

SEP 25 1973

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Memo TO Cassandra Dunn,  
Regional Counsel, Region IX,  
FROM Bob McManus, Number One  
Advisor RE: polluted brine

Alas! In smoggy California  
When NOx defies dilution  
Our legal staff--we tried to warn ya--  
Must then confront marine pollution.

As if that chore were not enough,  
You've yet another cross to bear;  
For Golden Staters--though they're tough--  
Must finally leave this Vale of Care.

And when they do, the State's embalmers  
Eschew cremation (it fouls the air);  
Are out of land (it's tilled by falmers).  
Inter they must, by God! But where?

When Californians go to heaven,  
The grieving lay them out in skiffs;  
Unlike the folks in Region VII,  
They ocean-dump their load of stiff.

Unhappily, this neat solution  
Now reveals a sorry flaw;  
For distant Congress' resolution  
Makes ocean dumping against the law.

And now interments oceanic  
By stern decree are rendered naughty;  
Bereaved relations read with panic  
Subchapter H of Title Faughty.

And so I labored, sorely vexed,  
By candlelight within my nook;  
Read every case, scanned every text,  
Searched every jurisprudence book.

My lawyer's cautious instinct toyed  
With means by which we could defer  
All action, that we might avoid  
Unpleasantness that could occur:

We could assess marine biota  
(Demersal, benthic and pelagic).  
We could review each last iota  
Of data on this mess so tragic.

We could consider every option,  
Debate at length the cons and pros,  
Write memos prior to adoption  
Of any course we might propose.

And when we'd ended all discussion  
On each proposal for abatement,  
We'd draft (but slowly, do not rush!) an  
Environmental Impact Statement.

We'd show it to our friends at NOAA,  
The Corps, and State, and D.O.T.  
And when we're quite exhausted, show a  
Copy to the O.M.B.

And should we have to take a stand,  
When time for action's finally nearing,  
We've yet another ace in hand:  
Invite the public to a hearing!

Get every quack in tennis shoes!  
Get every hack and charlatan!  
Let commerce bleat its shop-worn views!  
Let every scientific harlot in!

And by the time they'd had their say  
We bureaucrats could always hope  
The problem would have gone away.  
Relieved, we would not have to cope.

But as I labored long and late,  
With nodding head and vision bleary,  
I fell asleep, and in that state  
Devised a clever legal theory:

Before the Act was passed (I dreamt)  
The canning lobby pushed the notion  
That "fish wastes" ought to be exempt,  
And dumped into the boundless ocean.

I dreamed that Congress did assay,  
In parsing out its final draft,  
To keep the mitts of E.P.A.  
Off every piddling fishing craft.

Of course, it seemed the words they chose  
Meant wastes from fish (one would presume).  
Construe them, though, to cover those  
Our finny friends would soon consume!

Then up I started in my nook,  
With trembling hands I did attempt  
To find the loop-hole in my book —  
And there it was! — "Fish wastes" exempt!

And thus construed, the statute lets 'em  
Dump at sea their mortal coils  
(Unlike most other flotsam, jetsam,  
Vessel sewage, tars and oils).

And so to California's croque-morts  
Let the joyous tidings pass.  
Let none suggest the Act's a crock, nor  
Ever say, "The law's an ass."