

July 16, 1970

# environmental action



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“The 1970s must be the years when  
America pays its debt to the past  
by reclaiming the purity of its air,  
its waters and our living environment.

“It is literally now or never.”

Richard M. Nixon

*January 1, 1970*

What is Nixon doing  
to help pay the debt?

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# After six months the rhetoric fades

The political reality of a six-month exposure to special-interest politics is stripping the rhetoric from President Nixon's environmental program. Despite promises in his State of the Union message of "clean air, clean water, open spaces," little in the way of strong new legislation is emerging.

His first proposal was for a "ten-billion dollar nation-wide clean-waters program." Nixon delivered his environment message to the Congress in February outlining specific legislation requests to meet challenges he admitted we will have to face in the 70's. But the \$10 billion dwindled to \$4 billion from the federal

pollution in the past six months, amendments have been introduced with administration backing to extend the water quality standards to all navigable waters, including both interstate and intrastate.

Administrative changes announced in the **Federal Register** provide for federal funds to be granted only to municipal plants which are part of an overall regional or river basin plan. This is intended to speed the establishment of river basins as the basic pollution control units under the Federal Water Quality Administration.

Another bill (S. 3471 and H.R. 15905) allows the federal government to take direct action and impose fines of up to \$10,000 per day for violation of the water quality standards. The Secretary of the Interior will have the right to subpoena witnesses from the plant and to enter any plant discharging effluent. It will also give him the right to file immediate injunctions in emergency situations.

Some of the classical problems of state vs. federal control of pollution will not change much with the bills in the congressional committees. But initiative action is slowly shifting to the federal government. Nixon, however, can take little credit for speeding the process. Nixon recognized the major source of air pollution as the internal combustion engine. But he requested only two legislative aids to meet the increasing problem. To stop the present practice of sending ten specially tuned, adjusted, readjusted cars to Health Education and Welfare for emission standards testing, he proposed that Congress pass legislation requiring testing of production line vehicles. In his other auto request, he wanted the Secretary of HEW to regulate fuel composition and additives.

Both requests zipped past the House in one day with little debate. Overlooked was an attempt by citizen groups to amend the legislation to test in-service cars rather than production line models as Nixon wanted. Tests have shown that factory anti-pollution devices quickly lose their ability to curb pollutant emissions.

The administration request for additive control was weakened by the Interstate Commerce Committee which placed the burden of proof of additive danger on the National Air Pollution Control Administration instead of the industry. NAPCA presently has no authority to secure records from petroleum corporations. Additive control can come under the present bill only if the com-

government to be matched with \$6 billion from the state over a four-year period.

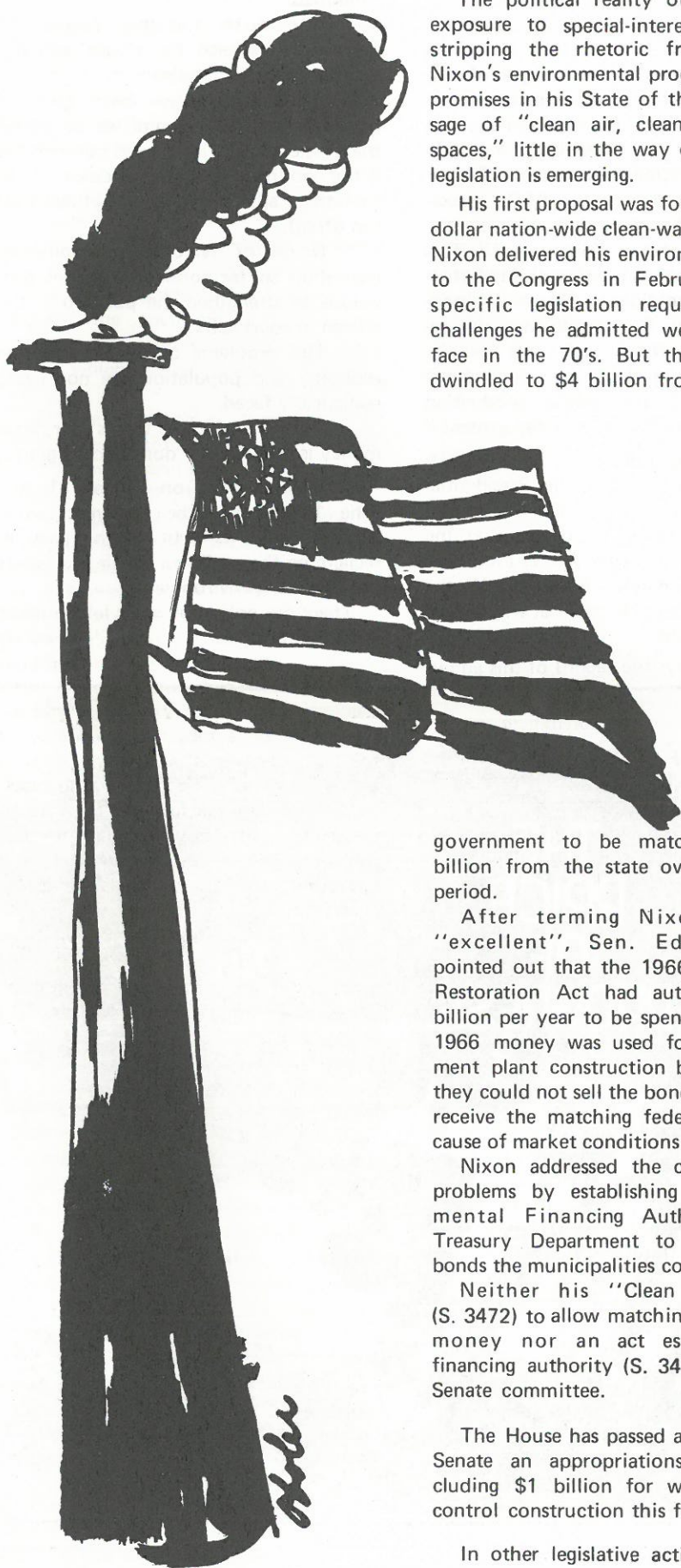
After terming Nixon's rhetoric "excellent", Sen. Edmund Muskie pointed out that the 1966 Clean Waters Restoration Act had authorized \$1.25 billion per year to be spent. Little of the 1966 money was used for waste treatment plant construction by cities, since they could not sell the bonds necessary to receive the matching federal money because of market conditions.

Nixon addressed the cities' financial problems by establishing the Environmental Financing Authority in the Treasury Department to purchase the bonds the municipalities couldn't sell.

Neither his "Clean Waters Act" (S. 3472) to allow matching construction money nor an act establishing the financing authority (S. 3468) are out of Senate committee.

The House has passed and sent to the Senate an appropriations measure including \$1 billion for water pollution control construction this fiscal year.

In other legislative activity on water





panies voluntarily cooperate with NAPCA requests. The Senate has not reported the bill out of committee.

In other air pollution promises Nixon asked for nationwide air and water quality standards. Both the House and the Senate are considering a standards bill in committees. He also announced in February a program for the development of unconventional vehicles to meet the needs of a society that might ban the internal combustion engine if it cannot be cleaned up. It is in the planning stages.

Nixon did not confront the issue of leaded gasoline that has concerned environmentalists for years. In his environmental speech he avoided the ban-the-lead-before-it-kills-us question by praising auto makers for voluntarily producing some engines in 1972 which will not need leaded fuels.

While he may have ignored pressing needs by offering only studies in some areas, Nixon proposed the most ambitious public recreation budget yet. He asked that \$327 million available through the Land and Water Conservation Fund be directed to the development of additional park and recreational facilities. The House has reported a \$300 million supplemental appropriation bill for the Fund out of the Interior Committee. The Senate committee has not yet acted on the companion measure (S.3505).

With the final report of the 1965 Public Land Law Review Commission this summer, new emphasis is being placed on the one-third of the United States owned by the federal government. Nixon asked for all Department of Interior surplus property to be conveyed to state and local governments for recreation purposes. One of the surplus property bills (S.1708) has passed the Senate and has yet to be considered by the House. Others are in committee.

Nixon has also established a National Industrial Pollution Control Council made up of industrialists. It is comparable to the Citizens Advisory Committee on Environmental Quality established in 1969.

Nixon did not mention in his February speech the need for departmental reorganization. In June he announced an executive shuffle to create an environmental super-agency that would have responsibility for many of the programs now handled by several departments. Faced with charges of creating a super bureaucracy, he followed a recommendation of his Advisory Council on Executive Organization which he hopes will simplify, not complicate, environmental administration.

If the reorganization is not acted upon

by Congress within 60 days of its announcement it will become effective.

Tentatively the new agency will have these functions: water pollution (now in the Interior Department), air pollution and solid waste management (now with Health Education and Welfare), pesticide control (now in the Food and Drug Administration and Agriculture Department), and radiation regulation (now in the Atomic Energy Commission).

Also under consideration is another proposal affecting the Atomic Energy Commission, although the AEC's powerful friends in Congress likely will keep the agency from being "dismantled." This plan would not only give the radiation monitoring function to the new environmental agency. But would farm out research to the National Science Foundation, weapons production to the Defense Department, and power production functions to a new "energy department."

With a preponderance of new legislation (23 bills received the Presidential nod in the February message) and administrative reshuffling, it appears that the environment is receiving proper attention. More careful analysis reveals little in the way of significant change that will restore the environment.

In summary, the record of this admin-

istration does not address the real problems:

The process by which citizens can work to stop the increasing environmental degradation has not been simplified.

The auto industry, unless the Senate differs with the House, will not receive a mandate to clean up.

Industrialists have been given a top-flight advisory committee to advise the President on the needed controls (as if the condition of the earth doesn't indicate their advice had been followed all too often).

None of Nixon's environmental legislation so far considered carries provisions to strengthen the position of the citizen in court suits.

The problems of an ever-growing economy and population are not being realistically faced.

Until the Vietnam War is over, little money is available for domestic programs.

Nixon promised on January 1 that "the 1970's must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters and our living environment."

There are only nine years left to make good that promise.

Sam Love

