House as H. R. 867.

This proposal, which is identical to the legislation we transmitted to the 91st Congress, is designed to provide continuing general authority to protect vessels, structures, harbors, ports, and waterways from damage or loss resulting from such incidents, with the attendant risk of release of oil or other harmful substances. This would be accomplished through closer attention to vessel control and equipment in congested waters, and by the establishment of safety zones wherein vessel traffic or other activities could be prohibited or curtailed for a particular reason or purpose, and usually for brief periods. For example, a collision or other accident may require that traffic in the surrounding area be restricted to prevent further catastrophic results.

However, as Admiral Bender will explain in detail the proposals contained in H. R. 867 were the subject of hearings during the 91st Congress during which some apprehension was expressed over their broad scope. H. R. 8140, the proposal introduced by the Chairman of this Committee, does, we believe, retain those features of our proposal which would enable us to attain our objectives -- safety in our harbors and waterways and the

protection of our environment. In our opinion, H.R. 8140 will assure appropriate coordination and uniformity, and will enhance the overall safety and environmental posture of our ports, harbors, and navigable waters. H.R. 8140 will enable us to make giant strides towards the elimination of hazards from our ports and waterways. We in the Department of Transportation support this bill.

This concludes my statement, Mr. Chairman, and after Admiral Bender presents his statement, we will be happy to answer any questions you may have.