

ILLINOIS POLLUTION CONTROL BOARD
May 24, 1973

IN THE MATTER OF)
PROPOSED BEVERAGE CONTAINER) #R71-24
REGULATIONS)

ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

The U. S. Brewers Association, the National Can Company, et al, and the Illinois Soft Drink Association have filed a Motion to Strike certain testimony and documents from the record. These include various communications to the Board, identified as Composite Exhibit 7 and specified in the motion, testimony offered at the various hearings with respect to the subjects of energy, litter, consumerism, and several specified documents alleged to be hearsay.

We find the motion in its entirety lacking in merit and, accordingly, deny it.

The Environmental Protection Act, Section 28, and Procedural Rule 209 of the Pollution Control Board, both contemplate the submission of unsworn communications to the Board in the course of regulatory hearings. Basic administrative law does not foreclose the receipt of hearsay evidence if the same has relevancy to the matter under consideration.

We believe the Hearing Officer was justified in permitting the introduction of all of the materials and testimony objected to.

The Motion to Strike is denied.

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the above Order was adopted on the 24th day of May, 1973, by a vote of 4 to 0.

