



# Department of Justice

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ADDRESS

OF

THE HONORABLE DICK THORNBURGH  
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

THE OCEANS '88 CONFERENCE

MONDAY, OCTOBER 31, 1988  
BALTIMORE CONVENTION CENTER  
BALTIMORE, MARYLAND

NOTE: Because Mr. Thornburgh often speaks from notes, the speech as delivered may vary from the text. However, he stands behind this speech as printed.

Thank you for the opportunity to speak before you today on a subject that is very close to my heart -- the need for protection and promotion of a clean, safe, and healthy environment.

Let me tell you exactly why this is a subject close to my heart. Some of my fondest memories from childhood are of times spent with my family, vacationing at the New Jersey shore. And even today, many of my most treasured moments as an adult, and as a husband, father, and grandfather, come from the hours I have spent walking the shores of the Atlantic, from Maine to Florida.

So it is with a decidedly personal bent, as well as with a strong professional commitment, that I come here today to talk with you about the tragedy of pollution and the threat it poses to our well-being as a nation.

To the well-being of families, millions of whom were warned away from the beaches this summer because of the filth and garbage that washed ashore; denying adults a much-deserved vacation, and, saddest of all, denying children that innocent joy of a summer's day at the beach.

To the well-being of the economy, for all those who make their living on the oceans and estuaries of this nation, from the

fisherman and the waterman, to the man selling tee-shirts on the boardwalk.

And to the well-being of all the creatures which inhabit the waters of the world, or rely on it for food; unknowing of the threat they face, unable to defend themselves against it, and unable to hide from it.

Fish of all types today are suffering from fin damage, cancer, and tumors. Birth rates among whales are declining and premature deaths are increasing. We find our coasts increasingly littered with dead seals and porpoises. And every year, two million seabirds die, in large part because of the contamination of the aquatic life on which they feed.

And what does it mean to us, aside from the pain we feel as we watch the suffering of so many of God's creatures? It's almost redundant for me to detail it here in Baltimore where almost anyone you meet can tell you exactly what it means.

It means that the 7-million-bushel oyster harvests from the turn of the century, have been reduced to the half-million-bushel harvest of last year. It means that shad fishermen can no longer pursue their catch, and that the spawning ground for all the rockfish which swim the entire Atlantic coast has been cut in

half. And it means that in the 20 years between 1962 and 1982 -- that in the blink of a geological eye -- the fish caught in Maryland dropped from 21 million pounds...to 2 million pounds.

Ladies and gentlemen, those figures do not represent simply a decline of aquatic life. They represent the death of an industry; the potential death of a way of life; and a looming threat of death -- on a massive scale -- to an entire ecosystem. All because, up to now, Americans have not accepted the fact that there are limits to the amount of pollution our waters can absorb and still remain healthy.

I say, "up to now," because I think that with this past summer's sad and disturbing beach closings caused by medical waste pollution -- and the wide, national attention they drew -- that finally, Americans have come to understand what many of us have known for years: that we face a serious problem which will require serious action to resolve.

Fortunately, this public awakening is not just the beginning of our efforts to identify and eliminate the sources of pollution that plague our coastal waters. Thanks to the experts and scientists who have been struggling with these problems over the decades, we are ahead of the curve, in that we already know where many of the problems lie, such as in:

- \* Improper handling and disposal of solid wastes -- the probable contributors to the trash and medical waste wash-ups on New York and New Jersey beaches in 1987 and 1988,
- \* Ocean dumping of sewage sludge and dredge spoil,
- \* Direct discharge of hazardous industrial wastes into rivers and estuaries and indirect discharge through sewage treatment plants,
- \* Discharge of inadequately treated sewage especially from cities on bays and harbors, and near rivers which meet the ocean,
- \* Pollution from ocean-going traffic,
- \* Unfiltered and untreated urban runoff -- from gasoline, to street garbage, to raw sewage,
- \* And agricultural runoff which, as we know with the Chesapeake, is a serious threat to our major estuaries and bays.

Those are the problems. But the question is, what do we do about them? A question to which the answer must be, in its simplest form...We act.

As committed environmentalists and avid conservationists, as individuals, as professionals, and as public servants...we act to correct the problems, right the wrongs, and clean up the mess with which we are faced. Not with half-measures and not with cosmetic measures but with legitimate, effective efforts that will honestly address the full scope of this problem.

Congress recognizes the problem. Some very good news has come out of Washington in the last few weeks, with the passage of the Ocean Dumping Bill and the Medical Waste bill -- legislation which not only sets some encouraging guidelines and timetables, but which also gives us some added legal strength to penalize polluters.

Amendments to the Ocean Dumping Act will put an end to the dumping of sludge and industrial and medical wastes by the end of 1991, providing as well for the phasing out of the 106-mile sludge site east of New York City, a significant extension to our efforts to end sludge dumping by the city entirely.

This legislation also increases potential administrative penalties for all violators, although, aside from its medical waste provisions, it does not go as far as this administration and I personally would have liked in either authorizing civil judicial penalties or in raising criminal sanctions to the felony level. Regardless, however, the bill is a good step forward.

Congress also passed an amendment to the Resource Conservation and Recovery Act which will establish a trial tracking system for medical wastes, modeled on the manifesting system currently in use under that act. Again, while this new law is not a total resolution of the problem, it is still a very good and a very important step forward.

For my part, I have long been proud to call myself an environmentalist. An active environmentalist with a commitment to helping to clean up our nation's waters.

As U.S. Attorney for Western Pennsylvania in the 1970's, we dusted off the 1899 Rivers and Harbors Act to prosecute polluters and help clean-up Pittsburgh's Three Rivers area.

And as Pennsylvania's governor from 1978 through 1986:

- \* we attacked the problems of the Chesapeake Bay for the first time on a regional basis through an historic agreement among the governors of Pennsylvania, Maryland and Virginia, and the Environmental Protection Agency,
- \* thereafter, we committed more than \$10 million to efforts to save the Chesapeake Bay and worked with farmers as far inland as possible to reduce the agricultural runoff that was contributing to the bay's pollution,
- \* we also worked to clean up waste disposal and end the ocean dumping of sewage sludge by Philadelphia,
- \* and we allocated nearly \$1.5 billion for the construction and operation of sewage plants in our state.

I mention all of these because, obviously, I'm sincerely proud of those efforts and of all the fine, committed people who helped in achieving them. But I also mention it so you will know that I mean it, when I say that: "As Attorney General, I intend to continue my commitment to our environment."



There are major areas in which the Justice Department is today working to protect our oceans against pollution and ways in which we can strengthen that role.

First and foremost, of course, is the area of enforcement. Here I assure you we will continue to vigorously enforce anti-pollution laws, and crack down hard on problem polluters...just as we have in the past.

Through the concerted, coordinated efforts of our Environmental Crimes Section, in conjunction with the F.B.I., we've already racked-up an impressive enforcement record. Plus, by working with the E.P.A. and with individual states, we have effectively used the Clean Water Act to take aggressive action against a major source of ocean pollution -- the disposal of wastes into coastal rivers.

Our enforcement efforts have included actions against major cities such as Boston, Los Angeles, Denver, Jersey City, St. Louis and others to achieve compliance with the E.P.A.'s Clean Water Act National Municipal Policy. This effort alone has resulted in the improvement of facilities at 3,150 municipal sewage treatment sites across the country -- meaning that, thanks to this work, 95 percent of the major municipal treatment plants

in the country now have secondary treatment capabilities...or better.

Provisions of the Clean Water Act have also been brought to bear against industrial polluters such as Chevron, which in January of this year paid one of the largest civil fines ever -- 1.5 million dollars -- for discharging petroleum refinery pollutants into the Pacific Ocean.

And that is only part of the record. Over the last five years our work has resulted in:

- \* The conviction of 320 polluters from whom more than 13 million dollars in fines have been collected and an aggregate of nearly 65 years of imprisonment have been imposed,
  
- \* The collection of nearly half-a-billion dollars in reimbursement for the clean-up of hazardous waste sites,
  
- \* And the collection of more than 120 million dollars in civil penalties from violators of the Clean Air and Water Acts.

But as meaningful as those accomplishment from the recent past are to our work, our current on-going enforcement actions are equally meaningful to maintaining the strict standards necessary for protecting our waters:

- \* In conjunction with state, local and other federal agencies, through negotiation, we are seeking to hold Shell Oil responsible for the costs associated with last April's oil spill into the San Francisco Bay's Carquinez Strait. In these negotiations, we are seeking penalties, and restoration action, and reimbursement of expenses for the very impressive emergency response efforts that were made to contain and clean-up the 400,000 gallon crude oil spill...efforts which stand as a significant example of federal, state and local cooperation in reacting swiftly and effectively to environmental tragedy, and which saw the almost immediate removal of the spill from more than 11 miles of affected shoreline.
  
- \* In a case involving both the Clean Water Act and Superfund enforcement, we are also currently working to clean up PCB and heavy metal contamination of New Bedford Harbor caused by United Shoe Manufacturing which was fined a million dollars for discharging

44,000 gallons of untreated industrial waste into the harbor.

- \* And in our most noted, or notorious...or, at the very least, our most debated case, we are continuing our efforts to end the horrible pollution of Boston Harbor. Regardless of the "Who struck John" nature of the debate, the facts as they exist today are these: In January 1985, the Justice Department sued the Commonwealth of Massachusetts over a number of very serious violations of the Clean Water Act; a suit which resulted in the state, first, paying a 425,000 dollar fine; second, establishing a two million dollar trust fund to pay for mitigation of the harbor's pollution; and third, agreeing to construct the five to six billion dollar secondary treatment facilities necessary to remedy the problems.

All of those are efforts that I point to with pride as a long time conservationist and as a new Attorney General, because it shows that we can make a difference, legally, in a problem so large that it was once thought unmanageable. This is why I am so encouraged by the growing record of successful criminal prosecutions of coastal water pollution cases...one of the

largest of which is in trial right now in Houston -- the Baytank case.

This is an important case for two reasons. First, because it deals with ocean dumping and second, because it is the first criminal prosecution under the Marine Protection, Resources and Sanctuaries Act. The indictment charges two corporations -- Baytank and its parent company, along with 19 individuals -- with loading seven ships with hazardous waste water in order to illegally dump it at sea.

Also, in another ocean dumping case: with one person already having been arrested and charged with violating the Clean Water Act, the F.B.I. is continuing its investigation into the sources of last summer's contamination of New York and New Jersey beaches by medical and other solid wastes.

These prosecutions are powerful deterrents to the reckless practices that so threaten our water quality, and also serve to reflect the cooperation that has been achieved between our United States Attorneys' offices -- which often take the lead in these cases -- and the E.P.A. and other federal agencies, as well as with state and local governments and, in many cases, private citizens who bring cases to our attention.

And these prosecutions also stand as the latest contributions to a record of success that, I assure you, will continue at the Department of Justice through expanded and even more vigorous efforts, nationwide.

I have instructed our Lands and Natural Resources Division to begin the work necessary to establish an inter-governmental coordinating task force to address the problem of marine debris and ocean dumping, and to establish a legal strike force that will help governments, at every level, receive the best representation possible in prosecuting anti-pollution cases.

As a former governor, I know, first hand, the importance of coordinating the initiatives of state, local and federal governments, because the better that coordination, the more effective can be the efforts of each. There is no room, and no need, for adversary relationships between agencies and people who share the same goals, particularly when the goal is one of environmental protection. It is my hope that, through intergovernmental task forces, difficulties that might exist between state and local governments and the federal government and between federal agencies themselves will be resolved.

As far as the legal strike force is concerned, I have given our Assistant Attorney General, Roger Marzulla, the lead in

putting together a group of lawyers from throughout the federal government who are expert in marine environmental issues...a legal SWAT team, if you will, of men and women with the capability of moving quickly and effectively to assist state and local governments in prosecuting pollution cases.

Those efforts, combined with our continuing policy of sharing information and pooling our legal and investigative resources with the states, will make us more efficient and, we hope, more effective than ever, in stopping the plague of pollution in this country.

Those are our professional responsibilities. There is, however, an individual responsibility, that we all must shoulder in our work to preserve the environment, and that is, simply, that as citizens, to speak up for conservation and speak out against pollution.

One of the biggest problems we face in fighting pollution is, unfortunately, a lack of widespread enthusiasm for that fight and lack of public understanding about that fight. Not that I believe anyone is in favor of pollution. I don't. But I do think that many Americans lack an appreciation for their individual transgressions in this area, and similarly, lack an appreciation for the scope of the problem.

Trash dumped from every pleasure boat in the Chesapeake has an effect. Every beer can thrown on the beach has an effect. And every drop of oil that leaks out of a crankcase has an effect. And cumulatively...they have a huge effect.

So it becomes our responsibility as neighbors and community members to remind people of that, not necessarily in a confrontational way, but in a way that seeks to enlist their concerns in helping combat pollution wherever it is found.

As to the scope of the problem, we must continue to remind Americans that even though our beaches may be open today, the problem is not solved. And we must help them to understand that, as a nation, we are involved in a painfully slow and hugely expensive process that will measure its success in increments. Which means that it is our obligation to keep this issue alive and out front, culturally, politically and legislatively.

Again, not by confrontation and inflammatory rhetoric. But with attention to the common ground that exists between, what I have to believe is, each and every American's desire to have a clean and healthy environment.



But know this too, that for those who don't share that dream and desire, the United States Department of Justice will use every resource at its disposal to prosecute and punish those who would harm this fragile and beautiful earth we call home.

Thank you.