

B&PW, Houston
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POLLUTION CONTROL -- AN OVERVIEW

Introductory Remarks

It is a rare occasion that would prompt an incumbent to leave his or her district less than two weeks before a contested election. But my interest and respect for the B&PW is such that I had no hesitancy in accepting your ~~kind~~ invitation for this evening.

At the outset, let me distinguish between taking oneself seriously and taking seriously one's vocation. Frequently in political life, the two are confused. And this is unfortunate, for humor can well be a saving grace where personalities are involved--particularly one's own.

Secondly, for my part, I think our society has gone too far in emphasizing what I call the dichotomy of masculine and feminine interests. Those masculine fields being ^{the generally the} sciences,

particularly with its offshoot technology, ^{and} ^{the professions} finance -- those
giants of control in our present life. ^{Coupled} With them has been the
realm of politics. Those usually considered feminine fields
have been traditionally the more humanistic--education, but be
sure on the lower echelons; ~~the~~ nursery; and the arts--again
on lower echelons, ^{business is in the world's} ~~generally~~ ^{a supporting}
level, as many of you are fully aware.

Into politics--and this means on the policy level--must
come some concern for the survival of mankind and man's animal
and vegetable companions on this fragile planet.

Change comes so fast for all of us that I noted in
reviewing my Earth Day Speech at UT in Austin this past April
that the emphasis for my remarks this evening would be other-
directed. ~~THAT~~ Even in this short time other matters in the
field of pollution have come to my attention that I feel more
pressing than the ^{detailed} enumeration of the State jumble of agencies
^{and their respective jurisdictions that} we operate under.

^{of}
Joan

I.

There are several viewpoints which I wish to discuss with you ~~today~~--viewpoints which seem to be at great variance, but which have developed in my experiences simultaneously.

First, my "incantation"--borrowing from John Kenneth Galbraith, who asked, "When will the incantation end, and the action begin?" *Incantation has almost become ritual; action will require political risks*

I will begin my "incantation" by pointing out that there is some similarity between the civil rights movement and the movement for pollution control in the United States. While our pollution-control laws should be strengthened and reformed, it would be naive to believe that this alone will solve all of our problems in protecting our environment. As with civil rights, once the laws are on the books and the rulings promulgated by the involved agencies, we may ~~be~~ still be left with a de facto situation.

In order for civil rights to be achieved, the structure of our society has to be reformed to eliminate racism. In a similar manner, in order to preserve our environment, it is necessary to at least qualify our age-old social goal of immediate material success, based upon exploitation. The analogy between the two movements can probably be carried no further.

Perhaps it is only wishful thinking, but as I read of the world-wide pollution problems, particularly the dying of the seas,

some authoritative sources say that in the next 30 years

I think perhaps that the resolution of these common problems will

find areas of cooperation and ~~resolutions~~ ^{reasonableness} between nations--the

kind that has been so dismally lacking in that other peril to

mankind and a habitable planet--nuclear armaments.

^{former?}

Peter Flawn, the ~~Director~~ of the Bureau of ~~a~~ Economic

Geology, has pointed out that an industrial society--by its

very nature--consumes and alters the earth; and, he has ques-

tioned whether we can sustain the habitability of the environment,

while sustaining the industrial society. If so, then, how should

the industrial society be restructured so we can live with it

and attitudes towards our environment *in this state*

Not only must this official concept be transformed, but we should require a public pooling of all data of all State agencies regarding our natural resources. Unbeknownst to many officials and citizens, the information has been gathered, but it is largely scattered among agencies. Too frequently, ^{*I have observed*} agency representatives on all levels of government have come as observers to hearings, rather than as witnesses to testify on matters within their purview. Pollution is a public matter and should not be locked away

in ~~conferences~~ ^{Vaults} among the State agencies. On the state level I personally will work toward a State Environment Council with broad powers ~~as well as a codification of all state anti-pollution laws.~~

have direct long range
on the "incantation"

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II.

As I leave this phase of my "incantation" and move to the next one, I would like to ^{mention some of} ~~talk~~ to you ~~of~~ my experiences as one elected official trying to represent my constituency with regards to ~~water-pollution-control~~ matters. I am not an engineer, a geologist, a marine biologist, a hydrologist, or an ecologist. Moreover, the subject of pollution-control itself is complex and technical. Despite all of this, ^{there is a} ~~my~~ responsibility as an elected official is to help make the law-making process as practical, as effective, and as equitable as possible. This applies not only to the area of pollution control, but also pollution pre-

vention. You and I share a common concern for the area that in 1830 was described as the ~~the~~ most beautiful province of Mexico - Could we say that way?
The economies of 72 counties in Texas are directly tied

to the Gulf Coast, and these counties comprise almost 50 percent of the State's population. Industry, as well as tourist development associations, are increasingly competing for use of the coastal margin. Two factors: public policy of uplands remoteness

An index of marine-related activity in the petroleum field is the aggressive competition for federal offshore leases.

Such acreage leased in 1968 more than doubled the cumulative total for the previous years. The \$594+ million expended by companies for 110 Texas offshore tracts in 1968 could be a prelude to a considerably greater investment, if these leases contain substantial oil and gas deposits.

And yet, at the same time, this exploitation ^{and planning for stepped up exploitation} goes on. A study released by the Joint Economic Committee of Congress, prepared by the environmental policy branch of the Library of Congress, states that the petroleum industry should confine its drilling to land and delay further offshore operations to protect the environment offshore. The report noted ^{that} aspects of federal-state proprietary and administrative ~~xx~~ relations ~~x~~ are not fully resolved, that oil spills are harder to contain, and that workable rules to protect the environment present problems.

A striking example of conflict. Is there any doubt in your mind that a "go slower policy" will be heeded?

III. *skip from here to 112*

The responsibility for water-pollution control is dispersed in Texas among too many State agencies. At least five State agencies have some responsibility in this area: the Texas Water Quality Board, the Railroad Commission, Parks and Wildlife, the General Land Office, and the State Department of Health. Such dispersal of responsibility has resulted in less enforcement, in a "passing of the buck" between agencies and levels of government, and in the poor use of the insignificant monies that are appropriated for pollution control. The weaknesses of pollution controls, stemming from such dispersity of responsibility among State agencies, may be blamed on the Legislature and the politics within that body.

It is too little known that one very large area of water-pollution control is not even under the jurisdiction of the Texas Water Quality Board. Specifically, I speak of that section of the Water Quality Act which states that the Texas Railroad Commission

is "solely responsible for the control and disposition of waste and the abatement and prevention of pollution of surface and sub-surface water resulting from activities associated with the exploration, development and production of oil ~~and~~ or gas." The numerous problems that ensue from this diffused responsibility alone would warrant a reexamination by the Legislature of our total pollution-control machinery. *Remember an example of oil field brine*

leakings - Refuse Act doesn't apply under antitrust legislation

Although public officials are giving attention to the problem of a major oil spill, the recurring small spills are commonplace in our coastal area. Minor spills, although individually not as dramatic as a Santa Barbara, are nevertheless harmful.

Massive spills should not be our only concern. Recently, the Coast Guard estimated that the nation may be experiencing a spillage of polluting materials to U.S. waters approaching 10,000 incidents annually. And, oil leads all the other categories by a ratio of three-to-one, according to Kenneth E. Biglove, Director of the Office of Oil and Hazardous Materials in the Federal Water Pollution Control Administration.

Closely related are spills originating from pipeline leaks. The adage "out of sight, out of mind," I feel, is applicable to the pipeline problem so far as the regulatory bodies--the Railroad Commission and the General Land Office--are concerned.

IV.

Repeatedly, when water-quality acts are discussed or written about, public officials--highly placed elected ones, as well as appointive ones--dwell on the advantages of state domination in this field, in contrast to federal. I share the view, without question, that the state government has the leading role to play in water-pollution prevention and control in Texas. What I want to point out today, however, is that, while the state has the dominate role, the protection of our environment will require the participation by governments at all levels, and yet undesignated agencies.

One cannot be involved in pollution matters without becoming aware of the world-wide impact--the chaotic jumble of agencies with varying duties and powers. If, for example, you begin on the local level, as I did in the early sixties, than you become aware that problems are regional and of the multiplicity of State agencies. In turn, working on the State level, one

then becomes aware of federal agencies and ^{multi}interstate problems.

It was calculated, when the President's Cabinet-level Council on Environmental Quality was recently established, that there were over 80 programs related to environmental questions within the federal executive branch alone.

The recurring dramatics staged between federal and state officials regarding water pollution in Texas--though perhaps partly played out of frustration--may largely be viewed as a diversionary tactic. For the point always to be kept in mind is not whether the federal government has unfairly criticized the state, but whether our total pollution-control programs are working.

Let me tell you a story. It involves both your city and the one I live in--Corpus Christi. In 1968, the staff of the Federal Water Pollution Control Administration came to Corpus Christi, and took testimony from various officials and conservationists as to the conditions of the waters in our area. The

testimony clearly revealed the deterioration of the bays. Yet, in January 1970, when the Commission members of this same federal agency came to Corpus Christi as a part of their tour of the Gulf Coast, I was left wondering whether the Commission members were even aware of their staff's work in 1968.

I went on the tour last January with these federal and state officials. The tour consisted of leaving the T-head, where an excursion~~x~~ boat was boarded, and of travelling only to Avery Turning Point--at which time the boat turned around and we glided back to the T-head.

¶To my knowledge, none of the problems we have with the deterioration of ~~z~~ Nueces Bay and its interrelationship with the conditions of the ship channel were developed. None of the problems ~~z~~ created by hydrocarbon runoff into the ship channel were pointed out. None of the problems created by poor house-keeping--which causes many of the accidental spills on the docks--were mentioned. And, no mention was made of the deterioration of Oso Bay. On this tour, these federal officials simply were not

shown and apparently were not told what our actual problems are, although some were documented in the 1968 staff report, and some would have required on-site inspection.

In January 1970, apparently pollution-control officials on the state level felt that it was important to present a good image of the Gulf Coast--after the experiences in the Houston Ship Channel and in the Galveston Bay area, which are so deplorable *One very proud state official told me it was essential* and which raised the ire of the federal people. The good image was thus to be created by the tour these federal officials made on January 22, 1970 in the Corpus Christi area.

After the tour of our channel, the Commissioner of the Federal Water Pollution Control Administration is quoted as saying, "This looks good." No references were made to the local problems I cited above.

My greatest cause for concern ~~is that I believe a disservice was done to the general public when the impression was given that the overall water-pollution control in our area is well in hand.~~
For, pollution is a public problem.

As helpful as the tour may have been to the State's image,
 it was actually a disservice. ^{I speak first hand I witnessed} And, the image of our ~~current~~

conditions in Corpus Christi has become a self-perpetuating myth.

~~One fact~~ and when one observes
 the creation & perpetuation of a self serving
 myth one wonders how many more
 abound in our land.

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EXPLORING each level of the public sector we find failure to halt or reverse pollution^{VI}. surrounds us

~~Perhaps we have come full circle--touching upon the public sector on every level--and because there has been such a failure through the public sector to abate pollution.~~

In part this has been due to ignorance, heedlessness
~~Paraphratically, I would say in part because of ignorance and our society's existing priorities. So~~
~~and in part lack of control,~~ we once again find ourselves

attempting an innovative approach. That being an attempt to bring the individual citizen into the decision making process
This will be no panacea--it will not relieve any level

of government of responsibility--be it the legislative branch-
~~executive branch~~
or through administrative determinations. But, it will be another tool.

That is the recognition of every citizen's opportunity to enforce at law the right to a decent environment.

For the first time in American statutory law, the right of environmental quality is clearly set against the traditional

property right to exploit natural resources. There is presently such a law in Michigan, one similar will be introduced the coming session of the Legislature here in 2445

V.

Then, the problems stretch beyond national boundaries--to what George Kennan calls "the great international media of human activity: the high seas, the stratosphere, outer space, perhaps also the arctic and antarctic--media which are subject to the sovereign authority of no nation. These areas will require some international organization ultimately.

For a careful study and creative proposals, I recommend to you the lead articles in two issues of Foreign Affairs Quarterly:

January 1970, "Mortgaging the Old Homestead," : "Mankind ~~shares~~ ^{shares} a common habitat. We have mortgaged the ~~red~~ ^{old} homestead and nature is liable to foreclose."

April 1970 by George Kennan, in which he sets forth arguments for an agency not between governments, but above all governments. And one that would act as a watchdog. a ~~consumer~~ ^{consumer} of our limited resources

Ours is a global civilization. We have tampered with the universe. Before we know the consequences of our deadly man-made toys--be they the atom bomb or the super-sonic-transport or the super tanker--we are busily building and enlarging them. Repeatedly, I hear that we have become hysterical.

I prefer the term indignation and it is indeed time for that indignation to be translated into viable political action

We all have a role to play in the

survival of the species and this fragile space ship we journey on

For some time to date has ~~not~~ ^{shown} ~~not~~ ^{we are} ~~not~~ ^{to} ~~not~~ ^{survive} that we are ~~not~~ infinitely blessed, ~~the planet~~ ^{we are} ~~the planet~~ ^{to} ~~the planet~~ ^{survive} Earth.