

Orders numbered 156, 158, 159, 173, 174, and 182.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, my reservation is simply to say to the distinguished majority leader that these items are cleared on our calendar and we have no objection to proceeding to their consideration and adoption.

Mr. ROBERT C. BYRD. I thank the distinguished minority leader.

EXTENSION OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

The Senate proceeded to consider the bill (S. 717) to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for 2 years, which had been reported from the Committee on Agriculture, Nutrition, and Forestry with an amendment to strike all after the enacting clause and insert the following:

That section 31 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136y), is amended by adding at the end thereof the following: "There are hereby authorized to be appropriated to carry out the provisions of this Act for the period beginning October 1, 1979, and ending September 30, 1980, such sums as may be necessary, but not in excess of \$62,250,000."

● Mr. TALMADGE. Mr. President, S. 717 will authorize appropriations, not in excess of \$62,250,000, for the Federal pesticide program in fiscal year 1980.

I believe that the relatively short 1-year extension is most appropriate at this time. During this year and in fiscal year 1980, the Environmental Protection Agency will be implementing the Federal Pesticide Act of 1978.

The 1978 act made major improvements in the Nation's basic pesticide legislation—the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—to cut the redtape and resolve the controversies that have immobilized the Federal pesticide program. It gave States new powers in pesticide regulation and simplified the procedure for registration of pesticides. These amendments to FIFRA are important to farmers and others who rely on pesticides for their livelihoods.

With a 1-year extension we will be able to evaluate EPA's progress in implementing the 1978 act as soon as is feasible.

I do not believe it would be appropriate to include additional provisions in S. 717 to change the operation of the pesticide program so soon after the wide-ranging amendments to FIFRA made by the Federal Pesticide Act of 1978. EPA should be given the chance to make the law work. Certainly, by extending the authorization for appropriations for only 1 year, we will be able, relatively soon, to consider further changes in the Federal pesticide program, if needed.

S. 717 both meets the needs of the Federal pesticide program and insures close oversight of that program. I urge its adoption by the Senate.●

● Mr. STEWART. Mr. President, the bill S. 717, as amended by the committee, would extend the authorization for appropriations to support the Federal pesticide program under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) through September 30, 1980. The bill would authorize appropriations of not more than \$62,250,000 for fiscal year 1980 to carry out FIFRA. Included in this figure would be authorization for appropriations for the Environmental Protection Agency's research and development program under FIFRA.

Mr. President, the control and regulation of pesticides has been a controversial issue for many years. The Federal Insecticide, Fungicide, and Rodenticide Act was passed in 1947. However, there was widespread concern about inadequacies in the legislation. In 1972 FIFRA was extensively amended in an effort to modernize and resolve deficiencies in the legislation. Unfortunately, it was impossible to foresee the many difficulties that would develop with the new legislation. The cure seemed worse than the illness as EPA and the entire industry became bogged down in bureaucratic redtape.

Several attempts were made to resolve the problems, and finally in 1978 a complete re-examination of the 1972 amendments was made. This re-examination resulted in extensive modifications to FIFRA which most people believe will resolve the problems that have plagued us since 1972.

These new amendments are just now being implemented and everyone agreed that the legislation should be extended without major amendment. However, there was also a strong feeling—with the exception of the Environmental Protection Agency—that the reauthorization should not be for more than 1 year. This assures that the legislation will receive a full and careful analysis next year after EPA has had the opportunity to implement the 1978 amendments.

The committee is unanimous in the position that we need to conduct continuous oversight of the implementation of the 1978 amendments by EPA. For instance, we are carefully monitoring the so called cite-all regulation that has caused some concern in the pesticide industry. I have requested from EPA a complete analysis of this issue. I have asked the industry to give me a more detailed statement of their concerns as well.

We also are closely monitoring the way EPA is handling the fire ant problem. Fire ants are a serious health problem for the South and cannot be left unsolved. Senator COCHRAN has been most active in working with EPA to find a solution. The Congress has provided in FIFRA the necessary authority to assess problems and the flexibility to find solutions. Currently, a review is being conducted of alternative pesticides. We hope that a satisfactory resolution to the fire ant problem can be found. We will do everything possible to make sure this happens.●

● Mr. COCHRAN. Mr. President, I sup-

port passage of S. 717 to authorize a 1-year extension of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Even though regulation of the production and use of substances that are potentially hazardous to our health is necessary, I am very concerned about arbitrary regulation and the need to bring order, commonsense, and standardization to the process of determining the acceptability of various chemicals that have proven benefits.

As Senator STEWART mentioned, I am disturbed by the current fire ant problem in my home State of Mississippi and in most of the States in the South where about 200 million acres are infested.

The Environmental Protection Agency (EPA), which has responsibility for carrying out FIFRA, limited the use of Mirex in 1977 to one aerial application per year. It was banned for aerial application on December 31, 1977 under the assumption that Ferriamicide would be approved on an emergency-use basis under section 18 of the act.

However, based on a Canadian study which indicated it to be a potential carcinogen, Ferriamicide has not been approved.

As a result, there has not been an effective means to control fire ants since December 1977. The ants are continuing to spread at a rate of about 15 miles per year. There have been some reports that fire ants have recently spread into Arizona and California bringing infestation to a total of 11 States. Landowners are left with a deep sense of frustration, and every effort must be made by business and government to insure that a safe but effective pesticide is found.

As a result of recent talks I have had with EPA officials I am optimistic that a solution can be found soon that will make an effective pesticide available to control fire ants. Therefore, I will not offer an amendment to this bill to legislate the use of Mirex on the same limited-use basis as existed in 1977 since the House bill contains such a provision. I believe it is appropriate for the Senate to vote in favor of reauthorizing FIFRA for 1 year.●

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read:

A bill to extend the Federal Insecticide, Fungicide, and Rodenticide Act for 1 year.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MARINE PROTECTION, RESEARCH AND SANCTUARIES, TITLE III AUTHORIZATIONS, 1980 AND 1981

The bill (S. 1140) to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to

authorize appropriations for such title for fiscal years 1980 and 1981, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434) is amended—

(1) by striking out "and" immediately after "fiscal year 1977," and

(2) by adding immediately after "fiscal year 1978" the following: ", not to exceed \$3,000,000 for fiscal year 1980, and not to exceed \$4,000,000 for fiscal year 1981".

SEC. 2. Section 302(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1432(a)) is amended by inserting immediately after the term "ecological," the word "scientific."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96-148), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE AND SUMMARY

It is the purpose of the bill to extend the authorization for appropriations for title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended for fiscal years 1980 and 1981. In addition, the bill amends the act to add the term "scientific" to the list of criteria for which a marine sanctuary can be established.

BACKGROUND

Title III of the Marine Protection, Research, and Sanctuaries Act of 1972 created the marine sanctuaries program in the National Oceanic and Atmospheric Administration (NOAA). The program provides for the designation of marine sanctuaries to preserve or restore specific areas of ocean, coastal, and Great Lakes waters. These areas are chosen on the basis of their conservation, recreational, ecological, or esthetic values.

Although the act was approved in 1972 and authorized up to a \$10 million appropriation for fiscal year 1973, no money was made available under title III for the marine sanctuaries program until fiscal year 1976. For that year and the 2 years following, very small sums were provided, and only then through reprogramming efforts.

In 1977 for the first time since the inception of the program in 1972, the administration focused on title III and established it as a priority. President Carter, in his environmental message on May 23 of that year, recognized the value and function of the program. The President requested that the Secretary of Commerce identify possible sites for marine sanctuaries and begin collecting the data necessary for their proper evaluation and designation.

For fiscal year 1979 the administration made the first direct appropriation request in the program's 7-year history, and the Congress supported the request for \$500,000.

In keeping with the lack of funding, until recently, the marine sanctuaries program necessarily experienced little activity in its early history. By 1975 only two marine sanctuaries had been designated: The site off North Carolina coast where the historically valuable Civil War iron-clad, the *Monitor*, rests; and Key Largo, an extensive coral reef structure in the Florida Keys adjacent to

the State's underwater John Pennkamp State Park.

The reprogrammed funds along with the President's attention spurred the program, and by February 1, 1978, 169 nominations had been received from other Federal agencies, the States, and members of the public. The National Oceanic and Atmospheric Administration has taken a preliminary look at the nominated sites and has reduced to approximately 100 the number of areas which should receive further consideration. Of these, no more than 25 to 30 will probably receive designation at a rate projected by the agency of approximately 4 to 5 sites in any given year due to budgetary and personnel constraints.

NOAA has spent a considerable amount of time and energy over the last year reviewing its original regulations for the program in conjunction with the goals of the marine sanctuaries program and several concerns expressed by this committee and the House Merchant Marine and Fisheries Committee. As a result, new regulations have been proposed which are much more comprehensive in scope. The committee believes the purpose and function of a marine sanctuary have been much more clearly delineated by this effort, particularly as the program relates to other Federal programs and private activities which may be compatible with sanctuary designation, as for example, commercial fishing.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HAZARDOUS MATERIALS TRANSPORTATION AUTHORIZATIONS, 1980

The bill (S. 1141) to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal year 1980, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 115 of the Hazardous Materials Transportation Act (49 U.S.C. 1812) is amended—

(1) by striking "and" immediately after "1978," and

(2) by inserting immediately before the period at the end thereof the following: ", and not to exceed \$5,500,000 for the fiscal year ending September 30, 1980".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96-149), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This legislation amends the Hazardous Materials Transportation Act to provide an authorization of \$5,500,000 for fiscal year 1980, for the Department of Transportation's hazardous materials transportation safety activities.

BACKGROUND AND NEED

The Hazardous Materials Transportation Act was passed by the Congress in 1974 in order to strengthen the Federal Government's

regulation of hazardous materials transportation in commerce. The transportation of hazardous materials is a matter of increasing congressional concern due to the growing awareness of the magnitude and pervasiveness of this transportation. In 1978, for example, more than 4 billion tons of hazardous materials were shipped 218,170 million ton-miles by various transportation modes throughout the United States. Often by necessity, such transportation travels through highly populated areas. Therefore, there is the continuing danger that a mishap could lead to a catastrophic accident.

In 1978, the number of reported incidents increased 19 percent to 18,022 incidents. There was also an increase in deaths and injuries as a result of two major accidents involving derailments of rail tank cars carrying compressed liquid gases and a number of other transportation accidents. In 1978, there were 45 deaths and 1,407 injuries compared to an annual average of about 21 deaths and 592 injuries for the preceding 7 years.

In April, another train derailment again underscored the potential dangers. This train, carrying more than 20 carloads of various hazardous materials, including acetone, chlorine, and anhydrous ammonia, derailed 3 miles from Crestview, Fla. In the ensuing explosion, poisonous fumes were emitted requiring the evacuation of 4,500 people. James King, Chairman of the National Transportation Safety Board, pointed out that, if this accident had taken place in a more populated area, it could have caused a "catastrophe".

This derailment exemplified the extremely difficult problems that a hazardous materials transportation accident can create for State and local personnel. As this train carried a number of different types of hazardous materials, the accident created the potential for a multiplicity of dangers, each requiring specialized treatment. For emergency personnel to react effectively and expeditiously, there must be readily available adequate data on the potential dangers and the actions that should be taken to minimize the dangers. Otherwise a controllable accident could turn into a disaster.

Last year, the committee requested that the Congressional Research Service of the Library of Congress prepare a detailed report on the adequacy of the Department of Transportation's hazardous materials transportation safety activities. This report, completed in April 1979, complimented the Department of Transportation (DOT) on significant improvements in their hazardous materials transportation activities. The report noted, for example, that the Department has made several important organizational changes designed to increase the effectiveness and efficiency of its hazardous materials transportation safety programs. The Department has begun to publish an "Annual Regulatory Review and Development Plan" which sets policy guidelines, priorities, and a plan for hazardous materials transportation safety regulatory action. DOT has also created a standing committee on hazardous materials to assure coordination between the various intermodal regulatory groups within the Department. Also DOT recently made permanent appointments to a number of high level management positions in the hazardous materials transportation safety area that had previously been vacant or filled by personnel in a temporary or acting status.

Despite these favorable findings, the report contained a number of significant criticisms including the following:

First, DOT's hazardous materials transportation inspection programs are not sufficient. For example, the Materials Transportation