

This provision is a compromise with a strip-mining bill (H.R. 3) passed by the House last year, by a vote of 265 to 75, that would have given primary authority to the Interior Department.

The new measure has drawn an intense and rather well-coordinated hail of fire from mining and utility lobbies, and environmental groups have managed to mount only a modest counter-campaign. How the issue is decided,

though, could have far-reaching effects on both the character and the timing of the final legislation.

Among its major differences with H.R. 3, the Democratic bill is broader in coverage—proposing environmental standards for underground as well as for surface mines—and its proposed standards are worded more explicitly, and in some ways more stringently. There are detailed requirements, for

example, for such things as the care and storage of topsoil; prevention of pollution from spoil banks; the drafting of rehabilitation plans; and the designation of “fragile and historic” lands for protection from all mining.

Elaborate procedures for public notice, hearings, and appeals—and a provision explicitly allowing for citizen suits to bring court enforcement of the law—are also woven through the law.

Briefing

Train Moves Happily to EPA

President Nixon has nominated Russell Train, chairman of the Council on Environmental Quality (CEQ) since it was established in 1970, to be the new head of the Environmental Protection Agency (EPA).

Train, in a dazzling burst of candor in the context of the Nixon Administration, acknowledged that he had sought the job and was very pleased to have been chosen. He will be stepping into the shoes of William D. Ruckelshaus, who has been nominated for the post of Deputy Attorney General.

Senate confirmation should be no problem. Train has impeccable credentials as a conservationist and has gained considerable national status as CEQ chairman. A former tax court judge and president of the Conservation Foundation, Train joined the Administration in 1969 as Undersecretary of the Interior.

Train, a smooth and diplomatic type, has always been unswervingly loyal to President Nixon, despite the fact that the Administration has not always backed his views. Some environmentalists are concerned that this loyalty will get in the way of his forceful pursuit of EPA objectives, but Train insists he will be “my own man.” He pointed out that EPA is beginning a new phase of implementation now that the flurry of major environmental legislation has subsided, and assured his listeners he did not intend to preside over the “piecemeal erosion” of the National Environmental Policy Act. (The Senate recently waived further application of the law to the construction of the trans-Alaska pipeline.)

But whither CEQ? The departure of the prestigious Train means none of

its original members remain. The two latest appointees, Beatrice Willard and John A. Busterud, have remained virtually invisible, and some observers are concerned that the office will sink into oblivion. Journalists also wonder whether the CEQ, which under Train has been one of the most open and accessible among the President’s executive offices, will remain so under his as yet unchosen successor.—C.H.

Schmidt Takes on FDA

Alexander MacKay Schmidt, dean of medicine at the University of Illinois, has been appointed commissioner of the Food and Drug Administration (FDA). He succeeds Charles C. Edwards, who is now assistant secretary for health in the Department of Health, Education, and Welfare (HEW).

At a recent briefing with the press, Schmidt surmised that he had been selected for the FDA post because of his interest in medical management and administration which, he said, is well known in academic circles. Thus, Schmidt joins the team of new HEW leaders who have all been chosen for their managerial expertise. Asked how he had come to the attention of HEW and White House recruiters, Schmidt said that a number of people, both within and outside government, had submitted his name.

Schmidt, 43, was born in North Dakota and got his medical degree from the University of Utah in 1955. During the 1960’s he held various teaching posts at the University of Utah College of Medicine. In 1967 he came to the National Institutes of Health for a year and a half to serve as chief of the education and training branch of the Regional Medical Pro-

grams. In 1969 he moved to the University of Illinois, where he became dean and professor of medicine at the university’s Abraham Lincoln School of Medicine.

An internist, Schmidt has served on a number of state and national task forces related to manpower, continuing education, and medical school affairs.

In 1968, the graduating class at the Utah College of Medicine gave him the “best teacher award.”

Schmidt said the FDA staff is in good shape and he does not plan to make any drastic changes. But he emphasized the need for more in-house scientists—a perennial problem at FDA—and said there was a need to build “better bridges to the scientific world on a day-to-day basis.” Schmidt wants to create “increasing openness” of the agency and its actions. “They must be able to stand the light of day,” and if they don’t, “we’ll rethink it and do it over again.” He said FDA was increasingly getting into areas that require moral and ethical judgments, and that the agency would increasingly be looking to the public for advice. By “public” he said he was referring to scientists and doctors: “We have been a little shy about having the practicing world on our committees.”

Schmidt was reluctant to comment on specific FDA policies, but he said the controversial Delaney clause (which prohibits any level of carcinogens in food) would not be a problem if the public were well enough informed to make its own decisions on the risks it wants to take.

Schmidt does not see any need for FDA to be made an independent agency outside of HEW. “HEW is a massive organization, which means it is heavy, which means it has weight. I want to be able to use the weight of HEW.”—C.H.