THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Legal Compilation

Statutes and Legislative History
Executive Orders
Regulations
Guidelines and Reports

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JANUARY 1973

WILLIAM D. RUCKELSHAUS
Administrator

Environmental Protection Agency
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ENVIRONMENTAL PROTECTION AGENCY

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FOREWORD

It has been said that America is like a gigantic boiler in that once the fire is lighted, there are no limits to the power it can generate. Environmentally, the fire has been lit!

With a mandate from the President and an aroused public concerning the environment, we are experiencing a new American Revolution, a revolution in our way of life. The era which began with the industrial revolution is over and things will never be quite the same again. We are moving slowly, perhaps even grudgingly at times, but inexorably into an age when social, spiritual and aesthetic values will be prized more than production and consumption. We have reached a point where we must balance civilization and nature through our technology.

The U.S. Environmental Protection Agency, formed by Reorganization Plan No. 3 of 1970, was a major commitment to this new ethic. It exists and acts in the public's name to ensure that due regard is given to the environmental consequences of actions by public and private institutions.

In a large measure, this is a regulatory role, one that encompasses basic, applied, and effects research; setting and enforcing standards; monitoring; and making delicate risks–benefit decisions aimed at creating the kind of world the public desires.

The Agency was not created to harass industry or to act as a shield behind which man could wreak havoc on nature. The greatest disservice the Environmental Protection Agency could do to American industry is to be a poor regulator. The environment would suffer, public trust would diminish, and instead of free enterprise, environmental anarchy would result.

It was once sufficient that the regulatory process produce wise and well-founded courses of action. The public, largely indifferent to regulatory activities, accepted agency actions as being for the "public convenience and necessity." Credibility gaps and cynicism make it essential not only that today's decisions be wise and well-founded but that the public know this to be true. Certitude, not faith, is de rigueur.

In order to participate intelligently in regulatory proceedings, the citizen should have access to the information available to the agency. EPA's policy is to make the fullest possible disclosure of information, without unjustifiable expense or delay, to any interested party. With

this in mind, the EPA Compilation of Legal Authority was produced not only for internal operations of EPA, but as a service to the public, as we strive together to lead the way, through the law, to preserving the earth as a place both habitable by and hospitable to man.

WILLIAM D. RUCKELSHAUS
Administrator
U.S. Environmental Protection Agency

PREFACE

Reorganization Plan No. 3 of 1970 transferred 15 governmental units with their functions and legal authority to create the U.S. Environmental Protection Agency. Since only the major laws were cited in the Plan, the Administrator, William D. Ruckelshaus, requested that a compilation of EPA legal authority be researched and published.

The publication has the primary function of providing a working document for the Agency itself. Secondarily, it will serve as a research tool for the public.

A permanent office in the Office of Legislation has been established to keep the publication updated by supplements.

It is the hope of EPA that this set will assist in the awesome task of developing a better environment.

LANE WARD GENTRY, J.D.
Assistant Director for Field Operations
Office of Legislation
U.S. Environmental Protection Agency

ACKNOWLEDGMENT

The idea of producing a compilation of the legal authority of EPA was conceived and commissioned by William D. Ruckelshaus, Administrator of EPA. The production of this compilation involved the cooperation and effort of numerous sources, both within and outside the Agency. The departmental libraries at Justice and Interior were used extensively; therefore we express our appreciation to Marvin P. Hogan, Librarian, Department of Justice; Arley E. Long, Land & Natural Resources Division Librarian, Department of Justice; Frederic E. Murray, Assistant Director, Library Services, Department of the Interior.

For exceptional assistance and cooperation, my gratitude to: Gary Baise, formerly Assistant to the Administrator, currently Director, Office of Legislation, who first began with me on this project; A. James Barnes, Assistant to the Administrator; K. Kirke Harper, Jr., Special Assistant for Executive Communications; John Dezzutti, Administrative Assistant, Office of Executive Communications; Roland O. Sorensen, Chief, Printing Management Branch, and Jacqueline Gouge and Thomas Green, Printing Management Staff; Ruth Simpkins, Janis Collier, Wm. Lee Rawls, Peter J. McKenna, James G. Chandler, Jeffrey D. Light, Randy Mott, Thomas H. Rawls, John D. Whittaker, Linda L. Payne, John M. Himmelberg, and Dana W. Smith, a beautiful staff who gave unlimited effort; and to many others behind the scenes who rendered varied assistance.

LANE WARD GENTRY, J.D.
Assistant Director for Field Operations
Office of Legislation
U.S. Environmental Protection Agency

INSTRUCTIONS

The goal of this text is to create a useful compilation of the legal authority under which the U.S. Environmental Protection Agency operates. These documents are for the general use of personnel of the EPA in assisting them in attaining the purposes set out by the President in creating the Agency. This work is not intended and should not be used for legal citations or any use other than as reference of a general nature. The author disclaims all responsibility for liabilities growing out of the use of these materials contrary to their intended purpose. Moreover, it should be noted that portions of the Congressional Record from the 92nd Congress were extracted from the "unofficial" daily version and are subject to subsequent modification.

EPA Legal Compilation consists of the Statutes with their legislative history, Executive Orders, Regulations, Guidelines and Reports. To facilitate the usefulness of this composite, the Legal Compilation is divided into the eight following chapters:

A. General
B. Air
C. Water
D. Solid Waste
E. Pesticides
F. Radiation
G. Noise
H. International

AIR

The chapter labeled "Air," and color coded light blue, contains the legal authority of the Agency directly related to air pollution. Several documents under this title are applicable to other areas of pollution, and when this occurs, a reference is made back to "General" where the full text appears. This method is used in order that the documents are not needlessly reproduced in each chapter.

SUBCHAPTERS

Statutes and Legislative History

For convenience, the Statutes are listed throughout the Compilation by a one-point system, i.e., 1.1, 1.2, 1.3, etc., and Legislative History begins wherever a letter follows the one-point system. Thusly, any 1.1a, 1.1b, 1.2a, etc., denotes the public laws comprising the 1.1,

1.2 statute. Each public law is followed by its legislative history. The legislative history in each case consists of the House Report, Senate Report, Conference Report (where applicable), the Congressional Record beginning with the time the bill was reported from committee.

Example:

1.1 Clean Air Act, as amended, 42 U.S.C. §1857 *et seq.* (1970).
1.1a Air Pollution Act of July 14, 1955, P.L. 84–159, 69 Stat. 322.
(1) Senate Committee on Public Works, S. REP. No. 389, 84th Cong., 1st Sess. (1955).
(2) House Committee on Interstate and Foreign Commerce, H.R. REP. No. 968, 84th Cong., 1st Sess. (1955).
(3) Congressional Record, Vol. 101 (1955):
(a) May 31: Amended and passed Senate, pp. 7248–7250;
(b) July 5: Amended and passed House, pp. 9923–9925;
(c) July 6: Senate concurs in House amendment, pp. 9984–9985.

This example not only demonstrates the pattern followed for legislative history, but indicates the procedure where only one section of a public law appears. You will note that the Congressional Record cited pages are only those pages dealing with the discussion and/or action taken pertinent to the section of law applicable to EPA. In the event there is no discussion of the pertinent section, only action or passage, then the asterisk (*) is used to so indicate, and no text is reprinted in the Compilation. In regard to the situation where only one section of a public law is applicable, then only the parts of the report dealing with same are printed in the Compilation.

Secondary Statutes

Many statutes make reference to other laws and rather than have this manual serve only for major statutes, these secondary statutes have been included where practical. These secondary statutes are indicated in the table of contents to each chapter by a bracketed cite to the particular section of the major act which made the reference.

Citations

The United States Code, being the official citation, is used throughout the Statute section of the compilation.

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.2	Public Contracts, Advertisements for Proposals for Purchases and Contracts for Supplies or Services for Government Departments; Application to Government Sales and Contracts to Sell and to Government Corporations, as amended, 41 U.S.C. §5 (1958).	Referred to in the Clean Air Act at §1857b-1(a)(2)(D).
1.3	Advances of Public Moneys, Prohibition Against, as revised, 31 U.S.C. §529 (1946).	Referred to in the Clean Air Act at §1857b-1(a)(2)(D).
1.4	Contracts: Acquisition, Construction or Furnishing of Test Facilities and Equipment, as amended, 10 U.S.C. §2353 (1956).	Referred to in the Clean Air Act at §1857b-(a)(2)(D).
1.5	Record on Review and Enforcement of Agency Orders, as amended, 28 U.S.C. §2112 (1966).	Referred to in the Clean Air Act at §§1857c-5(f)(2)(B), 1857f-5(b)(2)(B)(ii).
1.6	Disclosure of Confidential Information Generally, as amended, 18 U.S.C. §1905	Referred to in the Clean Air Act at §§1857c-9(c), 1857d(j)(1), 1857f-6(b), 1857h-5(a)(1).
1.7	Per Diem, Travel and Transportation Expenses; Experts and Consultants; Individuals Serving Without Pay, as amended, 5 U.S.C. §5703 (1969).	Referred to in the Clean Air Act at §§1857d(i), 1857e(e), 1857f-6e(b)(2).
1.8	Highway Safety Act of 1966, as amended, 23 U.S.C. §402 (1970).	Referred to in the Clean Air Act at §1857f-6b(2).
1.9	Federal Salary Act, as amended, 5 U.S.C. §§5305, 5332 (1970).	Referred to in the Clean Air Act at §1857f-6e(b)(3)(A).
1.10	The Federal Aviation Act of 1958, as amended, 49 U.S.C. §1301 *et seq.* (1970).	Referred to in the Clean Air Act at §§1857f-10(a), (b), 1857f-12.
1.11	Department of Transportation Act, as amended, 49 U.S.C. §1651 *et seq.* (1968).	Referred to in the Clean Air Act at §1857f-10(b).
1.12	The National Environmental Policy Act of 1969, 42 U.S.C. §4332(2)(c) (1970).	Referred to in the Clean Air Act at §1857h-7(a).
1.13	The Public Health Service Act, as amended, 42 U.S.C. §§241, 243, 246 (1970).	Referred to in the Clean Air Act at §1857i(b).
1.14	The Davis-Bacon Act, as amended, 40 U.S.C. §§276a-276a-5 (1964).	Referred to in the Clean Air Act at §1857j-3.
1.15	Reorganization Plan No. 14 of 1950, 64 Stat. 1267 (1950).	Referred to in the Clean Air Act at §1857j-3.

1.16	Regulations Governing Contractors and Subcontractors, as amended, 40 U.S.C. §276c (1958).	Referred to in the Clean Air Act : §1857j-3.
1.17	Federal Aid Highway Act, as amended, 23 U.S.C. §109(h), (j) (1970).	Direct reference in Act to EPA and a pollution at §109(h), (i), (j).
1.18	Airport and Airway Development Act, as amended, 49 U.S.C. §§1712(f), 1716(c)(4), (e)(1970).	Direct reference in Act to air pollutio at §§1712(f), 1716(e)(1).
1.19	Amortization of Pollution Control Facilities, as amended, 26 U.S.C. §169(d)(1)(B), (3) (1969).	§169d(1)(B) makes direct reference t the Clean Air Act.
1.20	Interest on Certain Government Obligations, as amended, 26 U.S.C. §103 (1969).	At §103(c)(4)(F) industrial developmen bonds are exempt from taxes on ai pollution control facilities.

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Guidelines and Reports

This subchapter is noted by a four-point system (4.1, 4.2, etc.). In this subchapter is found the statutorily required reports of EPA, published guidelines of EPA, selected reports other than EPA's and inter-departmental agreements of note.

UPDATING

Periodically, a supplement will be sent to the interagency distribution and made available through the U.S. Government Printing Office in order to provide an accurate working set of EPA Legal Compilation.

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THE CLEAN AIR ACT

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SUBCHAPTER I.—AIR POLLUTION PREVENTION AND CONTROL

§ 1857. Congressional findings; purposes of subchapter

(a) The Congress finds—

(1) that the predominant part of the Nation's population is located in its rapidly expanding metropolitan and other urban areas, which generally cross the boundary lines of local jurisdictions and often extend into two or more States;

(2) that the growth in the amount and complexity of air pollution brought about by urbanization, industrial development, and the increasing use of motor vehicles, has resulted in mounting dangers to the public health and welfare, including injury to agricultural crops and livestock, damage to and the deterioration of property, and hazards to air and ground transportation;

(3) that the prevention and control of air pollution at its source is the primary responsibility of States and local governments; and

(4) that Federal financial assistance and leadership is essential for the development of cooperative Federal, State, regional, and local programs to prevent and control air pollution.

(b) The purposes of this subchapter are—

(1) to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population;

(2) to initiate and accelerate a national research and development program to achieve the prevention and control of air pollution;

(3) to provide technical and financial assistance to State and local governments in connection with the development and execution of their air pollution prevention and control programs; and

(4) to encourage and assist the development and operation of regional air pollution control programs.

July 14, 1955, c. 360, Title I, § 101, formerly § 1, as added Dec. 17, 1963, Pub.L. 88–206, § 1, 77 Stat. 392, renumbered and amended Oct. 20, 1965, Pub.L. 89–272, Title I, § 101(2), (3), 79 Stat. 992; Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 485.

§ 1857a. Cooperative activities—Interstate cooperation; uniform State laws; State compacts

(a) The Administrator shall encourage cooperative activities by the States and local governments for the prevention and control of air pollution, encourage the enactment of improved and, so far as practicable in the light of varying conditions and needs, uniform State and local laws relating to the prevention and control of air

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pollution; and encourage the making of agreements and compacts between States for the prevention and control of air pollution.

Federal Cooperation

(b) The Administrator shall cooperate with and encourage cooperative activities by all Federal departments and agencies having functions relating to the prevention and control of air pollution, so as to assure the utilization in the Federal air pollution control program of all appropriate and available facilities and resources within the Federal Government.

Consent of Congress to compacts

(c) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of air pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements or compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by Congress. It is the intent of Congress that no agreement or compact entered into between States after November 21, 1967, which relates to the control and abatement of air pollution in an air quality control region, shall provide for participation by a State which is not included (in whole or in part) in such air quality control region.

July 14, 1955, c. 360, Title I, § 102, formerly § 2, as added Dec. 17, 1963, Pub.L. 88–206, § 1, 77 Stat. 393, renumbered Oct. 20, 1965, Pub.L. 89–272, Title I, § 101(3), 79 Stat. 992, amended Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 485, amended Dec. 31, 1970, Pub.L. 91–604, § 15(c) (2), 84 Stat. 1713.

§ 1857b. Research, invesigations, training, and other activities —Research and development program for prevention and control of air pollution

(a) The Administrator shall establish a national research and development program for the prevention and control of air pollution and as part of such program shall—

(1) conduct, and promote the coordination and acceleration of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, and control of air pollution;

(2) encourage, cooperate with, and render technical serv-

ices and provide financial assistance to air pollution control agencies and other appropriate public or private agencies, institutions, and organizations, and individuals in the conduct of such activities;

(3) conduct investigations and research and make surveys concerning any specific problem of air pollution in cooperation with any air pollution control agency with a view to recommending a solution of such problem, if he is requested to do so by such agency or if, in his judgment, such problem may affect any community or communities in a State other than that in which the source of the matter causing or contributing to the pollution is located;

(4) establish technical advisory committees composed of recognized experts in various aspects of air pollution to assist in the examination and evaluation of research progress and proposals and to avoid duplication of research.

Availability of information and recommendations; cooperative activities; research grants, etc.; contract; training; fellowships; collection and dissemination of basic data on chemical, physical and biological effects of air quality; process, method and device development

(b) In carrying out the provisions of the preceding subsection the Administrator is authorized to—

(1) collect and make available, through publications and other appropriate means, the results of and other information, including appropriate recommendations by him in connection therewith, pertaining to such research and other activities;

(2) cooperate with other Federal departments and agencies, with air pollution control agencies, with other public and private agencies, institutions, and organizations, and with any industries involved, in the preparation and conduct of such research and other activities;

(3) make grants to air pollution control agencies, to other public or nonprofit private agencies, institutions, and organizations, and to individuals, for purposes stated in subsection (a) (1) of this section;

(4) contract with public or private agencies, institutions, and organizations, and with individuals, without regard to section 529 of Title 31 and section 5 of Title 41;

(5) provide training for, and make training grants to, personnel of air pollution control agencies and other persons with suitable qualifications;

(6) establish and maintain research fellowships, in the En-

vironmental Protection Agency and at public or nonprofit private educational institutions or research organizations;

(7) collect and disseminate, in cooperation with other Federal departments and agencies, and with other public or private agencies, institutions, and organizations having related responsibilities, basic data on chemical, physical, and biological effects of varying air quality and other information pertaining to air pollution and the prevention and control thereof; and

(8) develop effective and practical processes, methods, and prototype devices for the prevention or control of air pollution.

Results of other scientific studies

(c) In carrying out the provisions of subsection (a) of this section the Administrator shall conduct research on, and survey the results of other scientific studies on, the harmful effects on the health or welfare of persons by the various known air pollutants.

Construction of facilities

(d) The Administrator is authorized to construct such facilities and staff and equip them as he determines to be necessary to carry out his functions under this chapter.

Potential air pollution problems; conferences; findings and recommendations of Administrator

(e) If, in the judgment of the Administrator, an air pollution problem of substantial significance may result from discharge or discharges into the atmosphere, he may call a conference concerning this potential air pollution problem to be held in or near one or more of the places where such discharge or discharges are occurring or will occur. All interested persons shall be given an opportunity to be heard at such conference, either orally or in writing, and shall be permitted to appear in person or by representative in accordance with procedures prescribed by the Administrator. If the Administrator finds, on the basis of the evidence presented at such conference, that the discharge or discharges if permitted to take place or continue are likely to cause or contribute to air pollution subject to abatement under section 1857d of this title, he shall send such findings, together with recommendations concerning the measures which he finds reasonable and suitable to prevent such pollution, to the person or persons whose actions will result in the discharge or discharges involved; to air pollution agencies of the State or States and of the municipality or municipalities where such discharge or discharges will originate; and to the

interstate air pollution control agency, if any, in the jurisdictional area of which any such municipality is located. Such findings and recommendations shall be advisory only, but shall be admitted together with the record of the conference, as part of the proceedings under subsections (b), (c), (d), (e), and (f) of section 1857d of this title.

Accelerated research program on short- and long-term effects of air pollutants; conduct of studies, utilization of facilities, and consultations; duration of contracts; authorization of appropriations

(f) (1) In carrying out research pursuant to this chapter, the Administrator shall give special emphasis to research on the short- and long-term effects of air pollutants on public health and welfare. In the furtherance of such research, he shall conduct an accelerated research program—

(A) to improve knowledge of the contribution of air pollutants to the occurrence of adverse effects on health, including, but not limited to, behavioral, physiological, toxicological, and biochemical effects; and

(B) to improve knowledge of the short- and long-term effects of air pollutants on welfare.

(2) In carrying out the provisions of this subsection the Administrator may—

(A) conduct epidemiological studies of the effects of air pollutants on mortality and morbidity;

(B) conduct clinical and laboratory studies on the immunologic, biochemical, physiological, and the toxicological effects including carcinogenic, teratogenic, and mutagenic effects of air pollutants;

(C) utilize, on a reimbursable basis, the facilities of existing Federal scientific laboratories and research centers;

(D) utilize the authority contained in paragraphs (1) through (4) of subsection (b) of this section; and

(E) consult with other appropriate Federal agencies to assure that research or studies conducted pursuant to this subsection will be coordinated with research and studies of such other Federal agencies.

(3) In entering into contracts under this subsection, the Administrator is authorized to contract for a term not to exceed 10 years in duration. For the purposes of this paragraph, there are authorized to be appropriated $15,000,000. Such amounts as are appropriated shall remain available until expended and shall be in addition to any other appropriations under this chapter.

July 14, 1955, c. 360, Title I, § 103, formerly § 3, as added Dec. 17,

1963, Pub.L. 88–206, § 1, 77 Stat. 394, renumbered and amended Oct. 20, 1965, Pub.L. 89–272, Title I, §§ 101(3), 103, 79 Stat. 992, 996; Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 486, amended Dec. 31, 1970, Pub.L. 91–604, §§ 2(a), 4(2), 15(a) (2), (c) (2), 84 Stat. 1676, 1689, 1710, 1713.

§ 1857b—1. Research relating to fuels and vehicles—Research programs; grants; contracts; pilot and demonstration plants; by-products research

(a) The Administrator shall give special emphasis to research and development into new and improved methods having industry-wide application, for the prevention and control of air pollution resulting from the combustion of fuels. In furtherance of such research and development he shall—

(1) conduct and accelerate research programs directed toward development of improved, low-cost techniques for—

(A) control of combustion byproducts of fuels,

(B) removal of potential air pollutants from fuels prior to combustion,

(C) control of emissions from the evaporation of fuels,

(D) improving the efficiency of fuels combustion so as to decrease atmospheric emissions, and

(E) producing synthetic or new fuels which, when used, result in decreased atmospheric emissions.

(2) provide for Federal grants to public or nonprofit agencies, institutions, and organizations and to individuals, and contracts with public or private agencies, institutions, or persons, for payment of (A) part of the cost of acquiring, constructing, or otherwise securing for research and development purposes, new or improved devices or methods having industrywide application of preventing or controlling discharges into the air of various types of pollutants; (B) part of the cost of programs to develop low emission alternatives to the present internal combustion engine; (C) the cost to purchase vehicles and vehicle engines, or portions thereof, for research, development, and testing purposes; and (D) carrying out the other provisions of this section, without regard to section 529 of Title 31 and section 5 of Title 41: *Provided,* That research or demonstration contracts awarded pursuant to this subsection (including contracts for construction) may be made in accordance with, and subject to the limitations provided with respect to research contracts of the military departments in, section 2353 of Title 10, except that the de-

termination, approval, and certification required thereby shall be made by the Secretary: *Provided further,* That no grant may be made under this paragraph in excess of $1,500,000;

(3) determine, by laboratory and pilot plant testing, the results of air pollution research and studies in order to develop new or improved processes and plant designs to the point where they can be demonstrated on a large and practical scale;

(4) construct, operate, and maintain, or assist in meeting the cost of the construction, operation, and maintenance of new or improved demonstration plants or processes which have promise of accomplishing the purposes of this chapter;

(5) study new or improved methods for the recovery and marketing of commercially valuable byproducts resulting from the removal of pollutants.

Powers of Administrator in establishing research and development programs

(b) In carrying out the provisions of this section, the Administrator may—

(1) conduct and accelerate research and development of low-cost instrumentation techniques to facilitate determination of quantity and quality of air pollutant emissions, including, but not limited to, automotive emissions;

(2) utilize, on a reimbursable basis, the facilities of existing Federal scientific laboratories;

(3) establish and operate necessary facilities and test sites at which to carry on the research, testing, development, and programing necessary to effectuate the purposes of this section;

(4) acquire secret processes, technical data, inventions, patent applications, patents, licenses, and an interest in lands, plants, and facilities, and other property or rights by purchase, license, lease, or donation; and

(5) cause on-site inspections to be made of promising domestic and foreign projects, and cooperate and participate in their development in instances in which the purposes of the chapter will be served thereby.

Authorization of appropriations

(c) For the purposes of this section there are authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1971, $125,000,000 for the fiscal year ending June 30, 1972, and $150,000,000 for the fiscal year ending June 30, 1973. Amounts

appropriated pursuant to this subsection shall remain available until expended.

July 14, 1955, c. 360, Title I, § 104, as added Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 487, Dec. 5, 1969, Pub.L. 91–137, 83 Stat. 283, amended Dec. 31, 1970, Pub.L. 91–604, §§ 2(b), (c), 13(a), 15(c)(2), 84 Stat. 1676, 1677, 1709, 1713.

§ 1857c. Grants for support of air pollution planning and control programs—Amounts; limitations; assurances of plan development capability

(a) (1) (A) The Administrator may make grants to air pollution control agencies in an amount up to two-thirds of the cost of planning, developing, establishing, or improving, and up to one-half of the cost of maintaining programs for the prevention and control of air pollution or implementation of national primary and secondary ambient air quality standards.

(B) Subject to subparagraph (C), the Administrator may make grants to air pollution control agencies within the meaning of paragraph (1), (2), or (4) of section 1857h(b) of this title in an amount up to three-fourths of the cost of planning, developing, establishing, or improving, and up to three-fifths of the cost of maintaining, any program for the prevention and control of air pollution or implementation of national primary and secondary ambient air quality standards in an area that includes two or more municipalities, whether in the same or different States.

(C) With respect to any air quality control region or portion thereof for which there is an applicable implementation plan under section 1857c—5 of this title grants under subparagraph (B) may be made only to air pollution control agencies which have substantial responsibilities for carrying out such applicable implementation plan.

(2) Before approving any grant under this subsection to any air pollution control agency within the meaning of sections 1857h(b)(2) and 1857h(b)(4) of this title, the Administrator shall receive assurances that such agency provides for adequate representation of appropriate State, interstate, local, and (when appropriate) international, interests in the air quality control region.

(3) Before approving any planning grant under this subsection to any air pollution control agency within the meaning of sections 1857h(b)(2) and 1857h(b)(4) of this title, the Administrator shall receive assurances that such agency has the capability of developing a comprehensive air quality plan for the air quality

control region, which plan shall include (when appropriate) a recommended system of alerts to avert and reduce the risk of situations in which there may be imminent and serious danger to the public health or welfare from air pollutants and the various aspects relevant to the establishment of air quality standards for such air quality control region, including the concentration of industries, other commercial establishments, population and naturally occurring factors which shall affect such standards.

Terms and conditions; regulations; factors for consideration; expenditure and consultation requirements

(b) From the sums available for the purposes of subsection (a) of this section for any fiscal year, the Administrator shall from time to time make grants to air pollution control agencies upon such terms and conditions as the Administrator may find necessary to carry out the purpose of this section. In establishing regulations for the granting of such funds the Administrator shall, so far as practicable, give due consideration to (1) the population, (2) the extent of the actual or potential air pollution problem, and (3) the financial need of the respective agencies. No agency shall receive any grant under this section during any fiscal year when its expenditures of non-Federal funds for other than nonrecurrent expenditures for air pollution control programs will be less than its expenditures were for such programs during the preceding fiscal year; and no agency shall receive any grant under this section with respect to the maintenance of a program for the prevention and control of air pollution unless the Administrator is satisfied that such grant will be so used as to supplement and, to the extent practicable, increase the level of State, local, or other non-Federal funds that would in the absence of such grant be made available for the maintenance of such program, and will in no event supplant such State, local, or other non-Federal funds. No grant shall be made under this section until the Administrator has consulted with the appropriate official as designated by the Governor or Governors of the State or States affected.

State expenditure limitation

(c) Not more than 10 per centum of the total of funds appropriated or allocated for the purposes of subsection (a) of this section shall be granted for air pollution control programs in any one State. In the case of a grant for a program in an area crossing State boundaries, the Administrator shall determine the portion of such grant that is chargeable to the percentage limitation under this subsection for each State into which such area extends.

Reduction of payments; availability of reduced amounts; reduced amount as deemed paid to agency for purpose of determining amount of grant

(d) The Administrator, with the concurrence of any recipient of a grant under this section, may reduce the payments to such recipient by the amount of the pay, allowances, traveling expenses, and any other costs in connection with the detail of any officer or employee to the recipient under section 1857g of this title, when such detail is for the convenience of, and at the request of, such recipient and for the purpose of carrying out the provisions of this chapter. The amount by which such payments have been reduced shall be available for payment of such costs by the Administrator, but shall, for the purpose of determining the amount of any grant to a recipient under subsection (a) of this section, be deemed to have been paid to such agency.

July 14, 1955, c. 360, Title I, § 105, formerly § 4, as added Dec. 17, 1963, Pub.L. 88–206, § 1, 77 Stat. 395, renumbered and amended § 104, Oct. 20, 1965, Pub.L. 89–272, Title I, § 101(2)–(4), 79 Stat. 992; Oct. 15, 1966, Pub.L. 89–675, § 3, 80 Stat. 954, renumbered and amended § 105, Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 489, amended Dec. 31, 1970, Pub.L. 91–604, §§ 3(a), (b) (1), 15(c) (2), 84 Stat. 1677, 1713.

§ 1857c—1. Interstate air quality agencies; program cost limitations

For the purpose of developing implementation plans for any interstate air quality control region designated pursuant to section 1857c—2 of this title, the Administrator is authorized to pay, for two years, up to 100 per centum of the air quality planning program costs of any agency designated by the Governors of the affected States, which agency shall be capable of recommending to the Governors plans for implementation of national primary and secondary ambient air quality standards and shall include representation from the States and appropriate political subdivisions within the air quality control region. After the initial two-year period the Administrator is authorized to make grants to such agency in an amount up to three-fourths of the air quality planning program costs of such agency.

July 14, 1955, c. 360, Title I, § 106, as added Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 490, amended Dec. 31 1970, Pub.L. 91–604, § 3(c), 84 Stat. 1677.

§ 1857c—2. Air quality control regions—Responsibility of State for air quality; submission of implementation plan

(a) Each State shall have the primary responsibility for assuring air quality within the entire geographic area comprising such

State by submitting an implementation plan for such State which will specify the manner in which national primary and secondary ambient air quality standards will be achieved and maintained within each air quality control region in such State.

Designated regions

(b) For purposes of developing and carrying out implementation plans under section 1857c—5 of this title—

(1) an air quality control region designated under this section before December 31, 1970, or a region designated after such date under subsection (c) of this section, shall be an air quality control region; and

(2) the portion of such State which is not part of any such designated region shall be an air quality control region, but such portion may be subdivided by the State into two or more air quality control regions with the approval of the Administrator.

Authority of Administrator to designate regions; notification of Governors of affected States

(c) The Administrator shall, within 90 days after December 31, 1970, after consultation with appropriate State and local authorities, designate as an air quality control region any interstate area or major intrastate area which he deems necessary or appropriate for the attainment and maintenance of ambient air quality standards. The Administrator shall immediately notify the Governors of the affected States of any designation made under this subsection.

July 14, 1955, c. 360, Title I, § 107, as added Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 490, Title I, § 107, as added Dec. 31, 1970, Pub.L. 91–604, § 4(a), 84 Stat. 1678.

§ 1857c—3. Air quality criteria and control techniques—Air pollutant list; publication and revision by Administrator; issuance of air quality criteria for air pollutants

(a) (1) For the purpose of establishing national primary and secondary ambient air quality standards, the Administrator shall within 30 days after December 31, 1970, publish, and shall from time to time thereafter revise, a list which includes each air pollutant—

(A) which is his judgment has an adverse effect on public health or welfare;

(B) the presence of which in the ambient air results from numerous or diverse mobile or stationary sources; and

(C) for which air quality criteria had not been issued be-

fore December 31, 1970, but for which he plans to issue air quality criteria under this section.

(2) The Administrator shall issue air quality criteria for an air pollutant within 12 months after he has included such pollutant in a list under paragraph (1). Air quality criteria for an air pollutant shall accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of such pollutant in the ambient air, in varying quantities. The criteria for an air pollutant, to the extent practicable, shall include information on—

(A) those variable factors (including atmospheric conditions) which of themselves or in combination with other factors may alter the effects on public health or welfare of such air pollutant;

(B) the types of air pollutants which, when present in the atmosphere, may interact with such pollutant to produce an adverse effect on public health or welfare; and

(C) any known or anticipated adverse effects on welfare.

Issuance by Administrator of information on air pollution control techniques; standing consulting committees for air pollutants; establishment, membership

(b) (1) Simultaneously with the issuance of criteria under subsection (a) of this section, the Administrator shall, after consultation with appropriate advisory committees and Federal departments and agencies, issue to the States and appropriate air pollution control agencies information on air pollution control techniques, which information shall include data relating to the technology and costs of emission control. Such information shall include such data as are available on available technology and alternative methods of prevention and control of air pollution. Such information shall also include data on alternative fuels, processes, and operating methods which will result in elimination or significant reduction of emissions.

(2) In order to assist in the development of information on pollution control techniques, the Administrator may establish a standing consulting committee for each air pollutant included in a list published pursuant to subsection (a) (1) of this section, which shall be comprised of technically qualified individuals representative of State and local governments, industry, and the academic community. Each such committee shall submit, as appropriate, to the Administrator information elated to that required by paragraph (1).

Review, modification, and reissuance by Administrator

(c) The Administrator shall from time to time review, and, as appropriate, modify, and reissue any criteria or information on control techniques issued pursuant to this section.

Publication in Federal Register; availability of copies for general public

(d) The issuance of air quality criteria and information on air pollution control techniques shall be announced in the Federal Register and copies shall be made available to the general public. July 14, 1955, c. 360, Title I, § 108, as added Dec. 31, 1970, Pub.L. 91–604, § 4(a), 84 Stat. 1678.

§ 1857c—4. National primary and secondary ambient air quality standards; promulgation; procedure

(a) (1) The Administrator—

(A) within 30 days after December 31, 1970, shall publish proposed regulations prescribing a national primary ambient air quality standard and a national secondary ambient air quality standard for each air pollutant for which air quality criteria have been issued prior to such date; and

(B) after a reasonable time for interested persons to submit written comments thereon (but no later than 90 days after the initial publication of such proposed standards) shall by regulation promulgate such proposed national primary and secondary ambient air quality standards with such modifications as he deems appropriate.

(2) With respect to any air pollutant for which air quality criteria are issued after December 31, 1970, the Administrator shall publish, simultaneously with the issuance of such criteria and information, proposed national primary and secondary ambient air quality standards for any such pollutant. The procedure provided for in paragraph (1) (B) of this subsection shall apply to the promulgation of such standards.

(b) (1) National primary ambient air quality standards, prescribed under subsection (a) of this section shall be ambient air quality standards the attainment and maintenance of which in the judgment of the Administrator, based on such criteria and allowing an adequate margin of safety, are requisite to protect the public health. Such primary standards may be revised in the same manner as promulgated

(2) Any national secondary ambient air quality standard prescribed under subsection (a) of this section shall specify a level of air quality the attainment and maintenance of which in the judgment of the Administrator, based on such criteria, is requisite to

protect the public welfare from any known or anticipated adverse effects associated with the presence of such air pollutant in the ambient air. Such secondary standards may be revised in the same manner as promulgated.[1]

July 14, 1955, c. 360, Title I, § 109, as added Dec. 31, 1970, Pub.L. 91–604, § 4(a), 84 Stat. 1679.

§ 1857c—5. State implementation plans for national primary and secondary ambient air quality standards—Submission to Administrator; time for submission; State procedures; required contents of plans for approval by Administrator; approval of revised plan by Administra.

(a) (1) Each State shall, after reasonable notice and public hearings, adopt and submit to the Administrator, within nine months after the promulgation of a national primary ambient air quality standard (or any revision thereof) under section 1857c—4 of this title for any air pollutant, a plan which provides for implementation, maintenance, and enforcement of such primary standard in each air quality control region (or portion thereof) within such State. In addition, such State shall adopt and submit to the Administrator (either as a part of a plan submitted under the preceding sentence or separately) within nine months after the promulgation of a national ambient air quality secondary standard (or revision thereof), a plan which provides for implementation, maintenance, and enforcement of such secondary standard in each air quality control region (or portion thereof) within such State. Unless a separate public hearing is provided, each State shall consider its plan implementing such secondary standard at the hearing required by the first sentence of this paragraph.

(2) The Administrator shall, within four months after the date required for submission of a plan under paragraph (1), approve or disapprove such plan or each portion thereof. The Administrator shall approve such plan, or any portion thereof, if he determines that it was adopted after reasonable notice and hearing and that—

(A) (i) in the case of a plan implementing a national primary ambient air quality standard, it provides for the attainment of such primary standard as expeditiously as practicable but (subject to subsection (e) of this section) in no case later than three years from the date of approval of such plan (or any revision thereof to take account of a revised primary standard); and (ii) in the case of a plan implementing a national secondary ambient air quality standard, it

[1] Period omitted in statute.

specifies a reasonable time at which such secondary standard will be attained;

(B) it includes emission limitations, schedules, and timetables for compliance with such limitations, and such other measures as may be necessary to insure attainment and maintenance of such primary or secondary standard, including, but not limited to, land-use and transportation controls;

(C) it includes provision for establishment and operation of appropriate devices, methods, systems, and procedures necessary to (i) monitor, compile, and analyze data on ambient air quality and, (ii) upon request, make such data available to the Administrator;

(D) it includes a procedure, meeting the requirements of paragraph (4), for review (prior to construction or modification) of the location of new sources to which a standard of performance will apply;

(E) it contains adequate provisions for intergovernmental cooperation, including measures necessary to insure that emissions of air pollutants from sources located in any air quality control region will not interfere with the attainment or maintenance of such primary or secondary standard in any portion of such region outside of such State or in any other air quality control region;

(F) it provides (i) necessary assurances that the State will have adequate personnel, funding, and authority to carry out such implementation plan, (ii) requirements for installation of equipment by owners or operators of stationary sources to monitor emissions from such sources, (iii) for periodic reports on the nature and amounts of such emissions; (iv) that such reports shall be correlated by the State agency with any emission limitations or standards established pursuant to this chapter, which reports shall be available at reasonable time for public inspection; and (v) for authority comparable to that in section 1857h—1 of this title, and adequate contingency plans to implement such authority;

(G) it provides, to the extent necessary and practicable, for periodic inspection and testing of motor vehicles to enforce compliance with applicable emission standards; and

(H) it provides for revision, after public hearings, of such plan (i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of achieving such primary or

secondary standard; or (ii) whenever the Administrator finds on the basis of information available to him that the plan is substantially inadequate to achieve the national ambient air quality primary or secondary standard which it implements.

(3) The Administrator shall approve any revision of an implementation plan applicable to an air quality control region if he determines that it meets the requirements of paragraph (2) and has been adopted by the State after reasonable notice and public hearings.

(4) The procedure referred to in paragraph (2) (D) for review, prior to construction or modification, of the location of new sources shall (A) provide for adequate authority to prevent the construction or modification of any new source to which a standard of performance under section 1857c—6 of this title will apply at any location which the State determines will prevent the attainment or maintenance within any air quality control region (or portion thereof) within such State of a national ambient air quality primary or secondary standard, and (B) require that prior to commencing construction or modification of any such source, the owner or operator thereof shall submit to such State such information as may be necessary to permit the State to make a determination under clause (A).

Extension of period for submission of plan implementing national secondary ambient air quality standard

(b) The Administrator may, wherever he determines necessary, extend the period for submission of any plan or portion thereof which implements a national secondary ambient air quality standard for a period not to exceed 18 months from the date otherwise required for submission of such plan.

Preconditions for preparation and publication by Administrator of proposed regulations setting forth an implementation plan; hearings for proposed regulations; promulgation of regulations by Administrator

(c) The Administrator shall, after consideration of any State hearing record, promptly prepare and publish proposed regulations setting forth an implementation plan, or portion thereof, for a State if—

(1) the State fails to submit an implementation plan for any national ambient air quality primary or secondary standard within the time prescribed,

(2) the plan, or any portion thereof, submitted for such State is determined by the Administrator not to be in accordance with the requirements of this section, or

(3) the State fails, within 60 days after notification by the Administrator or such longer period as he may prescribe, to revise an implementation plan as required pursuant to a provision of its plan referred to in subsection (a) (2) (H) of this section.

If such State held no public hearing associated with respect to such plan (or revision thereof), the Administrator shall provide opportunity for such hearing within such State on any proposed regulation. The Administrator shall, within six months after the date required for submission of such plan (or revision thereof), promulgate any such regulations unless, prior to such promulgation, such State has adopted and submitted a plan (or revision) which the Administrator determines to be in accordance with the requirements of this section.

Applicable implementation plan

(d) For purposes of this chapter, an applicable implementation plan is the implementation plan, or most recent revision thereof, which has been approved under subsection (a) of this section or promulgated under subsection (c) of this section and which implements a national primary or secondary ambient air quality standard in a State.

Extension of time period for attainment of national primary ambient air quality standard in implementation plan; procedure; approval of extension by Administrator

(e) (1) Upon application of a Governor of a State at the time of submission of any plan implementing a national ambient air quality primary standard, the Administrator may (subject to paragraph (2)) extend the three-year period referred to in subsection (a) (2) (A) (i) of this section for not more than two years for an air quality control region if after review of such plan the Administrator determines that—

(A) one or more emission sources (or classes of moving sources) are unable to comply with the requirements of such plan which implement such primary standard because the necessary technology or other alternatives are not available or will not be available soon enough to permit compliance within such three-year period, and

(B) the State has considered and applied as a part of its plan reasonably available alternative means of attaining such primary standard and has justifiably concluded that attainment of such primary standard within the three years cannot be achieved.

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(2) The Administrator may grant an extension under paragraph (1) only if he determines that the State plan provides for—

(A) application of the requirements of the plan which implement such primary standard to all emission sources in such region other than the sources (or classes) described in paragraph (1) (A) within the three-year period, and

(B) such interim measures of control of the sources (or classes) described in paragraph (1) (A) as the Administrator determines to be reasonable under the circumstances.

Postponement of compliance by any stationary source or class of moving sources with any requirement of an applicable implementation plan; application by Governor of affected State; determination by Administrator; notice and opportunity for hearing; judicial review; precedence of cases; subpenas

(f) (1) Prior to the date on which any stationary source or class of moving sources is required to comply with any requirement of an applicable implementation plan the Governor of the State to which such plan applies may apply to the Administrator to postpone the applicability of such requirement to such source (or class) for not more than one year. If the Administrator determines that—

(A) good faith efforts have been made to comply with such requirement before such date,

(B) such source (or class) is unable to comply with such requirement because the necessary technology or other alternative methods of control are not available or have not been available for a sufficient period of time,

(C) any available alternative operating procedures and interim control measures have reduced or will reduce the impact of such source on public health, and

(D) the continued operation of such source is essential to national security or to the public health or welfare,

then the Administrator shall grant a postponement of such requirement.

(2) (A) Any determination under paragraph (1) shall (i) be made on the record after notice to interested persons and opportunity for hearing, (ii) be based upon a fair evaluation of the entire record at such hearing, and (iii) include a statement setting forth in detail the findings and conclusions upon which the determination is based.

(B) Any determination made pursuant to this paragraph shall be subject to judicial review by the United States court of appeals for the circuit which includes such State upon the filing such court

within 30 days from the date of such decision of a petition by any interested person praying that the decision be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the Administrator and thereupon the Administrator shall certify and file in such court the record upon which the final decision complained of was issued, as provided in section 2112 of Title 28. Upon the filing of such petition the court shall have jurisdiction to affirm or set aside the determination complained of in whole or in part. The findings of the Administrator with respect to questions of fact (including each determination made under subparagraphs (A), (B), (C), and (D) of paragraph (1)) shall be sustained if based upon a fair evaluation of the entire record at such hearing.

(C) Proceedings before the court under this paragraph shall take precedence over all the other causes of action on the docket and shall be assigned for hearing and decision at the earliest practicable date and expedited in every way.

(D) Section 1857h—5(a) of this title (relating to subpenas) shall be applicable to any proceeding under this subsection.
July 14, 1955, c. 360, Title I, § 110, as added Dec. 31, 1970, Pub.L. 91–604, § 4(a), 84 Stat. 1680.

§ 1857c—6. Standards of performance for new stationary sources—Definitions

(a) For purposes of this section:

(1) The term "standard of performance" means a standard for emissions of air pollutants which reflects the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction) the Administrator determines has been adequately demonstrated.

(2) The term "new source" means any stationary source the construction or modification of which is commenced after the publication of regulations (or, if earlier, proposed regulations) prescribing a standard of performance under this section which will be applicable to such source.

(3) The term "stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant.

(4) The term "modification" means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by

such source or which results in the emission of any air pollutant not previously emitted.

(5) The term "owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.

(6) The term "existing source" means any stationary source other than a new source.

Publication and revision by Administrator of list of categories of stationary sources; inclusion of category in list; proposal of regulations by Administrator establishing standards for new sources within category; promulgation and revision of standards; differentiation within categories of new sources; issuance of information on pollution control techniques; applicability to new sources owned or operated by United States

(b) (1) (A) The Administrator shall, within 90 days after December 31, 1970, publish (and from time to time thereafter shall revise) a list of categories of stationary sources. He shall include a category of sources in such list if he determines it may contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare.

(B) Within 120 days after the inclusion of a category of stationary sources in a list under subparagraph (A), the Administrator shall publish proposed regulations, establishing Federal standards of performance for new sources within such category. The Administrator shall afford interested persons an opportunity for written comment on such proposed regulations. After considering such comments, he shall promulgate, within 90 days after such publication, such standards with such modification as he deems appropriate. The Administrator may, from time to time, revise such standards following the procedure required by this subsection for promulgation of such standards. Standards of performance or revisions thereof shall become effective upon promulgation.

(2) The Administrator may distinguish among classes, types, and sizes within categories of new sources for the purpose of establishing such standards.

(3) The Administrator shall, from time to time, issue information on pollution control techniques for categories of new sources and air pollutants subject to the provisions of this section.

(4) The provisions of this section shall apply to any new source owned or operated by the United States.

Implementation and enforcement by State; procedure; delegation of authority of Administrator to State; enforcement power of Administrator unaffected

(c) (1) Each State may develop and submit to the Administra-

tor a procedure for implementing and enforcing standards of performance for new sources located in such State. If the Administrator finds the State procedure is adequate, he shall delegate to such State any authority he has under this chapter to implement and enforce such standards (except with respect to new sources owned or operated by the United States).

(2) Nothing in this subsection shall prohibit the Administrator from enforcing any applicable standard of performance under this section.

Emission standards for any existing source for any air pollutant; submission of State plan to Administrator establishing, implementing and enforcing standards; authority of Administrator to prescribe State plan; authority of Administrator to enforce State plan; procedure

(d) (1) The Administrator shall prescribe regulations which shall establish a procedure similar to that provided by section 1857c—5 of this title under which each State shall submit to the Administrator a plan which (A) establishes emission standards for any existing source for any air pollutant (i) for which air quality criteria have not been issued or which is not included on a list published under section 1857c—3(a) or 1857c—7(b) (1) (A) of this title but (ii) to which a standard of performance under subsection (b) of this section would apply if such existing source were a new source, and (B) provides for the implementation and enforcement of such emission standards.

(2) The Administrator shall have the same authority—

(A) to prescribe a plan for a State in cases where the State fails to submit a satisfactory plan as he would have under section 1857c—5(c) of this title in the case of failure to submit an implementation plan, and

(B) to enforce the provisions of such plan in cases where the State fails to enforce them as he would have under sections 1857c—8 and 1857c—9 of this title with respect to an implementation plan.

Prohibited acts

(e) After the effective date of standards of performance promulgated under this section, it shall be unlawful for any owner or operator of any new source to operate such source in violation of any standard of performance applicable to such source.

July 14, 1955, c. 360, Title I, § 111, as added Dec. 31, 1970, Pub.L. 91–604, § 4(a), 84 Stat. 1683 and amended Nov. 18, 1971, Pub.L. 92–157, Title III, § 302(f), 85 Stat. 464.

§ 1857c—7. National emission standards for hazardous air pollutants—Definitions

(a) For purposes of this section—

(1) The term "hazardous air pollutant" means an air pollutant to which no ambient air quality standard is applicable and which in the judgment of the Administrator may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

(2) The term "new source" means a stationary source the construction or modification of which is commenced after the Administrator proposes regulations under this section establishing an emission standard which will be applicable to such source.

(3) The term "stationary source", "modification", "owner or operator" and "existing source" shall have the same meaning as such terms have under section 1857c—6(a) of this title.

Publication and revision by Administrator of list of hazardous air pollutants; inclusion of air pollutant in list; proposal of regulations by Administrator establishing standards for pollutant; establishment of standards; standards effective upon promulgation; issuance of information on pollution control techniques

(b) (1) (A) The Administrator shall, within 90 days after December 31, 1970, publish (and shall from time to time thereafter revise) a list which includes each hazardous air pollutant for which he intends to establish an emission standard under this section.

(B) Within 180 days after the inclusion of any air pollutant in such list, the Administrator shall publish proposed regulations establishing emission standards for such pollutant together with a notice of a public hearing within thirty days. Not later than 180 days after such publication, the Administrator shall prescribe an emission standards for such pollutant, unless he finds, on the basis of information presented at such hearings, that such pollutant clearly is not a hazardous air pollutant. The Administrator shall establish any such standard at the level which in his judgment provides an ample margin of safety to protect the public health from such hazardous air pollutant.

(C) Any emission standard established pursuant to this section shall become effective upon promulgation.

(2) The Administrator shall, from time to time, issue information on pollution control techniques for air pollutants subject to the provisions of this section.

Prohibited acts; exemption by President for any stationary source; duration and extension of exemption; report to Congress

(c) (1) After the effective date of any emission standard under this section—

(A) no person may construct any new source or modify any existing source which, in the Administrator's judgment, will emit an air pollutant to which such standard applies unless the Administrator finds that such source if properly operated will not cause emissions in violation of such standard, and

(B) no air pollutant to which such standard applies may be emitted from any stationary source in violation of such standard, except that in the case of an existing source—

(i) such standard shall not apply until 90 days after its effective date, and

(ii) the Administrator may grant a waiver permitting such source a period of up to two years after the effective date of a standard to comply with the standard, if he finds that such period is necessary for the installation of controls and that steps will be taken during the period of the wavier to assure that the health of persons will be protected from imminent endangerment.

(2) The President may exempt any stationary source from compliance with paragraph (1) for a period of not more than two years if he finds that the technology to implement such standards is not available and the operation of such source is required for reasons of national security. An exemption under this paragraph may be extended for one or more additional periods, each period not to exceed two years. The President shall make a report to Congress with respect to each exemption (or extension thereof) made under this paragraph.

Implementation and enforcement by State of standards for stationary sources; procedure; delegation of authority of Administrator to State; enforcement power of Administrator unaffected

(d) (1) Each State may develop and submit to the Administrator a procedure for implementing and enforcing emission standards for hazardous air pollutants for stationary sources located in such State. If the Administrator finds the State procedure is adequate, he shall delegate to such State any authority he has under this chapter to implement and enforce such standards (except with respect to stationary sources owned or operated by the United States).

(2) Nothing in this subsection shall prohibit the Administrator from enforcing any applicable emission standard under this section.

July 14, 1955, c. 360, Title I, § 112, as added Dec. 31, 1970, Pub.L. 91–604, § 4(a), 84 Stat. 1685.

§ 1857c—8. Federal enforcement procedures—Determination of violation of applicable implementation plan or standard; notification of violator; issuance of compliance order or initiation of civil action upon failure to correct; effect of compliance order; contents of compliance order

(a) (1) Whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of any requirement of an applicable implementation plan, the Administrator shall notify the person in violation of the plan and the State in which the plan applies of such finding. If such violation extends beyond the 30th day after the date of the Administrator's notification, the Administrator may issue an order requiring such person to comply with the requirements of such plan or he may bring a civil action in accordance with subsection (b) of this section.

(2) Whenever, on the basis of information available to him, the Administrator finds that violations of an applicable implementation plan are so widespread that such violations appear to result from a failure of the State in which the plan applies to enforce the plan effectively, he shall so notify the State. If the Administrator finds such failure extends beyond the 30th day after such notice, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Administrator that it will enforce such plan (hereafter referred to in this section as "period of federally assumed enforcement"), the Administrator may enforce any requirement of such plan with respect to any person—

(A) by issuing an order to comply with such requirement, or

(B) by bringing a civil action under subsection (b) of this section.

(3) Whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of section 1857c—6(e) of this title (relating to new source performance standards) or section 1857c—7(c) of this title (relating to standards for hazardous emissions), or is in violation of any requirement of section 1857c—9 of this title (relating to inspections, etc.), he may issue an order requiring such person to comply with such section or requirement, or he may bring a civil action in accordance with subsection (b) of this section.

(4) An order issued under this subsection (other than an order relating to a violation of section 1857c—7 of this title) shall not take effect until the person to whom it is issued has had an oppor-

tunity to confer with the Administrator concerning the alleged violation. A copy of any order issued under this subsection shall be sent to the State air pollution control agency of any State in which the violation occurs. Any order issued under this subsection shall state with reasonable specificity the nature of the violation, specify a time for compliance which the Administrator determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. In any case in which an order under this subsection (or notice to a violator under paragraph (1)) is issued to a corporation, a copy of such order (or notice) shall be issued to appropriate corporate officers.

Civil action for appropriate relief; jurisdiction; venue; notice to appropriate State agency

(b) The Administrator may commence a civil action for appropriate relief, including a permanent or temporary injunction, whenever any person—

(1) violates or fails or refuses to comply with any order issued under subsection (a) of this section; or

(2) violates any requirements of an applicable implementation plan (A) during any period of Federally assumed enforcement, or (B) more than 30 days after having been notified by the Administrator under subsection (a) (1) of this section of a finding that such person is violating such requirement; or

(3) violates section 1857c—6(e) or section 1857c—7(c) of this title; or

(4) fails or refuses to comply with any requirement of section 1857c—9 of this title.

Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given to the appropriate State air pollution control agency.

Penalties

(c) (1) Any person who knowingly—

(A) violates any requirement of an applicable implementation plan (i) during any period of Federally assumed enforcement, or (ii) more than 30 days after having been notified by the Administrator under subsection (a) (1) of this section that such person is violating such requirement, or

(B) violates or fails or refuses to comply with any order

issued by the Administrator under subsection (a) of this section, or

(C) violates section 1857c—6(e) or section 1857c—7(c) of this title,

shall be punished by a fine of not more than $25,000 per day of violation, or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after the first conviction of such person under this paragraph, punishment shall be by a fine of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or by both.

(2) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this chapter or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this chapter, shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

July 14, 1955, c. 360, Title I, § 113, as added Dec. 31, 1970, Pub.L. 91–604, § 4(a), 84 Stat. 1686, and amended Nov. 18, 1971, Pub.L. 92–157, Title III, § 302(b)(c), 85 Stat. 464.

§ 1857c—9. Recordkeeping, inspections, monitoring, and entry—Authority of Administrator or authorized representative

(a) For the purpose (i) of developing or assisting in the development of any implementation plan under section 1857c—5 or section 1857c—6(d) of this title any standard of performance under section 1857c—6 of this title, or any emission standard under section 1857c—7 of this title, (ii) of determining whether any person is in violation of any such standard or any requirement of such a plan, or (iii) carrying out section 1857h—1 of this title—

(1) the Administrator may require the owner or operator of any emission source to (A) establish and maintain such records, (B) make such reports, (C) install, use, and maintain such monitoring equipment or methods, (D) sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and (E) provide such other information as he may reasonably require; and

(2) the Administrator or his authorized representative, upon presentation of his credentials—

(A) shall have a right of entry to, upon, or through

any premises in which an emission source is located or in which any records required to be maintained under paragraph (1) of this section are located, and

(B) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under paragraph (1), and sample any emissions which the owner or operator of such source is required to sample under paragraph (1).

Enforcement procedure by State; delegation of authority of Administrator to State; power of Administrator unaffected

(b) (1) Each State may develop and submit to the Administrator a procedure for carrying out this section in such State. If the Administrator finds the State procedure is adequate, he may delegate to such State any authority he has to carry out this section (except with respect to new sources owned or operated by the United States).

(2) Nothing in this subsection shall prohibit the Administrator from carrying out this section in a State.

Availability of records, reports, and information to public; disclosure of trade secrets

(c) Any records, reports or information obtained under subsection (a) of this section shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof, (other than emission data) to which the Administrator has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of Title 18, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this chapter or when revelant in any proceeding under this chapter.

July 14, 1955, c. 360, Title I, § 114, as added Dec. 31, 1970, Pub.L. 91–604, § 4(a), 84 Stat. 1687.

§ 1857d. Abatement of air pollution by means of conference procedure—Air pollution subject to abatement

(a) The pollution of the air in any State or States which endangers the health or welfare of any persons and which is covered by subsection (b) or (c) of this section, shall be subject to abatement as provided in this section.

Conferences of air pollution agencies

(b) (1) Whenever requested by the Governor of any State, a Sate air pollution control agency, or (with the concurrence of the Governor and the State air pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Administrator shall, if such request refers to air pollution which is alleged to endanger the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the air pollution control agency of the muncipality where such discharge or discharges originate, to the air pollution control agency of the State in which such municipality is located, and to the interstate air pollution control agency, if any, in whose jurisdictional area such municipality is located, and shall call promptly a conference of such agency or agencies and of the air pollution control agencies of the municipalities which may be adversely affected by such pollution, and the air pollution control agency, if any, of each State, or for each area, in which any such municipality is located.

(2) Whenever requested by the Governor of any State, a State air pollution control agency, or (with the concurrence of the Governor and the State air pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Administrator shall, if such request refers to alleged air pollution which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate and if a municipality affected by such air pollution, or the municipality in which such pollution originates, has either made or concurred in such request, give formal notification thereof to the State air pollution control agency, to the air pollution control agencies of the municipality where such discharge or discharges originate, and of the municipality or municipalities alleged to be adversely affected thereby, and to any interstate air pollution control agency, whose jurisdictional area includes any such municipality and shall promptly call a conference of such agency or agencies, unless in the judgment of the Administrator, the effect of such pollution is not of such significance as to warrant exercise of Federal jurisdiction under this section.

(3) The Administrator may, after consultation with State officials of all affected States, also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) of this section is occurring and is endangering the health and welfare of

persons in a State other than that in which the discharge or discharges originate. The Administrator shall invite the cooperation of any municipal, State, or interstate air pollution control agencies having jurisdiction in the affected area on any surveys or studies forming the basis of conference action.

(4) A conference may not be called under this subsection with respect to an air pollutant for which (at the time the conference is called) a national primary or secondary ambient air quality standard is in effect under section 1857c—4 of this title.

Participation of foreign countries in conferences

(c) Whenever the Administrator, upon receipt of reports, surveys, or studies from any duly constituted international agency, has reason to believe that any pollution referred to in subsection (a) of this section which endangers the health or welfare or persons in a foreign country is occurring, or whenever the Secretary of State requests him to do so with respect to such pollution which the Secretary of State alleges is of such a nature, the Administrator shall give formal notification thereof to the air pollution control agency of the municipality where such discharge or discharges originate, to the air pollution control agency of the State in which such municipality is located, and to the interstate air pollution control agency, if any, in the jurisdictional area of which such municipality is located, and shall call promptly a conference of such agency or agencies. The Administrator shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the conference, and the representative of such country shall, for the purpose of the conference and any further proceeding resulting from such conference, have all the rights of a State air pollution control agency. This subsection shall apply only to a foreign country which the Administrator determines has given the United States essentially the same right with respect to the prevention or control of air pollution occurring in that country as is given that country by this subsection.

Attendance at conference; Federal report of matters before conference; notification of date of conference; presentation of views; transcript of proceedings; summary

(d) (1) The agencies called to attend any conference under this section may bring such persons as they desire to the conference. The Administrator shall deliver to such agencies and make available to other interested parties, at least thirty days prior to any such conference, a Federal report with respect to the matters before the conference, including data and conclusions or findings (if any); and shall give at least thirty days' prior notice of the

conference date to any such agency, and to the public by publication on at least three different days in a newspaper or newspapers of general circulation in the area. The chairman of [illegible] shall give interested parties an opportunity to pr[illegible] to the conference with respect to such Federal rep[illegible] or findings (if any), and other pertinent informatio[illegible] istrator shall provide that a transcript be maintai[illegible] ceedings of the conference and that a copy of suc[illegible] made available on request of any participant in th[illegible] the expense of such participant.

(2) Following this conference, the Administrator [illegible] and foward [1] to all air pollution control agencies [illegible] conference a summary of conference discussions including (A) occurrence of air pollution subject to abatement under this subchapter; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

Recommendations of Administrator for remedial action by agencies; commencement of recommended action

(e) If the Administrator believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the appropriate State, interstate, or municipal air pollution control agency (or to all such agencies) that the necessary remedial action be taken. The Administrator shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

Hearings for failure to abate pollution; board members; findings and recommendations

(f) (1) If, at the conclusion of the period so allowed, such remedial action or other action which in the judgment of the Administrator is reasonably calculated to secure abatement of such pollution has not been taken, the Administrator shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a hearing board of five or more persons appointed by the Administrator. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of such hearing board and each Federal department, agency, or instrumentality

[1] So in original.

having a substantial interest in the subject matter as determined by the Administrator shall be given an opportunity to select one member of such hearing board, and one member shall be a representative of the appropriate interstate air pollution agency if one exists, and not less than a majority of such hearing board shall be persons other than officers or employees of the Environmental Protection Agency. At least three weeks' prior notice of such hearing shall be given to the State, interstate, and municipal air pollution control agencies called to attend such hearing and to the alleged polluter or polluters. All interested parties shall be given a reasonable opportunity to present evidence to such hearing board.

(2) On the basis of evidence presented at such hearing, the hearing board shall make findings as to whether pollution referred to in subsection (a) of this section is occurring and whether effective progress toward abatement thereof is being made. If the hearing board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Administrator concerning the measures, if any, which it finds to be reasonable and suitable to secure abatement of such pollution.

(3) The Administrator shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution; to air pollution control agencies of the State or States and of the municipality or municipalities where such discharge or discharges originate; and to any interstate air pollution control agency whose jurisdictional area includes any such municipality, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution.

Judicial proceedings to secure abatement of pollution

(g) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Administrator—

(1) in the case of pollution of air which is endangering the health or welfare of persons (A) in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, or (B) in a foreign country which has participated in a conference called under subsection (c) of this section and in all proceedings under this section resulting from such conference, may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to secure abatement of the pollution.

(2) in the case of pollution of air which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, at the request of the Governor of such State, shall provide such technical and other assistance as in his judgment is necessary to assist the State in judicial proceedings to secure abatement of the pollution under State or local law or, at the request of the Governor of such State, shall request the Attorney General to bring suit on behalf of the United States in the appropriate United States district court to secure abatement of the pollution.

Federal court proceedings; evidence; jurisdiction of court

(h) The court shall receive in evidence in any suit brought in a United States court under subsection (g) of this section a transcript of the proceedings before the board and a copy of the board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability of complying with such standards as may be applicable and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

Compensation and travel expenses for members of hearing board

(i) Members of any hearing board appointed pursuant to subsection (f) of this section who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such board or otherwise engaged on the work of such board, be entitled to receive compensation at a rate fixed by the Administrator, but not exceeding $100 per diem, including travel-time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (section 5703 of Title 5) for persons in the Government service employed intermittently.

Furnishing of data to Administrator by polluter; reports; failure to make required report; forfeitures

(j) (1) In connection with any conference called under this section, the Administrator is authorized to require any person whose activities result in the emission of air pollutants causing or contributing to air pollution to file with him, in such form as he may prescribe, a report, based on existing data, furnishing to the

Administrator such information as may reasonably be required as to the character, kind, and quantity of pollutants discharged and the use of devices or other means to prevent or reduce the emission of pollutants by the person filing such a report. After a conference has been held with respect to any such pollution the Administrator shall require such reports from the person whose activities result in such pollution only to the extent recommended by such conference. Such report shall be made under oath or otherwise, as the Administrator may prescribe, and shall be filed with the Administrator within such reasonable period as the Administrator may prescribe, unless additional time be granted by the Administrator. No person shall be required in such report to divulge trade secrets or secret processes and all information reported shall be considered confidential for the purposes of section 1905 of Title 18.

(2) If any person required to file any report under this subsection shall fail to do so within the time fixed by the Administrator for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business: *Provided,* That the Administrator may upon application therefor remit or mitigate any forfeiture provided for under this subsection and he shall have authority to determine the facts upon all such applications.

(3) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

Compliance with any requirement of an applicable implementation plan or prescribed standard

(k) No order or judgment under this section, or settlement, compromise, or agreement respecting any action under this section (whether or not entered or made before December 31, 1970) shall relieve any person of any obligation to comply with any requirement of an applicable implementation plan, or with any standard prescribed under section 1857c—6 or section 1857c—7 of this title. July 14, 1955, c. 360, Title I, § 115, formerly § 5, as added Dec. 17, 1963, Pub.L. 88–206, § 1, 77 Stat. 396, renumbered § 105, and amended Oct. 20, 1965, Pub.L. 89–272, Title I, §§ 101(2), (3), 102, 79 Stat. 992, 995, renumbered § 108, and amended Nov. 21

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1967, Pub.L. 90–148, § 2, 81 Stat. 491, renumbered § 115, and amended Dec. 31, 1970, Pub.L. 91–604, §§ 4(a), (b) (2)–(10), 15(c) (2), 84 Stat. 1678, 1688, 1689, 1713.

§ 1857d—1. Retention of State authority

Except as otherwise provided in sections 1857f—6a, 1867f—6c(c) (4), and 1857f—11 of this title (preempting certain State regulation of moving sources) nothing in this chapter shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce (1) any standard or limitation respecting emissions of air pollutants or (2) any requirement respecting control or abatement of air pollution; except that if an emission standard or limitation is in effect under an applicable implementation plan or under section 1857c—6 or section 1857c—7 of this title, such State or political subdivision may not adopt or enforce any emission standard or limitation which is less stringent than the standard or limitation under such plan or section.

July 14, 1955, c. 360, Title I, § 116, formerly § 109 as added Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 497, renumbered and amended Dec. 31, 1970, Pub.L. 91–604, § 4(a), (c), 84 Stat. 1678, 1689.

§ 1857e. Air Quality Advisory Board; advisory committees—Establishment of Board; membership; appointment; term

(a) (1) There is hereby established in the Environmental Protection Agency an Air Quality Advisory Board, composed of the Administrator or his designee, who shall be Chairman, and fifteen members appointed by the President, none of whom shall be Federal officers or employees. The appointed members, having due regard for the purposes of this chapter, shall be selected from among representatives of various State, interstate, and local governmental agencies, of public or private interests contributing to, affected by, or concerned with air pollution, and of other public and private agencies, organizations, or groups demonstrating an active interest in the field of air pollution prevention and control, as well as other individuals who are expert in this field.

(2) Each member appointed by the President shall hold office for a term of three years, except that (A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (B) the terms of office of the members first taking office pursuant to this subsection shall expire as follows: five at the end of one year after the date of appointment, five at the end of two years after such date, and five at the end of

three years after such date, as designated by the President at the time of appointment, and (C) the term of any member under the preceding provisions shall be extended until the date on which his successor's appointment is effective. None of the members shall be eligible for reappointment within one year after the end of his preceding term, unless such term was for less than three years.

Duties of Board

(b) The Board shall advise and consult with the Administrator on matters of policy relating to the activities and functions of the Administrator under this chapter and make such recommendations as it deems necessary to the President.

Clerical and technical assistance

(c) Such clerical and technical assistance as may be necessary to discharge the duties of the Board and such other advisory committees as hereinafter authorized shall be provided from the personnel of the Environmental Protection Agency.

Advisory committees

(d) In order to obtain assistance in the development and implementation of the purposes of this chapter including air quality criteria, recommended control techniques, standards, research and development, and to encourage the continued efforts on the part of industry to improve air quality and to develop economically feasible methods for the control and abatement of air pollution, the Administrator shall from time to time establish advisory committees. Committee members shall include, but not be limited to, persons who are knowledgeable concerning air quality from the standpoint of health, welfare, ecomonics, or technology.

Compensation; travel expenses

(e) The members of the Board and other advisory committees appointed pursuant to this chapter who are not officers or employees of the United States while attending conferences or meetings of the Board or while otherwise serving at the request of the Administrator, shall be entitled to receive compensation at a rate to be fixed by the Administrator, but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of Title 5 for persons in the Government service employed intermittently.

Consultation by Administrator

(f) Prior to—

(1) issuing criteria for an air pollutant under section 1857c—3 (a) (2) of this title,

(2) publishing any list under section 1857c—6(b) (1) (A) or section 1857c—7(b) (1) (A) of this title,

(3) publishing any standard under section 1857c—6(b) (1) (B) or section 1857c—7(b) (1) (B) of this title, or

(4) publishing any regulation under section 1857f—1(a) of this title,

the Administrator shall, to the maximum extent practicable within the time provided, consult with appropriate advisory committees, independent experts, and Federal departments and agencies.

July 14, 1955, c. 360, Title I, § 117, formerly § 6, as added Dec. 17, 1963, Pub.L. 88–206, § 1 (77 Stat. 399, renumbered § 106, Oct. 20, 1965, Pub.L. 89–272, Title I, § 101(3), 79 Stat. 992, renumbered § 110, and amended Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 498, renumbered, § 117, and amended Dec. 31, 1970, Pub. L. 91–604, §§ 4(a), (d), 15(c)(2), 84 Stat. 1678, 1689, 1713.

§ 1857f. Control and abatement of air pollution from Federal facilities: compliance of Federal departments, etc., with Federal, State, interstate, and local requirements; exemption by President of any emission source from any executive branch department, etc.; report to Congress

Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in the discharge of air pollutants, shall comply with Federal, State, interstate, and local requirements respecting control and abatement of air pollution to the same extent that any person is subject to such requirements. The President may exempt any emission source of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so, except that no exemption may be granted from section 1857c—6 of this title, and an exemption from section 1857c—7 of this title may be granted only in accordance with 1857c—7(c) of this title. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods of not to exceed one year upon the President's making a new determination. The

President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption.

July 14, 1955, c. 360, Title I, § 118, formerly § 7, as added Dec. 17, 1963, Pub.L. 88–206, § 1, 77 Stat. 399, renumbered § 107, Oct. 20, 1965, Pub.L. 89–272, Title I, § 101(3), 79 Stat. 992, renumbered § 111, and amended Nov. 21, 1967, Pub. L. 90–148, § 2, 81 Stat. 499, renumbered § 118, and amended Dec. 31, 1970, Pub.L. 91–604 §§ 4(a), 5, 84 Stat. 1678, 1689.

SUBCHAPTER II.—EMISSION STANDARDS FOR MOVING SOURCES

Part A.—Motor Vehicle Emission and Fuel Standards

§ 1857f—1. Establishment of standards—Air pollutant emissions

(a) Except as otherwise provided in subsection (b) of this section—

(1) The Administrator shall by regulation prescribe (and from time to time revise) in accordance with the provisions of this section, standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles or new motor vehicle engines, which in his judgment causes or contributes to, or is likely to cause or to contribute to, air pollution which endangers the public health or welfare. Such standards shall be applicable to such vehicles and engines for their useful life (as determined under subsection (d) of this section), whether such vehicles and engines are designed as complete systems or incorporated devices to prevent or control such pollution.

(2) Any regulation prescribed under this subsection (and any revision thereof) shall take effect after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period.

Model year 1975, reduction requirement; model year 1976, reduction requirement; promulgation; report to Congress; suspension of standards; interim standards

(b) (1) (A) The regulations under subsection (a) of this section applicable to emissions of carbon monoxide and hydrocarbons from light duty vehicles and engines manufactured during or after model year 1975 shall contain standards which require a reduction of at least 90 per centum from emissions of carbon monoxide and hydrocarbons allowable under the standards under this section

applicable to light duty vehicles and engines manufactured in model year 1970.

(B) The regulations under subsection (a) of this section applicable to emissions of oxides of nitrogen from light duty vehicles and engines manufactured during or after model year 1976 shall contain standards which require a reduction of at least 90 per centum from the average of emissions of oxides of nitrogen actually measured from light duty vehicles manufactured during model year 1971 which are not subject to any Federal or State emission standard for oxides of nitrogen. Such average of emissions shall be determined by the Administrator on the basis of measurements made by him.

(2) Emission standards under paragraph (1), and measurement techniques on which such standards are based (if not promulgated prior to December 31, 1970), shall be prescribed by regulation within 180 days after such date.

(3) For purposes of this part—

(A) (i) The term "model year" with reference to any specific calendar year means the manufacturer's annual production period (as determined by the Administrator) which includes January 1 of such calendar year. If the manufacturer has no annual production period, the term "model year" shall mean the calendar year.

(ii) For the purpose of assuring that vehicles and engines manufactured before the beginning of a model year were not manufactured for purposes of circumventing the effective date of a standard required to be prescribed by subsection (b) of this section, the Administrator may prescribe regulations defining "model year" otherwise than as provided in clause (i).

(B) The term "light duty vehicles and engines" means new light duty motor vehicles and new light duty motor vehicle engines, as determined under regulations of the Administrator.

(4) On July 1, of 1971, and of each year thereafter, the Administrator shall report to the Congress with respect to the development of systems necessary to implement the emission standards established pursuant to this section. Such reports shall include information regarding the continuing effects of such air pollutants subject to standards under this section on the public health and welfare, the extent and progress of efforts being made to develop the necessary systems, the costs associated with development and application of such systems, and following such hearings as he

may deem advisable, any recommendations for additional congressional action necessary, to achieve the purposes of this chapter. In gathering information for the purposes of this paragraph and in connection with any hearing, the provisions of section 1875c—5(a) of this title (relating to subpenas) shall apply.

(5) (A) At any time after January 1, 1972, any manufacturer may file with the Administrator an application requesting the suspension for one year only of the effective date of any emission standard required by paragraph (1) (A) with respect to such manufacturer. The Administrator shall make his determination with respect to any such application within 60 days. If he determines, in accordance with the provisions of this subsection, that such suspension should be granted, he shall simultaneously with such determination prescribe by regulation interim emission standards which shall apply (in lieu of the standards required to be prescribed by paragraph (1) (A)) to emissions of carbon monoxide or hydrocarbons (or both) from such vehicles and engines manufactured during model year 1975.

(B) At any time after January 1, 1973, any manufacturer may file with the Administrator an application requesting the suspension for one year only of the effective date of any emission standard required by paragraph (1) (B) with respect to such manufacturer. The Administrator shall make his determination with respect to any such application within 60 days. If he determines, in accordance with the provisions of this subsection, that such suspension should be granted, he shall simultaneously with such determination prescribe by regulation interim emission standards which shall apply (in lieu of the standards required to be prescribed by paragraph (1) (B)) to emissions of oxides of nitrogen from such vehicles and engines manufactured during model year 1976.

(C) Any interim standards prescribed under this paragraph shall reflects the greatest degree of emission control which is achievable by application of technology which the Administrator determines is available, giving appropriate consideration to the cost of applying such technology within the period of time available to manufacturers.

(D) Within 60 days after receipt of the application for any such suspension, and after public hearing, the Administrator shall issue a decision granting or refusing such suspension. The Administrator shall grant such suspension only if he determines that (i) such suspension is essential to the public interest or the public health and welfare of the United States, (ii) all good faith efforts

have been made to meet the standards established by this subsection, (iii) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available for a sufficient period of time to achieve compliance prior to the effective date of such standards, and (iv) the study and investigation of the National Academy of Sciences conducted pursuant to subsection (c) of this section and other information available to him has not indicated that technology, processes, or other alternatives are available to meet such standards.

(E) Nothing in this paragraph shall extend the effective date of any emission standard required to be prescribed under this subsection for more than one year.

Feasibility study and investigation by National Academy of Sciences; reports to Administrator and Congress; availability of information

(c) (1) The Administrator shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of the technological feasibility of meeting the emissions standards required to be prescribed by the Administrator by subsection (b) of this section.

(2) Of the funds authorized to be appropriated to the Administrator by this chapter, such amounts as are required shall be available to carry out the study and investigation authorized by paragraph (1) of this subsection.

(3) In entering into any arrangement with the National Academy of Sciences for conducting the study and investigation authorized by paragraph (1) of this subsection, the Administrator shall request the National Academy of Sciences to submit semiannual reports on the progress of its study and investigation to the Administrator and the Congress, beginning not later than July 1, 1971, and continuing until such study and investigation is completed.

(4) The Administrator shall furnish to such Academy at its request any information which the Academy deems necessary for the purpose of conducting the investigation and study authorized by paragraph (1) of this subsection. For the purpose of furnishing such information, the Administrator may use any authority he has under this chapter (A) to obtain information from any person, and (B) to require such person to conduct such tests, keep such records, and make such reports respecting research or other activities conducted by such person as may be reasonably necessary to carry out this subsection.

Useful life of vehicles

(d) The Administrator shall prescribe regulations under which the useful life of vehicles and engines shall be determined for purposes of subsection (a)(1) of this section and section 1857f—5a of this title. Such regulations shall provide that useful life shall—

(1) in the case of light duty vehicles and light duty vehicle engines, be a period of use of five years or of fifty thousand miles (or the equivalent), whichever first occurs; and

(2) in the case of any other motor vehicle or motor vehicle engine, be a period of use set forth in paragraph (1) unless the Administrator determines that a period of use of greater duration or mileage is appropriate.

New power sources or propulsion systems

(e) In the event a new power source or propulsion system for new motor vehicles or new motor vehicle engines is submitted for certification pursuant to section 1857f—5(a) of this title, the Administrator may postpone certification until he has prescribed standards for any air pollutants emitted by such vehicle or engine which cause or contribute to, or are likely to cause or contribute to, air pollution which endangers the public health or welfare but for which standards have not been prescribed under subsection (a) of this section.

July 14, 1955, c. 360, Title II, § 202, as added Oct. 20, 1965, Pub. L. 89–272, Title I, § 101(8), 79 Stat. 992, and amended Nov. 21, 1967, Pub.L.90–148 § 2, 81 Stat. 499, amended Dec. 31, 1970, Pub.L. 91–604, § 6(a), 84 Stat. 1690.

§ 1857f—2. Prohibited acts—Manufacture, sale, or importation of vehicles or engines not in conformity with regulations; failure to make reports or provide information; removal of devices installed in conformity with regulations; prohibited sale or lease of vehicles or engines

(a) The following acts and the causing thereof are prohibited—

(1) in the case of a manufacturer of new motor vehicles or new motor vehicle engines for distribution in commerce, the sale, or the offering for sale, or the introduction, or delivery for introduction, into commerce, or (in the case of any person, except as provided by regulation of the Administrator), the importation into the United States, of any new motor vehicle or new motor vehicle engine, manufactured after the effective date of regulations under this part which are applicable to such vehicle or engine unless such vehicle or engine is

covered by a certificate of conformity issued (and in effect) under regulations prescribed under this part (except as provided in subsection (b) of this section);

(2) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information, required under section 1857f—6 of this title;

(3) for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this part prior to its sale and delivery to the ultimate purchaser, or for any manufacturer or dealer knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser; or

(4) for any manufacturer of a new motor vehicle or new motor vehicle engine subject to standards prescribed under section 1857f—1 of this title—

(A) to sell or lease any such vehicle or engine unless such manufacturer has complied with the requirements of section 1857f—5a(a) and (b) of this title with respect to such vehicle or engine, and unless a label or tag is affixed to such vehicle or engine in accordance with section 1857f—5a(c) (3) of this title, or

(B) to fail or refuse to comply with the requirements of section 1857f—5a(c) or (e) of this title.

Authority of Administrator to make exemptions; refusal to admit vehicle or engine into United States; vehicles or engines intended for export

(b) (1) The Administrator may exempt any new motor vehicle or new motor vehicle engine from subsection (a) of this section upon such terms and conditions as he may find necessary for the purpose of research, investigations, studies, demonstrations, or training, or for reasons of national security.

(2) A new motor vehicle or new motor vehicle engine offered for importation or imported by any person in violation of subsection (a) of this section shall be refused admission into the United States, but the Secretary of the Treasury and the Administrator, may, by joint regulation, provide for deferring final determination as to admission and authorizing the delivery of such a motor vehicle or engine offered for import to the owner or consignee thereof upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such motor vehicle or engine will be brought into conformity with the standards, requirements, and limitations applicable to

it under this part. The Secretary of the Treasury shall, if a motor vehicle or engine is finally refused admission under this paragraph, cause disposition thereof in accordance with the customs laws unless it is exported, under regulations prescribed by such Secretary, within ninety days of the date of notice of such refusal or such additional time as may be permitted pursuant to such regulations, except that disposition in accordance with the customs laws may not be made in such manner as may result, directly or indirectly, in the sale, to the ultimate consumer, of a new motor vehicle or new motor vehicle engine that fails to comply with applicable standards of the Administrator under this part.

(3) A new motor vehicle or new motor vehicle engine intended solely for export, and so labeled or tagged on the outside of the container and on the vehicle or engine itself, shall be subject to the provisions of subsection (a) of this section, except that if the country of export has emission standards which differ from the standards prescribed under subsection (a) of this section, then such vehicle or engine shall comply with the standards of such country of export.

Exemptions; annual report of exemptions to Congress

(c) Upon application therefor, the Administrator may exempt from subsection (a) (3) of this section any vehicles (or class thereof) manufactured before the 1974 model year from subsection (a) (3) of this section [1] for the purpose of permitting modifications to the emission control device or system of such vehicle in order to use fuels other than those specified in certification testing under section 1857f—5(a) (1) of this title, if the Administrator, on the basis of information submitted by the applicant, finds that such modification will not result in such vehicle or engine not complying with standards under section 1857f—(1) of this title applicable to such vehicle or engine. Any such exemption shall identify (1) the vehicle or vehicles so exempted, (2) the specific nature of the modification, and (3) the person or class of persons to whom the exemption shall apply.

July 14, 1955, c. 360, Title II, § 203, as added Oct. 20, 1965, Pub.L. 89–272, Title I, § 101(8), 79 Stat. 993, Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 499, amended Dec. 31, 1970, Pub.L. 91–604, §§ 7(a), 11(a) (2) (A), 15 (c) (2), 84 Stat. 1693, 1705, 1713.

§ 1857f—3. Jurisdiction of district court to restrain violations; actions brought by or in name of United States; territorial scope of subpenas for witnesses

[1] So in original

(a) The district courts of the United States shall have jurisdiction to restrain violations of paragraph (1), (2), (3), or (4) of section 1857f—2(a) of this title.

(b) Actions to restrain such violations shall be brought by and in the name of the United States. In any such action, subpenas for witnesses who are required to attend a district court in any district may run into any other district.

July 14, 1955, c. 360, Title II, § 204, as added Oct. 20, 1965, Pub.L. 89–272, Title I, § 101(8), 79 Stat. 994, Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 500, amended Dec. 31, 1970, Pub.L. 91–604, § 7(b), 84 Stat. 1694.

§ 1857f—4. Penalties for violation; separate offenses

Any person who violates paragraph (1), (2), (3), or (4) of section 1857f—2(a) of this title shall be subject to a civil penalty of not more than $10,000. Any such violation with respect to paragraph (1), (2), or (4) of section 1857f—2(a) of this title shall constitute a separate offense with respect to each motor vehicle or motor vehicle engine.

July 14, 1955, c. 360, Title II, § 205, as added Oct. 20, 1965, Pub.L. 89–272, Title I, § 101(8), 79 Stat. 994, Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 500, amended Dec. 31, 1970, Pub.L. 91–604, § 7(c) 84 Stat. 1694.

§ 1857f—5. Motor vehicle and motor vehicle engine compliance testing and certification—Testing and issuance of certificate of conformity

(a) (1) The Administrator shall test, or require to be tested in such manner as he deems appropriate, any new motor vehicle or new motor vehicle engine submitted by a manufacturer to determine whether such vehicle or engine conforms with the regulations prescribed under section 1857f—1 of this title. If such vehicle or engine conforms to such regulations, the Administrator shall issue a certificate of conformity upon such terms, and for such period (not in excess of one year), as he may prescribe.

(2) The Administrator shall test any emission control system incorporated in a motor vehicle or motor vehicle engine submitted to him by any person, in order to determine whether such system enables such vehicle or engine to conform to the standards required to be prescribed under section 1857f—1(b) of this title. If the Administrator finds on the basis of such tests that such vehicle or engine conforms to such standards, the Administrator shall issue a verification of compliance with emission standards for such system when incorporated in vehicles of a class of which the tested

vehicle is representative. He shall inform manufacturers and the National Academy of Sciences, and make available to the public, the results of such tests. Tests under this paragraph shall be conducted under such terms and conditions (including requirements for preliminary testing by qualified independent laboratories) as the Administrator may prescribe by regulations.

Testing procedures; hearing; judicial review; additional evidence

(b) (1) In order to determine whether new motor vehicles or new motor vehicle engines being manufactured by a manufacturer do in fact conform with the regulations with respect to which the certificate of conformity was issued, the Administrator is authorized to test such vehicles or engines. Such tests may be conducted by the Administrator directly or, in accordance with conditions specified by the Administrator, by the manufacturer.

(2) (A) (i) If, based on tests conducted under paragraph (1) on a sample of new vehicles or engines covered by a certificate of conformity, the Administrator determines that all or part of the vehicles or engines so covered do not conform with the regulations with respect to which the certificate of conformity was issued, he may suspend or revoke such certificate in whole or in part, and shall so notify the manufacturer. Such suspension or revocation shall apply in the case of any new motor vehicles or new motor vehicle engines manufactured after the date of such notification (or manufactured before such date if still in the hands of the manufacturer), and shall apply until such time as the Administrator finds that vehicles and engines manufactured by the manufacturer do conform to such regulations. If, during any period of suspension or revocation, the Administrator finds that a vehicle or engine actually conforms to such regulations, he shall issue a certificate of conformity applicable to such vehicle or engine.

(ii) If, based on tests conducted under paragraph (1) on any new vehicle or engine, the Administrator determines that such vehicle or engine does not conform with such regulations, he may suspend or revoke such certificate insofar as it applies to such vehicle or engine until such time as he finds such vehicle or engine actually so conforms with such regulations, and he shall not notify the manufacturer.

(B) (i) At the request of any manufacturer the Administrator shall grant such manufacturer a hearing as to whether the tests have been properly conducted or any sampling methods have been properly applied, and make a determination on the record with respect to any suspension or revocation under subparagraph (A);

but suspension or revocation under subparagraph (A) shall not be stayed by reason of such hearing.

(ii) In any case of actual controversy as to the validity of any determination under clause (i), the manufacturer may at any time prior to the 60th day after such determination is made file a petition with the United States court of appeals for the circuit wherein such manufacturer resides or has his principal place of business for a judicial review of such determination. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administrator or other officer designated by him for that purpose. The Administrator thereupon shall file in the court the record of the proceedings on which the Administrator based his determination, as provided in section 2112 of Title 28.

(iii) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, in such manner and upon such terms and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original determination, with the return of such additional evidence.

(iv) Upon the filing of the petition referred to in clause (ii), the court shall have jurisdiction to review the order in accordance with chapter 7 of Title 5 and to grant appropriate relief as provided in such chapter.

Inspection

(c) For purposes of enforcement of this section, officers or employees duly designated by the Administrator, upon presenting appropriate credentials to the manufacturer or person in charge, are authorized (1) to enter, at reasonable times, any plant or other establishment of such manufacturer, for the purpose of conducting tests of vehicles or engines in the hands of the manufacturer, or (2) to inspect at reasonable times, records, files, papers, processes, controls, and facilities used by such manufacturer in conducting tests under regulations of the Administrator. Each such inspection shall be commenced and completed with reasonable promptness.

Rules and regulations

(d) The Administrator shall be regulation establish methods and procedures for making tests under this section.

Publication of test results

(e) The Administrator shall announce in the Federal Register and make available to the public the results of his tests of any motor vehicle or motor vehicle engine submitted by a manufacturer under subsection (a) of this section as promptly as possible after December 31, 1970, and at the beginning of each model year which begins thereafter. Such results shall be described in such nontechnical manner as will reasonably disclose to prospective ultimate purchasers of new motor vehicles and new motor vehicle engines the comparative performance of the vehicles and engines tested in meeting the standards prescribed under section 1857f—1 of this title.

July 14, 1955, c. 360, Title II, § 206, as added Oct. 20, 1965, Pub.L. 89–272, Title I, § 101(8), 79 Stat. 994, Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 501, as added Dec. 31, 1970, Pub.L. 91–604, § 8(a), 84 Stat. 1694.

§ 1857f—5a. Complaince by vehicles and engines in actual use —Warranty

(a) Effective with respect to vehicles and engines manufactured in model years beginning more than 60 days after December 31, 1970, the manufacturer of each new motor vehicle and new motor vehicle engine shall warrant to the ultimate purchaser and each subsequent purchaser that such vehicle or engine is (1) designed, built, and equipped so as to conform at the time of sale with applicable regulations under section 1857f—1, of this title, and (2) free from defects in materials and workmanship which cause such vehicle or engine to fail to conform with applicable regulations for its useful life (as determined under section 1857f—1(d) of this title).

Testing methods and procedures

(b) If the Administrator determines that (i) there are available testing methods and procedures to ascertain whether, when in actual use throughout its useful life (as determined under section 1857f—1(d) of this title), each vehicle and engine to which regulations under section 1857f—1 of this title apply complies with the emission standards of such regulations, (ii) such methods and procedures are in accordance with good engineering practices, and (iii) such methods and procedures are reasonably capable of being

correlated with tests conducted under section 1857f—5(a) (1) of this title, then—

(1) he shall establish such methods and procedures by regulation, and

(2) at such time as he determines that inspection facilities or equipment are available for purposes of carrying out testing methods and procedures established under paragraph (1),

he shall prescribe regulations which shall require manufacturers to warrant the emission control device or system of each new motor vehicle or new motor vehicle engine to which a regulation under section 1857f—1 of this title applies and which is manufactured in a model year beginning after the Administrator first prescribes warranty regulations under this paragraph (2). The warranty under such regulations shall run to the ultimate purchaser and each subsequent purchaser and shall provide that if—

(A) the vehicle or engine is maintained and operated in accordance with instructions under subsection (c) (3) of this section,

(B) it fails to conform at any time during its useful life (as determined under section 1857f—1(d) of this title) to the regulations prescribed under section 1857f—1 of this title, and

(C) such nonconformity results in the ultimate purchaser (or any subsequent purchaser) of such vehicle or engine having to bear any penalty or other sanction (including the denial of the right to use such vehicle or engine) under State or Federal law,

then such manufacturer shall remedy such nonconformity under such warranty with the cost thereof to be borne by the manufacturer.

Noncomforming vehicles; plan for remedying nonconformity; instructions for maintenance and use

(c) Effective with respect to vehicles and engines manufactured during model years beginning more than 60 days after December 31, 1970—

(1) If the Administrator determines that a substantial number of any class or category of vehicles or engines, although properly maintained and used, do not conform to the regulations prescribed under section 1857f—1 of this title, when in actual use throughout their useful life (as determined under section 1857f—1(d) of this title), he shall immediately notify the manufacturer thereof of such noncon-

formity, and he shall require the manufacturer to submit a plan for remedying the nonconformity of the vehicles or engines with respect to which such notification is given. The plan shall provide that the nonconformity of any such vehicles or engines which are properly used and maintained will be remedied at the expanse of the manufacturer. If the manufacturer disagrees with such determination of nonconformity and so advises the Administrator, the Administrator shall afford the manufacturer and other interested persons an opportunity to present their views and evidence in support thereof at a public hearing. Unless, as a result of such hearing the Administrator withdraws such determination of nonconformity, he shall, within 60 days after the completion of such hearing, order the manufacturer to provide prompt notification of such nonconformity in accordance with paragraph (2).

(2) Any notification required by paragraph (1) with respect to any class or category of vehicles or engines shall be given to dealers, ultimate purchasers, and subsequent purchasers (if known) in such manner and containing such information as the Administrator may by regulations require.

(3) The manufacturer shall furnish with each new motor vehicle or motor vehicle engine such written instructions for the maintenance and use of the vehicle or engine by the ultimate purchaser as may be reasonable and necessary to assure the proper functioning of emission control devices and systems. In addition, the manufacturer shall indicate by means of a label or tag permanently affixed to such vehicle or engine that such vehicle or engine is covered by a certificate of conformity issued for the purpose of assuring achievement of emissions standards prescribed under section 1857f—1 of this title. Such label or tag shall contain such other information relating to control of motor vehicle emissions as the Administrator shall prescribe by regulation.

Dealer costs borne by manufacturer

(d) Any cost obligation of any dealer incurred as a result of any requirement imposed by subsection (a), (b), or (c) of this section shall be borne by the manufacturer. The transfer of any such cost obligation from a manufacturer to any dealer through franchise or other agreement is prohibited.

Cost statement

(e) If a manufacturer includes in any advertisement a state-

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ment respecting the cost or value of emission control devices or systems, such manufacturer shall set forth in such statement the cost or value attributed to such devices or systems by the Secretary of Labor (through the Bureau of Labor Statistics). The Secretary of Labor, and his representatives, shall have the same access for this purpose to the books, documents, papers, and records of a manufacturer as the Comptroller General has to those of a recipient of assistance for purposes of section 1857j of this title.

Inspection after sale to ultimate purchaser

(f) Any inspection of a motor vehicle or a motor vehicle engine for purposes of subsection (c) (1) of this section, after its sale to the ultimate purchaser, shall be made only if the owner of such vehicle or engine voluntarily permits such inspection to be made, except as may be provided by any State or local inspection program.

July 14, 1955, c. 360, Title II, § 207, as added Dec. 31, 1970, Pub.L. 91–604, § 8(a), 84 Stat. 1696.

§ 1857f—6. Reports, records, and information required; access to and copying records; availability to public; disclosure of trade secrets

(a) Every manufacturer shall establish and maintain such records, make such reports, and provide such information, as the Administrator may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this part and regulations thereunder and shall, upon request of an officer or employee duly designated by the Administrator, permit such officer or employee at reasonable times, to have access to an copy such records.

(b) Any records, reports, or information obtained under subsection (a) of this section shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof (other than emission data), to which the Administrator has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of Title 18, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this chapter or when relevant in any proceeding under this chapter. Nothing in this section shall

authorize the withholding of information by the Administrator or any officer or employee under his control, from the duly authorized committees of the Congress.

July 14, 1955, c. 360, Title II, § 208, formerly § 207, as added Oct. 20, 1965, Pub.L. 89–272, Title I, §101(8), 79 Stat. 994, amended Nov. 21, 1967, Publ.L. 90–148, § 2, 81 Stat. 501, renumbered and amended Dec. 31, 1970, Pub.L. 91–604, §§ 8(a), 10(a), 11(a) (2) (A), 15(c) (2), 84 Stat. 1694, 1700, 1705, 1713.

§ 1857f—6a. State standards

(a) No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part. No State shall require certification, inspection, or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment.

(b) The Administrator shall, after notice and opportunity for public hearing, waive application of this section to any State which has adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, unless he finds that such State does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions or that such State standards and accompanying enforcement procedures are not consistent with section 1857f—1(a) of this title.

(c) Nothing in this part shall preclude or deny to any State or political subdivision thereof the right otherwise to control, regulate, or restrict the use, operation, or movement of registered or licensed motor vehicles.

July 14, 1955, c. 360, Title II, § 209, formerly § 208, as added Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 501, renumbered and amended Dec. 31, 1970, Pub.L. 91–604, §§ 8(a), 11(a) (2) (A), 15(c) (2), 84 Stat. 1694, 1705, 1713.

§ 1857f—6b. Federal assistance in developing and maintaining vehicle emission devices and systems inspection and emission testing and control programs

The Administrator is authorized to make grants to appropriate State agencies in an amount up to two-thirds of the cost of developing and maintaining effective vehicle emission devices and sys-

tems inspection and emission testing and control programs, except that—

(1) no such grant shall be made for any part of any State vehicle inspection program which does not directly relate to the cost of the air pollution control aspects of such a program;

(2) no such grant shall be made unless the Secretary of Transportation has certified to the Administrator that such program is consistent with any highway safety program dedeveloped pursuant to section 402 of Title 23; and

(3) no such grant shall be made unless the program includes provisions designed to insure that emission control devices and systems on vehicles in actual use have not been discontinued or rendered inoperative.

July 14, 1955, c. 360, Title II, § 210, formerly § 209, as added Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 502, renumbered and amended Dec. 31, 1970, Pub.L. 91–604, §§ 8(a), 10(b), 84 Stat. 1694, 1700.

§ 1857f—6c. Regulation of fuels—Authority of Administrator to regulate

(a) The Administrator may be regulation designate any fuel or fuel additive and, after such date or dates as may be prescribed by him, no manufacturer or processor of any such fuel or additive may sell, offer for sale, or introduce into commerce such fuel or additive unless the Administrator has registered such fuel or additive in accordance with subsection (b) of this section.

Registration requirement

(b) (1) For the purpose of registration of fuels and fuel additives, the Administrator shall require—

(A) the manufacturer of any fuel to notify him as to the commercial identifying name and manufacturer of any additive contained in such fuel; the range of concentration of any additive in the fuel; and the purpose-in-use of any such additive; and

(B) the manufacturer of any additive to notify him as to the chemical composition of such additive.

(2) For the purpose of registration of fuels and fuel additives, the Administrator may also require the manufacturer of any fuel or fuel additive—

(A) to conduct tests to determine potential public health effects of such fuel or additive (including, but not limited to, carcinogenic, teratogenic, or mutagenic effects), and

(B) to furnish the description of any analytical technique that can be used to detect and measure any additive in such fuel, the recommended range of concentration of such additive, and the recommended purpose-in-use of such additive, and such other information as is reasonable and necessary to determine the emissions resulting from the use of the fuel or additive contained in such fuel, the effect of such fuel or additive on the emission control performance of any vehicle or vehicle engine, or the extent to which such emissions affect the public health or welfare.

Tests under subparagraph (A) shall be conducted in conformity with test procedures and protocols established by the Administrator. The result of such tests shall not be considered confidential.

(3) Upon compliance with the provision of this subsection, including assurances that the Administrator will receive changes in the information required, the Administrator shall register such fuel or fuel additive.

Control or prohibition of offending fuels and fuel additives

(c) (1) The Administrator may, from time to time on the basis of information obtained under subsection (b) of this section or other information available to him, by regulation, control or prohibit the manufacture, introduction into commerce, offering for sale, or sale of any fuel or fuel additive for use in a motor vehicle or motor vehicle engine (A) if any emission products of such fuel or fuel additive will endanger the public health or welfare, or (B) if emission products of such fuel or fuel additive will impair to a significant degree the performance of any emission control device or system which is in general use, or which the Administrator finds has been developed to a point where in a reasonable time it would be in general use were such regulation to be promulgated.

(2) (A) No fuel, class of fuels, or fuel additive may be controlled or prohibited by the Administrator pursuant to clause (A) of paragraph (1) except after consideration of all relevant medical and scientific evidence available to him, including consideration of other technologically or economically feasible means of achieving emission standards under section 1857f—1 of this title.

(B) No fuel or fuel additive may be controlled or prohibited by the Administrator pursuant to clause (B) of paragraph (1) except after consideration of available scientific and economic data, including a cost benefit analysis comparing emission control devices or systems which are or will be in general use and require the proposed control or prohibition with emission control devices or systems which are or will be in general use and do not require

the proposed control or prohibition. On request of a manufacturer of motor vehicles, motor vehicle engines, fuels, or fuel additives submitted within 10 days of notice of proposed rulemaking, the Administrator shall hold a public hearing and publish findings with respect to any matter he is required to consider under this subparagraph. Such findings shall be published at the time of promulgation of final regulations.

(C) No fuel or fuel additive may be prohibited by the Administrator under paragraph (1) unless he finds, and publishes such finding, that in his judgment such prohibition will not cause the use of any other fuel or fuel additive which will produce emissions which will endanger the public health or welfare to the same or greater degree than the use of the fuel or fuel additive proposed to be prohibited.

(3) (A) For the purpose of obtaining evidence and data to carry out paragraph (2), the Administrator may require the manufacturer of any motor vehicle or motor vehicle engine to furnish any information which has been developed concerning the emissions from motor vehicles resulting from the use of any fuel or fuel additive, or the effect of such use on the performance of any emission control device or system.

(B) In obtaining information under subparagraph (A), section 1847h—5(a) of this title (relating to subpenas) shall be applicable.

(4) (A) Except as otherwise provided in subparagraph (B) or (C), no State (or political subdivision thereof) may prescribe or attempt to enforce, for purposes of motor vehicle emission control, any control or prohibition respecting use of a fuel or fuel additive in a motor vehicle or motor vehicle engine—

(i) if the Administrator has found that no control or prohibition under paragraph (1) is necessary and has published his finding in the Federal Register, or

(ii) if the Administrator has prescribed under paragraph (1) a control or prohibition applicable to such fuel or fuel additive, unless State prohibition or control is identical to the prohibition or control prescribed by the Administrator.

(B) Any State for which application of section 1857f—6a(a) of this title has at any time been waived under section 1857f—6a(b) of this title may at any time prescribe and enforce, for the purpose of motor vehicle emission control, a control or prohibition respecting any fuel or fuel additive.

(C) A State may prescribe and enforce, for purposes of motor vehicle emission control, a control or prohibition respecting the

use of a fuel or fuel additive in a motor vehicle or motor vehicle engine if an applicable implementation plan for such State under section 1857c—5 of this title so provides. The Administrator may approve such provision in an implementation plan, or promulgate an implementation plan containing such a provision, only if he finds that the State control or prohibition is necessary to achieve the national primary or secondary ambient air quality standard which the plan implements.

Penalty

(d) Any person who violates subsection (a) of this section or the regulations prescribed under subsection (c) of this section or who fails to furnish any information required by the Administrator under subsection (b) of this section shall forfeit and pay to the United States a civil penalty of $10,000 for each and every day of the continuance of such violation, which shall accrue to the United States and be recovered in a civil suit in the name of the United States, brought in the district where such person has his principal office or in any district in which he does business. The Administrator may, upon application therefor, remit or mitigate any forfeiture provided for in this subsection and he shall have authority to determine the facts upon all such applications.

July 14, 1955, c. 360, Title II, § 211, formerly § 210, as added Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 502, renumbered and amended Dec. 31, 1970, Pub.L. 91–604, §§ 8(a), 9(a), 84 Stat. 1694, 1698, Nov. 18, 1971, Pub.L. 92–157, Title III, § 302(d), (e), 85 Stat. 464.

§ 1857f—6d. Repealed. Pub.L. 91–604, § 8(a), Dec. 31, 1970, 84 Stat. 1694

§ 1857f—6e. Low-emission vehicles—Definitions

(a) For the purpose of this section—

(1) The term "Board" means the Low-Emission Vehicle Certification Board.

(2) The term "Federal Government" includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia.

(3) The term "motor vehicle" means any self-propelled vehicle designed for use in the United States on the highways, other than a vehicle designed or used for military field training, combat, or tactical purposes.

(4) The term "low-emission vehicle" means any motor vehicle which—

(A) emits any air pollutant in amounts significantly below new motor vehicle standards applicable under sec-

tion 1857f—1 of this title at the time of procurement to that type of vehicle; and

(B) with respect to all other air pollutants meets the new motor vehicle standards applicable under section 1857f—1 of this title at the time of procurement to that type of vehicle.

(5) The term "retail price" means (A) the maximum statutory price applicable to any class or model of motor vehicle; or (B) in any case where there is no applicable maximum statutory price, the most recent procurement price paid for any class or model of motor vehicle.

Low-Emission Vehicle Certification Board; establishment; composition; appointment; Chairman; compensation; travel expenses; employment and compensation of additional personnel; time and place of meetings; powers

(b) (1) There is established a Low-Emission Vehicle Certification Board to be composed of the Administrator or his designee, the Secretary of Transportation or his designee, the Chairman of the Council on Environmental Quality or his designee, the Director of the National Highway Safety Bureau in the Department of Transportation, the Administrator of General Services, and two members appointed by the President. The President shall designate one member of the Board as Chairman.

(2) Any member of the Board not employed by the United States may receive compensation at the rate of $125 for each day such member is engaged upon work of the Board. Each member of the Board shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of Title 5 for persons in the Government service employed intermittently.

(3) (A) The Chairman, with the concurrence of the members of the Board, may employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Board, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 by section 5332 of Title 5.

(B) The Chairman may fix the time and place of such meetings as may be required, but a meeting of the Board shall be called whenever a majority of its members so request.

(C) The Board is granted all other powers necessary for meeting its responsibilities under this section.

Determination by Administrator of models or classes of motor vehicles qualifying as low-emission vehicles

(c) The Administrator shall determine which models or classes of motor vehicles qualify as low-emission vehicles in accordance with the provisions of this section.

Certification by Board; specifications for suitable substitutes; criteria for certification; term of certification; procedure for certification

(d) (1) The Board shall certify any class or model of motor vehicles—

(A) for which a certification application has been filed in accordance with paragraph (3) of this subsection;

(B) which is a low-emission vehicle as determined by the Administrator; and

(C) which it determines is suitable for use as a substitute for a class or model of vehicles at that time in use by agencies of the Federal Government.

The Board shall specify with particularity the class or model of vehicles for which the class or model of vehicles described in the application is a suitable substitute. In making the determination under this subsection the Board shall consider the following criteria:

(i) the safety of the vehicle;

(ii) its performance characteristics;

(iii) its reliability potential;

(iv) its serviceability;

(v) its fuel availability;

(vi) its noise level; and

(vii) its maintenance costs as compared with the class or model of motor vehicle for which it may be a suitable substitute.

(2) Certification under this section shall be effective for a period of one year from the date of issuance.

(3) (A) Any party seeking to have a class or model of vehicle certified under this section shall file a certification application in accordance with regulations prescribed by the Board.

(B) The Board shall publish a notice of each application received in the Federal Register.

(C) The Administrator and the Board shall make determinations for the purpose of this section in accordance with procedures prescribed by regulation by the Administrator and the Board, respectively.

(D) The Administrator and the Board shall conduct whatever investigation is necessary, including actual inspection of the vehicle at a place designated in regulations prescribed under subparagraph (A).

(E) The Board shall receive and evaluate written comments and documents from interested parties in support of, or in opposition to, certification of the class or model of vehicle under consideration.

(F) Within 90 days after the receipt of a properly filed certification application, the Administrator shall determine whether such class or model of vehicle is a low-emission vehicle, and within 180 days of such determination, the Board shall reach a decision by majority vote as to whether such class or model of vehicle, having been determined to be a low-emission vehicle, is a suitable substitute for any class or classes of vehicles presently being purchased by the Federal Government for use by its agencies.

(G) Immediately upon making any determination or decision under subparagraph (F), the Administrator and the Board shall each publish in the Federal Register notice of such determination or decision, including reasons therefor and in the case of the Board any dissenting views.

Acquisition by Federal government by purchase or lease; procurement costs; contract provisions

(e) (1) Certified low-emission vehicles shall be acquired by purchase or lease by the Federal Government for use by the Federal Government in lieu of other vehicles if the Administrator of General Services determines that such certified vehicles have procurement costs which are no more than 150 per centum of the retail price of the least expensive class or model of motor vehicle for which they are certified substitutes.

(2) In order to encourage development of inherently low-polluting propulsion technology, the Board may, at its discretion, raise the premium set forth in paragraph (1) of this subsection to 200 per centum of the retail price of any class or model of motor vehicle for which a certified low-emission vehicle is a certified substitute, if the Board determines that the certified low-emission vehicle is powered by an inherently low-polluting propulsion system.

(3) Data relied upon by the Board and the Administrator in determining that a vehicle is a certified low-emission vehicle shall be incorporated in any contract for the procurement of such vehicle.

Priority for purchase by procuring agency

(f) The procuring agency shall be required to purchase available certified low-emission vehicles which are eligible for purchase to the extent they are available before purchasing any other vehicles for which any low-emission vehicle is a certified substitute. In making purchasing selections between competing eligible certified low-emission vehicles, the procuring agency shall give priority to (1) any class or model which does not require extensive periodic maintenance to retain its low-polluting qualities or which does not

require the use of fuels which are more expensive than those of the classes or models of vehicles for which it is a certified substitute; and (2) passenger vehicles other than buses.

Waiver of statutory price limitations

(g) For the purpose of procuring certified low-emission vehicles any statutory price limitations shall be waived.

Testing of emissions from certified low-emission vehicles purchased by the Federal government; procedure; recertification

(h) The Administrator shall, from time to time as the Board deems appropriate, test the emissions from certified low-emission vehicles purchased by the Federal Government. If at any time he finds that the emission rates exceed the rates on which certification under this section was based, the Administrator shall notify the Board. Thereupon the Board shall give the supplier of such vehicles written notice of this finding, issue public notice of it, and give the supplier an opportunity to make necessary repairs, adjustments, or replacements. If no such repairs, adjustments, or replacements are made within a period to be set by the Board, the Board may order the supplier to show cause why the vehicle involved should be eligible for recertification.

Authorization of appropriations

(i) There are authorized to be appropriated for paying additional amounts for motor vehicles pursuant to, and for carrying out the provisions of, this section, $5,000,000 for the fiscal year ending June 30, 1971, and $25,000,000 for each of the two succeeding fiscal years.

Promulgation by Board of implementing procedures

(j) The Board shall promulgate the procedures required to implement this section within one hundred and eighty days after December 31, 1970.

July 14, 1955, c. 360, Title II, § 212, as added Dec. 31, 1970, Pub.L. 91–604, § 10(c), 84 Stat. 1700.

§ 1857f—7. Definitions

As used in this part—

(1) The term "manufacturer" as used in section 1857f—1, 1857f—2, 1857f—5, 1857f—6, and 1857f—6a of this title means any person engaged in the manufacturing or assembling of new motor vehicles or new motor vehicle engines, or importing such vehicles or engines for resale, or who acts for and is under the control of any such person in connection with the distribution of new motor vehicles or new motor

vehicle engines, but shall not include any dealer with respect to new motor vehicles or new motor vehicle engines received by him in commerce.

(2) The term "motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway.

(3) Except with respect to vehicles or engines imported or offered for importation, the term "new motor vehicle" means a motor vehicle the equitable or legal title to which has never been transferred to an ultimate purchaser; and the term "new motor vehicle engine" means an engine in a new motor vehicle or a motor vehicle engine the equitable or legal title to which has never been transferred to the ultimate purchaser; and with respect to imported vehicles or engines, such terms mean a motor vehicle and engine, respectively, manufactured after the effective date of a regulation issued under section 1875f—1 of this title which is applicable to such vehicle or engine (or which would be applicable to such vehicle or engine had it been manufactured for importation into the United States).

(4) The term "dealer" means any person who is engaged in the sale or the distribution of new motor vehicles or new motor vehicle engines to the ultimate purchaser.

(5) The term "ultimate purchaser" means, with respect to any new motor vehicle or new motor vehicle engine, the first person who in good faith purchases such new motor vehicle or new engine for purposes other than resale.

(6) The term "commerce" means (A) commerce between any place in any State and any place outside thereof; and (B) commerce wholly within the District of Columbia.

July 14, 1955, c. 360, Title II,§ 213, formerly § 208, as added Oct. 20, 1965, Pub.L. 89–272, Title I, § 101(8) 79 Stat. 994, renumbered § 212 and amended Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 503, renumbered § 213 and amended Dec. 31, 1970, Pub.L. 91–604, §§ 8(a), 10(d), 11(a), (2) (A), 84 Stat. 1694, 1703, 1705.

§ 1857f—8. Repealed. Pub.L. 89–675, § 2(b), Oct. 15, 1966, 80 Stat. 954

Part B.—Aircraft Emission Standards

§ 1857f—9. Establishment of standards—Study; report; hearings; issuance of regulations

(a) (1) Within 90 days after December 31, 1970, the Adminis-

trator shall commence a study and investigation of emissions of air pollutants from aircraft in order to determine—

(A) The extent to which such emissions affect air quality in air quality control regions throughout the United States, and

(B) the technological feasibility of controlling such emissions.

(2) Within 180 days after commencing such study and investigation, the Administrator shall publish a report of such study and investigation and shall issue proposed emission standards applicable to emissions of any air pollutant from any class or classes of aircraft or aircraft engines which in his judgment cause or contribute to or are likely to cause or contribute to air pollution which endangers the public health or welfare.

(3) The Administrator shall hold public hearings with respect to such proposed standards. Such hearings shall, to the extent practicable, be held in air quality control regions which are most seriously affected by aircraft emissions. Within 90 days after the issuance of such proposed regulations, he shall issue such regulations with such modifications as he deems appropriate. Such regulations may be revised from time to time.

Effective date of regulations

(b) Any regulation prescribed under this section (and any revision thereof) shall take effect after such period as the Administrator finds necessary (after consultation with the Secretary of Transportation) to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period.

Consultation with Secretary of Transportation

(c) Any regulations under this section, or amendments thereto, with respect to aircraft, shall be prescribed only after consultation with the Secretary of Transportation in order to assure appropriate consideration for aircraft safety.

July 14, 1955, c. 360, Title II, § 231, as added Dec. 31, 1970, Pub.L. 91-604, § 11(a), (1), 84 Stat. 1703.

§ 1857f—10. Enforcement of standards; regulations by Secretary of Transportation; proceedings to amend, modify, suspend, or revoke certificates

(a) The Secretary of Transportation, after consultation with the Administrator, shall prescribe regulations to insure compliance with all standards prescribed under section 1857f—9 of this title by the Administrator. The regulations of the Secretary of Transportation shall include provisions making such standards

applicable in the issuance, amendment, modification, suspension, or revocation of any certificate authorized by the Federal Aviation Act or the Department of Transportation Act. Such Secretary shall insure that all necessary inspections are accomplished, and, may execute any power or duty vested in him by any other provision of law in the execution of all powers and duties vested in him under this section.

(b) In any action to amend, modify, suspend, or revoke a certificate in which violation of an emission standard prescribed under section 1857f—9 of this title or of a regulation prescribed under subsection (a) of this section is at issue, the certificate holder shall have the same notice and appeal rights as are prescribed for such holders in the Federal Aviation Act of 1958 or the Department of Transportation Act, except that in any appeal to the National Transportation Safety Board, the Board may amend, modify, or revoke the order of the Secretary of Transportation only if it finds no violation of such standard or regulation and that such amendment, modification, or revocation is consistent with safety in air transportation.

July 14, 1955, c. 360, Title II, § 232, as added Dec. 31, 1970, Pub. L. 91–604, § 11(a) (1), 84 Stat. 1704.

§ 1857f—11. State standards and controls

No State or political subdivision thereof may adopt or attempt to enforce any standard respecting emissions of any air pollutant from any aircraft or engine thereof unless such standard is identical to a standard applicable to such aircraft under this part.

July 14, 1955, c. 360, Title II, § 233, as added Dec. 31, 1970, Pub. L. 91–604, § 11(a) (1), 84 Stat. 1704.

§ 1857f—12. Definitions

Terms used in this part (other than Administrator) shall have the same meaning as such terms have under section 1301 of Title 49.

July 14, 1955, c. 360, Title II,§ 234, as added Dec. 31, 1970, Pub.L. 91–604, § 11(a) (1), 84 Stat. 1705.

SUBCHAPTER III.—GENERAL PROVISIONS

§ 1857g. Administration—Regulations; delegation of powers of Administrator

(a) The Administrator is authorized to prescribe such regulations as are necessary to carry out his functions under this chapter. The Administrator may delegate to any officer or employee of the Environmental Protection Agency such of his powers and du-

ties under this chapter, except the making of regulations, as he may deem necessary or expedient.

Detail of Environmental Protection Agency personnel to air pollution control agencies

(b) Upon the request of an air pollution control agency, personnel of the Environmental Protection Agency may be detailed to such agency for the purpose of carrying out the provisions of this chapter.

Payments under grants; installments; advances or reimbursement

(c) Payments under grants made under this chapter may be made in installments, and in advance or by way of reimbursement, as may be determined by the Administrator.

July 14, 1955, c. 360, Title III, § 301, formerly § 8, as added Dec. 17, 1963, Pub.L. 88–206, § 1, 77 Stat. 400, renumbered Oct. 20, 1965, Pub.L. 89–272, Title I, § 101(4), 79 Stat. 992, Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 504, amended Dec. 31, 1970, Pub.L. 91–604, §§ 3(b) (2), 15(c) (2), 84 Stat. 1677, 1713.

§ 1857h. Definitions

When used in this chapter—

(a) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(b) The term "air pollution control agency" means any of the following:

(1) A single State agency designated by the Governor of that State as the official State air pollution control agency for purposes of this chapter;

(2) An agency established by two or more States and having substantial powers or duties pertaining to the prevention and control of air pollution;

(3) A city, county, or other local government health authority, or, in the case of any city, county, or other local government in which there is an agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the prevention and control of air pollution, such other agency; or

(4) An agency of two or more municipalities located in the same State or in different States and having substantial powers or duties pertaining to the prevention and control of air pollution.

(c) The term "interstate air pollution control agency" means—

(1) an air pollution control agency established by two or more States, or

(2) an air pollution control agency of two or more municipalities located in different States.

(d) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rice, the Virgin Islands, Guam, and American Samoa.

(e) The term "person" includes an individual, corporation, partnership, association, State, municipality, and political subdivision of a State.

(f) The term "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

(g) The term "air pollutant" means an air pollution agent or combination of such agents.

(h) All language referring to effects on welfare includes, but is not limited to, effects on soils, water, crops, vegetation, manmade materials, animals, wildlife, weather, visibility, and climate, damage to and deterioration of property, and hazards to transportation, as well as effect on economic values and on personal comfort and well-being.

July 14, 1955, c. 360, Title III, § 302, formerly § 9, as added Dec. 17, 1963, Pub.L. 88–206, § 1, 77 Stat. 400, renumbered Oct. 20, 1965, Pub.L. 89–272, Title I, § 101(4), 79 Stat. 992, Nov. 21, 1967, Pub.L. 90–148,§ 2, 81 Stat. 504, amended Dec. 31, 1970, Pub.L. 91–604, § 15(a) (1), (c) (1), 84 Stat. 1710, 1713.

§ 1857h—1. Emergency powers

Notwithstanding any other provision of this chapter, the Administrator, upon receipt of evidence that a pollution source or combination of sources (including moving sources) is presenting an imminent and substantial endangerment to the health of persons, and that appropriate State or local authorities have not acted to abate such sources, may bring suit on behalf of the United States in the appropriate United States district court to immediately restrain any person causing or contributing to the alleged pollution to stop the emission of air pollutants causing or contributing to such pollution or to take such other action as may be necessary.

July 14, 1955, c. 360, Title III, § 303, as added Dec. 31, 1970, Pub.L. 91–604, § 12(a), 84 Stat. 1705.

§ 1857h—2. Citizen suits—Establishment of right to bring suit

(a) Except as provided in subsection (b) of this section, any person may commence a civil action on his own behalf—

(1) against any person (including (i) the United States,

and (ii) any other governmental instrumentality or agency to the extent permitted by the Eleventh Amendment to the Constitution) who is alleged to be in violation of (A) an emission standard or limitation under this chapter or (B) an order issued by the Administrator or a State with respect to such a standard or limitation, or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this chapter which is not discretionary with the Administrator.

The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such an emission standard or limitation, or such an order, or to order the Administrator to perform such act or duty, as the case may be.

Notice

(b) No action may be commenced—

(1) under subsection (a) (1) of this section—

(A) prior to 60 days after the plaintiff has given notice of the violation (i) to the Administrator, (ii) to the State in which the violation occurs, and (iii) to any alleged violator of the standard, limitation, or order, or

(B) if the Administrator or State has commenced and is diligently prosecuting a civil action in a court of the United States or a State to require compliance with the standard, limitation, or order, but in any such action in a court of the United States any person may intervene as a matter of right.

(2) under subsection (a) (2) of this section prior to 60 days after the plaintiff has given notice of such action to the Administrator,

except that such action may be brought immediately after such notification in the case of an action under this section respecting a violation of section 1857c—7(c) (1) (B) of this title or an order issued by the Administrator pursuant to section 1857c—8(a) of this title. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

Venue; intervention by Administrator

(c) (1) Any action respecting a violation by a stationary source of an emission standard or limitation or an order respecting such standard or limitation may be brought only in the judicial district in which such source is located.

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(2) In such action under this section, the Administrator, if not a party, may intervene as a matter of right.

Award of costs; security

(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

Non-restriction of other rights

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any emission standard or limitation or to seek any other relief (including relief against the Administrator or a State agency).

Definition

(f) For purposes of this section, the term "emission standard or limitation under this chapter" means—

(1) a schedule or timetable of compliance, emission limitation, standard of performance or emission standard, or

(2) a control or prohibition respecting a motor vehicle fuel or fuel additive,

which is in effect under this chapter (including a requirement applicable by reason of section 1857f of this title) or under an applicable implementation plan.

July 14, 1955, c. 360, Title III, § 304, as added Dec. 31, 1970, Pub.L. 91-604,§ 12(a), 84 Stat. 1706.

§ 1857h—3. Legal representation of Administrator and appearance by Attorney General

The Administrator shall request the Attorney General to appear and represent him in any civil action instituted under this chapter to which the Administrator is a party. Unless the Attorney General notifies the Administrator that he will appear in such action within a reasonable time, attorneys appointed by the Administrator shall appear and represent him.

July 14, 1955, c. 360, Title III,§ 305, as added Dec. 31, 1970, Pub.L. 91-604, § 12(a), 84 Stat. 1707.

§ 1857h—4. Federal procurement—Contracts with violators prohibited

(a) No Federal agency may enter into any contract with any person who is convicted of any offense under section 1857c—8(c)(1) of this title for the procurement of goods, materials, and services to perform such contract at any facility at which the violation which gave rise to such conviction occurred if such facility is owned, leased, or supervised by such person. The prohibition in the preceding sentence shall continue until the Administrator certifies that the condition giving rise to such a conviction has been corrected.

Notification procedures

(b) The Administrator shall establish procedures to provide all Federal agencies with the notification necessary for the purposes of subsection (a) of this section.

Federal agency contracts

(c) In order to implement the purposes and policy of this chapter to protect and enhance the quality of the Nation's air, the President shall, not more than 180 days after December 31, 1970, cause to be issued an order (1) requiring each Federal agency authorized to enter into contracts and each Federal agency which is empowered to extend Federal assistance by way of grant, loan, or contract to effectuate the purpose and policy of this chapter in such contracting or assistance activities, and (2) setting forth procedures, sanctions, penalties, and such other provisions, as the President determines necessary to carry out such requirement.

Exemptions; notification to Congress

(d) The President may exempt any contract, loan, or grant from all or part of the provisions of this section where he determines such exemption is necessary in the paramount interest of the United States and he shall notify the Congress of such exemption.

Annual report to Congress

(e) The President shall annually report to the Congress on measures taken toward implementing the purpose and intent of this section, including but not limited to the progress and problems associated with implementation of this section.

July 14, 1955, c. 360, Title III, § 306, as added Dec. 31, 1970, Pub.L. 91–604,§ 12(a), 84 Stat. 1707.

§ 1857h—5. Administrative proceedings and judicial review

(a) (1) [1] In connection with any determination under section 1857c—5 (f) of this title or section 1857f—1(b) (5) of this title,

[1] So in original. Subsec. (a) was enacted without a par. (2).

or for purposes of obtaining information under section 1857f—1(b) (4) or 1857f—6c (c) (3) of this title, the Administrator may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and he may administer oaths. Except for emission data, upon a showing satisfactory to the Administrator by such owner or operator that such papers, books, documents, or information or particular part thereof, if made public, would divulge trade secrets or secret processes of such owner or operator, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of Title 18, except that such paper, book, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this chapter, to persons carrying out the National Academy of Sciences' study and investigation provided for in section 1857f—1(c) of this title, or when relevant in any proceeding under this chapter. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subparagraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator to appear and produce papers, books, and documents before the Administrator, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) (1) A petition for review of action of the Administrator in promulgating any national primary or secondary ambient air quality standard, any emission standard under section 1857c—7 of this title, any standard of performance under section 1857c—6 of this title, any standard under section 1857f—1 of this title (other than a standard required to be prescribed under section 1857f—1(b) (1) of this title), any determination under section 1857f—1(b) (5) of this title, any control or prohibition under section 1857f—6c of this title, or any standard under section 1857f—9 of this title may be filed only in the United States Court of Appeals for the District of Columbia. A petition for review of the Administrator's action in approving or promulgating any implementation plan under section 1857c—5 of this title or section 1857c—6(d) of this title may be filed only in the United States Court of Appeals for the appropriate circuit. Any such petition shall be filed within

30 days from the date of such promulgation or approval, or after such date if such petition is based solely on grounds arising after such 30th day.

(2) Action of the Administrator with respect to which review could have been obtained under paragraph (1) shall not be subject to judicial review in civil or criminal proceedings for enforcement.

(c) In any judicial proceeding in which review is sought of a determination under this chapter required to be made on the record after notice and opportunity for hearing, if any party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, in such manner and upon such terms and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original determination, with the return of such additional evidence.

July 14, 1955, c. 360, Title III, § 307, as added Dec. 31, 1970, Pub.L. 91–604, § 12(a), 84 Stat. 1707, and amended Nov. 18, 1971, Pub.L. 92–157, Title III, § 302(a), 85 Stat. 464.

§ 1857h—6. Mandatory licensing

Whenever the Attorney General determines, upon application of the Administrator—

(1) that—

(A) in the implementation of the requirements of section 1857c—6, 1857c—7 or 1857f—1 of this title, a right under any United States letters patent, which is being used or intended for public or commercial use and not otherwise reasonably available, is necessary to enable any person required to comply with such limitation to so comply, and

(B) there are no reasonable alternative methods to accomplish such purpose, and

(2) that the unavailability of such right may result in a substantial lessening of competition or tendency to create a monopoly in any line of commerce in any section of the country,

the Attorney General may so certify to a district court of the United States, which may issue an order requiring the person who

owns such patent to license it on such reasonable terms and conditions as the court, after hearing, may determine. Such certification may be made to the district court for the district in which the person owning the patent resides, does business, or is found.
July 4, 1955, c. 360, Title III, § 308, as added Dec. 31, 1970, Pub.L. 91–604, § 12(a), 84 Stat. 1708.

§ 1857h—7. Policy review

(a) The Administrator shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this chapter or other provisions of the authority of the Administrator, contained in any (1) legislation proposed by any Federal department or agency, (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which section 4332(2) (C) of this title applies, and (3) proposed regulations published by any department or agency of the Federal Government. Such written comment shall be made public at the conclusion of any such review.

(b) In the event the Administrator determines that any such legislation, action, or regulation is unsatisfactory from the standpoint of public health or welfare or environmental quality, he shall publish his determination and the matter shall be referred to the Council on Environmental Quality.
July 14, 1955, c. 360, § 309, as added Dec. 31, 1970, Pub.L. 91–604, § 12(a), 84 Stat. 1709.

§ 1857i. Application to other laws; nonduplication of appropriations

(a) Except as provided in subsection (b) of this section, this chapter shall not be construed as superseding or limiting the authorities and responsibilities, under any other provision of law, of the Administrator or any other Federal officer, department, or agency.

(b) No appropriation shall be authorized or made under section 241, 243, or 246 of this title for any fiscal year after the fiscal year ending June 30, 1964, for any purpose for which appropriations may be made under authority of this chapter.

July 14, 1955, c. 360, Title III, § 310, formerly § 10, as added Dec. 17, 1963, Pub.L. 88–206, § 1, 77 Stat. 401, renumbered § 303, Oct. 20, 1965, Pub.L. 89–272, Title I, § 101(4), 79 Stat. 992, amended Nov. 21, 1967, Pub.L. 90–148,§ 2, 81 Stat. 505, renumbered § 310 and amended Dec. 31, 1970, Pub.L. 91–604, §§ 12(a), 15(c) (2), 84 Stat. 1705, 1713.

§ 1857j. Records and audit

(a) Each recipient of assistance under this chapter shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this chapter.

July 14, 1955, c. 360, Title III, § 311, formerly § 11, as added Dec. 17, 1963, Pub.L. 88–206, § 1, 77 Stat. 401, renumbered § 304, Oct. 20, 1965, Pub.L. 89–272, Title I, § 101(4), 79 Stat. 992, amended Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 505, renumbered § 311 and amended Dec. 31, 1970, Pub.L. 91–604, §§ 12(a), 15(c) (2), 84 Stat. 1705, 1713.

§ 1857j—1. Comprehensive economic cost studies

(a) In order to provide the basis for evaluating programs authorized by this chapter and the development of new programs and to furnish the Congress with the information necessary for authorization of appropriations by fiscal years beginning after June 30, 1969, the Administrator, in cooperation with State, interstate, and local air pollution control agencies, shall make a detailed estimate of the cost of carrying out the provisions of this chapter; a comprehensive study of the cost of program implementation by affected units of government; and a comprehensive study of the economic impact of air quality standards on the Nation's industries, communities, and other contributing sources of pollution, including an analysis of the national requirements for and the cost of controlling emissions to attain such standards of air quality as may be established pursuant to this chapter or applicable State law. The Administrator shall submit such detailed estimate and the results of such comprehensive study of cost for the five-year period beginning July 1, 1969, and the results of such other studies, to the Congress not later than January 10, 1969, and shall submit a reevaluation of such estimate and studies annually thereafter.

(b) The Administrator shall also make a complete investigation and study to determine (1) the need for additional trained State

and local personnel to carry out programs assisted pursuant to this chapter and other programs for the same purpose as this chapter; (2) means of using existing Federal training programs to train such personnel; and (3) the need for additional trained personnel to develop, operate and maintain those pollution control facilities designed and installed to implement air quality standards. He shall report the results of such investigation and study to the President and the Congress not later than July 1, 1969.

July 14, 1955, c. 360, Title III, § 312, formerly § 305, as added Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 505, renumbered and amended Dec. 31, 1970, Pub.L. 91–604, §§ 12(a), 15(c) (2), 84 Stat. 1705, 1713.

§ 1857j—2. Additional reports to Congress

Not later than six months after November 21, 1967, and not later than January 10 of each calendar year beginning after such date, the Administrator shall report to the Congress on measures taken toward implementing the purpose and intent of this chapter including, but not limited to, (1) the progress and problems associated with control of automotive exhaust emissions and the research efforts related thereto; (2) the development of air quality criteria and recommended emission control requirements; (3) the status of enforcement actions taken pursuant to this chapter; (4) the status of State ambient air standards setting, including such plans for implementation and enforcement as have been developed; (5) the extent of development and expansion of air pollution monitoring systems; (6) progress and problems related to development of new and improved control techniques; (7) the development of quantitative and qualitative instrumentation to monitor emissions and air quality; (8) standards set or under consideration pursuant to subchapter II of this chapter; (9) the status of State, interstate, and local pollution control programs established pursuant to and assisted by this chapter; and (10) the reports and recommendations made by the President's Air Quality Advisory Board.

July 14, 1955, c. 360, Title III, § 313, formerly § 306, as added Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 506, renumbered and amended Dec. 31, 1970, Pub.L. 91–604, §§ 12(a), 15(c) (2), 84 Stat. 1705, 1713.

§ 1857j—3. Labor standards

The Administrator shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects assisted under this chapter shall be

paid wages at rates not less than those prevailing for the same type of work on similar construction in the locality as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act. The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 and section 276c of Title 40. July 14, 1955, c. 360, Title III, § 314, formerly § 307, as added Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 506, renumbered and amended Dec. 31, 1970, Pub.L. 91–604, §§ 12(a), 15(c) (2), 84 Stat. 1705, 1713.

§ 1857k. Separability of provisions

If any provision of this chapter, or the application of any provision of this chapter to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this chapter, shall not be affected thereby.

July 14, 1955, c. 360, Title III, § 308, formerly § 12, as added Dec. 17, 1963, Pub.L. 88–206, § 1, 77 Stat. 401, renumbered § 305, Oct. 20, 1965, Pub.L. 89–272, Title I, § 101(4), 79 Stat. 992, amended and renumbered § 308, Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 506, Section 308 of Act July 14, 1955, was renumbered section 315 by Pub.L. 91–604, § 12(a), Dec. 31, 1970, 84 Stat. 1705.

§ 1857l. Appropriations

There are authorized to be appropriate to carry out this chapter, other than sections 1857b(f) (3) and (d), 1857b—1, 1857f—6e, and 1858a of this title, $125,000,000 for the fiscal year ending June 30, 1971, $225,000,000 for the fiscal year ending June 30, 1972, and $300,000,000 for the fiscal year ending June 30, 1973.

July 14, 1955, c. 360, Title III, § 316, formerly § 13, as added Dec. 17, 1963, Pub.L. 88–206, § 1, 77 Stat. 401, renumbered § 306, and amended Oct. 20, 1965, Pub.L. 89–272, Title I, § 101(4), (6), (7), 79 Stat. 992; Oct. 15, 1966, Pub.L. 89–675, § 2(a), 80 Stat. 954, renumbered § 309, and amended Nov. 21, 1967, Pub.L. 90–148, § 2, 81 Stat. 506, renumbered § 316, and amended Dec. 31, 1970, Pub.L. 91–604, §§ 12(a), 13(b), 84 Stat. 1705, 1709.

1.1a AIR POLLUTION ACT OF JULY 14, 1955

P.L. 84–159, 69 Stat. 322

AN ACT

To provide research and technical assistance relating to air pollution control.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the dangers to the public health and welfare, injury to agricultural crops and livestock, damage to and deterioration of property, and hazards to air and ground transportation, from air pollution, it is hereby declared to be the policy of Congress to preserve and protect the primary responsibilities and rights of the States and local governments in controlling air pollution, to support and aid technical research to devise and develop methods of abating such pollution, and to provide Federal technical services and financial aid to State and local government air pollution control agencies and other public or private agencies and institutions in the formulation and execution of their air pollution abatement research programs. To this end, the Secretary of Health, Education, and Welfare and the Surgeon General of the Public Health Service (under the supervision and direction of the Secretary of Health, Education, and Welfare) shall have the authority relating to air pollution control vested in them respectively by this Act.

Sec. 2. (a) The Surgeon General is authorized, after careful investigation and in cooperation with other Federal agencies, with State and local government air pollution control agencies, with other public and private agencies and institutions, and with the industries involved, to prepare or recommend research programs for devising and developing methods for eliminating or reducing air pollution. For the purpose of this subsection the Surgeon General is authorized to make joint investigations with any such agencies or institutions.

(b) The Surgeon General may (1) encourage cooperative activities by State and local governments for the prevention and abatement of air pollution; (2) collect and disseminate information relating to air pollution and the prevention and abatement thereof; (3) conduct in the Public Health Service, and support and aid the conduct by State and local government air pollution control agencies, and other public and private agencies and institutions of, technical research to devise and develop methods of preventing and abating air pollution; and (4) make available to State and local government air pollution control agencies, other public and private agencies and institutions, and industries, the results of surveys, studies, investigations, research, and experiments relating to air pollution and the prevention and abatement thereof.

SEC. 3. The Surgeon General may, upon request of any State or local government air pollution control agency, conduct investigations and research and make surveys concerning any specific problem of air pollution confronting such State or local government air pollution control agency with a view to recommending a solution of such problem.

SEC. 4. The Surgeon General shall prepare and publish from time to time reports of such surveys, studies, investigations, research, and experiments made under the authority of this Act as he may consider desirable, together with appropriate recommendations with regard to the control of air pollution.

SEC. 5. (a) There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the five fiscal years during the period beginning July 1, 1955, and ending June 30, 1960, not to exceed $5,000,000 to enable it to carry out its functions under this Act and, in furtherance of the policy declared in the first

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section of this Act, to (1) make grants-in-aid to State and local government air pollution control agencies, and other public and private agencies and institutions, and to individuals, for research, training, and demonstration projects, and (2) enter into contracts with public and private agencies and institutions and individuals for research, training, and demonstration projects. Such grants-in-aid and contracts may be made without regard to sections 3648 and 3709 of the Revised Statutes. Sums appropriated for such grants-in-aid and contracts shall remain available until expended, and shall be allotted by the Surgeon General in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare.

SEC. 6. When used in this Act—

(a) The term "State air pollution control agency" means the State health authority, except that in the case of any State in which there is a single State agency other than the State health authority charged with responsibility for enforcing State laws relating to the abatement of air pollution, it means such other State agency;

(b) The term "local government air pollution control agency" means a city, county, or other local government health authority, except that in the case of any city, county, or other local government in which there is a single agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the abatement of air pollution, it means such other agency; and

(c) The term "State" means a State or the District of Columbia.

SEC. 7. Nothing contained in this Act shall limit the authority of any department or agency of the United States to conduct or make

grants-in-aid or contracts for research and experiments relating to air pollution under the authority of any other law.

Approved July 14, 1955.

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1.1a(1) SENATE COMMITTEE ON PUBLIC WORKS

S. REP. No. 389, 84th Cong., 1st Sess. (1955)

PROVIDING FOR RESEARCH AND TECHNICAL ASSISTANCE RELATING TO AIR-POLLUTION CONTROL

MAY 27 (legislative day, MAY 2), 1955.—Filed under authority of the order of the Senate of May 27 (legislative day, May 2), 1955 with amendments, and ordered to be printed

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Mr. CHAVEZ, from the Committee on Public Works, submitted the following

REPORT

[To accompany S. 928]

The Committee on Public Works, to whom was referred the bill (S. 928) to amend the Water Pollution Control Act in order to provide for the control of air pollution, having considered the same, report favorably thereon with amendment and recommends that the bill, as amended, do pass.

The amendments are indicated in the bill as reported by line type and italics. The title of the bill has been amended to conform to changes in language and to make clear the objectives of this measure.

PURPOSE OF THE BILL AS AMENDED

Within recent years it has become increasingly evident that the health, comfort, and well-being of our people in many parts of the country are affected by contamination of the atmosphere in which they live. There is acknowledged need to determine the causes of air pollution, the meteorological factors and chemical elements involved, the effects, and possible preventive measures.

The purpose of this bill is to authorize the Department of Health, Education, and Welfare, through the United States Public Health Service, to utilize the resources of the Federal Government and to

cooperate with State and local governments and educational institutions in the preparation and execution of programs of research into the problem of air contamination. The bill will make possible technical and financial aid for joint efforts and provides for the collection and dissemination of information which would be valuable to local agencies striving to abate pollution of the atmosphere.

[p. 1]

NEED FOR SUCH LEGISLATION

There is no doubt that the emission of fumes and particles into the air above heavily populated communities and industrial centers is causing a condition described in a variety of terms, including "smog" and "smaze."

While a few areas have attracted unusual attention because of air contamination the problem is rapidly becoming serious and causing alarm in many places. Tragic results have followed unexplained occurrences of fumes, fog, and murkiness in the past, as in the Meuse Valley in Belgium, in London, in Donora, Pa., and in Poza Rica, Mexico, during present history.

Considerable publicity has been given to "smog" sieges in Los Angeles and public officials have indicated fear that like conditions may be developing in such widely separated cities as New York and Cleveland.

Commendable efforts are being made in many communities to isolate the causes of air contamination and bring about control for protection of our people. However, the work underway at present is largely uncoordinated and in need of both acceleration and technical assistance. A solution of the problem is delayed by inadequate observations, insufficient exchange of data, and limited know-how, facilities, and funds.

FEDERAL ASSISTANCE POSSIBLE

There are a number of Federal agencies particularly qualified and equipped to conduct research into the problem of air pollution. Among these are the Weather Bureau, the Bureau of Mines, the Bureau of Standards, the National Institutes of Health, the Agricultural Research Service, and the Atomic Energy Commission.

It is the opinion of the committee that the Department of Health, Education, and Welfare can best coordinate efforts of Federal agencies and cooperate with and aid other bodies, State and local, public and private, in formulating and carrying out research programs directed toward abatement of air pollution.

The laboratories of the Federal Government, the testing techniques,

the records of weather conditions, the trained personnel, and the apparatus and equipment now in existence cannot be duplicated easily, quickly, or economically by any non-Federal agency seeking to counteract the air contamination menace.

Consequently, it is the opinion of the committee that the Federal Government should employ its resources to further the attack against pollution of the atmosphere.

EXPLANATION OF THE BILL

It is the opinion of the committee that considerable time may be needed to produce useful results. Therefore, this bill authorizes a 5-year program of research and cooperation. A lesser period would be insufficient to test theories and make painstaking studies. In the opinion of the committee, authorization for Federal participation in the field of air-pollution research is of such great importance as to justify a specific authorizing statute.

[p. 2]

The bill would authorize an annual appropriation, beginning July 1, 1955, and continuing until June 30, 1960, in an amount not to exceed $3 million annually, for expenditure by the Secretary of Health, Education, and Welfare to carry on these functions. The money would be available for technical services by other Federal departments or agencies whose facilities and personnel are employed in the program, and for grants-in-aid to State and local governmental bodies and public and private educational institutions engaged in attempting to solve the air-pollution problem through research.

The grants-in-aid would be provided through agreements whereby qualified and experienced groups would undertake investigations and experiments and would make available to the entire Nation the benefits of their work.

The bill provides for a close integration of effort through an advisory body which would evaluate suggestions about research projects and provide a clearinghouse for data presently available. The Commission would include both representatives of the Federal Government and non-Federal members whose responsibilities, experience, and interest make them particularly qualified to give counsel and guidance. The President would have the right to select individuals from scientific circles, from industries that might be most concerned, or from the public at large.

REASONS FOR ACTION

The President has recognized the serious nature of the air-pollution problem on several occasions. Already he has created an ad hoc

Advisory Committee on Community Air Pollution to canvass the facilities of the Federal Government which might be utilized in attacking it. In his state of the Union message last January he said he would call on Congress to take appropriate action against this menace. In his special health message, he stated:

> As a result of industrial growth and urban development, the atmosphere over some population centers may be approaching the limit of its ability to absorb air pollutants with safety to health. I am recommending an increased appropriation to the Public Health Service for studies seeking necessary scientific data and more effective methods of control.

Thus the proposed measure will carry out recommendations from many sources. During the hearings, the committee received testimony in support of the bill from representatives of communities and local governments in all parts of the Nation. The legislation has been endorsed by the American Medical Association, the American Municipal Association, and representatives of county governments.

The committee recognizes that it is the primary responsibility of State and local governments to prevent air pollution. The bill does not propose any exercise of police power by the Federal Government and no provision in it invades the sovereignty of States, counties, or cities. There is no attempt to impose standards of purity.

At the same time, the program which would be made possible by this legislation should stimulate State and local agencies as well as aid them in dealing with phases of the problem with which they are most immediately concerned. The problem of research into the causes and ultimate elimination of air pollution is so complex and vast that it is not realistic to expect a solution through uncoordinated efforts of a multitude of agencies.

[p. 3]

Reports from the Department of Health, Education, and Welfare, the Bureau of the Budget, Department of the Air Force, and the Department of Agriculture, commenting on the provisions of S. 928 as introduced, are as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., April 21, 1955.

Hon. DENNIS CHAVEZ,
Chairman, Committee on Public Works,
U.S. Senate.

DEAR MR. CHAIRMAN: This letter is in response to your request of February 4, 1955, for a report on S. 928, a bill to amend the Water Pollution Control Act in order to provide for the control of air pollution.

The bill would add to the Water Pollution Control Act a new title on air-pollution control. The new title would state the Federal policy to be to preserve and protect the primary responsibilities and rights of the States and local government in controlling air pollution, to support and aid technical research on methods of air-

pollution abatement, and to provide technical services and financial aid to States, local governments, and industries in the formulation and execution of air-pollution abatement programs. The Surgeon General would be directed to prepare or adopt comprehensive programs for air-pollution control and authorized to encourage cooperative activities by State and local governments, encourage the enactment of uniform State laws, collect and disseminate information, support and aid (through grants, contracts, and otherwise) research, training, and demonstration projects by non-Federal agencies, and furnish other assistance as appropriate in relation to the control of air pollution.

The bill would authorize appropriations for these various activities for the 5 fiscal years beginning July 1, 1955, and ending June 30, 1960.

Within recent years, evidence has increased rapidly that air pollution is adversely affecting the health and welfare of the population in many urban and industrialized communities. The publicity given to certain areas in which the problems have become critical only highlights a more general condition in many urban areas of our country. While considerable success has been attained by municipalities in the control of smoke discharges, the general problem of air pollution due to other forms of particulate matter, vapors, and gases has increased in severity with the growth and greater technical complexity of economic and community activities. The control of air pollution is hampered by inadequate scientific knowledge concerning the production, nature, interactions, effects, and atmospheric dispersal of air pollutants and by lack of available control procedures in some cases.

There is, in our opinion, no question as to the desirability of legislation such as that proposed by S. 928 to authorize a Federal program of broad research and technical assistance on air pollution problems. The Public Health Service is currently conducting and supporting air-pollution research under existing authorizations relating to health. There is need, however, for a broader legislative authorization to encompass related community aspects of air pollution, and need for future expansion of research and studies to overcome the deficiencies in technical knowledge required for effective control efforts.

The 5-year period authorized in the bill for the conduct of the program is considered a minimum for the production of major research findings. Some useful results should be obtained in a briefer time; other studies, such as those related to chronic health effects of air pollutants, are expected to require longer than a 5-year period. We believe that at least 2 years' concentrated effort will be required to build up to the desirable level of research activity after availability of initial appropriation. Thus, while it is not considered feasible to accomplish the entire objectives of the bill within the 5-year period of program authorized, the time limitation may serve a useful purpose in providing the occasion for a reappraisal of program toward the close of the 5-year period.

A number of Federal agencies now have responsibilities related to air pollution but not directly concerned with a program designed to extend technical assistance to States and local agencies for air-pollution control. These include the responsibility of the Department of Agriculture for advice to farmers as to methods for overcoming the effects of air pollutants on crops and livestock, the responsibility of the Department of the Interior concerning health and safety conditions in coal mines, and the responsibility of the Atomic Energy Commission, the Department of Defense and other Federal agencies operating or controlling industrial establishments to control the emission of pollutants therefrom. It is assumed that this bill does not intend to limit or supersede such existing responsibilities, and the addition of a specific saving clause to this effect would be appropriate.

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Several other Federal agencies have facilities and competences which should be used, rather than duplicated, in a comprehensive research program on air pollution. These include the United States Weather Bureau, Department of Commerce, with its extensive facilities for meteorological observations and studies, and the Bureau of Mines, Department of the Interior, with its long background of studies on the efficiency of combustion of fuels. If given the responsibilities proposed in this bill, this Department would consider it desirable to use, under the provisions of the Economy Act, the services of other Federal agencies to the fullest extent feasible and appropriate. Therefore, since the provision in section 208 (b), authorizing the use of officers and employees of other Federal agencies to assist in carrying out the purposes of the bill would appear to be restrictive, we believe that it should be deleted.

To provide a close relationship with the other agencies, the organization of an interdepartmental advisory committee, with initial membership consisting of representatives of the Federal agencies named in section 206 of the new title proposed by the bill plus the Atomic Energy Commission, to assist in program planning and cooperative action would be highly desirable. However, we believe that membership on such an interdepartmental committee should not be rigidly specified in law and that the committee can best be established by executive action. Such an interdepartmental committee is now functioning on an ad hoc basis and its role can be enlarged and strengthened upon passage of this legislation.

We would therefore suggest the deletion of the provision in section 206 for the establishment of an Air Pollution Control Advisory Board. The proposed interdepartmental advisory committee would fulfill many of the functions of such a Board. Moreover, unlike the water-pollution field in which a similar board now exists, instances of troublesome interstate air pollution are few in number and no Federal legal control over interstate air pollution is currently proposed. It is believed that the functions to be provided by the non-Federal representatives on the Board can be furnished through the services of selected consultants.

We question the desirability of extending financial aid to industries in the formulation and execution of their pollution abatement programs as provided in the "general purpose" section of the bill (sec. 202) and note that no substantive provisions are included to implement his purpose.

The reference to grants-in-aid to States at the beginning of clause (1) of section 207 (2) of the proposed new title is somewhat ambiguous and may be construed to authorize formula grants to States for purposes other than research, training, and demonstration projects. We recommend that this reference be deleted. The general authorization for grants to and contracts with public (which would include "States") and private agencies, institutions, and individuals for research, training, and demonstration projects is adequate and more descriptive of the project grant type of authority which is desirable in this area at this time.

We also believe that specific language authorizing the Public Health Service to engage directly in research on air-pollution problems should be included as well as supporting research by other organizations, in order to make entirely clear the authority of the Public Health Service to conduct research in all the community aspects of air pollution.

Many problems of community air pollution are of local character with pollutants consequently affecting only the localities in which they arise. In other cases, larger or regional areas may be affected. We would suggest, therefore, that the authorization for preparing or adopting comprehensive programs be made permissive rather than mandatory in order to obtain the flexibility of operations desirable.

This Department has no current plans for additional buildings and facilities as

included in section 207 (c) of the new title. However, in view of the complex nature of community air pollution and the possibility of development of unforeseen problems and of promising research leads which would require the use of facilities not now available, it is suggested that the authorization remain in the bill with the authority broadened to permit acquisition by other means as well as by new construction.

The provision in section 208 (a) of the proposed new title, for the appointment of five officers in the regular corps of the Public Health Service above the grade of senior assistant is not necessary, in view of existing authorizations which would permit the appointment of officers required in conducting an air-pollution program.

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In summary, this Department is in agreement with the objectives of this bill and with the proposal for a comprehensive program of research, technical assistance, and necessary financial aid on the problems of community air-pollution control. We recommend modification in certain sections of the proposed new title on air pollution as follows:

1. Addition of a provision that the act would not supersede or limit existing provisions of law pertaining to air pollution.
2. Deletion of section 208 (b) which would restrict the use of services of other Federal agencies to utilization of their officers and employees on a loan basis.
3. Deletion of the provision in section 206 which would establish an Air Pollution Control Advisory Board.
4. Deletion of the provision for financial assistance to industries included in section 202.
5. Clarification of section 207 (a) to authorize grants to States only on a project basis, the same as to other agencies, institutions, and individuals, for research, training, and demonstrations.
6. Addition of a provision to authorize the Surgeon General to conduct research and studies relating to air pollution and its prevention and abatement.
7. Permissive authorization rather than mandatory direction in section 203 (a) for the Surgeon General to prepare or adopt comprehensive programs for eliminating or reducing air pollution.
8. Deletion of the provision for five additional officers in the regular corps of the Public Health Service.

We would recommend the enactment by the Congress of this legislation, modified as suggested above.

The Bureau of the Budget advises that it perceives no objection to the submission of this report to your committee.

Sincerely yours,

OVETA CULP HOBBY, *Secretary.*

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., April 21, 1955.

Hon. DENNIS CHAVEZ,
Chairman, Committee on Public Works,
U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in response to your letter of February 5, 1955, requesting the views of the Bureau of the Budget on S. 928, a bill to amend the Water Pollution Control Act in order to provide for the control of air pollution.

This bill would amend the Water Pollution Control Act by adding a new title on air pollution. The bill defines the Federal policy of supporting the primary responsi-

bilities of the State and local governments in controlling air pollution. To this end the proposed legislation authorizes the Secretary of Health, Education, and Welfare and the Surgeon General to support and aid technical research on methods of air-pollution abatement and to provide technical assistance and financial aid to States, local governments, and industries in the formulation and execution of abatement programs. The bill would further direct the Surgeon General to prepare or adopt comprehensive air-pollution control programs. In addition, the Surgeon General is authorized to encourage cooperative activities with State and local governments, to encourage the enactment of uniform State laws, collect and disseminate information, and render other appropriate assistance. The bill also authorizes the support of research, training, and demonstration projects by non-Federal agencies through grants and contracts. Appropriations for the foregoing activities are authorized for a 5-year period commencing July 1, 1955.

It is recognized that the primary responsibility for the conduct of air-pollution abatement programs rests with the States and local governments. The role of the Federal Government has been and should be concerned primarily with the research effort seeking necessary scientific data and more effective methods of control. In support of this role, the President, in his budget, recommended increased funds for the Public Health Service for research into the health aspects of the air-pollution problem. To the extent that the subject bill would strengthen this policy by providing broader research authority and by providing for increased cooperation between the Federal Government and State and local authorities the Bureau of the Budget believes its enactment would aid in solving problems of air pollution.

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The purpose of the bill as set forth in section 202 infers the need for providing financial aid to States, local governments, and industries in the formulation and execution of air-pollution abatement programs. It is our understanding that the presently foreseen need in the area of air pollution is to make available only technical assistance in the formulation of programs and therefore, it is recommended that this section be modified accordingly. Consistent with this approach it is also recommended that section 207 (a) (1) which appears to authorize general grants-in-aid for operation be deleted and that section 207 (a) (2) be broadened to authorize grants for research.

It is noted that the report of the Secretary of Health, Education, and Welfare on this bill recommends deletion of section 206, which provides for the establishment of an Air Pollution Control Advisory Board. We concur in this recommendation. While there is a need for overall coordination of efforts, it is believed that this may best be accomplished administratively with sufficient flexibility to meet changing situations.

Section 203 makes mandatory the requirement that the Surgeon General prepare or adopt comprehensive programs for eliminating air pollution. We agree with the comments of the Secretary of Health, Education, and Welfare that this provision be made permissive. Further it is believed that in keeping with the Federal function, the Surgeon General should be authorized only to recommend programs for pollution abatement.

For technical reasons deletion of section 208 (a) providing for appointment of certain commissioned officers, which authority already exists, and section 208 (b), providing for utilization of employees of other agencies, a provision more broadly covered under the Economy Act, is also recommended.

The authority contained in section 207 (c) for the erection of buildings to carry out the purposes of the proposed legislation should, as proposed in the Secretary's report, be revised to permit the acquisition of required facilities by such means as may be practicable. It is noted that both subsections 207 (a) and (c) authorize

appropriations which would remain available until expended. This Bureau believes that appropriations for the activities proposed in this measure should be treated in the same manner as those of similar activities for which annual appropriations are authorized. Should the need for construction funds arise, appropriate language could provide for extended availability.

In general the Bureau of the Budget is in agreement with the objectives of this bill and, subject to the modifications noted above, there would be no objection to enactment of S. 928.

Sincerely yours,

DONALD R. BELCHER,
Assistant Director.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, April 27, 1955.

Hon. DENNIS CHAVEZ,
Chairman, Committee on Public Works,
U.S. Senate.

DEAR MR. CHAIRMAN: I refer to your request to the Secretary of Defense for the views of the Department of Defense with respect to S. 928, 84th Congress, a bill to amend the Water Pollution Control Act in order to provide for the control of air pollution. The Secretary of Defense has delegated to this Department the responsibility for expressing the views of the Department of Defense.

This bill would establish the policy of Congress toward the control of air pollution. Provision is made for the use of Federal technical services and the giving of financial aid to State and local government air-pollution agencies in the formulation and execution of their air-pollution abatement programs. The bill vests authority and responsibility in the Secretary of Health, Education, and Welfare and Surgeon General of the Public Health Service, respectively, for implementation of Federal support.

The Department of Defense recognizes the danger to public health and welfare from air pollution and will support air-pollution abatement programs to the fullest extent commensurate with military security. To this end, the Department will cooperate in providing unclassified results of research which may be applicable and of benefit in the general control of air pollution. Inasmuch as the declaration of the responsibilities and rights of the States and local governments in controlling air pollution might carry the implication that the States and local governments can thereby control or deny the conduct of military research, development,

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operations, it is believed that the legislative history of this bill should clearly show that nothing therein is intended to control or prevent activities which the military services consider necessary for the national defense. Subject to the foregoing, the Department of Defense interposes no objection to the enactment of S. 928.

The Department of Defense is unable to estimate the fiscal effects of this bill.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

HAROLD E. TALBOTT.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 26, 1955.

Hon. DENNIS CHAVEZ,
Chairman, Committee on Public Works,
U.S. Senate.

DEAR SENATOR CHAVEZ: This is in reply to your request of February 5, 1955, for a report on S. 928, a bill To amend the Water Pollution Control Act in order to provide for the control of air pollution.

In general, the Department is in agreement with the objectives of this bill and, subject to the suggested changes noted below, there would be no objection to the enactment of S. 928.

The bill would amend the Water Pollution Control Act as a means of providing for the control of air pollution by placing the existing provisions of that act under a title I—water-pollution control, and placing the air pollution provisions under a title II—air pollution control. Title II would vest in the Secretary of Health, Education, and Welfare and the Surgeon General of the Public Health Service responsibility and authority relating to air-pollution control and specify various actions to be undertaken to achieve the objectives of the act. It would establish within the Public Health Service an Air Pollution Advisory Board, one member of which would be a representative of the Department of Agriculture designated by the Secretary.

The Department of Agriculture has a general interest in community air pollution to the extent that individuals who produce, handle, process, and market farm products, and the animals and plants upon which this country depends for food, fiber, and other agricultural materials, are affected adversely by air polluants. Adverse effects include not only the impairment of health and comfort but the retardation of normal growth and development, and changes in the constitution of animals or plant products rendering them toxic, distasteful, or otherwise unfit for human consumption or other purposes for which they were produced. When air pollutants produce damaging agricultural effects, it becomes a concern of the Department of Agriculture to ascertain the nature of the damage, to assess its seriousness, and to seek means for eliminating or controlling it.

It is recommended that section 206, which provides for the establishment of an Air Pollution Control Advisory Board, be deleted. We are of the opinion that federally supported community air-pollution activities should receive leadership from a single department, assisted by an interdepartmental advisory committee. The Department of Health, Education, and Welfare is the most logical agency to assume this role because of its concern in the problem and its established Federal-State relations for dealing with health matters. Safeguarding the public health is the most compelling reason for extending Federal assistance on community air pollution, although economic losses and nuisance considerations also are important in the total problem. While several other departments are interested and should aid in any Federal program, the greatest portion of the work will be in the Public Health Service, Department of Health, Education, and Welfare. Leadership by one department makes possible the coordination necessary in an overall program while utilizing the competencies of other agencies to the maximum extent feasible and appropriate.

Section 202 infers the need for providing financial aid to States, local governments, and industries in the formulation and execution of air-pollution abatement programs. We are of the opinion that the general role of the Federal Government should be to provide supplementary support and assistance to State, local, and other agencies, including private organizations, in technical and operational prob-

lems. This would include, among others, research and development by Federal departments and agencies and the support of these activities through other qualified organizations or individuals in the field of community air pollution, thus producing new information concerning the production, nature, effects, and control of air pollutants. For this reason it is also recommended that section 207 (a) 1, which appears to authorize general grants-in-aid for operation, be deleted and that section 207 (a) 2 be broadened to authorize grants for research.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

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1.1a(2) HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

H.R. REP. No. 968, 84th Cong., 1st Sess. (1955)

PROVIDING RESEARCH AND TECHNICAL ASSISTANCE RELATING TO AIR POLLUTION CONTROL

JUNE 28, 1955.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. CARLYLE, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

[To accompany S. 928]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 928) to provide research and technical assistance relating to air pollution control, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

That in recognition of the dangers to the public health and welfare, injury to agricultural crops and livestock, damage to and deterioration of property, and hazards to air and ground transportation, from air pollution, it is hereby declared to be the policy of Congress to preserve and protect the primary responsibilities and rights of the States and local governments in controlling air pollution, to support and aid technical research to devise and develop methods of abating such pollution, and to

provide Federal technical services and financial aid to State and local government air pollution control agencies and other public or private agencies and institutions in the formulation and execution of their air pollution abatement research programs. To this end, the Secretary of Health, Education, and Welfare and the Surgeon General of the Public Health Service (under the supervision and direction of the Secretary of Health, Education, and Welfare) shall have the authority relating to air pollution control vested in them respectively by this Act.

SEC. 2. (a) The Surgeon General is authorized, after careful investigation and in cooperation with other Federal agencies, with State and local government air pollution control agencies, with other public and private agencies and institutions, and with the industries involved, to prepare or recommend research programs for devising and developing methods for eliminating or reducing air pollution. For the purpose of this subsection the Surgeon General is authorized to make joint investigations with any such agencies or institutions.

(b) The Surgeon General may (1) encourage cooperative activities by State and local governments for the prevention and abatement of air pollution, (2) collect and disseminate information relating to air pollution and the prevention and abatement thereof; (3) conduct in the Public Health Service, and support and

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aid the conduct by State and local government air pollution control agencies, and other public and private agencies and institutions of, technical research to devise and develop methods of preventing and abating air pollution, and (4) make available to State and local government air pollution control agencies, other public and private agencies and institutions, and industries, the results of surveys, studies, investigations, research, and experiments relating to air pollution and the prevention and abatement thereof.

SEC. 3. The Surgeon General may, upon request of any State or local government air pollution control agency, conduct investigations and research and make surveys concerning any specific problem of air pollution confronting such State or local government air pollution control agency with a view to recommending a solution of such problem.

SEC. 4. The Surgeon General shall prepare and publish from time to time reports of such surveys, studies, investigations, research, and experiments made under the authority of this Act, as he may consider desirable, together with appropriate recommendations with regard to the control of air pollution.

SEC. 5. (a) There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the five fiscal years during the period beginning July 1, 1955, and ending June 30, 1960, not to exceed $5,000,000 to enable it to carry out its functions under this Act and, in furtherance of the policy declared in the first section of this Act, to (1) make grants-in-aid to State and local government air pollution control agencies, and other public and private agencies and institutions, and to individuals, for research, training, and demonstration projects, and (2) enter into contracts with public and private agencies and institutions and individuals for research, training, and demonstration projects. Such grants-in-aid and contracts may be made without regard to sections 3648 and 3709 of the Revised Statutes. Sums appropriated for such grants-in-aid and contracts shall remain available until expended, and shall be allotted by the Surgeon General in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare.

SEC. 6. When used in this Act—

(a) The term "State air pollution control agency" means the State health authority, except that in the case of any State in which there is a single State agency

other than the State health authority charged with responsibility for enforcing State laws relating to the abatement of air pollution, it means such other State agency;

(b) The term "local government air pollution control agency" means a city, county, or other local government health authority, except that in the case of any city, county, or other local government in which there is a single agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the abatement of air pollution, it means such other agency; and

(c) The term "State" means a State or the District of Columbia.

SEC. 7. Nothing contained in this Act shall limit the authority of any department or agency of the United States to conduct or make grants-in-aid or contracts for research and experiments relating to air pollution under the authority of any other law.

PURPOSE OF BILL AS AMENDED

In recent years it has become increasingly evident that air pollution constitutes a danger to the public health and welfare, to agricultural crops and livestock, to property values, and to air and ground transportation. There is a great need to support and aid technical research to devise methods of abating air pollution.

The bill as amended recognizes that the control of air pollution is the primary responsibility of State and local governments, and that the role of the Federal Government should be limited to conducting research and providing technical services for and giving financial aid to those agencies and individuals who are concerned with air-pollution research and control.

The bill, as amended, would authorize the Secretary of Health, Education, and Welfare, through the Surgeon General of the Public Health Service, in cooperation with other Federal agencies, with State and local government air-pollution-control agencies, and with

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other public and private agencies and institutions, to prepare and recommend research programs for devising and developing methods for eliminating or reducing air pollution.

The Surgeon General may (1) encourage cooperative activities by State and local governments for the prevention and abatement of air pollution; (2) collect and disseminate information relating to air pollution and the prevention and abatement thereof; (3) conduct in the Public Health Service, and support and aid the conduct by State and local government air-pollution control agencies, and other public and private agencies and institutions of technical research to devise and develop methods of preventing and abating air pollution; (4) make available to State and local government air-pollution-control agencies, and other public and private agencies and institutions the results of surveys, studies, investigations, research, and experiments relating to air pollution and the prevention and abatement thereof.

To enable it to carry out its function under this act, the bill as

amended would authorize an appropriation of $5 million to the Department of Health, Education, and Welfare for each of the 5 fiscal years beginning July 1, 1955, and ending June 30, 1960.

NEED FOR SUCH LEGISLATION

There is no doubt that the emission of fumes and particles into the air above heavily populated communities and industrial centers is causing a condition described in a variety of terms, including "smog" and "smaze."

While a few areas have attracted unusual attention because of air contamination the problem is rapidly becoming serious and causing alarm in many places. Tragic results have followed unexplained occurrences of fumes, fog, and murkiness in the past, as in the Meuse Valley Belgium, in London, in Donora, Pa., and in Poza Rica, Mexico, during present history.

Considerable publicity has been given to "smog" sieges in Los Angeles and public officials have indicated fear that like conditions may be developing in such widely separated cities as New York and Cleveland.

Commendable efforts are being made in many communities to isolate the causes of air contamination and bring about control for protection of our people. However, the work underway at present is largely uncoordinated and in need of both acceleration and technical assistance. A solution of the problem is delayed by inadequate observations, insufficient exchange of data, and limited know-how, facilities, and funds.

FEDERAL ASSISTANCE POSSIBLE

There are a number of Federal agencies particularly qualified and equipped to conduct research into the problem of air pollution. Among these are the Weather Bureau, the Bureau of Mines, the Bureau of Standards, the National Institutes of Health, the Agricultural Research Service, and the Atomic Energy Commission.

It is the opinion of the committee that the Department of Health, Education, and Welfare can best coordinate efforts of Federal agencies and cooperate with and aid other bodies, State and local, public and

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private, in formulating and carrying out research programs directed toward abatement of air pollution.

The laboratories of the Federal Government, the testing techniques, the records of weather conditions, the trained personnel, and the apparatus and equipment now in existence cannot be duplicated

easily, quickly, or economically by any non-Federal agency seeking to counteract the air contamination menace.

Consequently, it is the opinion of the committee that the Federal Government should employ its resources to further the attack against pollution of the atmosphere.

It is the opinion of the committee that considerable time may be needed to produce useful results. Therefore, this bill authorizes a 5-year program of research and cooperation. A lesser period would be insufficient to test theories and make painstaking studies. In the opinion of the committee, authorization for Federal participation in the field of air-pollution research is of such great importance as to justify a specific authorizing statute.

PRESIDENT URGES FEDERAL ASSISTANCE

The President has recognized the serious nature of the air-pollution problem on several occasions. In his state of the Union message last January he said he would call on Congress to take appropriate action against this menace. In his special health message, he stated:

> As a result of industrial growth and urban development, the atmosphere over some population centers may be approaching the limit of its ability to absorb air pollutants with safety to health. I am recommending an increased appropriation to the Public Health Service for studies seeking necessary scientific data and more effective methods of control.

In the fall of 1954 the Secretary of Health, Education, and Welfare, at the request of President Eisenhower, appointed an ad hoc Interdepartmental Committee on Community Air Pollution, composed of representatives of the Departments of Defense, Agriculture, Commerce, Interior, the Atomic Energy Commission, and the National Science Foundation, in addition to the Department of Health. Dr. Leonard A. Scheele, Surgeon General of the Public Health Service, was Chairman of the Committee. The Committee recommended legislation authorizing a broad Federal program of research and technical assistance in air pollution problems. The bill, as amended, is substantially in line with the recommendations of the ad hoc Committee.

CONCLUSION

The committee recognizes that it is the primary responsibility of State and local governments to prevent air pollution. The bill does not propose any exercise of police power by the Federal Government, and no provision in it invades the sovereignty of States, counties, or cities. There is no attempt to impose standards of purity.

At the same time, the program which would be made possible by

this legislation should stimulate State and local agencies as well as aid them in dealing with phases of the problem with which they are most immediately concerned. The problem of research into the causes and ultimate elimination of air pollution is so complex and vast that it is not realistic to expect a solution through uncoordinated efforts of a multitude of agencies.

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CHANGES MADE BY BILL AS AMENDED

The bill as passed by the Senate would have limited the Public Health Service to dealings with "educational institutions" in addition to specified official agencies. The committee felt it desirable that the authorization for such cooperation and support not be so limited but be extended to "private agencies and institutions," in order to include, for example, industry associations, research institutes and organizations, and foundations, since this would permit the use of additional available competence in the research program. Furthermore, the bill, as amended, includes specific language authorizing the Public Health Service to engage directly in research on air pollution problems as well as to support research by others.

The bill, as amended, would increase from $3 million to $5 million the limitation in the authorization for appropriation.

The bill, as amended, also eliminates the advisory board provided for in the bill as passed by the Senate because the committee agrees with the comments of the Department of Health, Education, and Welfare that overall coordination of Federal effort can be achieved better by an interdepartmental committee established by executive action rather than through the use of a larger statutory advisory board. The functions of the non-Federal members of the advisory board would be discharged by selective consultants.

In addition, several clarifying changes have been made in the bill, as amended.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
June 21, 1955.

Hon. J. PERCY PRIEST,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request of June 3, 1955, for a report on S. 928, a bill to provide research and technical assistance relating to air-pollution control.

The bill would state the Federal policy to be to preserve and protect the primary responsibility and rights of States and local governments in controlling air pollution, to support and aid technical research on methods of air-pollution abatement, and to provide technical services and financial aid to States, local governments, and public

or private educational institutions, in the formulation and execution of their air pollution abatement research programs.

The Surgeon General would be authorized to prepare or recommend research programs, in cooperation with other official agencies and public and private educational institutions, for eliminating or reducing air pollution; to make joint investigations with such agencies and institutions; to collect and disseminate information relating to air pollution and its prevention and control; to support and aid (through grants, contracts, and otherwise) technical research by State and local government air-pollution-control agencies and public and private educational institutions; to make studies of specific problems of air pollution at the request of State or local government air-pollution-control agencies; and to publish reports of surveys, studies, investigations, research, and experiments together with recommendations with regard to the control of air pollution.

There would be established within the Public Health Service an Air Pollution Control Advisory Board composed of representatives of designated Federal agencies, and eight persons (not officers or employees of the Federal Government) to be appointed by the President.

The bill would authorize the appropriation of not to exceed $3 million annually, for these various activities for each of the 5 fiscal years in the period beginning July 1, 1955, and ending June 30, 1960.

Within recent years, air pollution has increased rapidly and is now affecting the health, comfort, and welfare of the population in many urban and industrialized

[p. 5]

communities. The publicity given to certain areas in which the problem has become critical only highlights a more general condition in many urban areas of the country. While considerable success has been attained by municipalities in the control of smoke, air pollution from other forms of particulate matter, vapors, and gases has increased in severity with the growth and greater technical complexity of economic and community activities. The control of air pollution is hampered by inadequate scientific knowledge concerning the production, nature, interactions, effects and dispersal of air pollutants, and by the lack of satisfactory control procedures in some cases.

There is in our opinion no question as to the desirability of legislation such as that proposed by S. 928, to authorize a broad Federal program of research and technical assistance to support and aid the States and local governments in their air-pollution-control activities. The Public Health Service is currently conducting and supporting air-pollution research under existing authorizations relating to health. There is need, however, for broader legislative authorization to encompass related community aspects of air pollution and need for further expansion of research and studies to overcome the deficiencies in technical knowledge required for effective control efforts.

Several other Federal agencies have responsibilities related to air pollution but not directly concerned with a program designed to extend technical assistance to public and private agencies and institutions. This bill makes it clear that it is not intended to supersede or limit these existing responsibilities.

To provide a close working relationship with these other agencies, we would propose the establishment, by executive action, of an interdepartmental advisory committee to assist in program planning and cooperative action. We believe that the overall coordination of Federal effort can be achieved better by such an interdepartmental committee than through the use of a larger statutory advisory board, as authorized in section 5 of the bill. The functions of the non-Federal members of

the advisory board could be furnished by services of selected consultants. For these reasons, we suggest that section 5 of the bill, which would establish an Air Pollution Advisory Board, be deleted.

The 5-year period of support authorized in the bill for the conduct of the program is considered a minimum for the production of major research findings. Some useful results could be obtained in a briefer time but other studies, such as those concerned with the chronic health effects of air pollutants, are expected to require longer than a 5-year period. At least 2 years of concentrated effort will be required to build up to the desirable level of research activity. Thus while it is not considered feasible to accomplish the entire objective of the bill within the 5-year period authorized, the time limitation may serve a useful purpose in providing the occasion for a reappraisal of program toward the close of the 5-year period.

The reference to grants-in-aid to States in clause (1) of section 6 (a) of the bill is somewhat ambiguous and might be looked upon as authorizing formula grants to States. We recommend the deletion of this reference. The general authorization for grants to and contracts with State and local agencies, and other public agencies, and individuals for research, training, and demonstrations is more descriptive of the project grant type of authority which is desirable in this area at this time.

The authorizations in the bill for cooperation on air pollution research and for its support through grants and contracts would limit the Public Health Service to dealings with "educational institutions" in addition to specified official agencies. It would be desirable that the authorization for such cooperation and support not be so limited but be extended to include industry associations, research institutes, and foundations, since this would permit the use of additional available competence in the research program. It is suggested therefore that the limitation to educational institutions be removed.

We also believe that specific language authorizing the Public Health Service to engage directly in research on air-pollution problems should be included in order to make entirely clear the congressional intention that the Public Health Service conduct research in all the community aspects of air pollution, as well as make grants for and support research by others.

Many problems of community air pollution are of local character with pollutants consequently affecting only the localities in which they arise. In other cases, larger or regional areas may be affected. We would suggest, therefore, that the authorization for preparing or adopting comprehensive programs be made permissive rather than mandatory in order to obtain the flexibility of operations desirable.

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The limitation of $3 million annually in the authorization for appropriation, included in section 6, is not considered desirable. In the initial year of the program, it is unlikely that such a sum could be utilized efficiently. On the other hand, the overall research program will include many complex aspects involving the expenditure of considerable sums of money and will include projects extending over a considerable period of time such as those concerned with the chronic health effects of air pollutants. We recommend, therefore, that no appropriation limitation be included and that the financial control be exercised through the usual annual appropriation process.

In summary, this Department is in agreement with the purposes and principal provisions of the bill. We would therefore recommend that the bill, modified as suggested above, be enacted by the Congress.

For your convenience, there is enclosed a copy of an amended bill showing by brackets and underscoring the amendments needed to effectuate the modifications

suggested above, together with a few other amendments of a technical or minor nature.

The Bureau of the Budget advises that it perceives no objection to the submission of this report to your committee.

Sincerely yours,

OVETA CULP HOBBY, *Secretary.*

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 21, 1955.

Hon. J. PERCY PRIEST,
Chairman, Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in response to your letter of June 3, 1955, requesting the views of the Bureau of the Budget on S. 928, a bill to provide research and technical assistance relating to air-pollution control, and your earlier letters requesting our views on H. R. 835, H. R. 2129, H. R. 2888, and H. R. 3680, identical bills, to provide for intensified research into the causes, hazards, and effects of air pollution including research in means and methods of abating or controlling such pollution. The bills provide that such research may be undertaken cooperatively with a State, a local government or with other nonprofit institutions. Four-year research contracts are authorized with funds to be available for expenditure for a 5-year period. The Secretary would be required to disseminate, to industry and the general public, the results of such research. The bills further authorize the Secretary to utilize the facilities and personnel of other Federal and non-Federal agencies. Appropriations of not to exceed $5 million to carry out the program are also authorized.

S. 928 embodies objectives which are similar to those of the aforementioned pressures. This proposal defines the Federal policy of supporting the primary responsibilities of the State and local governments in controlling air pollution. To this end the proposed legislation authorizes the Secretary of Health, Education, and Welfare and the Surgeon General to support and aid technical research on methods of air pollution abatement and to provide technical assistance and financial aid to State and local governments, educational institutions in the formulation and execution of their air-pollution-abatement research programs. The bill would direct the Surgeon General to prepare or recommend comprehensive air-pollution-research programs. In addition the Surgeon General is authorized to encourage cooperative activities with State and local governments, to collect and disseminate information, and render other appropriate assistance. The bill also authorizes the support of research, training, and demonstration projects by State and local air-pollution-control agencies and by educational institutions. The bill would provide for the establishment of a 15-member Air Pollution Control Advisory Board to review and make recommendations on the policies and programs provided for in this measure. The proposal would authorize appropriations of not to exceed $3 million for each of the 5 years provided for in this act.

It is recognized that the primary responsibility for the conduct of air-pollution-abatement programs rests with the States and local governments. The role of the Federal Government has been and should be concerned primarily with the research effort seeking necessary scientific data and more effective methods of control. In support of this role, the President, in his budget, recommended increased funds for the Public Health Service for research into the health aspects of the air-pollution problem. To the extent that this legislative proposal would strengthen this policy by

providing broader research authority and by providing

[p. 7]

for increased cooperation between the Federal Government and State and local authorities, the Bureau of the Budget believes that enactment would aid in solving problems of air pollution.

There are, however, several recommended changes which we believe would serve to better define the responsibilities of the Federal Government in the air-pollution research program. In this regard your attention is called to the provisions of section 6 of S. 928 which authorize grants-in-aid to State and local government air-pollution-control agencies. The concept of grant-in-aid usually involves the payment of Federal moneys to all States based upon formula principle. Since the scope and nature of air-pollution problems vary from State to State, the legislation should clearly indicate that Federal grants would be made on the basis of specific project proposals. We believe that a grant-in-aid program for all States, some of which may have but limited interest or need, would be far less desirable than the more flexible authority contained in clause (2) of section 6. To clarify this point, it is recommended that clause (1) of section 6 be deleted and clause (2) amended to include grants in addition to contracts. The project grants thus authorized in clause (2) of section 6 would include grants to State or local agencies and would facilitate a high degree of cooperation and coordination without extending the scope of the Federal interest to the financing local abatement programs.

With reference to section 5 of S. 928 which provides for the establishment of an Air Pollution Control Advisory Board, this Bureau believes that while such a board would assist in the overall coordination of efforts, its establishment may best be accomplished administratively with sufficient flexibility to meet changing needs. We recommend that appropriations for the activities proposed in these measures be treated in the same manner as those of similar activities for which annual appropriations are authorized. Thus, we recommend deletion of the provision for appropriations to remain available until expended in section 6 of S. 928. Similarly, we would question the need or advisability of the provisions of section 3 of H. R. 835, H. R. 2129, H. R. 2888, and H. R. 3680 which continues the availability of unexpended balances for 5 years before being covered into the general funds of the Treasury. Current Treasury practice, in conformity with the Surplus-Fund Certified Claims Act of 1949, provides for transfer of unexpended balances 2 years after the end of the fiscal year for which the appropriations were made.

In general, the Bureau of the Budget is in agreement with the objectives of these bills and, subject to the modifications noted above, there would be no objection to enactment of S. 928, H. R. 835, H. R. 2129, H. R. 2888, or H. R. 3680.

Sincerely yours,

DONALD R. BELCHER,
Assistant Director.

THE SECRETARY OF COMMERCE,
Washington, June 7, 1955.

Hon. J. PERCY PRIEST,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in reply to your request of June 3, 1955, for the views of this Department with respect to Senate 928, an act to amend the Water Pollution Control Act in order to provide for the control of air pollution.

This Department feels that intensified research into the causes, hazards, and effects of air pollution, and into means for its control and abatement is definitely

in order and should be undertaken. Although air pollution can be considered to be a local problem in many cases, there are many instances when it affects a large section of a State or becomes an interstate problem—even an international problem at times. Because of its broad scope and importance it is essential that the Federal Government organize and conduct a basic air-pollution investigation so that appropriate advice for control of air pollution may be made available for dissemination to interested agencies and individuals engrossed in air pollution problems. For these reasons we recommend enactment of legislation for the purpose of Senate 928.

We have been advised by the Bureau of the Budget that it would interpose no objection to the submission of this report to your committee.

Sincerely yours,

SINCLAIR WEEKS, *Secretary of Commerce.*

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1.1a (3) CONGRESSIONAL RECORD, VOL. 101 (1955)

1.1a(3)(a) May 31: Amended and passed Senate, pp. 7248–7250

CONTROL OF AIR POLLUTION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 392, Senate bill 928.

The PRESIDING OFFICER. The Secretary will state the bill by title.

The LEGISLATIVE CLERK. A bill (S. 928) to amend the Water Pollution Control Act in order to provide for the control of air pollution.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on Public Works, with amendments, * * *.

* * * * *

[p. 7248]

So as to make the bill read:

Be it enacted, etc., That in recognition of the dangers to the public health and welfare from air pollution, it is hereby declared to be the policy of Congress to preserve and protect the primary responsibilities and rights of the States and local governments in controlling air pollution, to support and aid technical research to devise and develop methods of abating such pollution, and to provide Federal technical services and financial aid to State and local government air pollution control agencies and public or private educational institutions in the formulation and execution of their air pollution abatement research programs. To this end, the Secretary of Health, Education, and Welfare and the Surgeon General of the Public Health Service (under the supervision and direction of the Secretary of Health, Education, and Welfare) shall have the authority relating to air pollution control vested in them respectively by this title.

SEC. 2. (a) The Surgeon General is authorized and directed after careful investigation and in cooperation with other Federal agencies, with State and local government air pollution control agencies, with public and private educational institutions to prepare or recommend research programs for eliminating or reducing air pollution. For the purpose of this subsection the Surgeon General is authorized to make joint investigations with any such agencies or institutions.

(b) The Surgeon General may encourage cooperative activities by State and local governments for the prevention and abatement of air pollution; collect and disseminate information relating to air pollution and the prevention and abatement thereof; support and aid technical research by State and local government air pollution control agencies, public and private educational institutions, to devise and develop methods of preventing and abating air pollution; make available to State and local government air pollution control agencies, public and private educational institutions the results of surveys, studies, investigations, research, and experiments relating to air pollution and the prevention and abatement thereof conducted by the Surgeon General and by authorized cooperating agencies; and furnish such other assistance to State and local Government air pollution control agencies, public and private educational institutions, as may be authorized by law in order to carry out the policy of this act.

SEC. 3. The Surgeon General may, upon request of any State or local government air pollution control agency conduct investigations and research and make surveys concerning any specific problem of air pollution confronting such State or local government air pollution control agency with a view to recommending a solution to such problem.

SEC. 4. The Surgeon General shall prepare and publish from time to time reports of such surveys, studies, investigations, research, and experiments made under the authority of this title as he may consider desirable, together with appropriate recommendations with regard to the control of air pollution.

SEC. 5. There is hereby established within the Public Health Service an Air Pollution Control Advisory Board (hereinafter referred to as the "Board") to be composed as follows: The Surgeon General or a sanitary engineer officer designated by him, who shall be Chairman of the Board, a representative of the Department of Defense, a representative of the Department of the Interior, a representative of the Department of Agriculture, a representative of the Department of Commerce, a representative of the Atomic Energy Commission, and a representative of the National Science Foundation, designated, respectively, by the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Chairman of the Atomic Energy Commission, and the Director of the National Science Foundation; and eight persons (not officers or employees of the Federal Government) to be appointed annually by the President. One of the persons appointed by the President shall be an engineer who is an expert in air pollution control and prevention, 1 shall be a person who has shown an active interest in the field of air pollution, and, except, as the President may determine that the purposes of this title will be promoted by different representation, 1 shall be a person representative

of State government, 1 shall be a person representative of municipal government, and 1 shall be a person representative of local or county government. The members of the Board who are not officers or employees of the United States shall be entitled to receive compensation at a per diem rate to be fixed by the Secretary of Health, Education, and Welfare, together with an allowance for actual and necessary traveling and subsistence expenses while engaged in the business of the Board. The Board shall meet at the call of the Surgeon General. It shall be the duty of the Board to review the policies and programs of the Surgeon General as undertaken under authority of this act, and to make recommendations thereon in reports to the Surgeon General. Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Public Health Service.

SEC. 6. (a) There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the five fiscal years during the period beginning July 1, 1955, and ending June 30, 1960, not to exceed $3 million to enable it to carry out its functions under this act and to (1) make grants-in-aid to States, for expenditure by or under the direction of their respective State and local government air pollution control agencies, and to public and private educational institutions for research, training, and demonstration projects, and (2) or to enter into contract with public and private educational institutions for research, training and demonstration projects. Such grants-in-aid and contracts may be made without regard to sections 3648 and 3709 of the Revised Statutes. Sums appropriated pursuant to this subsection shall remain available until expended, and shall be allotted by the Surgeon General in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare.

[p. 7249]

SEC. 7. When used in this act—

(a) the term "State air pollution control agency" means the State health authority, except that in the case of any State in which there is a single State agency other than the State health authority charged with responsibility for enforcing State laws relating to the abatement of air pollution, it means such other State agency;

(b) the term "local government air pollution control agency" means a city or other local government health authority, except that in the case of any city or other local government in which there is a single agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the abatement of air pollution, it means such other agency; and

(c) the term "State" means a State or the District of Columbia.

SEC. 8. Nothing contained in this act shall affect any other law relating to air pollution unless such other law is manifestly inconsistent with the provisions of this act. Nothing contained in this act shall limit the authority of any department or agency of the United States to conduct research and experiments relating to air pollution under the authority of any other law.

The title was amended, so as to read: "A bill to provide research and technical assistance relating to air pollution control."

Mr. JOHNSON of Texas. Mr. President, I call the attention of the Senator from Oklahoma [Mr. KERR] to the fact that the unfinished business is Senate bill 928.

Mr. KERR. Mr. President, Senate bill 928, as amended by the committee, authorizes study and research with reference to air pollution. It seeks to promote and encourage cooperation by the Federal Government with States, municipalities, and private agencies toward finding a means to reduce, and then to prevent, the pollution of air.

The bill was long considered by the committee. It was unanimously reported by the subcommittee and then by the full committee, which recommends its passage by the Senate.

I should like the junior Senator from California [Mr. KUCHEL], who led in the effort to secure appropriate study, investigation, discussion, and approval of the bill by the committee, to give the Senate his views on the subject at this time.

Mr. KUCHEL. Mr. President, the problem of air pollution or air contamination has become so widespread that no section of the United States is immune from it. It has posed a continually growing danger to the health and comfort of our people, a serious and increasing hazard to our Nation's agriculture, and a threat to the orderly growth of our industry.

I was most grateful to find in the state of the Union message a request by the President that the facilities of the Federal Government be enlisted in the field of research and technical study and assistance with a view to finding what we hope may be an early solution of the air-pollution problem. This bill meets that request with a $15 million authorization extending over the next 5 years.

The people of the Nation are indebted

to my friend the senior Senator from Oklahoma [Mr. KERR] for the manner in which, as chairman of the subcommittee charged with the responsibility for the bill, he held long hearings and heard

[p. 7249]

testimony from representatives of State, county, and city governments across the Nation; and also testimony from experts, such as a representative of the American Medical Association—all of whom urged Congress to enact legislation to bring the facilities of the Federal Government into this fight against smog.

I wish to emphasize that it is not the thought that Congress has anything to do with control of air pollution through the proposed legislation or through any contemplated Federal legislation. That problem remains where it ought to remain—in the States of the Union, and in the cities and the counties of our country.

The bill does provide a means of integrating, under the Department of Health, Education, and Welfare, all the technical facilities available to the several departments of Government, so that there may be a cooperative effort upon the part of the Government of the United States in the field of research and development with reference to this problem.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the committee amendments are agreed to en bloc.

The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 928) was ordered to be engrossed for a third reading, read the third time, and passed.

[p. 7250]

1.1a(3)(b) July 5: Amended and passed House, pp. 9923–9925

RESEARCH AND TECHNICAL ASSISTANCE RELATING TO AIR POLLUTION CONTROL

Mr. PRIEST. Mr. Speaker, I move to suspend the rules and pass the bill (S. 928) to provide research and technical assistance relating to air pollution control, as amended.

* * * * *

Mr. PRIEST. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, for quite some time the Congress has been aware of the dangers to the public health, to agriculture, and livestock, to property values, and air and ground navigation of what we know broadly as air pollution.

A great deal of technical research is necessary in order to be able to cope with a problem that is as complex as this one is. The bill that is reported today for consideration is a bill passed by the other body with an amendment adopted by the Committee on Interstate and Foreign Commerce without any opposition.

Mr. Speaker, the bill first of all recognizes that the control of air pollution primarily is a State responsibility, is a function of State and local governments. The committee, however, having studied this matter, not only during the current session of Congress but in previous sessions of Congress, feels also that the Federal Government has a stake in this question, that it may well conduct research, provide technical services and some financial aid to agencies and individuals concerned with the problem of air pollution.

The pending bill as amended, would do simply this. Mr. Speaker. It authorizes

the Secretary of Health, Education, and Welfare, acting through the Surgeon General of the Public Health Service, and in cooperation with other Federal agencies and with State and local governmental agencies and with other public and private agencies or institutions, to prepare, recommend, and carry

[p. 9923]

out a program in the study of air pollution. It authorizes an appropriation of $5 million for each of 5 consecutive years.

It was felt by the committee, on the basis of studies our committee has made in the past, that this is a program that cannot be completed quickly. It is one that will require a rather considerable period of time. This $5 million appropriation may be allotted by the Surgeon General to public or private institutions or foundations or agencies of Government for the purpose of doing research in this field of air pollution under regulations that shall be prescribed by the Secretary of Health, Education, and Welfare. Other Government agencies, of course, are interested in this problem. The Weather Bureau in recent months has shown a great deal of interest in the question of air pollution. The Department of Agriculture, the Bureau of Mines and Mining, the Atomic Energy Commission, all of these agencies have devoted some study to this complex subject within recent months.

Mr. O'HARA of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. PRIEST. I yield to the gentleman from Minnesota, my colleague on the committee.

Mr. O'HARA of Minnesota. May I call the gentleman's attention to the fact that the bill authorizes private industry to participate in this problem, and of course it is true that private industry has spent a great deal of time and money in the investigation in this field. They are one of the elements that are to be considered in this study.

Mr. PRIEST. The gentleman is quite correct. I was coming to that just a little later in explaining the difference between the House bill and the Senate bill, because the Senate bill did not provide for industrial organizations that are interested in the problem and many of them are greatly interested in doing something about the growing problem. The House bill does provide that they may be included. However, it was felt, Mr. Speaker, that in order to have a coordinated program there should be one directing agency of the Government, and it was felt by the committee that the Public Health Service should be that directing agency.

It may take all of the 5-year period before any recommendations are made generally to the public and to industry and to other governmental agencies. The problem is a very complex and vast one. It should not be attempted without a coordinated effort by many different agencies of both the Federal and the State Governments and private agencies and institutions who may have an interest in the subject.

I should explain briefly the changes from the Senate bill. The Senate bill limited the Public Health Service to dealing with educational institutions. The House bill lifted that limitation and provided in addition that grants may be made and technical help given to private institutions and agencies or to industrial groups, and many of them face a real problem in this respect.

The bill was amended by the House committee to change the appropriation from $3 million a year over a 5-year period to $5 million a year over a 5-year period, believing that the problem was of sufficient importance to justify this additional amount.

The amendment, added by the House, which struck out all after the enacting clause of the Senate bill, also eliminated a special advisory commission that had been set up in the other bill. The reason for that, as the House committee saw it, was that we believe that an overall coordination of Federal effort in the question

of control of air pollution can best be achieved by an interdepartmental committee of the agencies that are dealing with this problem, that already have given it some study, and that, therefore, it is better to eliminate the advisory board as it was contained in the bill passed by the other body and simply rely upon an interdepartmental committee or board in making these plans.

Mr. BASS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. PRIEST. I yield.

Mr. BASS of Tennessee. I commend my distinguished colleague from Tennessee and my friend on the fine statement he has made on this bill, and for bringing this important bill before the House. It certainly is a very vital subject, one in which we are vitally interested in some areas of Tennessee, particularly in the chemical industry area of our State. I join in the gentlemen's remarks, and certainly hope this bill will receive favorable consideration.

Mr. PRIEST. I thank my colleague. I am aware of some difficulties in connection with at least two chemical plants which are located in the gentlemen's district. One of these companies operates a plant in my own district. That is true throughout the United States. It is not a local problem, it is a national problem. We feel this modest appropriation of $5 million over a period of 5 years will help to coordinate this study and to make it really effective in meeting the problem of air pollution.

Mr. BASS of Tennessee. Five million dollars is certainly a nominal sum when we think of the benefits that may come in increased production in agriculture and livestock, which is now being contaminated in certain areas.

Mr. O'HARA of Minnesota. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. RAY].

Mr. RAY. Mr Speaker, I am gland to have a chance to support this bill to provide for research on the causes, hazards, and control of air pollution and to bring to Members of this body some information about the experience of one congressional district with the growing problem of air pollution.

One-half of the district which I represent is Staten Island, the most southerly county in the State of New York and also 1 of the 5 counties which constitute the city of New York. Although the whole island is in the city of New York, we do have nurseries, vegetable farms, and quite a few other uses of land for agriculture by people who depend on that for their living.

To the west, across a narrow strip of water is the State of New Jersey. On both sides of that strip of water are industrial plants. When the wind is from the northwest, the smoke and all that is in that smoke, comes over Staten Island. When the wind blows from the east the effects are felt in the opposite direction. The stock of nurserymen has been damaged and in many cases the entire crop of the people who grow flowers for the market has been destroyed. Vegetable growers have often lost much of their crops overnight.

It is very difficult to find out what chemicals cause this damage. Moisture affects it. The wind direction and velocity affect it. Some of the pollutants come from industrial plants and some from the exhausts of automobiles, busses, trailer trucks—and some from home oil burners and incinerators, and so on. We have been working on this problem for more than 20 years without finding the answer.

Three years ago the House passed a bill for research of this kind. It failed to get unanimous consent in the other body and did not pass there. I introduced a similar bill in 1953 and a revised bill drawn with the help of the Public Health Service in the last session of Congress. In this session of the Congress I have introduced a bill very much like the one that has now come out of the committee. Companion bills were introduced by the gentleman from New Jersey [Mr. WILLIAMS] and the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. TUMULTY. Mr. Speaker, will the gentleman yield?

Mr. RAY. I yield.

Mr. TUMULTY. I am a resident of Jersey City, and our studies show that air pollution generally comes from the State of New York.

Mr. RAY. All I am trying to show is that it is an interstate problem.

Mr. TUMULTY. That is quite agreeable, but suppose you concede its origin.

Mr. RAY. I can make that concession with respect to the north, but further south the situation is different.

Mr. TUMULTY. Any way you want, but the origin still remains the same.

Mr. RAY. The States of New York and New Jersey have organized an interstate commission and authorized it to make a preliminary study in the field. There are local air-pollution boards in New York and in cities on the Jersey shore. But they cannot deal with the whole problem, because interstate features are involved. The States cannot cross State lines, and the cities cannot go outside their own jurisdiction.

Beyond that it is important to have coordination of the work that is being done all over the country. There are many places where research on air pollution is underway. Industry has spent several hundreds of millions of dollars in an effort to find the causes and the possible controls of air pollution.

Mr. Speaker, I hope this bill will pass by a large majority.

Mr. O'HARA of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. RAY. I yield.

Mr. O'HARA of Minnesota. I commend the gentleman on his interest in this subject. I recall when the distinguished gentleman first came to Con-

[p. 9924]

gress he spoke to me because of the fact I was a member of the Committee on Interstate and Foreign Commerce, and he told me of his great interest in the problem as it affects his district, the State of New York, and the State of New Jersey, which is adjacent to his district. I do know the gentleman has spent a great deal of his personal time in investigating the problem in his district, as it affects his district. I do know that the gentleman has spent a great deal of time in research and in efforts to get legislative action on this bill. I want to compliment the gentleman upon his real and sincere interest in this problem.

Mr. RAY. I thank you, sir.

GENERAL LEAVE TO EXTEND REMARKS

Mr. O'HARA of Minnesota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill, S. 928.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VANIK. Mr. Speaker, I am indeed happy to associate myself with the remarks made by my colleagues in support of this important legislation.

The 21st District of Ohio, which I represent, is situated principally on the east side of Cleveland, and my entire district is subject to the tremendous pollution of air which emanates from the industrial Cuyahoga River Valley in the heart of Cleveland. This contamination of air is general throughout the entire eastern portion of the city and the downtown area. The damage to public health and property is beyond estimation.

Several years ago, in 1950, the Southeast Cleveland Citizens Committee on Air Pollution brought Dr. Clarence A. Mills to the city to make a study as to the deterrent effects of industrial contamination of the air on the east side of Cleveland. Dr. Mills was then on the staff of the School of Experimental Medicine of the University of Cincinnati. Dr. Mills spent many weeks in Cleveland and from a comprehensive study he made on the vital statistics of cancer deaths resulting from lung cancer, he concluded that in the residential areas close to the center of the city there were 240 more deaths per year resulting from lung cancer than there were in the cleaner sections of the city. His information was authoritative and was derived from a careful study of the death records.

At that time, as at present, the city of Cleveland was endeavoring to enforce an air pollution code which was directed toward the reduction of fly ash and soot fall in the Cleveland area. The code, however, was ineffective as against the industrial purveyors of fumes, and steps are now being taken in Cleveland to control the pollution of air by noxious and harmful fumes which emanate from the industries of the Cleveland area.

The problem of air pollution control is beyond the customary power of city governments. The pollution is difficult to isolate as to source where there are many industries contributing to the pollution. In addition, there are vast conflicts of judgment concerning the cause, abatement, and control of smoke and fumes. The several cities are generally operating independent of each other and the programs of the cities must be coordinated and accelerated. The technical assistance and counsel of the Department of Health, Education, and Welfare would go a long way toward facing this real problem in the heavy industrialized cities of our country.

It is my hope that the laboratories of the Federal Government, the testing techniques, and the weather experiences will be effectively consolidated to bring about a successful attack against the hazards of air pollution. It is my sincere hope that my city of Cleveland may be one of the first project areas for study.

Mr. HIESTAND. Mr. Speaker, this is a measure of very vital importance not only to every large city but to the people living within a radius of 10 or 20 miles of those cities.

Smoke abatement has generally been well brought under control, but in recent years industrial growth has loaded the air in or near cities with fumes of not only annoying but actually injurious intensity.

All urban communities are affected. Because Chicago, the windy city, has lots of wind, air pollution is less serious there.

Los Angeles, with less wind has had a disproportionate notoriety in this regard.

Most of us agree that air pollution enforcement is a matter for local authorities. But this is a nationwide problem. This bill as the committee presents it, provides for national coordination and cooperation under the direction of the Surgeon General and the Department of Health, Education, and Welfare.

In this way all of the scientific studies and research of all the cities, especially Los Angeles, can be pooled and built upon for the good of all.

The money authorization, $5 million, is nominal and I urge the immediate passage of the bill.

Mr. PRIEST. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill, as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

[p. 9925]

1.1a(3)(c) July 6: Senate concurs in House amendment, pp. 9984–9985

RESEARCH AND TECHNICAL ASSISTANCE RELATING TO AIR-POLLUTION CONTROL

Mr. KUCHEL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives regarding Senate bill 928. I wish to say that I have discussed this matter with the able senior Senator from Oklahoma [Mr. KERR], the chairman of the subcommittee, and with the distinguished acting majority leader and the distinguished minority leader, all of whom are in agreement with my request.

The PRESIDING OFFICER (Mr.

SCOTT in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 928) to provide research and technical assistance relating to air-pollution control, which was, to strike out all after the enacting clause and insert:

That in recognition of the dangers to the public health and welfare, injury to agricultural crops and livestock, damage to and deterioration of property, and hazards to air and ground transportation, from air pollution, it is hereby declared to be the policy of Congress to preserve and protect the primary responsibilities and rights of the States and local governments in controlling air pollution, to support and aid technical research to devise and develop methods of abating such pollution, and to provide Federal technical services and financial aid to State and local government air pollution control agencies and other public or private agencies and institutions in the formulation and execution of their air-pollution-abatement research programs. To this end, the Secretary of Health, Education, and Welfare and the Surgeon General of the Public Health Service (under the supervision and direction of the Secretary of Health, Education, and Welfare) shall have the authority relating to air-pollution control vested in them respectively by this act.

SEC. 2. (a) The Surgeon General is authorized, after careful investigation and in cooperation with other Federal agencies, with State and local government air pollution control agencies, with other public and private agencies and institutions, and with the industries involved, to prepare or recommend research programs for devising and developing methods for eliminating or reducing air pollution. For the purpose of this subsection the Surgeon General is authorized to make joint investigations with any such agencies or institutions.

(b) The Surgeon General may (1) encourage cooperative activities by State and local governments for the prevention and abatement of air pollution; (2) collect and disseminate information relating to air pollution and the prevention and abatement thereof; (3) conduct in the Public Health Service, and support and aid the conduct by State and local government air pollution control agencies, and other public and private agencies and institutions of, technical research to devise and develop methods of preventing and abating air pollution; and (4) make available to State and local government air pollution control agencies, other public and private agencies and institutions, and industries, the results of surveys, studies, investigations, research, and experiments relating to air pollution and the prevention and abatement thereof.

SEC. 3. The Surgeon General may, upon request of any State or local government air pollution control agency, conduct investigations and research and make surveys concerning any specific problem of air pollution confronting such State or local government air pollution control agency with a view to recommending a solution of such problem.

SEC. 4. The Surgeon General shall prepare and publish from time to time reports of such surveys, studies, investigations, research, and experiments made under the authority of this act as he may consider desirable, together with appropriate recommendations with regard to the control of air pollution.

SEC. 5. (a) There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the 5 fiscal years during the period beginning July 1, 1955, and ending June 30, 1960, not to exceed $5 million to enable it to carry out its functions under this act and, in furtherance of the policy declared in the first section of this act, to (1) make grants-in-aid to State and local government air pollution control agencies, and other public and private agencies and institutions, and to individuals, for research, training, and demonstration projects, and (2 enter into contracts with public and private agencies and institutions and individuals for research, training, and demonstration projects. Such grants-in-aid and contracts may be made without regard to sections 3648 and 3709 of the Revised Statutes. Sums appropriated for such grants-in-aid and contracts shall remain available until expended, and shall be allotted by the Surgeon General in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare.

SEC. 6. When used in this act—

(a) The term "State air pollution control agency" means the State health authority, except that in the case of any State in which there is a single State agency other than the State health authority charged with responsibility for enforcing State laws relating to the abatement of air pollution, it means such other State agency;

(b) The term "local government air pollution control agency" means a city, county, or other local government health authority, except that in the case of any city, county or other local government in which there is a single agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the abatement of air pollution it means the other agency; and

(c) The term "State" means a State or the District of Columbia.

SEC. 7. Nothing contained in this act shall limit the authority of any department, agency of the United States to conduct, make grants-in-aid or contracts for research and experiments relating to air pollution under the authority of any other law.

Mr. CLEMENTS. Mr. President, will the Senator from California yield to me?

Mr. KUCHEL. I yield to my friend the Senator from Kentucky.

Mr. CLEMENTS. It is my understanding from the junior Senator from California that he has discussed the matter with the senior Senator from Oklahoma [Mr. KERR], and that the Senator from Oklahoma is in complete

accord with the procedure proposed to be followed in this instance.

Mr. KUCHEL. That is correct, I want to say to the distinguished acting majority leader. I have discussed this measure with the senior Senator from Oklahoma and the chairman of the subcommittee which held hearings originally on Senate Bill No. 928; and he is in complete accord with the action which I propose, namely, that the Senate concur in the amendment of the House of Representatives.

Mr. President, I wish to say, by way of introduction, that I am perfectly delighted with the legislative action which is about to transpire today in the Senate. Ever since I first came to the United States Senate, from the State of California, 2½ years ago, I have endeavored to acquaint the Members of the Senate and the Members of the House of Representatives with the growing problem of air pollution. From time to time I have stood on this floor and have spoken with respect to findings made by various public officials, and agencies, and professional groups regarding the increasing hazards involved in air contamination both in the United States and throughout the world, not alone to human beings and their very lives, but also to agriculture and industry and to various kinds of property.

During the 83d Congress, the Senate accepted the recommendations which had been made jointly by my colleague from California [Mr. KNOWLAND], two distinguished Senators from Pennsylvania [Mr. MARTIN and Mr. DUFF], the distinguished senior Senator from New York [Mr. IVES], the distinguished senior Senator from Indiana [Mr. CAPEHART], and other Senators, including myself, and adopted a proposal to engage the might of the Federal Government against the growing problem of air pollution in our land. I regret that the House of Representatives did not see fit at that time to concur in the judgment of the Senate, and during the 83d Congress no constructive action was taken on the problem.

After the adjournment of the Congress, the senior Senator from Indiana [Mr. CAPEHART] and I wrote a letter to the President of the United States in which we urged that the President con-

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sider the appointment of an interagency committee to study the problem of air pollution, with a view to the taking of some constructive action in the 84th Congress.

I was most happy to find that the President of the United States thereafter appointed an ad hoc committee, consisting of representatives from appropriate agencies of the Federal Government—namely, the Department of Health, Education, and Welfare, the Department of Commerce, the Department of the Interior, and others; and a study was made of the possibility of Federal assistance in combating, controlling, and ultimately eliminating air pollution in the United States.

In the state of the Union message which President Eisenhower delivered to the Congress last January, I was delighted to note that he indicated that prevention, control, and elimination of air pollution constitute, in his judgment, a matter of Federal interest; and it was his recommendation that this Congress take an interest in the subject and that it consider the enactment of legislation in this field.

Shortly thereafter, when a message from the President on the question of public health came to the Congress, once again the administration indicated that air pollution is a subject upon which Congress might legislate to the benefit of the 166 million American citizens.

I introduce Senate bill 928, along with my able colleague from California [Mr. KNOWLAND], the two distinguished Senators from Pennsylvania [Mr. MARTIN and Mr. DUFF], and the distinguished senior Senator from Indiana [Mr. CAPEHART]. Hearings were held before the Subcommittee on Public Works, of which the distinguished senior Senator from Okla-

homa [Mr. KERR] was chairman. Thereafter Senate bill 928 was favorably reported from the subcommittee and the full committee, came to the floor of the Senate, and was passed by the Senate.

The House has considered Senate bill 928, and has adopted an amendment to it. Let me outline the most important features of the amendment.

First, the authorization in the bill, as it was passed by the Senate, was for a 5-year study by the appropriate Federal agencies, under the direction of the Secretary of Health, Education, and Welfare, or the Surgeon General; and at that time the bill provided that during that period, $3 million a year would be authorized for expenditure, making a total authorization, over a 5-year period, of $15 million.

The House of Representatives has seen fit to increase the authorization to one of $5 million a year, thus providing a maximum authorization for expenditure, during the 5-year period, of $25 million. Certainly that amendment will be entirely acceptable to the Senate, and, I am sure, to the administration.

Second, the bill, as passed by the Senate, provided for the appointment by the President of an advisory committee on air pollution, to be composed of various governmental officials and private individuals, as well.

The House saw fit to delete that provision. In his comments yesterday in the House the distinguished Member of the House who was handling this measure indicated it was the judgment of the House committee which had jurisdiction of the bill that an interagency committee, perhaps similar to that which the President himself appointed on an ad hoc basis last year, was an appropriate instrumentality for advice to the various agencies of the Federal Government.

I do not quarrel with the decision of the House in that regard. Neither does my friend the distinguished senior Senator from Oklahoma [Mr. KERR]. Thus we are united in not objecting to the action of the House in this respect.

The remaining changes are relatively minor in character. I think they improve the proposed legislation in a number of respects. So I am most happy that the Senate, which I trust will approve the House action in amending Senate bill 928, is now taking constructive action, in conjunction with the House, toward having the Congress of the United States accept jurisdiction and responsibility for technical assistance and advice to State and local governments in a field which has been of growing concern to our people, namely, that of air contamination and air pollution, which we in California call smog.

Control of the problem will remain in the State and local governments, where it should be, but I think it is a grand thing that, under the leadership of the President of the United States, the Congress now sees fit to accept responsibility for research and technical assistance in what we hope will be an effective effort leading to the early elimination of air contamination in this country.

On that basis, I respectfully ask my brethren to approve the action of the House. I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to.

[p. 9985]

1.1b EXTENSION OF §5–a OF AIR POLLUTION ACT OF JULY 14, 1955

September 22, 1959, P.L. 86–365, 73 Stat. 646

AN ACT

To extend the duration of the Federal air pollution control law, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act of July 14, 1955 (42 U.S.C. 1857(d)), is amended—

(1) by striking out "(a)" after "SEC. 5.",

(2) by striking out "five fiscal years during the period beginning July 1, 1955, and ending June 30, 1960" and inserting in lieu thereof "nine fiscal years during the period beginning July 1, 1955, and ending June 30, 1964",

(3) by inserting "for surveys and studies and" before "for research" in clauses (1) and (2) of such first sentence, and

(4) by striking out "by the Surgeon General" in the last sentence.

SEC. 2. Such Act is further amended by adding at the end thereof the following new section:

"SEC. 8. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, to the extent practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any interstate agency or any State or local government air pollution control agency in preventing or controlling the pollution of the air in any area insofar as the discharge of any matter from or by such property may cause or contribute to pollution of the air in such area."

Approved September 22, 1959.

1.1b (1) HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

H.R. REP. No. 960, 86th Cong., 1st Sess. (1959)

EXTENDING AIR POLLUTION CONTROL ACT

AUGUST 20, 1959.—*Committed to the Committee of the Whole House on the State of the Union and ordered to be printed*

Mr. ROBERTS, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

[To accompany H.R. 7476]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H.R. 7476) to extend for 2 additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF LEGISLATION

The purpose of H.R. 7476 is to extend the present Air Pollution Control Act for 2 years.

The present act (Public Law 159, 84th Cong.), approved July 14, 1955, authorized appropriations of $5 million a year for 5 years to assist in the formulation and execution of air pollution abatement and research programs.

This act vests in the Surgeon General of the Public Health Service and the Secretary of Health, Education, and Welfare, specific authority to conduct a program of research and technical assistance relating to air pollution.

The present authorizations in this act expire on June 30, 1960.

Public Law 159, 84th Congress, authorized the appropriation of $5 million annually through fiscal year 1960 to enable the Secretary and the Surgeon General to conduct the following programs:

1. Prepare and recommend research programs designed to reduce or eliminate air pollution.
2. Collect and disseminate information relating to air pollution.
3. Conduct technical research in the Public Health Service, and

support by grants-in-aid and by contract technical research programs of both public and private agencies relating to air pollution.

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4. On request of a State or local government air pollution control agency, investigate and survey any specific air pollution problem facing the requesting agency.

5. Prepare and publish reports or surveys, studies, investigations, and research done under this law.

Under this authorized program, approximately $1.7 million was expended during fiscal year 1956; $2.7 million for 1957; $4.0 million for each of 1958 and 1959; and the budget for fiscal year 1960 includes $4,212,000.

POSITION OF AGENCIES

The Department of Health, Education, and Welfare and the Bureau of the Budget favor extending Public Law 159, 84th Congress, on a permanent basis, and eliminating the ceiling on appropriations. The committee, however, is recommending a 2-year extension of the act, without increasing the ceiling on appropriations. This will enable the committee to review the program in the next Congress.

Agency comments will be found in letters included hereafter in an appendix to this report.

ACTION BY COMMITTEE

Hearings were held by the Subcommittee on Health and Science on May 19 and June 24, 1959, on the subject of air pollution on the following bills: H.R. 2347, by Congressman Lipscomb; H.R. 3183, by Congressman McDonough; H.R. 3730, by Congressman Holifield; H.R. 4466, by Congressman Shelley; S. 441, to extend the duration of the Federal air pollution control law; and H.R. 7476, by the chairman of the Subcommittee on Health and Safety to extend for 2 additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control.

The following witnesses were heard in support of legislation to extend the Federal program:

Dr. Theodore J. Bauer, Deputy Chief, Bureau of State Services, Public Health Service, Department of Health, Education, and Welfare; Hon. Florence P. Dwyer, Representative from New Jersey; Hon. Arthur S. Flemming, Secretary, Department of Health, Education, and Welfare; Hon. Chet Holifield, Representative from California; Hon. Glenard P. Lipscomb, Representative from California; Vernon G. MacKenzie, sanitary engineer, Bureau of State Services, Public Health Service, Department of Health, Education, and Welfare; Hon.

Gordon L. McDonough, Representative from California; Dr. Richard Prindle, Bureau of State Services, Public Health Service, Department of Health, Education, and Welfare; Alexander Rihm, Jr., executive secretary, New York State Air Pollution Control Board; Hon. John F. Shelley, Representative from California; and Dr. Russell E. Teague, commissioner of health, Kentucky State Department of Health.

NEED FOR LEGISLATION

In 1955, when Public Law 159 was enacted, it was clear that air pollution as a national problem was growing faster than our Nation's knowledge of how to control it. Today, the problem is still with us.

All apparent trends in our economic and social growth suggest strongly that the problem of air pollution will remain with us for a great many years to come.

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The most significant difference between the situation in 1955 and the situation today is that now there are many obvious signs of greatly accelerated activities in research and control among all levels of government, industry, and the many private research and control organizations contributing to solutions of the problem.

There is no doubt that the action of Congress in specifically authorizing Federal participation in the search for solutions to the air pollution problem is responsible in a large measure for this important change.

Air pollution is a national problem in its truest sense. It affects the total human environment and requires that all affected interests participate in seeking effective solutions among the many health, social, economic, and other complex aspects of the problem.

Since 1955, the accelerated program of the Public Health Service has assisted the various agencies and groups concerned in developing information on the problems and in contributing to their solution.

Valuable information has been provided about the extent of air pollution in the United States, and about practical means of measuring, assessing, and controlling air pollution.

Data have been developed about many ways in which air pollution subtly affects human health, including specific knowledge about the effects of agents such as ozone and sulfur dioxide, which are directly toxic and physiologically damaging, and certain olefin compounds which can cause eye irritation in humans and serious toxic effects in experimental animals.

States and communities have taken advantage of, and benefited by, the technical assistance offered by the Public Health Service.

This has led to the appraisal of many local and regional air pollution problems and contributed toward appropriate local action.

STATES AND LOCAL COMMUNITIES BENEFIT

States and communities, industry, and other private organizations have benefited also through the training programs for technical personnel conducted or supported by this legislation and conducted by the Department of Health, Education, and Welfare.

Progress has been made on all these fronts. The research and assistance activities developed under the current act have produced significant findings beneficial to all groups concerned with air pollution.

Specific information or indications have come out of some of the research, particularly regarding health effects, that certain pollutants in the air have affected health, as in the case of the drastic air pollution episodes in Donora, Pa., and London, England. These pollutants have increased the death rates, particularly during the period of the smog, and more particularly in old and debilitated people. But most of the health effects of air pollutants are much more subtle than that. They are long-term detractors of good health. In the hearings, the subcommittee was told that it is known there are pollutants in the air which cause cancer, particularly in laboratory animals, and that death rates for certain types of cancer and respiratory conditions are greater in urban areas where the smog is more common.

Furthermore, worthwhile results extend beyond the direct accomplishments of the program. Public Health Service efforts have served to stimulate the activities and accomplishments of other organizations which are encouraged and assisted by the Federal participation.

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A large number of research projects underway relate to the causes, nature, extent, effects, and control of air pollution. The projects are being conducted not only in the Public Health Service laboratories, but also through contract and grant support of projects in other Federal agencies, in universities and research institutes, or wherever specific competencies and facilities exist. There are nearly 200 of these projects, involving the Public Health Service facilities and over 50 universities and other research organizations. In addition, one project alone, the national air sampling network, involves over 160 local health and air pollution agencies in the sampling of air contaminants in all the States and Puerto Rico.

Although a number of opportunities arise for cooperative effort, most Public Health Service research projects can be grouped into two distinct categories: medical and engineering.

Medical research is concerned not only with those well-known acute air pollution episodes which resulted in sudden death—ranging from 20 fatalities in Donora (1948) to 4,000 or more in a single week in London (1952)—but also with the potentially greater problem of long-term cumulative injury to community populations from day-after-day exposure to air pollution.

Two principal kinds of studies have been initiated: (1) statistical and epidemiological studies designed to determine the extent to which variations in community health are related to air pollution indexes; and (2) laboratory studies to determine the effects on health of certain constituents of polluted air—alone and in combination—known or suspected to be potentially harmful. Thus, the health studies program is divided into epidemiology and laboratory investigations, with such activities as lung function testing falling into both groups.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PUBLIC LAW 159, 84TH CONGRESS

AN ACT To provide research and technical assistance relating to air pollution control

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the dangers to the public health and welfare, injury to agricultural crops and livestock, damage to and deterioration of property, and hazards to air and ground transportation, from air pollution, it is hereby declared to be the policy of Congress to preserve and protect the primary responsibilities and rights of the States and local governments in controlling air pollution, to support and aid technical research to devise and develop methods of abating such pollution, and to provide Federal technical services and financial aid to State and local government air pollution control agencies and other public or private agencies and institutions in the formulation and execution of their air pollution abatement research programs. To this end, the Secretary of Health,

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Education, and Welfare and the Surgeon General of the Public Health Service (under the supervision and direction of the Secretary of Health,

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Education, and Welfare) shall have the authority relating to air pollution control vested in them respectively by this Act.

SEC. 2. (a) The Surgeon General is authorized, after careful investigation and in cooperation with other Federal agencies, with State and local government air pollution control agencies, with other public and private agencies and institutions, and with the industries involved, to prepare or recommend research programs for devising and developing methods for eliminating or reducing air pollution. For the purpose of this subsection the Surgeon General is authorized to make joint investigations with any such agencies or institutions.

(b) The Surgeon General may (1) encourage cooperative activities by State and local governments for the prevention and abatement of air pollution; (2) collect and disseminate information relating to air pollution and the prevention and abatement thereof; (3) conduct in the Public Health Service, and support and aid the conduct by State and local government air pollution control agencies, and other public and private agencies and institutions of, technical research to devise and develop methods of preventing and abating air pollution; and (4) make available to State and local government air pollution control agencies, other public and private agencies and institutions, and industries, the results of surveys, studies, investigations, research, and experiments relating to air pollution and the prevention and abatement thereof.

SEC. 3. The Surgeon General may, upon request of any State or local government air pollution control agency, conduct investigations and research and make surveys concerning any specific problem of air pollution confronting such State or local government air pollution control agency with a view to recommending a solution of such problem.

SEC. 4. The Surgeon General shall prepare and publish from time to time reports of such surveys, studies, investigations, research, and experiments made under the authority of this Act as he may consider desirable, together with appropriate recommendations with regard to the control of air pollution.

SEC. 5. (a) There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the [five] *seven* fiscal years during the period beginning July 1, 1955, and ending June 30, [1960] *1962*, not to exceed $5,000,000 to enable it to carry out its functions under this Act and, in furtherance of the policy declared in the first section of this Act, to (1) make grants-in-aid to State and local government air pollution control agencies, and other public and private agencies and institutions, and to individuals, for research, training, and demonstration projects, and (2) enter into contracts with public and private agencies and institutions and individuals for research, training, and demonstration projects. Such grants-in-aid

and contracts may be made without regard to sections 3648 and 3709 of the Revised Statutes. Sums appropriated for such grants-in-aid and contracts shall remain available until expended, and shall be allotted by the Surgeon General in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare.

SEC. 6. When used in this Act—

(a) The term "State air pollution control agency" means the State health authority, except that in the case of any State in which there is a

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single State agency other than the State health authority charged with responsibility for enforcing State laws relating to the abatement of air pollution, it means such other State agency;

(b) The term "local government air pollution control agency" means a city, county, or other local government health authority, except that in the case of any city, county, or other local government in which there is a single agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the abatement of air pollution, it means such other agency; and

(c) The term "State" means a State or the District of Columbia.

SEC. 7. Nothing contained in this Act shall limit the authority of any department or agency of the United States to conduct or make grants-in-aid or contracts for research and experiments relating to air pollution under the authority of any other law.

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APPENDIX

AGENCY RECOMMENDATIONS

The following letters were received and considered by the committee:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,

June 30, 1959.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request of June 4, 1959, for a report on H.R. 7476, a bill to extend for 2 additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control.

The bill would amend section 5(a) of the act entitled "An act to provide research and technical assistance relating to air pollution control," approved July 14, 1955 (42 U.S.C. 1857d), to extend for 2 years the authority to make annual appropriations for these purposes in an amount not to exceed $5 million.

For the reasons stated in our May 19 report to your committee on H.R. 2347, S. 441, and the related identical bills H.R. 3183, H.R. 3730, and H.R. 4466, and in the statement presented by Dr. Theodore J. Bauer, of the Public Health Service, and in my testimony, in hearings on these bills, we believe it would be preferable to

extend the act on a permanent basis and without any ceiling on appropriations, as proposed by the identical bills H.R. 3183, H.R. 3730, and H.R. 4466.

We also had suggested two amendments to those bills which we believe would help to strengthen the present air pollution program of the Public Health Service—amendments providing for the holding of public hearings in certain cases and for the establishment of a statutory advisory committee. In response to your request of May 26, draft language to carry out these recommendations was sent to you by letter on June 8. However, as I indicated in my testimony before the Subcommittee on Health and Safety of your committee on June 24, 1959, we have reconsidered the suggestion for establishment of a statutory advisory committee, and would not press for its adoption inasmuch as the Surgeon General can under existing law utilize the services of groups of experts and consultants for the purposes intended to be served by the statutory body.

Consequently, for the reasons stated in our earlier report, we recommend enactment of the legislative proposals contained in the identical bills H.R. 3183, H.R. 3730, and H.R. 4466, amended as indicated above.

The Bureau of the Budget advises that it perceives no objection to the submission of this report to your committee.

Sincerely yours,

ARTHUR S. FLEMMING, *Secretary.*

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EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., August 5, 1959.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, House Office Building, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in reply to your request of June 4, 1959, for the views of the Bureau of the Budget on H.R. 7476, a bill to extend for 2 additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control.

This proposed legislation would authorize the continuation of the present 5-year air pollution control program for an additional 2 years.

The Bureau of the Budget, on June 25, 1959, submitted to your committee its views on similar legislation to extend the air pollution control program. In our letter we pointed out that, while significant progress has been made in recent years in developing and improving the techniques for controlling air pollution, there are many areas in which more basic knowledge of the effects of air pollutants on humans is needed. Therefore, we believe it appropriate that the existing terminal date respecting the program be removed.

Progress in air pollution control should move forward in a logical orderly manner consistent with the development of technical knowledge and trained manpower and with appropriate consideration of overall budgetary requirements in the field of health and in other areas. Thus, removal of the existing fixed authorization of $5 million would appear preferable.

Accordingly, the Bureau of the Budget while favoring the objectives of H.R. 7476, would recommend removal of a terminal date and elimination of specific limitations on appropriations for the air pollution control programs.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

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1.1b(2) SENATE COMMITTEE ON PUBLIC WORKS

S. REP. No. 182, 86th Cong., 1st Sess. (1959)

EXTENDING THE DURATION OF THE FEDERAL AIR POLLUTION CONTROL LAW

APRIL 13, 1959.—Ordered to be printed

Mr. CHAVEZ, from the Committee on Public Works, submitted the following

REPORT

[To accompany S. 441]

The Committee on Public Works, to whom was referred the bill (S. 441) to extend the duration of the Federal air pollution control law, and for other purposes, having considered the same, report favorably thereon with amendments, and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, lines 9 and 10, strike out "for each fiscal year such sum as may be necessary" and insert in lieu thereof "for each of the four fiscal years during the period beginning July 1, 1960, and ending June 30, 1964, not to exceed $7,500,000".

Page 2, lines 3 through 6, strike out ", and shall be allotted by the Surgeon General in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare" and in lieu thereof insert "by the Surgeon General".

PURPOSE

The purpose of S. 441, as amended, is to extend the time limitation of the present 5-year Air Pollution Control Act for a period of 4 years, and increase the authorization for annual appropriation from $5 million to $7.5 million; provide for inclusion of surveys and studies in the program for which grants-in-aid and contracts are now authorized, in addition to present authorized contracts for research, training, and demonstration projects; delete the requirement that funds appropriated for grants-in-aid and contracts be allotted by the Surgeon General; and declares the intent of Congress that any Federal agency shall cooperate with the Department of Health, Education, and Welfare, and any State, interstate, or local agency in preventing or con-

trolling air pollution from installations or property under their jurisdiction.

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GENERAL STATEMENT

Public Law 159, 84th Congress, approved July 14, 1955, authorized a program for research and technical assistance to obtain data and to devise and develop methods for control and abatement of air pollution, by the Secretary of Health, Education, and Welfare, and the Surgeon General of the Public Health Service. The act recognizes the primary responsibilities and rights of the States, local governments, and other public agencies in controlling air pollution, but provides Federal grants-in-aid to those agencies concerned with air pollution and control, to assist them in the formulation and execution of their air pollution abatement research programs.

Under the provisions of the act, the Surgeon General is authorized to prepare or recommend research programs, and to encourage cooperative activities, collect and disseminate information, conduct and support research, and to make available to all agencies the results of surveys, studies, investigations, research, and experiments relating to air pollution and abatement. Reports of such studies as considered desirable may be published from time to time by the Surgeon General, together with appropriate recommendations.

The act authorized an appropriation of $5 million annually for each of the fiscal years 1956 through 1960, to make Federal grants-in-aid to State and local government air pollution control agencies, and other public and private agencies and institutions, and to individuals, for research, training, and demonstration projects; and to enter into contracts with such agencies for conducting those features. Sums appropriated remain available until expended, and are allotted by the Surgeon General in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare.

Under this authorized program, approximately $200,000 was expended in 1955; $1.7 million during fiscal year 1956; $2.7 million for 1957; $4.0 million for each of 1958 and 1959; and the budget for fiscal year 1960 includes $4,212,000.

Public Law 159 will expire on June 30, 1960, unless extended. The act has been very beneficial for conducting studies and research in the field of air pollution control. Considerable progress has been made in the several elements of the program. Much valuable data have been assembled and distributed, yet there are many questions still unanswered and a large amount of work remains to be done.

The Federal effort has contributed materially to difficult problems of sampling, identifying, and measuring airborne contaminants, such as the improvement of the methods of analyzing gaseous contaminants, present in the atmosphere of virtually every city.

Appraisal has been made of some important modern sources of urban air pollution such as oil refineries, automobile exhausts, and combustion processes, which are inevitable results of our increasing mechanization and industrialization.

Studies of chemical, meteorological, and physical influences and of atmosphere reactions are making available new knowledge that must ultimately be required for proper and economical procedures for controlling air pollution.

Scientists have generally concurred that a major source of fumes which are ingredients of smog and pollution in most cities is the motor vehicle, and that phase of the problem is under intense study on all

[p. 2]

fronts, including the automobile and petroleum industry. The Federal Government has increased its work in this field, and will continue to expedite the program for investigating the part that motor vehicle exhaust and combustion play in the problem of atmospheric contamination.

Health studies have developed evidence as to the effect of air pollution on human health and well-being, creating much discomfort from obstruction of breathing, and causing disease and even death.

The Federal Government is not carrying this entire program alone, as many agencies are participating in the attack on the air pollution problem. In the great concern for the health of the American people, this very acute problem must be recognized, together with the fact that increased urbanization and industrialization will undoubtedly produce new air pollution problems in the future.

AMENDMENTS

S. 441, as introduced, would remove the time limitation and ceiling on the authorization for annual appropriation, and delete the present method of allotment of funds by the Surgeon General in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare.

The committee recommends amendments to the bill which would provide for extending the program for 4 additional years with an increase in authorization for annual appropriations from $5 million to

$7.5 million, and to delete the requirement for allotment of grants-in-aid funds by the Surgeon General.

These amendments were adopted by the committee in the belief that a statutory limit and a cutoff date on the authorization is desirable. It was felt that a periodic review of a program of this nature was very advantageous, rather than its extension on a permanent basis. It was recognized that control of appropriations would be exercised by the Committees on Appropriations, but it was believed that an increase of 50 percent in the statutory limit on the authorization for annual appropriation would be adequate for the 4-year period ahead.

The committee realizes that these funds are not allotted on a formula-type basis or apportioned to the several States in any manner, as are many grants-in-aid funds, but are allotted to agencies and organizations by grants, project, and contract basis, where the need is greatest and from which the most beneficial results will be derived. While this is only a technical amendment, the committee believes that the responsibility for allocation of these funds and direction of the program should remain with the Secretary of Health, Education, and Welfare.

DISCUSSION

When Public Law 159 was enacted, the committee acknowledged that the desired aims and objectives envisioned under the program could not be enitrely accomplished within the authorized 5-year period. It felt then, as it feels now, that a periodic review of the program is highly desirable, and that an extension of the program for a 4-year period is adequate at the present time. The Secretary of Health, Education, and Welfare, in his excellent letter of comments

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on the bill, suggests certain procedures that would improve the act. As the program advances on an expedited scale, other conditions may arise suggesting other changes, which should be studied and further considered prior to expiration of the act.

The committee realizes that price levels have increased since enactment of Public Law 159, and that further study and research will point to additional activities, fields, problems, and developments, which will require expansion and exploration. It believes that a statutory limit on the authorization for annual appropriation is desirable, and that such ceiling of $7.5 million will be sufficient to cover the 4-year period, and that this ceiling would not prove restrictive in prosecuting the research and technical assistance program under the act.

The addition of surveys and studies to the authorized grants-in-aid and contracts for research, training, and demonstration projects is merely a clarifying amendment, since it was the intention that the purposes authorized under the original act included surveys and studies and other necessary activities to support the approved research, training, and demonstration projects.

The committee sees no particular objection to the provisions of the last sentence of section 5 of the existing law, but recommends deletion of the Surgeon General from the chain of allotment, procedure, leaving the allocation of funds to an officer of Cabinet rank. The Secretary has the responsibility for prescribing the regulations under which sums appropriated for grants-in-aid and contracts are allotted, and under this responsibility can delegate certain authority. The committee believes that such funds will be allotted in the manner that will produce the most beneficial results, consistent with air pollution and control problems of various areas, local and interstate, and population and industrial growth, including future forecasts of such growth and concentration that might produce new problems.

The intent of Congress declared in the provisions relating to the cooperation of any Federal department or agency in preventing or controlling air pollution from any installation or property under its jurisdiction enacts into law present policy established by Executive order.

The committee is cognizant of the fact that the authorized program is primarily for research and assistance on a cooperative basis, with the Federal Government as one partner in the vast undertaking. No construction is involved, other than that of demonstration projects or pilot plants. When proper methods of constructing measures for eliminating or alleviating air pollution are determined, or laws or ordinances are found advisable, their adoption will be the responsibility of local governmental entities.

With the large increase in numbers of motor vehicles, particularly in and adjacent to our urban areas, the committee is very much in favor of increasing the technical aspects of the automotive studies.

The Federal Government is vitally interested in removing a menace which is estimated to cause $3 billion damage annually to our Nation, and which constitutes an environmental health hazard to large segments of our population. The committee heartily approves this measure for increasing the basic knowledge of, and developing and improving the techniques for, abating and controlling air pollution, and recommends enactment of S. 441.

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The comments of the Bureau of the Budget, the Secretary of Health,

Education, and Welfare, and the General Services Administration on S. 441 are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., April 6, 1959.

Hon. DENNIS CHAVEZ,
Chairman, Committee on Public Works, U.S. Senate,
Senate Office Building, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in reply to your request of January 20, 1959, for the views of the Bureau of the Budget on S. 441, a bill to extend the duration of the Federal air pollution control law, and for other purposes.

The bill would extend indefinitely the present 5-year Air Pollution Abatement Act and would remove the $5 million authorization for appropriations in favor of an authorization for the appropriation of "such sums as may be necessary." It would declare the intent of Congress that any Federal agency shall cooperate with the Department of Health, Education, and Welfare and any State, interstate, or local agency in preventing or controlling air pollution. Certain other technical and clarifying provisions are also included in the bill.

In recognition of the need for emphasis on the problem of air pollution abatement the budget for 1960 provides for an expanding program of research and technical assistance to State and local government. The 1960 budget requests an appropriation of over $4 million for these activities compared to less than $200,000 expended in 1955.

While significant progress has been made in recent years in developing and improving the techniques for controlling air pollution, there are many areas in which more basic knowledge of the effects of air pollutants on humans is needed. We believe it is appropriate that the air pollution control program of the Public Health Service be made a permanent part of that agency's responsibilities for the surveillance and improvement of the overall environmental health.

Accordingly, the Bureau of the Budget would have no objection to the enactment of S. 441.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
April 7, 1959.

Hon. DENNIS CHAVEZ,
Chairman, Committee on Public Works,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request of January 20, 1959, for a report on S. 441, a bill to extend the duration of the Federal air pollution control law, and for other purposes.

The bill would amend the act of July 14, 1955 (69 Stat. 322–323), which provides broad authority for the Secretary of Health, Education, and Welfare and the Surgeon General of the Public Health

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Service for research and technical assistance relating to air pollution control. The proposed amendments are as follows:

1. The removal of the time limitation on the authorization for annual appropriations;

2. The removal of the $5 million ceiling on annual appropriations;

3. The addition, in section 5, of "surveys and studies" to the purposes for which grants-in-aid and contracts are authorized. The existing act now authorizes such grants-in-aid and contracts for research, training, and demonstration projects;

4. The deletion of the final clause of the last sentence of section 5, requiring allotment by the Surgeon General of funds appropriated for grants-in-aid and contracts in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare;

5. The addition of a new section 8, declaring it to be the intent of Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, to the extent practicable and consistent with the interests of the United States, cooperate with the Department of Health, Education, and Welfare, and appropriate State and local authorities, in preventing or controlling air pollution caused or contributed to by discharge from such property.

At the time the present act was pending in the 84th Congress, this Department made clear its opinion that the objectives could not be entirely accomplished within the 5-year period authorized. The activities of the Public Health Service to date have provided useful information about the extent of air pollution in the United States, physiological and other health effects, and practical means for measuring, assessing, and controlling air pollution. Technical assistance to

States and communities has been provided on the appraisal of air pollution problems and establishment of control programs. The Service has also conducted and supported training of technical personnel needed to deal with these problems. Although considerable progress has been made, much still remains to be accomplished nationally in both research and control activities. In addition, it has now become increasingly clear that future population and industrial growth, and their concentration in urban areas, will produce new air pollution problems. The limitations of the atmosphere for dispersal of air contaminants without harmful effects are at times exceeded in some areas now, and the potential for such excessive pollution and consequent health hazards will undoubtedly continue to increase with urban growth and development. Control agencies will be required to give more and more attention to these problems. Continued research and technical assistance will be required to develop and apply the technical knowledge which will be increasingly needed by States and localities for dealing with air pollution. For these reasons, therefore, we believe that the program authorizations of the present act should be extended on a permanent basis.

Removal of the statutory limit on the annual appropriation authorization would be highly desirable. In the air pollution program to date, important leads have been developed in research, particularly with respect to the effects of air pollutants on health. Any important breakthrough in this field undoubtedly will require a substantial ex-

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pansion of activities to further its development and exploitation. Furthermore, we believe that an appropriation ceiling is not generally desirable in legislation authorizing a research and technical assistance program. Such a ceiling may serve as an undesirable restriction at times, and at other times tend to encourage requests larger than consistent with overall circumstances and fiscal policy. We believe that fiscal control can best be exercised through the usual annual appropriation process.

The amendment which would add "surveys and studies" to the purposes for which grants-in-aid and contracts are authorized would make no substantive addition to present authority. It has been our interpretation that such surveys and studies are included within the authorization in the present act for grants-in-aid and contracts in support of "research, training, and demonstration projects." However, in order to make this point entirely clear, we believe this proposed amendment would be desirable.

The proposed deletion of the provision in the current act requiring the allotment by the Surgeon General of sums for grants and contracts

is a technical amendment. This requirement for allotment of grant and contract funds apparently remained in the 1955 act by error. The original bill included provisions, later deleted, which could be construed as authorizing formula-type general grants-in-aid funds and the allotment requirement would have been appropriate thereto. Such allotment procedures are unnecessary for project-type grants and contracts authorized by the present act. We believe, therefore, that the allotment requirement should be deleted.

The provision of the bill relating to the prevention and control of air pollution arising from any installation or other property under the jurisdiction of any Federal department or agency would confirm what is now established Federal executive policy, as outlined in Executive Order 10779. We believe that the inclusion of this provision would strengthen that policy and make clear the intent of Congress on this subject.

In addition to the amendments proposed by S. 441, we believe it would be desirable to provide for exercising Federal leadership in dealing with air pollution problems of broad significance or which are interstate in character. The Department of Health, Education, and Welfare could, we believe, make a significant contribution to such leadership through the development and publication of recommendations based on the evaluation of data developed by the Department or presented by others, as well as a full consideration of the points of view of all parties having a significant interest in such problems. Some of these problems, although essentially local in character, manifest themselves in many communities throughout the Nation. Others involve pollution from sources within one State which, through the movement of air masses, affect communities in other States. Both types of problems can be expected to increase in number and extent with further urbanization, and the development of solutions for them may in many cases transcend the capabilities of local agencies, and even of State control authorities.

With these considerations in view, we therefore recommend specific legislative authority to make investigations and hold public hearings in situations of the two types described above. The recommendations resulting from such hearings would not be binding upon the partici-

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pants in the hearings or anyone else; the purpose of the hearings would be simply to develop such recommendations as a means of focusing public attention on and developing support for the most carefully considered solutions to the problems which occasioned the hearings.

We also recommend statutory establishment of an advisory council or committee on air pollution problems. In addition to performing the

usual advisory functions, such a committee or council could make a particularly important contribution in connection with situations which might call for the holding of a public hearing.

We hope that the committee will agree with us that the above suggestions would make a significant improvement in the act. We would be glad to explain them in more detail whenever convenient to your committee and, if you should so desire, to provide technical assistance in drafting the necessary amendments to the bill.

We would therefore recommend that the bill, modified as suggested above, be enacted by the Congress.

In compliance with Public Law 801, 84th Congress, there is enclosed a statement of cost estimates and personnel requirements which would be entailed by enactment of S. 441.

The Bureau of the Budget advises that it perceives no objection to the submission of this report to your committee, insofar as it relates to S. 441, as introduced. With respect to the amendments, suggested above, to provide for public hearings and a statutory advisory committee, the Bureau of the Budget believes that the need for and desirability of such amendments require further study.

Sincerely yours,

ARTHUR S. FLEMMING, *Secretary.*

GENERAL SERVICES ADMINISTRATION,
April 9, 1959.

Hon. DENNIS CHAVEZ,
Chairman, Committee on Public Works,
U.S. Senate.

DEAR MR. CHAIRMAN: Reference is made to your letter of January 20, 1959, requesting the views of the General Services Administration concerning S. 441, a bill to extend the duration of the Federal air pollution control law, and for other purposes.

The essential purpose of this measure is indicated in its title. Its enactment would declare it to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, to the extent practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any interstate agency or any State or local government air pollution control agency in preventing or controlling the pollution of the air in any area insofar as the discharge of any matter from or by such property may cause or contribute to pollution of the air in such area.

GSA is in accord with the objectives of the underlying legislation and favors its extension and amendment as contemplated in S. 441.

We are not in position at this time to estimate the increase, if any, in the fiscal requirements of GSA which would result from the enactment of section 2 of the bill.

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The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

FRANKLIN FLOETE, *Administrator.*

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Public Law 159—84th Congress

Chapter 360—1st Session

S. 928

AN ACT

To provide research and technical assistance relating to air pollution control

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the dangers to the public health and welfare, injury to agricultural crops and livestock, damage to and deterioration of property, and hazards to air and ground transportation, from air pollution, it is hereby declared to be the policy of Congress to preserve and protect the primary responsibilities and rights of the States and local governments in controlling air pollution, to support and aid technical research to devise and develop methods of abating such pollution, and to provide Federal technical services and financial aid to State and local government air pollution control agencies and other public or private agencies and institutions in the formulation and execution of their air pollution abatement research programs. To this end, the Secretary of Health, Education, and Welfare and the Surgeon General of the Public Health Service (under the supervision and direction of the Secretary of Health, Education, and Welfare), shall have the authority relating to air pollution control vested in them respectively by this Act.

SEC. 2. (a) The Surgeon General is authorized, after careful inves-

tigation and in cooperation with other Federal agencies, with State and local government air pollution control agencies, with other public and private agencies and institutions, and with the industries involved, to prepare or recommend research programs for devising and developing methods for eliminating or reducing air pollution. For the purpose of this subsection the Surgeon General is authorized to make joint investigations with any such agencies or institutions.

(b) The Surgeon General may (1) encourage cooperative activities by State and local governments for the prevention and abatement of air pollution; (2) collect and disseminate information relating to air pollution and the prevention and abatement thereof; (3) conduct in the Public Health Service, and support and aid the conduct by State and local government air pollution control agencies, and other public

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and private agencies and institutions of, technical research to devise and develop methods of preventing and abating air pollution; and (4) make available to State and local government air pollution control agencies, other public and private agencies and institutions, and industries, the results of surveys, studies, investigations, research, and experiments relating to air pollution and the prevention and abatement thereof.

SEC. 3. The Surgeon General may, upon request of any State or local government air pollution control agency, conduct investigations and research and make surveys concerning any specific problem of air pollution confronting such State or local government air pollution control agency with a view to recommending a solution of such problem.

SEC. 4. The Surgeon General shall prepare and publish from time to time reports of such surveys, studies, investigations, research, and experiments made under the authority of this Act as he may consider desirable, together with appropriate recommendations with regard to the control of air pollution.

SEC. 5. [(a)] There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare [for each of the five fiscal years during the period beginning July 1, 1955, and ending June 30, 1960, not to exceed $5,000,000] *for each of the four fiscal years during the period beginning July 1, 1960, and ending June 30, 1964, not to exceed $7,500,000* to enable it to carry out its functions under this Act and, in furtherance of the policy declared in the first section of this Act, to (1) make grants-in-aid to State and local government air pollution control agencies, and other public and private agencies and institutions, and to individuals, *for surveys and studies and* for

research, training, and demonstration projects, and (2) enter into contracts with public and private agencies and institutions and individuals *for surveys and studies and* for research, training, and demonstration projects. Such grants-in-aid and contracts may be made without regard to sections 3648 and 3709 of the Revised Statutes. Sums appropriated for such grants-in-aid and contracts shall remain available until expended, and shall be allotted [by the Surgeon General] in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare.

SEC. 6. When used in this Act—

(a) The term "State air pollution control agency" means the State health authority, except that in the case of any State in which there is a single State agency other than the State health authority charged with responsibility for enforcing State laws relating to the abatement of air pollution, it means such other State agency;

(b) The term "local government air pollution control agency" means a city, county, or other local government health authority, except that in the case of any city, county, or other local government in which there is a single agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the abatement of air pollution, if means such other agency; and

(c) The term "State" means a State or the District of Columbia.

SEC. 7. Nothing contained in this Act shall limit the authority of any department or agency of the United States to conduct or make grants-in-aid or contracts for research and experiments relating to air pollution under the authority of any other law.

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SEC. *8. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, to the extent practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and within any interstate agency or any State or local government air pollution control agency in preventing or controlling the pollution of the air in any area insofar as the discharge of any matter from or by such property may cause or contribute to pollution of the air in such area.*

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1.1b(3) COMMITTEE OF CONFERENCE

H.R. REP. No. 1187, 86th Cong., 1st Sess. (1959)

EXTENSION OF AIR POLLUTION CONTROL ACT

SEPTEMBER 14, 1959.—Ordered to be printed

Mr. HARRIS, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 7476]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7476) to extend for two additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: *That section 5 of the Act of July 14, 1955 (42 U.S.C. 1857(d)), is amended—*

(1) by striking out "(a)" after "SEC. 5.",

(2) by striking out "five fiscal years during the period beginning July 1, 1955, and ending June 30, 1960" and inserting in lieu thereof "nine fiscal years during the period beginning July 1, 1955, and ending June 30, 1964",

(3) by inserting "for surveys and studies and" before "for research" in clauses (1) and (2) of such first sentence, and

(4) by striking out "by the Surgeon General" in the last sentence.

SEC. 2. Such Act is further amended by adding at the end thereof the following new section:

"SEC. 8. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, to the extent practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare,

and with any interstate agency or any State or local government air pollution control agency in preventing or controlling the pollution of the air in

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any area insofar as the discharge of any matter from or by such property may cause or contribute to pollution of the air in such area."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

OREN HARRIS,
KENNETH A. ROBERTS,
GEORGE M. RHODES,
PAUL G. ROGERS,
JOHN B. BENNETT,
PAUL F. SCHENCK,
SAMUEL DEVINE,
Managers on the Part of the House.
DENNIS CHAVEZ,
ROBERT KERR,
PAT MCNAMARA,
THOS. E. MARTIN,
JOHN SHERMAN COOPER,
Managers on the Part of the Senate.

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STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7476) to extend for 2 additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

This legislation proposes to amend section 5 of the act of July 14, 1955, entitled "An act to provide research and technical assistance relating to air pollution control."

This section reads as follows at present:

> SEC. 5. (a) There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the five fiscal years during the period beginning July 1, 1955, and ending June 30, 1960, not to exceed $5,000,000 to enable it

to carry out its functions under this Act and, in furtherance of the policy declared in the first section of this Act, to (1) make grants-in-aid to State and local government air pollution control agencies, and other public and private agencies and institutions, and to individuals, for research, training, and demonstration projects, and (2) enter into contracts with public and private agencies and institutions and individuals for research, training, and demonstration projects. Such grants-in-aid and contracts may be made without regard to sections 3648 and 3709 of the Revised Statutes. Sums appropriated for such grants-in-aid and contracts shall remain available until expended, and shall be allotted by the Surgeon General in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare.

The bill as passed by the House amended section 5 so as to authorize the appropriation of not to exceed $5,000,000 for each of 2 additional fiscal years, namely, the fiscal year ending June 30, 1961, and the fiscal year ending June 30, 1962.

The Senate amendments struck out all after the enacting clause of the House bill and inserted a substitute.

The substitute language inserted by the Senate did the following things:

(1) It corrected a purely technical error in section 5 of the present law, merely striking out "(a)" which was included by error.

(2) It provided for extending the appropriation authorization of such section 5 for 4 fiscal years (in lieu of 2 years as provided for in the House bill), and also fixed at $7,500,000 the maximum amount authorized to be appropriated for each such fiscal year.

[p. 3]

(3) It made amendments to that part of the first sentence of such section 5 which authorizes the Department of Health, Education, and Welfare, in carrying out the policy declared in the first section of the 1955 act, to make grants-in-aid to enter into contracts for research, training, and demonstration projects. Such grants-in-aid may be made to State and local government air pollution control agencies and other public and private agencies and institutions and to individuals, and such contracts may be entered into with public and private agencies and institutions and individuals. The amendments made by the Senate would add language specifically authorizing such grants-in-aid and contracts to be made also for "surveys and studies." it is our understanding that these language changes were not intended to make any substantive change in the authority as granted and exercised under the language of the law as presently in effect, but are merely clarifying.

(4) It struck out the reference to the Surgeon General in the last sentence of such section 5. The effect of this would be that allotments of appropriated funds would be made in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare instead of by the Surgeon General as at present. However, the Secretary could, of course, delegate this function to the Surgeon General to such extent as he deems appropriate.

(5) It provided for adding to the 1955 act, a new section as follows:

> SEC. 8. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, to the extent practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any interstate agency or any State or local government air pollution control agency in preventing or controlling the pollution of the air in any area insofar as the discharge of any matter from or by such property may cause or contribute to pollution of the air in such area.

The substitute agreed to by the committee of conference is the same as the substitute inserted by the Senate amendment with one exception, namely, the appropriation authorization for the additional 4-year period would be not to exceed $5,000,000 per annum.

OREN HARRIS,
KENNETH A. ROBERTS,
GEORGE M. RHODES,
PAUL G. ROGERS,
JOHN B. BENNETT,
PAUL F. SCHENCK,
SAMUEL DEVINE,
Managers on the Part of the House.

[p. 4]

1.1b(4) CONGRESSIONAL RECORD, VOL. 105 (1959)

1.1b(4)(a) Sept. 1: Passed House, pp. 17584–17586

EXTENDING AIR POLLUTION CONTROL ACT

Mr. HARRIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7476) to extend for 2 additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the Act entitled "An Act to provide research and technical assistance relating to air pollution control", approved July 14, 1955 (42 U.S.C. 1857d), is amended (1) by striking out "five" and inserting in lieu thereof "seven" and (2) by striking out "June 30, 1960" and inserting in lieu thereof "June 30, 1962".

The SPEAKER. Is a second demanded?

Mr. SCHENCK. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

[p. 17584]

There was no objection.

Mr. HARRIS. Mr. Speaker, carrying out the suggestion of the Speaker of a few moments ago, which I thought appropriate, we shall take only a very few minutes of the 40 minutes granted under the rule.

This bill merely extends for 2 additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control. We have had such a program for the past 4 years which expires with the end of this year. Consequently it was felt advisable to extend this program for an additional period of time.

The Subcommittee on Health and Safety conducted hearings, considered this bill at length and reported to the committee. It has done an excellent job. I want to compliment the gentleman from Alabama [Mr. ROBERTS], the chairman of the subcommittee, and the members of the subcommittee for the fine work they have done in reporting this legislation.

The Federal program for assistance in the control of air pollution was set up by Public Law 159 of the 84th Congress. Under that act the Public Health Service is authorized to conduct a program of research, technical assistance, and training.

The act, passed in 1955, provided for a 5-year program and authorized appropriations of $5 million a year for that period, so that authority for appropriations expires with this fiscal year. Passage of the pending legislation would permit appropriations at the rate of $5 million a year for 2 additional years.

Public Law 159 specifically declares it to be the policy of Congress to preserve and protect the primary responsibility and rights of the States and local governments in controlling air pollution.

This problem, however, does not always respect local and State boundaries. Air pollution has become a national problem in which we need the guidance and assistance of scientists in the Public Health Service.

The Department of Health, Education, and Welfare recommended to the committee that the Surgeon General be given permanent authority to conduct the air pollution program and that the ceiling on appropriations be eliminated. The committee, however, is recommending a 2-year extension to give the appropriate committees an opportunity to review the program in the next Congress.

As the committee report shows, the Public Health Service spent approximately $1.7 million during fiscal year 1956; $2.7 million in 1957; $4 million for each of 1958 and 1959; and has budgeted $4,212,000 for the current fiscal year. Thus, a continuation of the $5 million

annual limitation should impose no hardships in continuing this program.

The quality of the air we breathe affects all of us. With the increased concentration of our people in urban areas, the harmful effects of air pollution threatens more and more of our population.

In carrying out the directive of Congress, the Public Health Service has set up a large number of research projects to investigate the causes, nature, extent, effects, and control of air pollution. The projects are being conducted in Public Health Service laboratories but also through contract and financial support of projects in other Federal agencies, in universities and research institutes, or wherever specific competencies and facilities exist. There are nearly 200 of these projects, involving the facilities of the Public Health Service and over 50 universities and other research organizations. In addition, one project alone, the national air sampling network, involves over 160 local health and air pollution agencies in sampling of air contaminants in all the States and Puerto Rico.

Mr. Speaker, I yield 5 minutes to the chairman of the subcommittee, the gentleman from Alabama [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, the purpose of this legislation is to extend the present Federal air pollution control program for 2 years.

Under Public Law 159, 84th Congress, approved July 14, 1955, appropriations of $5 million a year were authorized for 5 years to assist in the formulation and execution of air pollution abatement and research programs. Authority for appropriations expire this fiscal year.

This act vests in the Surgeon General of the Public Health Service and the Secretary of Health, Education, and Welfare, specific authority to conduct a program of research and technical assistance relating to air pollution.

The law authorizes the Surgeon General to conduct the following programs:

First. Prepare and recommend research programs designed to reduce or eliminate air pollution.

Second. Collect and disseminate information relating to air pollution.

Third. Conduct technical research in the Public Health Service and support, by grants-in-aid and by contract, technical research programs of both public and private agencies relating to air pollution.

Fourth. On request of a State or local government air pollution control agency, investigate and survey any specific air pollution problem facing the requesting agency.

Fifth. Prepare and publish reports or surveys, studies, investigations, and research done under this law.

Under this program, approximately $1.7 million was expended during fiscal year 1956; $2.7 million for 1957; $4 million for each of 1958 and 1959; and the budget for the current fiscal year is $4,212,000.

The Department of Health, Education, and Welfare and the Bureau of the Budget favor extending Public Law 159, 84th Congress, on a permanent basis, and eliminating the ceiling on appropriations. The committee, however, is recommending a 2-year extension of the act, without increasing the ceiling on appropriations.

While significant progress has been made in recent years in developing and improving the techniques for controlling air pollution, more basic knowledge of the effects of air pollutants on humans is needed in many areas. We need, also, to know more about the effect of air pollutants on agriculture. It is estimated that in the Los Angeles area alone that air pollution results in a loss of $5 million a year to agriculture.

No one, of course, expects that the problems confronting us can be solved in 2 years, but a 2-year extension will enable the committee to review the program in the next Congress and to go into more detail regarding recommendations made by the Department of Health, Education, and Welfare, and others

concerned about the problem of air pollution.

Air pollution is a national problem. It affects the total human environment. All affected interests must cooperate in seeking effective solutions.

Since 1955, the accelerated program of the Public Health Service has assisted the various agencies and groups concerned in developing information on the problems and in contributing to their solution.

Valuable information has been provided about the extent of air pollution in the United States, and about practical means of measuring, assessing, and controlling air pollution.

Specific information or indications have come out of some of the research that certain pollutants in the air have affected health, as in the case of the drastic air pollution episodes in Donora, Pa., and London, England. These pollutants have increased the death rates, particularly during the period of the smog, and more particularly in old and debilitated people. But most of the health effects of air pollutants are much more subtle than that. They are long-term detractors of good health. In the hearings, the subcommittee was told that it is known there are pollutants in the air which cause cancer, particularly in laboratory animals, and that death rates for certain types of cancer and respiratory conditions are greater in urban areas where the smog is more common.

Valuable information has been developed about ways in which air pollution subtly affects human health, including specific knowledge about the effects of agents such as ozone and sulfur dioxide, which are directly toxic and physiologically damaging, and certain olefin compounds which can cause eye irritation in humans and serious toxic effects in experimental animals.

States and communities have taken advantage of, and benefited by, the technical assistance offered by the Public Health Service.

This has led to the appraisal of many local and regional air pollution problems and contributed toward appropriate local action.

Many research projects under way relate to the causes, nature, extent, effects, and control of air pollution. The projects are being conducted not only in the Public Health Service laboratories, but also through contract and grant support of projects in other Federal agencies, in universities and research institutes, or wherever specific competencies and facilities exist. There are nearly 200 of these projects, involving the Public Health Service facilities and over 50

[p. 17585]

universities and other research organizations, in addition, one project alone, the national air sampling network, involved over 160 local health and air pollution agencies in the sampling of air contaminants in all the States and Puerto Rico.

Medical research is concerned not only with those well-known acute air pollution episodes which resulted in sudden death—ranging from 20 fatalities in Donora—1948—to 4,000 or more in a single week in London—1952—but also with the potentially greater problem of long-term cumulative injury to community populations from day-after-day exposure to air pollution.

Two principal kinds of studies have been initiated, first, statistical and epidemiological studies designed to determine the extent to which variations in community health are related to air pollution indexes; and, second, laboratory studies to determine the effects on health of certain constituents of polluted air—alone and in combination—known or suspected to be potentially harmful. Thus, the health studies program is divided into epidemiology and laboratory investigations, with such activities as lung function testing falling into both groups.

The Committee on Interstate and Foreign Commerce recommends enactment of this legislation so that additional appropriations can be made for this important work by the Surgeon General during fiscal years 1961 and 1962.

Mr. SCHENCK. Mr. Speaker, our Subcommittee on Health and Safety conducted rather extensive hearings on this bill. I believe the bill has great merit and urge its approval.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SCHENCK. I yield to the gentleman.

Mr. GROSS. This is getting to be a pretty expensive program, is it not? I totaled up the figures and including the budget for the fiscal year 1960, it runs to some $12\frac{1}{2}$ million actual spending. Is that correct or are my figures wrong?

Mr. SCHENCK. I do not have my figures at hand; does the gentleman mean for the past programs?

Mr. GROSS. For the past programs and for the fiscal year 1960.

Mr. SCHENCK. This legislation merely extends the present authorized program for a 2-year period beginning July 1, 1960. It is necessary to do that in order for the Public Health Service to make its case before the Committee on Appropriations early in the next session of Congress.

Mr. GROSS. The appropriation for this purpose is going up all the time. It went up from $4 million for 2 years, 1953 and 1959, to $4,212,000 for fiscal year 1960 alone. Can the gentleman foresee any end to this?

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. SCHENCK. I. yield.

Mr. ROBERTS. I will say to the gentleman from Iowa that this is a most modest approach that has been made. The other body passed a bill calling for 4 years at the rate of $7\frac{1}{2}$ million a year.

The budget said that there should be no ceiling on the appropriation and the committee took the view that we could hold it down to $5 million a year. I will say to the gentleman further that the matter of air pollution is growing, but we do not want to authorize more than is needed to accomplish the desired results in handling the problem of air pollution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SCHENCK. I yield.

Mr. GROSS. I am not very much impressed, I will say to the gentleman, by the fact that the other body asked for a much higher expenditure for this purpose. It seems to me all the Members are pretty well acquainted with the fact that the other body is notorious for upping appropriations and spending money for purposes of this kind. I still have no answer to my question as to how long this is going on and how much money is going to be spent in this connection?

Mr. SCHENCK. Mr. Speaker, may I say in answer to my colleague from Iowa that this is an authorization bill not to exceed $5 million each for 2 years, and that it will be entirely up to the Department of Health, Education, and Welfare to justify its own request, and that we, as Members of the Congress, will have full opportunity to study the budget or the Appropriation Committee recommendations at the proper time.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. SCHENCK. I yield.

Mr. HARRIS. I think the RECORD should show, I will say to the gentleman from Iowa, that there are certain areas in the United States where this problem is extremely serious. For example, on the coast of California, it has been brought to the attention of the committee that it is growing more and more serious all the time. In the State of Pennsylvania, there are certain areas that have the same problem. There are other areas of the United States that have this problem. It is those areas where there is such a serious problem concerning the health and welfare of the people that have brought this problem to our committee

and caused the Department of Health, Education, and Welfare to make this request.

The SPEAKER. The question is: Will the House suspend the rules and pass the bill?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

[p. 17586]

1.1b(4) (b) Sept. 9: Amended and passed Senate, pp. 18733–18734

AIR POLLUTION

The Senate proceeded to consider the bill (H.R. 7476) to extend for 2 additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution.

Mr. KUCHEL. Mr. President, there is an amendment at the desk which represents the text of the air-pollution legislation as it passed the Senate several months ago. The amendment is offered on behalf of the able senior Senator from New Mexico, the able senior Senator from Oklahoma, and myself, all of whom desire, if there is no objection by the calendar committees, to substitute the language of the previously passed Senate bill for the language of the House bill. I shall be glad to discuss it.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. ENGLE. I desire to join my colleague in this amendment. The House passed a simple extension of the act. The Senate bill is a much more comprehensive and a much better worked-out piece of legislation. We desire to substitute the language of the Senate bill which previously passed the Senate, and send the bill back to conference.

Mr. KUCHEL. I thank the Senator.

Mr. President, all of us recognize the merit of the Air Pollution Control Act which was enacted in 1955. This act authorized a program for research and technical assistance to obtain data and to devise and develop methods for control and abatement of air pollution. The Secretary of Health, Education, and Welfare, and the Surgeon General of the Public Health Service, were charged with the responsibility of its administration.

In April of this year, this body approved Senate bill 441, as amended, extending the present 5-year act for a period of 4 years and increased the authorization for annual appropriations from $5 million to $7.5 million. A short time ago the other body approved H.R. 7476, extending the act 2 additional years with no change in the authorized appropriations of $5 million a year.

Both committees clearly recognized that air pollution is a national problem and, as yet, still unsolved. While substantial progress toward solution has been made on all levels of government and industry, the committees were fully aware that the problem of air pollution will remain with us for a good many years to come, notwithstanding the effective and outstanding work already accomplished under the auspices of this act.

Mr. President, I believe there is no doubt in this body that it is in the national interest to continue the Air Pollution Control Act. Both committees after intensive study were of this opinion. The only question remaining then is the term of this continuance.

This is not a partisan issue. This is not a sectional nor an economic issue. This is in the nature of a scientific problem. We must look to the scientists, the air pollution experts, if we are to arrive at a reasoned logical answer.

What say the scientists? Dr. Theodore Bauer, of the Department of Health, Ed-

ucation, and Welfare, in his testimony before a subcommittee of the Interstate and Foreign Commerce Committee of the House of Representatives on May 19, 1959, made the following observations:

1. That, to date, the development of air pollution problems has outpaced the accumulation of scientific knowledged needed to deal with them.

2. In the future it appears inevitable, in addition to increasing urbanization, that new technology will produce greater potential for total air pollution, both in quantity and in variety.

3. Continued research and application of its results will be needed to keep abreast of these problems.

4. The air pollution program authorization should be extended without any specific termination date.

I am not a scientist, but these observations and recommendations of the Department of Health, Education, and Welfare make good sense. Research in any field should not be unduly hampered if it is to be of maximum effectiveness. Some types of projects take years to complete. By definition, basic, original research is incompatible with a time boundary. The breakthrough may come tomorrow, next year, 5 years, 50 years, or never. Air pollution and its solution involves this type of research and study.

Therefore, it follows that we should use a "maximum" type of approach rather than a "minimum" type in extending this act. If the Congress desires reports from time to time, this can be accomplished by other means.

It would be most foolish, and contrary to the national interest, to force the Department of Health, Education, and Welfare and the Surgeon General to observe a 2-year deadline in planning and executing research and study projects.

Likewise with the trend towards greater urbanization of our population and the increasing incidence of air pollution we should liberalize the amount of funds to be expended toward the solution of one of modern civilization's most vexing problems. The Senate Public Works

[p. 18733]

Committee and the Senate as a body recognized this need. In addition, the increase provided by S. 441 acknowledged the fact that our dollar buys less today than it did 5 years ago.

Mr. President, at the very least we should insist upon the enactment of S. 441. To do less would be a tragic disservice to the great majority of our people who live and work in the cities of America.

The PRESIDING OFFICER. The amendment offered by the Senator from California for himself and other Senators will be stated.

The CHIEF CLERK. It is proposed on page 1 to strike out lines 3 through 8 and insert in lieu thereof the following:

That section 5 of the Act of July 14, 1955 (42 U.S.C. 1857(d)), is amended—

(1) by striking out "(a)" after "SEC. 5.",

(2) after $5,000,000 in the first sentence insert a comma and the following "and for each of the four fiscal years during the period beginning July 1, 1960, and ending June 30, 1964, not to exceed $7,500,000",

(3) by inserting "for surveys and studies and" before "for research" in clauses (1) and (2) of such first sentence, and

(4) by striking out "by the Surgeon General" in the last sentence.

SEC. 2. Such Act is further amended by adding at the end thereof the following new section:

"SEC. 8. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation or other property shall, to the extent practicable and consistent with the interests of the United States and within any available appropriations cooperate with the Department of Health, Education, and Welfare, and with any interstate agency or any State or local government air pollution control agency in preventing or controlling the pollution of the air in any area insofar as the discharge of any matter from or by such property may cause or contribute to pollution of the air in such area."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

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

The title was amended so as to read: "An act to extend the duration of the Federal air pollution control law, and for other purposes."

[p. 18734]

1.1b(4) (c) Sept. 10, 11: House and Senate ask for conference, pp. 18997, 19046

EXTENDING AUTHORITY OF SURGEON GENERAL OVER AIR POLLUTION CONTROL

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7476) to extend for 2 additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? The Chair hears none, and appoints the following conferees: Messrs. HARRIS, ROBERTS, RHODES of Pennsylvania, ROGERS of Florida, BENNETT of Michigan, SCHENCK, and DEVINE.

[p. 18997]

EXTENSION OF AUTHORITY OF SURGEON GENERAL WITH RESPECT TO AIR POLLUTION CONTROL

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 7476) to extend for 2 additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CHAVEZ. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. CHAVEZ, Mr. KERR, Mr. MCNAMARA, Mr. MARTIN, and Mr. COOPER conferees on the part of the Senate.

[p. 19046]

1.1b(4) (d) Sept. 14: House and Senate agree to conference report, pp. 19704–19705, 19434–19435

EXTENSION OF AIR POLLUTION CONTROL ACT

Mr. HARRIS submitted the following conference report and statement on the bill (H.R. 7476) to extend for 2 additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control:

CONFERENCE REPORT (H. REPT. No. 1187)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the of the Senate to the bill (H.R. 7476) to extend for two additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That section 5 of the Act of July 14, 1955 (42 U.S.C. 1857(d)), is amended—

"(1) by striking out '(a)' after 'SEC. 5.',

"(2) by striking out 'five fiscal years during the period beginning July 1, 1955, and ending June 30, 1960' and inserting in lieu thereof 'nine fiscal years during the period beginning July 1, 1955, and ending June 30, 1964',

"(3) by inserting 'for surveys and studies and' before 'for research' in clauses (1) and (2) of such first sentence, and

"(4) by striking out 'by the Surgeon General' in the last sentence.

"SEC. 2. Such Act is further amended by adding at the end thereof the following new section:

" 'SEC. 8. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, to the extent practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any interstate agency or any State or local government air pollution control agency in preventing or controlling the pollution of the air in any area insofar as the discharge of any matter from or by such property may cause or contribute to pollution of the air in such area.' "

—And the Senate agreed to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

OREN HARRIS,
KENNETH A. ROBERTS,
GEORGE M. RHODES,
PAUL G. ROGERS,
JOHN B. BENNETT,
PAUL F. SCHENCK,
SAMUEL L. DEVINE,
Managers on the Part of the House.
DENNIS CHAVEZ,
ROBERT S. KERR,
PAT MCNAMARA,
THOMAS E. MARTIN,
JOHN SHERMAN COOPER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7476) to extend for 2 additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

This legislation proposes to amend section 5 of the act of July 14, 1955, entitled "An act to provide research and technical assistance relating to air pollution control."

This section reads as follows at present:

"SEC. 5. (a) There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the five fiscal years during the period beginning July 1, 1955, and ending June 30, 1960, not to exceed $5,000,000 to enable it to carry out its functions under this Act and, in furtherance of the policy declared in the first section of this Act, to (1) make grants-in-aid to State and local government air pollution control agencies, and other public and private agencies and institutions, and to individuals, for research, training, and demonstration projects, and (2) enter into contracts with public and private agencies and institutions and individuals for research, training, and demonstration projects. Such grants-in-aid and contracts may be made without regard to sections 3648 and 3709 of the Revised Statutes. Sums appropriated for such grants-in-aid and contracts shall remain available until expended, and shall be allotted by the Surgeon General in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare."

The bill as passed by the House amended section 5 so as to authorize the appropriation of not to exceed $5 million for each of 2 additional fiscal years, namely, the fiscal year ending June 30, 1961, and the fiscal year ending June 30, 1962.

The Senate amendments struck out all after the enacting clause of the House bill and inserted a substitute.

The substitute language inserted by the Senate did the following things:

(1) It corrected a purely technical error in section 5 of the present law, merely striking out "(a)" which was included by error.

(2) It provided for extending the appropriation authorization of such section 5 for 4 fiscal years (in lieu of 2 years as provided for in the House bill), and also fixed at $7,500,000 the maximum amount authorized to be appropriated for each such fiscal year.

(3) It made amendments to that part of the first sentence of such section 5 which authorizes the Department of Health, Education, and Welfare, in carrying out the policy declared in the first section of the 1955 act, to make grants-in-aid to enter into contracts for research, training, and demonstration projects. Such grants-in-aid may be made to State and local government air pollution control agencies and other public and private agencies and institutions and to individuals, and such contracts may be entered into with public and private agencies and institutions and individuals. The amendments made by the Senate would add language specifically authorizing such grants-in-aid and contracts to be made also for "surveys and studies." It is out understanding that these language changes were not intended to make any substantive change in the authority as granted and exercised under the language of the law as presently in effect, but are merely clarifying.

(4) It struck out the reference to the Surgeon General in the last sentence of such section 5. The effect of this would be that allotments of appropriated funds would be made in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare instead of by the Surgeon General as at present. However, the Secretary could, of course, delegate this function to the Surgeon General to such extent as he deems appropriate.

(5) It provided for adding to the 1955 Act, a new section as follows:

"SEC. 8. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, to the extent practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Educa-

tion, and Welfare, and with any interstate agency or any State or local government air pollution control agency in preventing or controlling the pollution of the air in any area insofar as the discharge of any matter from or by such property may cause or contribute to pollution of the air in such area."

The substitute agreed to by the committee of conference is the same as the substitute inserted by the Senate amendment with one exception, namely, the appropriation authorization for the additional 4-year period would be not to exceed $5,000,000 per annum.

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SAMUEL L. DEVINE,
Managers on the Part of the House.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report just filed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Speaker, I call up the conference report on the bill (H.R. 7476) to extend for 2 additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the statement.

Mr. HARRIS. Mr. Speaker, the legislation agreed to in conference extends for 4 years the Federal air pollution control program set up by Public Law 159, 84th Congress, which authorized appropriations of $5 million a year for five years.

[p. 19704]

As passed by the House H.R. 7476, proposed a 2-year extension. The Senate amendment proposed to extend the program for 4 years and to increase the ceiling on appropriations to $7,500,000 annually. The Senate amendment also included clarifying language explained in the statement of managers just read.

The conferees accepted the 4-year extension proposed by the Senate, with the maximum annual authorization retained at $5 million. During fiscal years 1956 through 1959, the total appropriations were $12,475,000, against a total authorization of $20 million. For the current fiscal year the appropriation is $4,212,000 or nearly $800,000 short of the maximum authorized.

The Department of Health, Education, and Welfare and the Bureau of the Budget recommended that the terminal date be removed and the program continued indefinitely with no fixed limitation on appropriations. The Department suggested removal of the limitation on appropriations on the grounds that a major breakthrough in the research field might bring about a need for an appropriation in excess of the $5 million limitation. The conferees felt, however, that in case appropriations in excess of the $5 million are necessary, the Department should come to the appropriate legislative committees and justify legislation to remove or increase the limitation.

The Senate bill contains language inserting authority for the Surgeon General to make surveys and studies. Witnesses for the Department in the hearings held by the Subcommittee on Health and Safety took the position that this language does not confer any additional authority on the Surgeon General but merely clarifies the present law.

The position of the Department is explained in the following quotation from the testimony of Hon. Arthur S. Flemming, Secretary of Health, Education, and Welfare before the subcommittee:

Well, in reporting on those proposed amendments, we took the position that in our judgment they did not make any substantive addition to the present authority. We said that it has been our interpretation that such surveys and studies are included within the authorization in the present act for grants-in-aid, and contracts in support of research, training, and demonstration projects.

However, in order to make this point entirely clear, we believe that the amendment would be desirable. But we wouldn't interpret it as giving us authority to go beyond what we have been doing under existing law.

Section 2 of the Senate amendment adds a new section 8 to the act declaring

it to be the intent of Congress that any Federal department or agency shall to the extent practicable and consistent with the interests of the United States and within available appropriations cooperate in preventing or controlling air pollution. The committee was advised that this merely enacts into law a present policy established by Executive order.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ROBERTS. Mr. Speaker, as chairman of the Subcommittee on Health and Safety, which conducted hearings on this legislation, I am glad to approve the conference report. The conference agreement extending the Federal air pollution program 4 years will permit the continuation of important research into a growing national problem.

My bill, H.R. 7476, as introduced, proposed a 2-year extension of the program. The extension was limited to 2 years not because of any doubt in my mind regarding the importance of this program and the need for its continuation. It was my thought that by extending the act for 2 years, the committee in the next Congress could take a look at the program to make sure that the Public Health Service carries out the intent of Congress to press forward with its activities in this field as rapidly as possible. Also, we could study the need for revising and broadening the act.

However, the Legislative Reorganization Act gives the Committee on Interstate and Foreign Commerce ample jurisdiction to conduct an investigation into any phase of the program at any time. Furthermore, if a need to broaden the program develops, appropriate legislation can be presented and considered.

Therefore, it was agreeable for me to yield to the Senate conferees when they insisted on a 4-year extension of the act.

The present act authorized appropriations of not to exceed $5 million a year through fiscal year 1960. My bill did not increase that ceiling. The Senate amendment increased the ceiling to $7,500,000 a year. Testimony presented in the hearings held by the Subcommittee on Health and Safety show appropriations as follows: $1.7 million for fiscal year 1956; $2.7 million for 1957; $4 million each for 1958 and 1959; and $4,212,000 for fiscal 1960. Therefore, I could see no reason at this time for increasing the ceiling above the present $5 million annual limitation and approve the conferences agreement to retain the present $5 million annual limitation.

The Department urged the committee to remove the ceiling entirely on the grounds that new developments growing out of present studies might result in a need for appropriations in excess of $5 million a year. However, if there is any need to exceed the present ceiling, the Department can come to the committee and justify lifting or removing the ceiling.

The Senate amendment contains language with reference to survey and studies. In our hearings, some apprehension was expressed that the Department might construe the addition of such language as broadening the scope of the program. The Department favors the language of the Senate amendment as clarifying the act. We were assured by Secretary Flemming that the Department would not interpret such language as giving the Surgeon General authority to go beyond what is being done under existing law.

The SPEAKER. The question is on the conference report.

The conference report was agreed to, and a motion to reconsider was laid on the table.

[p. 19705]

EXTENSION OF AUTHORITY OF SURGEON GENERAL WITH RESPECT TO AIR POLLUTION CONTROL—CONFERENCE REPORT

Mr. CHAVEZ. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two

Houses on the amendments of the Senate to the bill (H.R. 7476) to extend for 2 additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

Mr. RANDOLPH. Mr. President——

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am grateful for the courtesy of the gracious Senator from New Mexico ,the chairman of the Committee on Public Works, in providing me the privilege of making a few observations and directing some questions in reference to the report.

Mr. President, the report includes section 8, which was adopted by the Senate on April 29, 1959.

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KUCHEL. Mr. President, has the conference report been made the pending business?

The PRESIDING OFFICER. The conference report is not yet under consideration.

Mr. KUCHEL. Mr. President, is there any objection?

Mr. RANDOLPH. I have no objection.

Mr. KUCHEL. Mr. President, may the Senate proceed to consider the report?

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The Senator from West Virginia may continue.

Mr. RANDOLPH. Mr. President, I have in my hand the report of April 15 from the Committee on Public Works in reference to the matter of the extension of the Federal air pollution control law. I invite the attention of our esteemed colleague [Mr. CHAVEZ], the chairman of the committee, to the language in the report:

> The provision of the bill relating to the prevention and control of air pollution arising from any installation or other property under the jurisdiction of any Federal department or agency would confirm what is now established Federal executive policy, as outlined in Executive Order 10779. We believe that the inclusion of this provision would strengthen that policy and make clear the intent of Congress on this subject

I presume the reference is to section 8.

Mr. CHAVEZ. To section 8.

Mr. RANDOLPH. My reason for requesting this opportunity to discuss the problem with our chairman is that we who represent West Virginia in the Senate serve the people of the largest bituminous coal producing State in the Nation, and we hope for a clarification of the intent of the conferees.

I am bringing to the Senator's attention our desire for a clarification of the language, because I am hopeful there will be no indication, in regard to any Federal installation, of an inclination in the operation of the Federal building or facility to discriminate in any way against the use of bituminous coal for heating purposes.

[p. 19434]

Mr. CHAVEZ. I am very happy that the able Senator from West Virginia is so alert in regard to the use of our natural resources. Particularly, the Senator has keen observation of their use and preservation in the State of West Virginia, and great understanding of what it means to the economy of that fine State.

I will say to the Senator from West Virginia, since he is talking about bituminous coal, that the Senator from New Mexico represents a State which has pos-

sibly the largest deposits of bituminous coal in the entire West. We also have anthracite coal, which is the hard coal.

All that is intended by the section cited is to cover any nuisance which may be brought about to make the air unpleasant. We provided that something would be done, not by preventing the use of bituminous coal, but in the manner taken with respect to what was done in St. Louis some years ago.

Mr. RANDOLPH. And in Pittsburgh.

Mr. CHAVEZ. There was no intention whatsoever to deprive any State of its right to produce coal, and no intention to prevent the industries in the States or the States themselves from using bituminous coal produced in West Virginia, Pennsylvania, in New Mexico, in Colorado, and in a number of other States.

Mr. CLARK. And Pennsylvania.

Mr. CHAVEZ. I mentioned Pennsylvania.

Mr. RANDOLPH. And in Kentucky, Illinois, and other States

Mr. CHAVEZ. Yes.

The language of the proposed legislation is the result of the history of the use of bituminous coal. There is not a reference to the fact that coal is consumed, but there is a provision to take care of a nuisance. It would be possible to do what was done in Pittsburgh and also in St. Louis.

Another part of the proposed legislation is to make sure that if the Federal agencies in any way create a nuisance, by polluting the air, then they themselves will be held responsible. That is why we say:

> It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, to the extent practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any interstate agency or any State or local government air pollution control agency in preventing or controlling the pollution of the air in any area insofar as the discharge of any matter from or by such property may cause or contribute to pollution of the air in such area

That was done with the idea of placing responsibility upon the Federal agencies. We do not want to make the private industries comply with the law and then have a Federal agency violate the law.

Mr. RANDOLPH. Mr. President, the assurance given by the Senator from New Mexico is not only comforting but, I am sure, is factual, and indicates a very sincere desire to treat this subject-matter fairly.

Mr. CHAVEZ. That is correct.

Mr. RANDOLPH. The Senator always conducts himself in that manner with regard to all such matters.

Mr. CHAVEZ. I thank the Senator.

Mr. RANDOLPH. The always diligent senior Senator from Pennsylvania [Mr. CLARK], who now stands beside me, knows that in Pennsylvania, as well as in West Virginia, we must be careful and alert to make sure that language is not incorporated which might be interpreted as excluding use of bituminous coal rather than correcting pollution. I am sure that in this respect I speak not only for myself but also for my esteemed colleague from West Virginia [Mr. BYRD] and the Senator from Pennsylvania [Mr. CLARK].

Mr. CHAVEZ. There is no such intention whatever.

Mr. RANDOLPH. We know that on Capitol Hill, in the past, in connection with the construction of office buildings, there has been some indication of a desire to eliminate the possible use of coal as a fuel.

Mr. CHAVEZ. That is correct.

Mr. RANDOLPH. We know there are improved methods of stoking, as well as modern mechanical and electrostatic dust collector and precipitator installations, which frankly bring coal not only into competition with other fuels from the standpoint of long range overall cost but, also, to the point where the use of bituminous coal has no worse effect in regard to air pollution than the use of oil. That is very important. Coal, in most major use areas, has met the antipollution requirements adequately and admirably. Perhaps other fuels might need to be placed to the same test if air pollution control is to be thorough and uniform.

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Proper control equipment can be up to 99 percent effective in curbing pollution from any fuel.

Mr. CHAVEZ. I am in complete agreement with what the Senator from West Virginia has said.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. CLARK. I should like to associate myself with the comments made by my good friend from West Virginia. I hope that there is a great future ahead for heating with bituminous coal, which is produced not only in my State and his State, but elsewhere throughout the country.

Mr. CHAVEZ. Efforts are being made every day in the week, in every line of endeavor, to learn how to do the job better; and I am sure that that is true in the case of bituminous coal.

Mr. KUCHEL. Mr. President, about to be adopted is one of the most important pieces of domestic legislation confronting the present Congress. It is a continuation of the air pollution research legislation originally enacted in 1955, a piece of legislation of which, incidentally, I was very happy to be the author.

I congratulate the senior Senator from New Mexico for bringing back a wise and effective conference report. With great regret I observed that the House of Representatives chopped in two what we had done. The House of Representatives said, "We will continue this proposed 5-year program for another 2 years." It bordered on the ridiculous to assume that in the next 2 years we could make satisfactory progress in air pollution control.

The able senior Senator from New Mexico was able to negotiate a 4-year extension, and I congratulate him for it. With respect to the language upon which the Senator from West Virginia [Mr. RANDOLPH] had some questions, it has been indicated that we want Federal buildings or Federal installations to be operated on the basis that what should be done will be done, in cooperation with air pollution control agencies created under local government. Is that correct?

Mr. CHAVEZ. The Senator is correct.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. RANDOLPH. I share the view expressed by the energetic Senator from California. The questions raised, and which I indicated were important to those of us representing the bituminous coal-producing States, have been answered. There is no desire to thwart the valuable efforts of the Senate and House conferees. I merely wished reassurance, as it were, and that has been given in the affirmative.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. CLARK. I should like to associate myself with the remarks of my good friend from California. In his State, as well as in my State, people have died as a result of air pollution.

It is of the greatest possible importance that this legislation be enacted. I am just as much interested in controlling air pollution as in any of the other aspects of the bill, or even more interested. In indicating my advocacy of the additional use of bituminous coal, I did not intend to indicate anything other than complete support of what the Senator from New Mexico has done. Also, I salute my friend from California for his leadership in this connection.

Mr. KUCHEL. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

[p. 19435]

1.1c MOTOR VEHICLE EXHAUST STUDY ACT OF JUNE 8, 1960

P.L. 86§493, 74 Stat. 1625

AN ACT

To authorize and direct the Surgeon General of the Public Health Service to make a study and report to Congress, from the standpoint of the public health, of the discharge of substances into the atmosphere from the exhausts of motor vehicles

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Surgeon General of the Public Health Service (hereinafter referred to as the "Surgeon General") shall conduct a thorough study for the purpose of determining, with respect to the various substances discharged from the exhausts of motor vehicles, the amounts and kinds of such substances which, from the standpoint of human health, it is safe for motor vehicles to discharge into the atmosphere under the various conditions under which such vehicles may operate.

SEC. 2. As soon as practicable, but not later than two years after the date of the enactment of this Act, the Surgeon General shall submit to Congress a report on the results of the study conducted pursuant to the first section of this Act, together with such recommendations, if any, based upon the findings made in such study, as he may deem to be necessary for the protection of the public health.

SEC. 3. As used in this Act the term "motor vehicles" means vehicles propelled by mechanical power and used for transporting passengers or property on a highway.

Approved June 8, 1960.

1.1c(1) HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

H.R. REP. No. 814, 86th Cong., 1st Sess. (1959)

AUTHORIZING AND DIRECTING THE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE TO MAKE A STUDY AND REPORT TO CONGRESS, FROM THE STANDPOINT OF THE PUBLIC HEALTH, OF THE DISCHARGE OF SUBSTANCES INTO THE ATMOSPHERE FROM THE EXHAUSTS OF MOTOR VEHICLES

AUGUST 10, 1959.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. ROBERTS, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

[To accompany H.R. 8238]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H.R. 8238) to prohibit the introduction into commerce of new motor vehicles which discharge substances in amounts found by the Surgeon General of the Public Health Service to be dangerous to human health, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert the following:

That the Surgeon General of the Public Health Service (hereinafter referred to as the "Surgeon General") shall conduct a thorough study for the purpose of determining, with respect to the various substances discharged from the exhausts of motor vehicles, the amounts and kinds of such substances which, from the standpoint of human health, it is safe for motor vehicles to discharge into the atmosphere under the various conditions under which such vehicles may operate.

SEC. 2. As soon as practicable, but not later than two years after the date of the enactment of this Act, the Surgeon General shall submit to Congress a report on the results of the study conducted pursuant to the first section of this Act together with such recommendations, if any, based upon the findings made in such study, as he may deem to be necessary for the protection of the public health.

SEC. 3. As used in this Act the term "motor vehicles" means vehicles propelled by mechanical power and used for transporting passengers or property on a highway.

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Amend the title of the bill to read:

A bill to authorize and direct the Surgeon General of the Public Health Service

to make a study and report to Congress, from the standpoint of the public health, of the discharge of substances into the atmosphere from the exhausts of motor vehicles.

PURPOSE OF THE LEGISLATION

The purpose of this legislation, as amended by the committee, is to direct the Surgeon General of the Public Health Service to conduct a study of the effect on human health of substances discharged into the atmosphere by the exhausts of motor vehicles.

The Surgeon General would be required to submit a report to Congress within 2 years, with such recommendations, if any, he deems necessary to protect human health.

HISTORY OF THE LEGISLATION

Air pollution is a national problem. It is a public health problem. Federal, State, and local governments have spent vast sums to study and control this problem. Industry likewise has spent millions on research and abatement. Great progress has been made but the problem is far from solved. In fact, the blight of air pollution, especially resulting from automotive exhaust gases, has become a real menace to all urban areas.

This problem has been under consideration by the Committee on Interstate and Foreign Commerce for many years. In 1955, your committee reported favorably on legislation for Federal aid in air-pollution control. This legislation (Public Law 159, 84th Cong.) directs the Public Health Service to conduct and support research and to provide technical services to State and local governments and to private agencies. The law provides for a 5-year program and authorized total expenditures of $25 million.

In 1956, the Special Subcommittee on Traffic Safety of this committee made a study of noxious, toxic, and harmful motor vehicle exhaust fumes in connection with a comprehensive investigation of highway traffic safety. Testimony was taken and research activities of the industry were studied on visits to manufacturing plants.

The danger to automobile drivers and occupants resulting from exposure to exhaust fumes in traffic was called forcefully to the attention of the Traffic Safety Subcommittee in the 1956 hearings at Dayton, Ohio, by Dr. Robert E. Zipf, president of the Ohio State Coroner's Association, who urged that a research program be set up to study this problem (hearings, "Traffic Safety, 1956," p. 722).

Legislation proposed to provide standards

After consideration of the data gathered in the subcommittee study. Congressman Schenck on July 20, 1957, introduced H.R. 9368, 85th Congress, to prohibit the use in commerce of any motor vehicle which

discharged unburned hydrocarbons in an amount found by the Surgeon General to be dangerous to human health.

That bill directed the Surgeon General of the Public Health Service to prescribe and publish, not later than 6 months after enactment of the legislation, standards as to the amount of unburned hydrocarbons

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which are safe, from the standpoint of human health (with particular reference to the carcinogenic nature of unburned hydrocarbons), for a motor vehicle to discharge into the atmosphere.

The bill provided criminal penalties for any person using in commerce in the Territories or the District of Columbia, in interstate commerce, or in commerce with foreign nations, a motor vehicle which discharged unburned hydrocarbons in amounts in excess of the standards set by the Surgeon General.

Hearings on this bill were held March 17, 1958, by the Special Subcommittee on Traffic Safety. Leading experts in the field were heard and a comprehensive record of 180 pages published, which is available from the committee.

At the beginning of the present session, Congressman Schenck introduced H.R. 1346, a modification of his bill in the previous Congress. Congressman McDonough introduced H.R. 1297, also dealing with the problem of motor exhausts. The bill H.R. 8238, here reported with amendments, was similar to H.R. 1346 but with modifications referred to below.

Because agency reports on H.R. 1346 and H.R. 1297 were discussed by the committee in detail in connection with consideration of H.R. 8238, and the adoption of the committee substitute, the text of these two bills and the agency reports thereon are printed hereafter in an appendix to this report.

Hearings held on air pollution legislation

Hearings on air pollution legislation were held May 19 and June 24, 1959, by the Subcommittee on Health and Safety. At that time valuable information on the problem of unburned hydrocarbons was presented by representatives of the Public Health Service and others. These hearings have been printed and are available from the committee.

Additional hearings were held July 7, 8, and 9 by the subcommittee to consider automobile safety legislation, including the problem of unburned hydrocarbons.

Following the hearings, the legislation was considered by the subcommittee. Certain amendments were adopted to H.R. 1346, chiefly to section 2 to eliminate the objection raised by the Bureau of the Budget and the Department of Health, Education, and Welfare, that

as written this section would necessitate the creation of a Federal enforcement organization in an area traditionally under State and local jurisdiction. Congressman Schenck thereafter introduced a new bill to incorporate the amendments adopted in the subcommittee and this became H.R. 8238, the bill considered by the entire committee.

In addition to the above objection, the Department of Health, Education, and Welfare, while agreeing that the provisions of H.R. 1346 relating to standards "are technically feasible of ultimate accomplishment," also opposed enactment of the legislation as introduced on other grounds set out in detail in a letter addressed to the chairman of this committee, included hereafter in an appendix to this report. After considering these objections and other aspects of the problem, the committee adopted an amendment in the nature of a substitute for the purpose of accelerating research into the problem. As outlined above, the committee substitute calls for a comprehensive study and report by the Surgeon General.

[p. 3]

NEED FOR THE LEGISLATION

Automobile exhaust research now is being conducted by the Public Health Service. In the hearings on May 19 and June 24 the scope and progress of this research was explored by the subcommittee.

The committee is concerned about the general problem of air pollution but desires to emphasize here the importance of giving the highest priority to an investigation of the role of motor vehicle exhaust gases, especially in view of the testimony in the record regarding the important part motor vehicle exhaust gases play in contributing to air pollution in major metropolitan areas.

Also, harmful toxic effects upon drivers of motor vehicles who inhale exhaust fumes may be an important contributory cause of automobile accidents, as pointed out by Dr. Zipf in the 1956 subcommittee hearings mentioned above.

Clearly, more information is needed about the part that unburned hydrocarbons play in contributing to air pollution in general, with the attendant ill effects on human health and comfort.

We need information on how to eliminate and control harmful, toxic, and irritating motor vehicle exhaust fumes. We need more information regarding the harmful effects of these fumes on public health.

In the May 19, 1959, hearings on air pollution control legislation, the subcommittee was told that scientists know there are pollutants in the air which cause cancer, particularly in laboratory animals, and that death rates from certain types of cancer and respiratory condi-

tions are higher in urban areas where air pollution is greater. Statistics were cited which show that lung cancer rates are twice as high for the largest cities than in rural areas. Agriculture also suffers extensive damage from air pollution.

Extensive study of problem needed

The committee feels that extensive study of carcinogens (cancer-producing agents) which may be present in motor vehicles exhausts is urgent. In that connection, the following excerpt from a statement regarding air pollution research submitted by the Public Health Service in connection with the May 19 hearings (p. 32) is of interest:

> In something less than 4 years of effort in this field, several important and significant findings have emerged from medical research on air pollution and its effects on man. Evidence strongly suggests that the slowly progressive and subtle changes that may result from air pollution cause much of the distress and disability of our aging population. Certain air pollutants found in our cities are known to be experimentally carcinogenic for animals, and there is evidence that death rates for certain causes of death increase markedly with urbanization. Specifically, these causes include cancer of the lung, trachea, and bronchus, cancer of the stomach and esophagus, arterio-sclerotic heart disease, and myocardial degeneration. Incomplete evidence suggests that the dis-

[p. 4]

> tribution of cancer mortality within cities is related to the distribution of air pollution intensity. Further medical research on the effects of air pollution is needed in order to help delineate those factors which affect human comfort, health, and life spans, so that effective and practical control efforts may be undertaken.

In the hearings on H.R. 9368, 85th Congress, March 17, 1958, the subcommittee was told in a statement submitted by the Department of Health, Education, and Welfare (hearings, p. 120):

> It has been shown that auto exhausts contain substances which, when supplied to suitable experimental animals under appropriate conditions, will increase the frequency of cancer.

Reports of studies on exhuast fumes

The committee also considered the following memorandum from the Acting Surgeon General, dated July 14, 1959, submitted by the Secretary of Health, Education, and Welfare, in response to a request from the subcommittee chairman:

> The following information is provided in response to the request of Representative Kenneth A. Roberts, chairman, Sub-

committee on Health and Safety, concerning the possible effects on health of automotive exhaust fumes.

Automotive exhaust fumes, and the products that result after these fumes enter the atmosphere, include numerous groups of compounds of which the unburned and partially burned hydrocarbons are only one. To our knowledge, the only pertinent studies thus far undertaken that involve the deliberate exposure of human subjects to known mixtures, or constituents, of automotive exhausts, are the studies concerned with its effect in producing eye irritation.

Our presently available information, therefore, is limited to knowledge obtained from controlled laboratory exposures of experimental animals to constituents of automotive exhaust. The results of two such studies, conducted by Dr. Paul Kotin and his associates at the University of Southern California, have been reported in Cancer (vol. 9, No. 5, 1956, and vol. 10, No. 6, 1957). These studies involved the exposure of both tumor-susceptible and tumor-resistant mice to ozonized gasoline, a form of unburned hydrocarbon. The exposures induced an increase in lung tumors of 100 percent in the tumor-susceptible mice, and produced lung tumors in 10 percent of the tumor-resistant mice. Other effects reported included higher death rates, lighter body weights and some reduction in fertility. Dr. Kotin, in his conclusion, states: "Differences in tumor rates and the production of hyperplastic and metaplastic changes in the bronchial epithelium in a highly refractory inbred strain warrant the consideration of polluted atmosphere characterized primarily by oxidation products of aliphatic hydrocarbons as a factor in human pulmonary carcinogenesis."

In our opinion, these studies justify the conclusion that constituents of automotive exhaust fumes can produce

[p. 5]

carcinogenic and other undesirable physiological effects in mice, and therefore might produce these effects in human beings. Whether they do so, however, cannot now be stated.

Discussions at Conference on Air Pollution

The need for extensive study of the contribution of motor-vehicle exhaust fumes to air pollution in metropolitan areas is indicated in papers prepared for presentation at the National Conference on Air Pollution in Washington, November 18, 1958.

Dr. Leslie A. Chambers, director of research, Los Angeles County Air Pollution Control District, said:

> Few sources of air pollution have been under such close scrutiny in recent years as the automobile and other petroleum fueled vehicles. This attention is well deserved on the basis of the firmly established major role of vehicular exhausts in the production of smog in Los Angeles, and the inevitable inference that automobile exhausts are contributing heavily to air pollution in other metropolitan areas.

Dr. Paul Kotin, associate professor of pathology, University of Southern California School of Medicine, Los Angeles, said:

> Certain epidemiological facets of the increasing incidence of lung cancer suggest that the atmospheric environment may be casually associated with this observed increase.

Dr. Lester Breslow, chief, Bureau of Chronic Disease, California State Department of Health, said:

> The findings of the several investigations briefly reported here add up to a substantial justification for concern about the long-term effect of repeated exposure to air pollution. Evidence is gradually accumulating which suggests that air pollution of various types chemically and physically, may be involved in such important lung conditions as chronic bronchitis, asthma, emphysema, and lung cancer.

Dr. Thomas F. Mancuso, chief, division of industrial hygiene, Ohio State Department of Health, Columbus, said:

> * * * I believe that air pollution represents a highly probable and important factor in the excess of lung cancer in urban areas, acting directly and augmenting the occupational exposures of men so that carcinogenic and cocarcinogenic agents of both environments may be involved.

Recommendations of National Conference

The National Conference on Air Pollution recommended additional research to devise effective control methods for various types of emissions, with particular attention to problems of automobile exhausts.

In a summary of the highlights of that conference, published by the Department of Health, Education, and Welfare (Public Health Service Publication No. 648), it is stated (p. 14):

> The transportation industry's greatest pollution problem is the exhaust emitted from the tailpipe of the automobile. Although the public is more aware of the smoke and odors

[p. 6]

> emitted from diesel engine buses, trucks and trains, these are relatively minor sources as compared to automobile exhausts.
>
> The most significant emissions from automobile exhausts are carbon monoxide, oxides of nitrogen, and organic substances.

The latter two are the major cause of the Los Angeles smog and are a problem of growing importance in many other cities. There are probably several thousand organic components involved, which have varying effects on eye irritation, toxicity, plant damage and visibility. More needs to be known about the individual components of exhaust emissions and the meteorological factors which govern the formation of reaction products. Satisfactory methods of reducing this pollution have yet to be developed, although the automobile industry has made some progress in achieving better combustion and thus reducing the amount of fuel that escapes into the air.

Studies of fumes in metropolitan areas

In the hearings March 17, 1958, on H.R. 9368, 85th Congress, Dr. Clarence A. Mills, professor of experimental medicine, University of Cincinnati, presented three exhibits giving some very interesting results of his study of air pollution problems. His testimony indicates the urgent need for further study of the part motor-vehicle exhaust fumes play in contributing to air pollution in metropolitan areas.

In his statement he had the following to say regarding his exhibit C, an article from the November 1957 issue of Cancer Research (hearings, p. 75):

> Now, exhibit C, the tobacco smoking, motor exhaust fumes and general air pollution in relation to lung-cancer incidence, represents a very serious effort to assay the various factors at work in the amazing and very alarming rise in lung-cancer incidence in American cities, much more in the cities than in the country districts, and the finger of suspicion has been pointed very strongly at tobacco smoking, there had been some suspicion of general urban air pollution being a factor also, but there had been no real serious effort at separate evaluation of those factors in this lung-cancer situation.
>
> This report, exhibit C, presents my findings there which, in essence, indicate tobacco smoking, and primarily cigarette smoking, as the major etiological causative factor in lung-cancer incidence, but that tobacco-smoking effect is more than doubled for those urban residents who drive more than 12,000 miles a year on an average in urban traffic.
>
> It is still higher for those tobacco smokers who drive that much and then live in the dirtiest part of the city.
>
> So we have there a very first strong hint that motor-exhaust fumes are a significant factor, mathematically significant also, in the incidence of lung cancer.

The committee recognizes the urgent need for additional and ex-

panded research on the problem to determine how motor vehicle exhausts contribute to air pollution and the harmful levels of concentration endangering human health. This research is necessary to establish criteria upon which engineers can develop better control methods.

[p. 7]

In a letter to the chairman of the Subcommittee on Health and Safety, dated July 16, 1959, Hon. Arthur S. Flemming, Secretary of Health, Education, and Welfare said:

> It should be pointed out that the role of the Public Health Service in the auto exhaust problem is essentially one of research related to the characterization of exhaust components and to their effect.

Comprehensive study necessary

In making the study called for in this legislation, it is expected that the Surgeon General will consult with and make use of the atuomobile manufacturing industry, members of appropriate professional societies, other medical and scientific organizations, specialists in the Bureau of Standards and other Federal agencies, and all others in a position to contribute to the solution of the many problems involved. The automobile manufacturing industry has been working on this problem many years and has spent large sums of money on research and development. The committee was assured that the industry would welcome any assistance the Surgeon General and his staff can give.

The following statement by Secretary Flemming (printed hearings p. 80) in response to a question asked in the hearings June 24, 1959, by Congressman Rogers of Florida outlines procedure which might be followed in carrying out the purposes of the reported bill:

> Now, I am not sure, as an individual, at this time as to how much responsibility we should place on the automobile industry for the situation that confronts us at the present moment. But I would like very much to have the Surgeon General in a position where he could appoint a hearing board that could sit and receive evidence from the automobile industry, receive evidence from the other side based on the research that had been conducted up to the present time, and then after having listened to the evidence on both sides, come out with some firm conclusions, at least as firm conclusions as the evidence would justify up to this particular point.
>
> He might very well say, "Here are three things, for example, that I have concluded. I don't think there is any question about them. Here is a fourth matter that I think requires additional research before we can arrive at a conclusion, and I think we

ought to focus our resources on this particular area and get this research underway in order to see whether or not we can get an answer to the question."

It seems to me the Federal Government is fortified by a procedure of this kind. If back of its leadership is a procedure of this kind, its leadership will be accepted more widely than would otherwise be the case, because it has certainly made every effort to get the facts on both sides, and then having made that effort, it states a conclusion or a series of conclusions.

Now, I think that if the Surgeon General or the Department of Health, Education, and Welfare state some definite conclusions following a fair and open hearing of this kind—of course my idea would be these would be public hearings—that then the parties concerned are almost sure to pay atten-

[p. 8]

tion to it even though we don't have any enforcement authority at all, and I don't think we should have at this point.

Problem recognized in highway safety report

The importance of the problem was recognized by the Secretary of Commerce in a report entitled "The Federal Role in Highway Safety," submitted to Congress March 3, 1959 (H. Doc. 93, 86th Cong., 1st sess.) in the following discussion of air pollution beginning on page 45:

> Exhaust systems of current motor vehicles are far from adequate, both with respect to durability and their production of unburned hydrocarbons. The toxic effects of a faulty exhaust system can contribute directly or indirectly to an accident. The need to replace a muffler of a new car after only a few thousand miles and within the first year of use is not unusual, especially for cars used primarily for short trips within the city. The corrosive vapors from the engine and the effects of salt used on streets for ice control can cause rapid deterioration of vital parts of the exhaust system. This type of failure, which can be prevented or delayed by use of better materials in the muffler and other parts of the exhaust system, bring carbon-monoxide concentrations in the vicinity of the passenger compartment, and under certain conditions can cause car occupants to become drowsy, experience eye irritation, headaches or nausea, or actually endanger their lives, depending on the length of exposure and, of course, the concentrations.

The report goes on to state:

> Beyond the individual effects of failures in the exhaust system, and the hazard it may have for those in the immediate vicinity, lies the mass problem of air pollution. The magnitude of motor

vehicle air pollutions have only in recent years been widely appreciated by the affected public and by industry. Manifest chiefly in Los Angeles, where other normal sources of air pollution have already been put under strict control, and where climatic conditions aggravate the effects, motor vehicle air pollution was the subject of a bill (H.R. 9368) introduced in the 85th Congress, 2d session. As the evidence at a hearing on this bill indicated, the public jurisdictions and the industry have spent extensive sums in working toward a practical solution of the ozone-smog problem, which will undoubtedly become more acute in other large cities. Control devices for motor-vehicle exhausts, usually designed as afterburners, have been developed and tested but no wholly satisfactory solution has been reached. Because of the menace to general health as well as to safety in highway transportation, growing interest in air pollution can be expected.

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APPENDIX

TEXT OF H.R. 1346, 86TH CONGRESS

A BILL To prohibit the use in commerce of any motor vehicle which discharges substances in amounts which are found by the Surgeon General of the Public Health Service to be dangerous to human health

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Surgeon General of the Public Health Service (hereinafter in this Act referred to as the "Surgeon General"), shall, after conducting such research as he may deem to be necessary but not later than twelve months after the date of enactment of this Act, prescribe and publish in the Federal Register, standards as to the amounts of substances which he considers to be safe, from the standpoint of human health, for a motor vehicle to discharge into the atmosphere under the various conditions under which the vehicles may operate; such standards shall be prescribed and published for those substances on which sufficient scientific information is available to permit judgment as to the adverse effect upon human health which may be produced.

(b) Standards prescribed pursuant to subsection (a) of this section may be revised from time to time by the Surgeon General and shall be enlarged by the Surgeon General from time to time by the inclusion of standards for additional exhaust components, as adequate technical information concerning their health effects becomes available. Such revised or enlarged standards shall be published in the Federal Register.

SEC. 2. (a) No person shall use any motor vehicle in commerce which discharges substances in amounts in excess of the standards prescribed by the Surgeon General pursuant to the first section of this Act: *Provided,* That the Surgeon General finds that a reasonable method of controlling such discharges within the specified standard is available.

(b) Whoever violates this section shall be fined not more than $500, or imprisoned not more than one year, or both.

SEC. 3. As used in this Act—

(1) The term "commerce" means commerce among the several States, with foreign nations, in any Territory, or in the District of Columbia, or between any Territory and a foreign nation, or between the District of Columbia and any State;

(2) The term "Territory" includes the Territories and possessions of the United States and the Commonwealth of Puerto Rico; and

(3) The term "motor vehicle" means any vehicle propelled by mechanical power and used for transporting passengers or freight whether on a fixed track or on a highway.

[p. 11]

SEC. 4. Section 2(a) of this Act shall take effect one year after the date on which standards are first prescribed and published in the Federal Register pursuant to subsection (a) of the first section of this Act and thereafter any standards which are revised pursuant to subsection (b) of this section of this Act shall take effect one year after the date on which they are published in the Federal Register.

TEXT OF H.R. 1297, 86TH CONGRESS

A BILL To prohibit the manufacture, sale, or use in commerce of any motor vehicle which discharges unburned hydrocarbons and other noxious gases in amounts dangerous to human health

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Surgeon General of the Public Health Service (hereafter in this Act referred to as the "Surgeon General"), shall, after conducting such research as he may deem necessary, but not later than six months after the date of enactment of this Act, prescribe and publish in the Federal Register standards as to the amounts of unburned hydrocarbons and other noxious gases harmful to human health which are safe, from the standpoint of human health (with particular reference to the carinogenic nature of such unburned hydrocarbons and other gases) for a motor vehicle to discharge into the atmosphere.

(b) Standards prescribed pursuant to subsection (a) of this section may be revised from time to time by the Surgeon General. Such revised standards shall be published in the Federal Register.

SEC. 2. (a) The manufacture for sale, the sale, the offering for sale, the use in commerce, or the importation into the United States of any motor vehicle which discharges unburned hydrocarbons or other noxious gases harmful to human health in amounts in excess of the standards prescribed by the Surgeon General pursuant to the first section of this Act, shall be unlawful.

(b) Whoever violates this section shall be fined not more than $1,000, or imprisoned not more than one year, or both.

SEC. 3. As used in this Act—

(1) The term "commerce" means commerce among the several States, with foreign nations, in any Territory, or in the District of Columbia, or between any Territory and a foreign nation, or between the District of Columbia and any State;

(2) The term "Territory" includes the Territories and possessions of the United States and the Commonwealth of Puerto Rico; and

(3) The term "motor vehicle" means any vehicle propelled by mechanical power and used for transporting passengers or freight whether on a fixed track or on a highway.

SEC. 4. Section 2(a) of this Act shall take effect one year after the date on which standards are first prescribed and published in the Federal Register pursuant to subsection (a) of the first section of this Act and thereafter any standards which are

revised pursuant to subsection (b) of the first section of this Act shall take effect one year after the date on which they are published in the Federal Register.

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LETTERS FROM EXECUTIVE DEPARTMENTS AND AGENCIES

The following letters were received and considered by the committee:

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, July 16, 1959.

Hon. KENNETH A. ROBERTS,
Chairman, Subcommittee on Health and Safety,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of June 29, 1959, regarding my testimony before your Subcommittee on Health and Safety. I appreciated the opportunity to present the interest of the Department of Health, Education, and Welfare in the very important legislation related to the extension of the Federal Air Pollution Research and Technical Assistance Act.

In response to your request, I am enclosing material which describes the projects the Department of Health, Education, and Welfare is conducting or supporting which relate to the control of auto exhaust emissions.

It should be pointed out that the role of the Public Health Service in the auto-exhaust problem is essentially one of research related to the characterization of exhaust components and to their effects. In this way the Public Health Service will provide the basic information that may be required ultimately in the development of control measures for substances which may be proven to be harmful. We feel that the development of actual control measures is largely the responsibility of industry. The Public Health Service is also sponsoring fundamental studies concerned with catalytic and noncatalytic afterburners, with the role of engine maintenance and fuel composition, and other approaches to the problem. In all of its activities in this area, the Public Health Service is cooperating fully with industry and others concerned.

If we may be of further assistance, please do not hesitate to call on us.

Sincerely yours,

ARTHUR S. FLEMING, *Secretary.*

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., July 8, 1959.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, House Office Building,
Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in reply to your committee's requests for views of the Bureau of the Budget dated February 5, 1959, on two legislative proposals: H.R. 1297, a bill to prohibit the manufacture, sale, or use in commerce of any motor vehicle which discharges unburned hydrocarbons and other noxious gases in amounts dangerous to human health, and H.R. 1346, a bill to prohibit the use in commerce of any motor vehicle which discharges substances in amounts which are found by the Surgeon General of the Public Health Service to be dangerous to human health.

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These similar bills would authorize the Surgeon General to promulgate and revise

standards for maximum amounts of motor vehicle wastes to be discharged into the atmosphere, would make unlawful the use of vehicles discharging substances in excess of such standards, and would provide a penalty for violation. The principal differences are: H.R. 1297 specifies that standards would first be published in the Federal Register 6 months after enactment of the bill and makes reference to the carcinogenic nature of motor vehicle exhaust; H.R. 1346 prescribes that standards would first be published 1 year after enactment of the bill, that standards need be devised only for those substances on which sufficient information is available, that standards would be developed for vehicles under various operating conditions, and that use of vehicles discharging in excess of the limitation would be unlawful only if a reasonable method of controlling the discharges is available.

These proposals would necessitate the creation of a Federal organization to inspect and enforce motor vehicle safety under the standards which would be defined by the Surgeon General. Such inspection and enforcement are traditionally under State and local jurisdiction and are matters in which the Federal Government most suitably renders advise and technical assistance.

In reporting on these measures the Department of Health, Education, and Welfare points out that at the present time a sufficient amount of scientific information to establish standards for substances emitted from motor vehicles is not available, that such information could not be obtained before the date prescribed in H.R. 1297, and that differing atmospheric conditions in various parts of the country make inappropriate the establishment of uniform national standards under Federal statute. Nor is commercial production of suitable control devices yet practicable. The Department of Commerce raises the additional problem of enforcement of the proposed standards. Federal regulation and inspection of the Nation's numerous motor vehicles would be both difficult and expensive.

This Bureau concurs in the conclusions reached by the Departments of Commerce and Health, Education, and Welfare and joins them in recommending against enactment of these bills.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

THE SECRETARY OF COMMERCE,
Washington, D.C., July 10, 1959.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in reply to your recent request for the views of this Department with respect to H.R. 1297 and H.R. 1346, similar bills relating to the use of motor vehicles which discharge unburned hydrocarbons and other noxious gases in amounts dangerous to human health.

The bills would authorize the Surgeon General to conduct research involving fumes discharged by motor vehicle exhausts, to determine the effect of these fumes on human health, and to promulgate stand-

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ards based on this research as to the amount of such fumes which may be discharged from motor vehicles.

The Department recommends against the enactment of these bills.

Traditionally, the regulation and inspection of vehicles has been within the jurisdiction of the States. Estimates for 1958 indicate that there are in the United States approximately 68 million registered vehicles of all types. Enforcement of the pro-

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posed standards by the Federal Government, therefore, would be a difficult and expensive undertaking.

The time limits available for research which would be imposed by the two bills are believed to be impractical. H.R. 1297 provides a 6-month and H.R. 1346 provides a 12-month period, after the date of enactment, within which the standards would be issued. Although methods exist for determining the amount of unburned hydrocarbons discharged, they are neither quick nor simple. Furthermore, the amounts discharged vary with the speed and mechanical condition of the vehicle. It would appear that standards issued within either of the prescribed times would not be based on full and adequate research. Available information indicates that considerable expenditures and efforts have been made by official agencies and industry but that an entirely feasible solution has not been reached on a reasonable method of control. Exhaust filters or other devices prescribed for mandatory installation based on inadequate research would be of limited effectiveness and subject to becoming obsolete as new devices, based on continuing research, are developed.

In connection with the foregoing, it is observed that section 2(a) of H.R. 1346 provides that the standards would be enforced only if the Surgeon General finds that a reasonable method of controlling exhaust discharges is available.

The problem is serious, in some areas at least, but the present research and development efforts, largely in the hands of industry, need understanding assistance and interpretation by the governmental authorities most concerned before satisfactory regulations can be designed. The Federal Government should cooperate, as needed, with the automotive engineers, with State motor vehicle and health authorities, and other appropriate persons on the broad aspects of the problem, but enforcement beyond that provided by the State and local jurisdictions cannot be readily justified, since the safety phase of the motor vehicle exhaust problem is highly localized.

For these reasons this Department recommends against enactment of these bills.

We have been advised by the Bureau of the Budget that it would interpose no objection to submission of this report to your committee.

Sincerely yours,

FREDERICK M. MUELLER,
Acting Secretary of Commerce.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, July 13, 1959.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request of February 5, 1959, for a port on H.R. 1297, a bill to prohibit

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the manufacture, sale, or use in commerce of any motor vehicle which discharges unburned hydrocarbons and other noxious gases in amounts dangerous to human health, and H.R. 1346, a bill to prohibit the use in commerce of any motor vehicle which discharges substances in amounts which are found by the Surgeon General of the Public Health Service to be dangerous to human health.

The bill, H.R. 1297, would require the Surgeon General of the Public Health Service to prescribe and publish in the Federal Register, not later than 6 months after the date of enactment of the act, standards as to the amounts of unburned hydrocarbons and other noxious gases which are safe, from the standpoint of human

health (with particular reference to the carcinogenic nature of unburned hydrocarbons and other gases) for a motor vehicle to discharge into the atmosphere.

It would provide criminal penalties, effective 1 year from the publication of standards, for the manufacture for sale, the sale, the offering for sale, the use in commerce, or the importation into the United States of any motor vehicle which discharges unburned hydrocarbons or other noxious gases in amounts in excess of such standards.

Research experts who are now working on this problem in this Department advise that the scientific information required to justify and furnish the quantitative basis for the establishment of health protection standards for unburned hydrocarbons and noxious gases in motor vehicle exhausts is not now available and such knowledge could not be developed realistically within the period specified in the bill.

During the recent National Conference on Air Pollution held in Washington, D.C., on November 18–20, 1958, it was reported that more needs to be known about the individual components of exhaust emissions and the meteorological factors which govern the formation of reaction products. Satisfactory and practicable methods of reducing this pollution have yet to be developed. In this connection, it was reported in January of 1959 at the annual meeting of the Society of Automotive Engineers that certain experimental exhaust treatment devices have shown promise under test conditions. These reports also pointed up serious shortcomings and complications that will require much additional study, testing and development before any of the devices could be made practicable and dependable enough for commercial production and wide application.

The Public Health Service has further informed me that carcinogenicity for some animals has been demonstrated in certain high boiling fractions of petroleum, that airborne hydrocarbons have been shown to have carcinogenic properties in some laboratory animals, that known carcinogenic substances are being measured in particulates collected from the open atmosphere in several American cities, and that tumors have been caused by exposure of laboratory animals to automobile exhausts. Further studies will have to be made, however, before these and other data can be projected for appraisal of the hazard to human beings. In addition to carcinogenic considerations, these are other potential health hazards associated with substances in automobile exhaust to which further intensive attention will have to be given.

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Research on these subjects is being supported by this Department and other organizations. In addition, this Department as well as commercial and other agencies, has intensified support of research aimed at the elimination, or major reduction of, unburned hydrocarbons and other materials in motor vehicle exhausts.

In summary, there is not now available the scientific knowledge needed to carry out the specified purposes of H.R. 1297.

The bill, H.R. 1346, would require the Surgeon General of the Public Health Service to prescribe and publish in the Federal Register, not later than 12 months after the date of enactment of the act, standards as to the amount of substances which he considers safe, from the standpoint of human health, for a motor vehicle to discharge to the atmosphere. Such standards, would, however, have to be established only for those substances on which sufficient scientific information is available to permit judgment as to adverse effects upon human health.

Provision is also made for the revision of these standards by the Surgeon General and their enlargement by the inclusion of standards for additional exhaust compo-

nents as adequate technical information concerning their health effects becomes available.

Sections 2 and 3 provide for criminal penalties for using in commerce among the several States, in the Territories or District of Columbia, or in commerce with foreign nations, a motor vehicle which discharges substances in amounts in excess of such standards, provided the Surgeon General found there was available a reasonable method of controlling such discharges. Section 4 contains definitions of terms used in the bill and fixes the effective dates of the various provisions of the bill.

The limitations of existing technical knowledge, indicated previously in regard to H.R. 1297, are also applicable to this bill. However, H.R. 1346 would require the Surgeon General to prescribe standards only for those substances on which sufficient scientific information is available to permit judgment, and would permit the Surgeon General to revise and enlarge such standards as additional adequate technical data became available. These provisions of H.R. 1346, therefore, are technically feasible of ultimate accomplishment.

We have no doubts as to the ultimate desirability of developing and publishing standards or criteria relating to concentrations of various contaminants in the open atmosphere, including those derived from the exhausts of motor vehicles. Such standards or criteria are concerned basically with conditions in the ambient atmosphere and are, of course, related to the meteorological conditions and the intensity of pollutional contributions, both of which vary greatly from place to place. The establishment, therefore, of uniform standards under a Federal statute does not appear appropriate to the needs at the present time.

With regard to the regulatory features of this bill, the preponderance of air pollution problems in the United States is intrastate in character, and the control of the relatively smaller portions of the overall problems which could be reached by Federal legislation relating to interstate commerce would not, in itself, be effective. On the other hand, the practical totality of air pollution problems is susceptible to legal control by official agencies of State and local governments. We,

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therefore, do not favor the imposition of Federal legal controls as proposed in this bill. We are in full agreement with the congressional declaration of policy, as enunciated in the act of July 14, 1955 (42 U.S.C. 1857), an act to provide research and technical assistance relating to air pollution control, that the primary responsibility for the control of air pollution is that of the States and local governments.

Under the present circumstances, we believe that the Federal effort in this field can be most effective by research and technical assistance leading to the development of standards or criteria of air quality appropriate for use in State or local control programs. In this connection the need for such standards or criteria has been recognized by such organizations as the American Public Health Association, the Association of State and Territorial Health Officers, the Conference of State Sanitary Engineers, the American Society of Mechanical Engineers, the National Advisory Committee on Air Pollution and others. The Public Health Service has been aware of this need and, under existing authorizations, is carrying on and supporting work relating to the development of standards or criteria for allowable concentrations of contaminants in the air. In addition, we believe that encouragement and assistance to State and local agencies in the development of needed control programs would be more effective than the enactment of Federal control legislation.

Thus, the needed Federal action in this field is the development and dissemination by the Surgeon General of such recommended standards or criteria pertaining to allowable concentrations of contaminants in the open atmosphere as he considers useful for the guidance of State and local governments and other organizations. The

Public Health Service is already cooperating with health authorities in one State in a special project aimed at the development of standards of air quality for the ambient atmosphere and of allowable concentrations of contaminants in automobile exhausts. Since the Surgeon General already has the authority needed for such action further legislation for this purpose does not appear necessary.

In summary, we regard the regulatory features of these bills as undesirable, and believe the provisions concerning the development of technical data and the dissemination of information thereon are unnecessary.

We, therefore, recommend against enactment of the present bills.

The Bureau of the Budget advises that it perceives no objection to the submission of this report to your committee.

Sincerely yours,

ARTHUR S. FLEMMING, *Secretary.*

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1.1c(2) SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

S. REP. No. 1410, 86th Cong., 2d Sess. (1960)

AIR-POLLUTION STUDY

MAY 23, 1960.—Ordered to be printed

Mr. HILL, from the Committee on Labor and Public Welfare, submitted the following

REPORT

[To accompany H.R. 8238]

The Committee on Labor and Public Welfare, to whom was referred the bill (H.R. 8238) to authorize and direct the Surgeon General of the Public Health Service to make a study and report to Congress, from the standpoint of the public health, of the discharge of substances into the atmosphere from the exhausts of motor vehicles, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

EXPLANATION

The purpose of this legislation is to direct the Surgeon General of the Public Health Service to conduct a study of the effect on human health of substances discharged into the atmosphere by the exhausts of motor vehicles.

The Surgeon General would be required to submit a report to Con-

gress within 2 years, with such recommendations, if any, he deems necessary to protect human health.

BACKGROUND

Increasing urbanization and industrialization in the United States has led to the creation of a serious health problem caused by polluted air. Recognition of the need for public-health protection was expressed in Public Law 84–159. This act placed the authority for the control of air pollution with the Surgeon General of the Public Health Service under the supervision and direction of the Secretary of Health, Education, and Welfare.

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This act provided $5 million for 5 years for research and technical assistance to the States relating to air-pollution control.

The authority of Public Law 84–159, due to expire on June 30, 1960, was broadened and extended by Public Law 86–365, which continued the authorization for an appropriation of $5 million per year until the year ending June 30, 1964. This general authority, however, pertains to all types of air pollution. The committee is of the opinion that the urgency of combating pollution due to the exhausts of motor vehicles is such that specific emphasis on the need for action is required.

THE NEED

In June 1958, a panel of consultants on medical research and education to the Secretary of Health, Education, and Welfare, under the chairmanship of Dr. Stanhope Bayne-Jones, reported the need for additional research on such environmental health problems as radiation injury, harmful chemical processes, accidents, communicable diseases, and increasing air and water pollution.

In the same month, the National Advisory Health Council of the Public Health Service called attention to the constantly changing pattern of problems in the field of environmental health and stated—

> to provide the necessary leadership in the effective expansion of the total national effort, the Public Health Service should devote greater resources to research and education in this field.

The National Conference on Air Pollution recommended additional research to devise effective control methods for various types of emissions, with particular attention to problems of automobile exhausts.

In a summary of the highlights of that conference, published by the Department of Health, Education, and Welfare (Public Health Service Publication No. 648), it is stated (p. 14):

The transportation industry's greatest pollution problem is the exhaust emitted from the tailpipe of the automobile. Although the public is more aware of the smoke and odors emitted from diesel engine buses, trucks and trains, these are relatively minor sources as compared to automobile exhausts.

The most significant emissions from automobile exhausts are carbon monoxide, oxides of nitrogen, and organic substances. The latter two are the major cause of the Los Angeles smog and are a problem of growing importance in many other cities. There are probably several thousand organic components involved, which have varying effects on eye irritation, toxicity, plant damage and visibility. More needs to be known about the individual components of exhaust emissions and the meteorological factors which govern the formation of reaction products. Satisfactory methods of reducing this pollution have yet to be developed, although the automobile industry has made some progress in achieving better combustion and thus reducing the amount of fuel that escapes into the air.

Since the number of registered automobiles and trucks registered has increased from 40 to 50 million between 1950 and 1960 and is due

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to reach 90 million by 1970, the Committee on Labor and Public Welfare believes that emphasis is needed in providing for the leadership that is necessary in combating air pollution due to motor vehicles. Specific authority for concentrating attention on air pollution caused by motor vehicles would hasten the development and adoption of the most feasible control measures.

DEPARTMENTAL COMMENT

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, April 7, 1960.

Hon. LISTER HILL,
Chairman, Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request of August 24, 1959, for a report on H.R. 8238, a bill, to authorize and direct the Surgeon General of the Public Health Service to make a study and report to Congress, from the standpoint of the public health, of the discharge of substances into the atmosphere from the exhausts of motor vehicles.

The bill (H.R. 8238) would require that the Surgeon General of the Public Health Service conduct a thorough study to determine the

amounts and kinds of substances which, from the standpoint of human health, it would be safe to discharge from the exhausts of motor vehicles under various operating conditions. The bill would also require that the Surgeon General of the Public Health Service submit a report to Congress, within a period of 2 years after enactment, on the results of the study, together with such recommendations as he may consider necessary for protection of the public health.

The Surgeon General now has authorization to conduct and support research relating to (*a*) the diseases and impairments of man under the provisions of the Public Health Service Act (42 U.S.C., ch. 6a) and (*b*) the prevention and abatement of air pollution under provisions of Public Law 159, 84th Congress (42 U.S.C. 1857–1857f). Under these authorizations, the Public Health Service is now conducting and supporting research and studies on health and other aspects of air pollution from motor-vehicle exhausts.

While no additional authorities are needed to carry on the subject research, we are in agreement with the opinion of the House Committee on Interstate and Foreign Commerce, in its report on H.R. 8238, as to the importance of motor-vehicle-exhaust gases in contributing to air pollution, and the need for additional and expanded research on this general subject. Likewise, we consider it desirable that Congress be kept informed on the progress made in research on this important subject. The requirement for submission of a report to the Congress on the results of these studies within a 2-year period would permit the Congress to review such progress and need for any additional appropriate action.

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We therefore perceive no objection to the enactment of this bill by the Congress.

The Bureau of the Budget advises that it perceives no objection to the submission of this report to your committee.

Sincerely yours,

BERTHA S. ADKINS,
Acting Secretary.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., April 5, 1960.

Hon. LISTER HILL,
Chairman, Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in reply to your request of August 24, 1959, for the views of the Bureau of the Budget on H.R. 8238, a bill to authorize and direct the Surgeon General of the Public

Health Service to make a study and report to Congress, from the standpoint of the public health, of the discharge of substances into the atmosphere from the exhausts of motor vehicles. The bill would require the Surgeon General to undertake a study of the health effect of substances discharged from automobile exhausts. The Surgeon General shall, within 2 years, report to the Congress on the results of the study together with recommendations for the protection of the public health.

The present Federal Air Pollution Control Act (Public Law 159, 84th Cong.) authorizes the Surgeon General "* * * to prepare or recommend research programs for devising and developing methods for eliminating or reducing air pollution." The Public Health Service has programmed $827,900 in 1960 for research on the effects of automobile exhausts on health. The 1961 budget proposes an increased $405,700 over the 1960 level for this purpose. In order to coordinate the total research effort of the Federal Government with that of industry and universities, the Surgeon General established late in 1950 a Technical Task Group on Automobile Exhaust Research.

Research on the health effects of automobile exhaust by the Public Health Service is now underway and more is proposed in the 1900 budget. Additional legislative authority for such research program in our opinion, is not needed. Accordingly, we see no need for enactment of H.R. 8238.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative References.

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1.1c(3) CONGRESSIONAL RECORD

1.1c(3)(a) VOL. 105 (1959), Aug. 17: Passed House, pp. 16074–16080

DIRECTING SURGEON GENERAL TO MAKE A STUDY OF THE DISCHARGE OF SUBSTANCES INTO THE ATMOSPHERE FROM THE EXHAUSTS OF MOTOR VEHICLES

Mr. ROBERTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8238) to prohibit the introduction into commerce of new motor vehicles which discharge substances in amounts found by the Surgeon General of the Public Health Service to be dangerous to human health.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Surgeon General of the Public Health Service (hereinafter referred to as the "Surgeon General") shall conduct a thorough study for the purpose of determining, with respect to the various substances discharged from the exhausts of motor vehicles, the amounts and kinds of such substances which, from the standpoint of human health it is safe for motor vehicles to discharge into the atmosphere under the various conditions under which such vehicles may operate.

SEC. 2. As soon as practicable, but not later than two years after the date of the enactment of this Act, the Surgeon General shall submit to Congress a report on the results of the study conducted pursuant to the first section of this Act, together with such recommendations, if any, based upon the findings made in such study, as he may deem to be necessary for the protection of the public health.

SEC. 3. As used in this Act the term "motor vehicles" means vehicles propelled by mechanical power and used for transporting passengers or property on a highway.

Amend the title so as to read: "A bill to authorize and direct the Surgeon General of the Public Health Service to make a study and report to Congress, from the standpoint of the public health, of the discharge of substances into the atmosphere from the exhausts of motor vehicles."

The SPEAKER. Is a second demanded?

Mr. SCHENCK. Mr. Speaker, I demand a second.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ROBERTS. Mr. Speaker, I yield myself 5 minutes.

Mr. ROBERTS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this bill was introduced by the distinguished gentleman from Ohio [Mr. SCHENK].

Mr. Speaker, I commend him for his great service and effort in working for this fine bill. It will do much for safety of the American people.

Mr. Speaker, enactment of H.R. 8238 is recommended by the Committee on Interstate and Foreign Commerce to speed research into the problem of the effect on human health of substances discharged into the atmosphere by motor vehicle exhausts.

The bill, as amended by the committee directs the Surgeon General of the Public Health Service to conduct such a study and submit a report to Congress within 2 years with such recommendations, if any, he considers necessary to protect human health.

The Surgeon General now is conducting and sponsoring research into this problem in connection with a study of air pollution authorized by Congress. Enactment of H.R. 8238 will emphasize the desire of Congress to accelerate this research as rapidly as possible.

It is hoped that within 2 years the Surgeon General can make recommendations that will make possible remedial action.

Air pollution is a national problem. It is already a serious menace in some large cities and threatens every metropolitan area in the Nation. Automobile exhausts have been blamed as a major

cause of air pollution. The National Conference on Air Pollution held last November was told by Dr. Leslie A. Chambers, director of research, Los Angeles County Air Pollution District, that more than two-thirds of hydrocarbon pollutants, which play so prominent a role in smog formation, come from the use of gasoline engines in automobiles, trucks, and buses.

The evidence that there are carcinogens—cancer-producing agents—in the air is quite convincing. Lung cancer deaths among white males is twice as high in cities as in rural sections. In laboratory exposures of experimental animals to constituents of automotive exhaust caused an increase in lung tumors as much as 100 percent. In a statement regarding these experiments made to the Subcommittee on Health and Science, the Acting Surgeon General stated:

> In our opinion these studies justify the conclusion that constituents of automotive exhaust fumes can produce carcinogenic and other undesirable physiological effects in mice, and therefore might produce these effects in human beings. Whether they do so, however, cannot be stated.

The problem of automobile exhausts has been under study by the committee for several years.

In 1956, the Special Subcommittee on Traffic Safety of the Committee on Interstate and Foreign Commerce made a study of the problem during a visit to research centers of the automobile manufacturing industry. In hearings held in Dayton, Ohio, in 1956, Dr. Robert E. Zipf, president of the Ohio State Coroner's Association, recommended a research program to study the problem of automobile exhausts. It was pointed out that harmful toxic effects of exhaust fumes may be an important contributory cause of automobile accidents.

After consideration of the data gathered in the subcommittee study, the gentleman from Ohio [Mr. SCHENCK] introduced H.R. 9368, 85th Congress, to prohibit the use in commerce of any vehicle which discharged unburned hydrocarbons in an amount found by the Surgeon General of the Public Health Service to be dangerous to human health. That bill directed the Surgeon General to prescribe and publish not later than 6 months after enactment of the legislation, standards as to the amount of unburned hydrocarbons which are safe, from the standpoint of human health—with particular reference to the carcinogenic nature of unburned hydrocarbons—for a motor vehicle to discharge into the atmosphere. Criminal penalties were provided for operating in commerce a vehicle which discharged unburned hydrocarbons in excess of the standards set by the Surgeon General.

Hearings were held on this bill March 17, 1958, by the Special Subcommittee on Traffic Safety. Leading experts in the field were heard and a comprehensive record of 180 pages published.

At the beginning of the present Congress, the gentleman from Ohio introduced H.R. 1346, a modification of his bill in the previous Congress. The gentleman from California [Mr. MCDONOUGH] introduced H.R. 1297, also dealing with the problem of unburned hydrocarbons.

H.R. 1297 would require the Surgeon General of the Public Health Service to prescribe and publish in the Federal Register, not later than 6 months after the date of enactment of the legislation, standards as to the amounts of unburned hydrocarbons and other noxious gases which are safe, from the standpoint of human health (with particular reference to the carcinogenic nature of unburned hydrocarbons and other gases) for a motor vehicle to discharge into the atmosphere. It would provide criminal penalties, effective 1 year from the publication of standards, for the manufacturer for sale, the offering for sale, the use in commerce, or the importation into the United States of any motor vehicle which discharges unburned hydrocarbons or other noxious gases in amounts in excess of the standards set by the Surgeon General.

H.R. 1346 would require the Surgeon General of the Public Health Service to prescribe and publish in the Federal

Register, not later than 12 months after the date of enactment of the legislation, standards as to the amount of substances which he considers safe, from the standpoint of human health, for a motor vehicle to discharge into the atmosphere. Such standards, however, would have to be established only for those substances on which sufficient scientific information is available to permit judgment as to adverse effects upon human health. The bill provides for the revision of these standards and their enlargement as adequate technical information becomes available. Criminal penalties are provided for using in commerce within the United States or with foreign nations a motor vehicle which discharges substances in amounts in excess of the standards fixed, provided the Surgeon General found there was available a reasonable method of controlling such discharges.

Agency reports on H.R. 1297 and H.R. 1346 were not favorable. One objection was to the creation of a Federal organization to inspect and enforce motor vehicle safety standards.

After consideration of the legislation by the Subcommittee on Health and Safety, the gentleman from Ohio [Mr. SCHENCK] introduced H.R. 8238 to eliminate the objection regarding Federal enforcement of the safety standards set

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by the Surgeon General. The feeling was that the essential and urgent thing is to determine what can and should be done as soon as possible.

After careful consideration, the committee adopted the substitute language brought to the House today to direct the Surgeon General to make a study and report to the Congress as soon as possible but not later than 2 years after date of enactment of the legislation.

NEED FOR EARLY ACTION

That exhausts from motor vehicles can and do pollute the air no one disputes. There is disagreement about the nature and the extent of this pollution.

There is some disagreement regarding what can be done to control these harmful exhausts. Research now underway may provide the answer to some of these questions and point the way to feasible methods of abatement. If additional legislation is indicated by the report the Surgeon General makes, the Congress will have basic information with which to work.

If this air pollution resulted only in discomfort and loss of visibility, with its attendant hazards and motor vehicle traffic, the problem would be serious enough to warrant real concern but there is abundant evidence that smog is a serious health menace and results in heavy losses to agriculture. The loss to agriculture in the Los Angeles area alone has been estimated at $5 million a year.

Therefore, the Committee on Interstate and Foreign Commerce urged the adoption of H.R. 8238 as amended.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Arkansas.

Mr. HARRIS. I should like to commend the gentleman from Alabama, chairman of the Subcommittee on Health and Safety, and the members of his subcommittee, for the constant work that has been accomplished on this subject for the last several years. The gentleman from Alabama and the gentleman from Ohio [Mr. SCHENCK], the author of this bill, have labored together with their subcommittee for quite some time—I think this is the third Congress—during which a lot of study has gone into the problems of safety. Is it not true that from the gentleman's study you found in certain metropolitan areas of the country a very serious problem in relation to exhaust fumes from automobiles?

I thank the distinguished gentleman, the chairman of the Interstate and Foreign Commerce Committee.

Mr. ROBERTS. I would certainly say

to the gentleman that that is true, and I think that it is a problem that is not only found in the Los Angeles area but I think it is found in other areas of the country, and that soon it will be here in Washington and New York and in other great metropolitan areas of the country.

Mr. HARRIS. The gentleman's committee held hearings on this particular bill and had members of the industry, scientists and research people before the committee in the development of this legislation; is that not true?

Mr. ROBERTS. I would say to the gentleman we held full hearings in the last session of the Congress and we held hearings for 3 days in this session of the Congress, and this has been a continuing study with his subcommittee for the past 3 years.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Iowa.

Mr. GROSS. I note that the reports from the executive branch of the Government are adverse to, perhaps, the original bill. This bill has been rewritten, has it not?

Mr. ROBERTS. That is correct. May I say to the gentleman that there has been no report on this particular bill. The report we had was on the McDonough bill and the Schenck bill as originally introduced, H.R. 1346. This is a clean bill and we have met the objections of the departments that were brought out in the hearings.

Mr. GROSS. Now, as to the cost. There will be some cost involved. Is that to be absorbed by the agencies of Government?

Mr. ROBERTS. I would not want to be bound, but I can say to the gentleman that I think sufficient funds are already in the hands of the Public Health Service with which to make this study.

Mr. GROSS. I thank the gentleman.

Mr. SCHENCK. Mr. Speaker, first I should like to say to the House that it has been a very high honor and a great privilege to be a member of the Committee on Highway Traffic and Safety since its beginning in 1956 and during this present Congress known as the Subcommittee on Health and Safety. All this time the committee has been under the energetic and very capable chairmanship of our distinguished colleague from Alabama [Mr. ROBERTS], our subcommittee, through the deep interest of all our members and their devotion to automotive and highway traffic safety has rarely achieved great results. All of this has been done with very modest expenditure of funds. Our subcommittee work has been made possible through the understanding, splendid cooperation, encouragement and help of the able chairman of the full Committee on Interstate and Foreign Commerce, the distinguished gentleman from Arkansas [Mr. HARRIS].

Mr. Speaker, the chairman of our committee has explained the bill very well. I believe it would not serve any useful purpose to take further time to explain the details of the bill.

Therefore, Mr. Speaker, I shall simply ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SCHENCK. Mr. Speaker, sometimes, unfortunately, we are inclined to pay little attention to many things which are really very close to us in terms of good health and we are also inclined to take many things for granted. Fundamentally, as we all know, there are two elementary needs for sustaining human life. One is water, and it is well known that human life cannot long exist without water. In a relatively short time our bodies become dangerously dehydrated and this seriously affects all body functions. The length of time the human body can get along without water varies somewhat from person to person, depending upon variables and conditions.

The other fundamental need, for sustaining human life, Mr. Speaker, is oxygen, which our marvelous body mechanisms obtain from the air we breathe.

While life can be maintained for hours and sometimes even days without water, human life ceases to exist and cannot be restored if cut off for even a matter of minutes from oxygen from the air we breathe. Thus the air we breathe and the purity of the air, when we stop to think about it, immediately becomes of very primary importance to each of us.

Much has been done, Mr. Speaker, in the field of air pollution and in the elimination of harmful pollutants from such sources as smoke stacks, chemical and oil refineries, incinerators, and manufacturing processes. Various agencies of our Federal Government have cooperated fully with State and local governments and with industry to determine the cause and aid in the removal and abatement of many causes of air pollution and contamination. Actually, many millions of dollars have been spent by various agencies of government, local, State, and Federal, and by industry in achieving the very commendable progress made thus far. Much, of course, remains to be done and progress will continue because a considerable number of standards have been agreed upon as the result of significant achievements in research. One source of air pollution, however, Mr. Speaker, becomes more alarming each day because of the present limited knowledge of the harmful effects on human health, because the amount of air pollution from this source is increasing day by day and because almost nothing has been done on an overall basis to control this source of air pollution. I am speaking, Mr. Speaker, about the presently uncontrolled emissions of automotive exhaust gases which, many scientific people are fully convinced, contain substances which are not only harmful but are extremely dangerous to human health. I shall point out later, Mr. Speaker, some of the dangers to which I have referred and some of the limited progress that has been made thus far by various researchers and engineers working on these problems.

It is, Mr. Speaker, with pardonable pride and the indulgence of the House, that I point out the fact that I introduced the first legislative proposal of this kind in the Congress of the United States on August 20, 1957. This bill, known as H.R. 9368, provided the basis for a hearing by the Special Subcommittee on Highway Traffic Safety of which I was privileged to be a member. This hearing, held on March 17, 1958, developed 180 printed pages of testimony from some of the most expert and knowledgeable people in our Nation on this subject. I commend its careful and thoughtful study to you.

On January 7, 1959, I introduced H.R. 1346, which approached these same

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problems in a somewhat different manner. On July 15, 1959, and in accordance with a full and careful consideration of the provisions of H.R. 1346 by our subcommittee on Health and Safety, I proposed a new bill, H.R. 8238. This bill was unanimously recommended to the full House Committee on Interstate and Foreign Commerce. During the consideration by the entire committee a belief was expressed that with the limited scientific data thus far available and because no device of proven merit at reasonable cost has yet been produced, it would be more wise to confine present legislation to require that a study be made by the Surgeon General of the Public Health Service and that a report of his findings be filed with the Congress within a period of 2 years. Accordingly an amendment in the nature of a substitute for the original language of H.R. 8238 was approved and H.R. 8238, as amended, is now before us here today. Personally, Mr. Speaker, I feel this is a long and strong step in the right direction and I earnestly recommend the approval of this measure.

A tremendous amount of work has been done, Mr. Speaker, in the interest of better health by many agencies financed through public funds and many agencies financed through private funds

supported by contributions from individuals, foundations, professional and scientific organizations, and many others. All have combined to make great progress in the production, purity care and packaging of foods, development of medicines, vitamins, and vaccines and the discovery and use of insecticides, pesticides, fungicides, and many other scientific and biological preparations to produce more healthful and longer living for people everywhere. This list is in no way complete or indicative of the progress already made and is used only by way of illustration. Our medical, scientific, biological, chemical, and other researchers in many fields of science are on the threshold of many discoveries which will make life more healthful, more enjoyable, and which will also greatly lengthen the life span. Our U.S. Department of Health, Education, and Welfare, through its various components of the Bureau of Public Health, the Food and Drug Administration, the National Institutes of Health, and others, working on their own and in complete cooperation and coordination with all other Federal agencies, professional organizations of all kinds, educational, scientific, and research groups have all joined hands in these efforts and achievements. Throughout our Nation, Mr. Speaker, great advances have been made and more are in the making from the standpoints of foods, drugs, medicines, and surgery in the prevention and treatment of many diseases, even in some of those thus far regarded as incurable. The outlook for better health, happier living, and longer life has never been more bright.

While, as I have indicated, Mr. Speaker, very significant progress in better control of air pollution has been made through the control and abatement of some of the more or less fixed location causes, almost nothing has been done in the general field of the emissions of substances in automotive exhaust gases which very many highly qualified medical and scientific authorities are fully convinced are harmful and dangerous to human health. The severity and extent of these dangers from the exhaust gases of all types of automotive vehicles is increasing at a very alarming rate, especially in the urban areas and in the areas of congested traffic. That something must be done promptly to meet this dire threat to human life is fully recognized and acknowledged not only by many medical, scientific, and public health authorities, but also by all engineers in the automotive and automotive fuel fields.

Many years ago, Mr. Speaker, when I was quite young and began my first experience as an assistant chemistry teacher in a high school, we knew that certain gases we developed in our laboratory experiments had very unpleasant odors and made some students feel quite ill. We knew very little then as to the health hazards involved but more and more information has been developed.

Later as one engaged in the automotive service field and still later as a high school teacher of automotive training it was felt that if there was some way to determine the amount of unburned exhaust gases by instrumentation, better and more economic engine performance could be secured. This idea was fostered in my own mind by a chance observation of a carbon dioxide indicator being used in the smoke stack leading from a large stream boiler installation. The engineer explained to me that he kept close watch on this indicator so that he could better control the efficiency of the fire under the boiler. Thus my first interest in the analysis of automotive gases, many years ago, stemmed from the desire to obtain better control of automotive engine adjustments in the interest of better performance and more economy in operation.

Along with many of you, I have been annoyed and at times made to feel ill when driving in heavy traffic, or sometimes even riding in a closed car with a leaky exhaust system, I have had to breathe unpleasant and foul smelling automotive exhaust gases. Frankly, I have often been quite apprehensive of

the possible ill effects of such fumes on health. I have discussed the possibility of such ill effects with my own doctor and personal friend for many years, Dr. Thomas P. Sharkey. Dr. Sharkey is an eminently qualified internist and he confirmed my own fears that great dangers of many kinds undoubtedly lurk in the breathing of automotive exhaust gases.

During hearings held in Detroit in 1956 by our Subcommittee on Highway Traffic Safety, Mr. Speaker, we made a trip through some of the engineering laboratories of the leading manufacturers of automobiles. There I saw some engineers making some tests of exhaust gases coming from the exhaust pipe of one of their standard cars. A sampling tube had been inserted in the automobile exhaust pipe and it was connected to some meters and also to a mechanism which made a tracing on calibrated paper which was being rolled up on one roll from a supply roll. As I observed these tests being made, and discussed the procedure with the engineers, they told me that they were studying the amounts of unburned hydrocarbons being exhausted by the engine under varying adjustments made in both the ignition and the carburetor. They pointed out to me and demonstrated by means of the tracing being made on the calibrated recording paper that a considerable additional quantity of unburned hydrocarbons is present in the exhaust gases at the times when the speed of the engine is suddenly either accelerated or decelerated. At other times when the engine was being operated evenly, either at slow or relatively rapid speed, the engine exhaust gases contained a lower and more even amount of unburned hydrocarbons. Thus it became quite evident from this one test I saw being made that the peaks of unburned hydrocarbons in this automotive exhaust gas occurred both during sudden acceleration or deceleration of the engine speed. At my request, one of the engineers increased and quickly decreased the engine speed several times similar to the actions of some drivers impatiently waiting for a traffic light clearance or at a stop street. The peaks of unburned hydrocarbons showed up immediately on the instruments and on the recording paper. This demonstration quickly convinced me, Mr. Speaker, that, first, drivers who quickly accelerate and decelerate engine speeds while waiting for a traffic light clearance, or at a stoplight, are unnecessarily endangering not only their own health, but also those around them, none of whom have any choice but to breathe this air polluted and contaminated with unburned hydrocarbons and other noxious exhaust gases; second, that in closely built-up urban areas with congested automotive traffic with a lot of stop and go driving, and in other areas where traffic congestion occurs, actually millions of people are daily inhaling great quantities of automobile exhaust gases which, I am personally convinced after much study, are very harmful to human health.

The hearings held by our subcommittee, Mr Speaker, are filled with testimony and references by highly qualified medical authorities, research scientists, and other experts, that substances in automotive exhaust gases are harmful to human health in many ways. House Report No. 814 on H.R. 8238 quotes many authorities on this subject and there is no need to repeat them in my remarks except to urge all Members to study this report carefully.

Dr. Leroy E. Burney, Surgeon General of the U.S. Public Health Service, is quoted in a recent periodical as saying:

> There is a definite association between community air pollution and high mortality rates due to cancer of the respiratory tract, including the lung, cancer of the stomach and esophagus, and arteriosclerotic heart disease.

Dr. Burney is also quoted as having stated in an address before the Society of Automotive Engineers that—

> Certain components of automotive exhaust have been known as cancer causing substances for years.

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Time, Mr. Speaker, will not permit me to quote or use but a very small amount of the material I have gathered in my study of these problems. Many folks first think of carbon monoxide as being one of the greatest dangers in automotive exhaust gas. There is no question, Mr. Speaker, that carbon monoxide is a deadly poison when released in a confined space, but carbon monoxide is a waste product of the gasoline that has been totally burned up in an automotive engine and it disperses quickly and harmlessly in the open air. There are other substances in automotive exhaust gases, Mr. Speaker, the dangers of which, while not yet fully documented by adequate scientific data, are never-the-less very dangerous. These substances result from the unburned gasoline vapor and are naturally present in greater volume when the engine is idling along in slow moving, congested traffic. Included in automotive gases are oxides of nitrogen and many other substances. Some of them combine with ozone and other gases in the air. Some of these gases are changed into other compounds as the result of the reaction of sunlight and other light rays, all of them producing still more organic compounds that we breathe into our lungs.

There are nearly 70 million motor vehicles being operated on our highways and streets today, Mr. Speaker, and this number is increasing at a net rate of some 3 million per year. More than 130 million gallons of gasoline are being used per day in our Nation and this means that some where between 10 and 12 million gallons are being discharged into the air. This tremendous number of liquid gallons, when converted into gases and this volume increased still further when combined with gases already in the air, creates an almost unbelievable volume of cancer inducing gases. I am told, Mr. Speaker, that whether we drive or not, each of us inhales some 5,000 quarts of air each 24 hours. When we realize that this air we breathe is contaminated with vapors and tiny suspended organic substances from automotive exhaust gases and when we realize that even extremely minute amounts of cancer-inducing automotive exhaust gases are so extremely dangerous there is little wonder that the 250,000 Americans who die from cancer each year include many who die from lung cancer.

The Washington Sunday Star of August 9, 1959, Mr. Speaker, included a very well written editorial on this subject pointing out some of the dangers from automotive exhaust gases that I have been discussing here, and referred to a recent announcement by General Motors Corp., according to the New York Times of August 4, and the Herald Tribune of that same date, which indicated that General Motors has held preliminary discussions with the Sloan-Kettering Institute for Cancer Research about the possibility of that institute doing a thorough study of the actual and potential evils inherent in exhaust fumes from trucks, buses, and private automobiles. Under unanimous consent, Mr. Speaker, I include this editorial as part of my remarks:

POISON ON WHEELS

It is good to note that General Motors, in cooperation with the Sloan-Kettering Institute for Cancer Research, is planning to finance a thoroughgoing study of the actual and potential evils inherent in exhaust fumes from trucks, buses and private automobiles. The project is altogether timely and very much to the point, and it is to be welcomed and commended as something that ought to stimulate the entire automotive industry into doing far more than it has done so far in this challenging and worrisome field.

There can be no doubt, in any case, that the contaminating materials released by vehicular exhausts markedly exceed industrial smoke as the principal cause of poisonous smog and other noxious atmospheric conditions in all our great urban centers. Experts like Surgeon General Leroy E. Burney of the U.S. Public Health Service make no bones about the situation. They feel sure that our municipal traffic, because it is the chief contributor to these conditions, must be dealt with as a factor definitely associated with malignant tumors and such afflictions as asthma. In Dr. Burney's opinion, as expressed some months ago to the first National Conference on Air Pollution, "We know that cancer-producing agents are in the air we breathe. * * * We know that lung-cancer rates in the largest cities

are twice as high as those in nonurban areas. The case has not yet been proved, but the weight of circumstantial evidence grows heavier as research progresses."

These are words that speak pretty much for themselves. With our population increasing at an explosive rate, we face the prospect of massively expanding motor traffic throughout our country. As far as metropolitan public health is concerned, this makes it all the more important, if not urgent, to carry out just such studies as the one being contemplated by General Motors. Everybody, of course, and not just GM, has reason to take a lively interest in the problem.

Favorable, continuous and insistent prompt action, by the Congress, is completely justified and extremely important, Mr. Speaker, on what is shown to be a serious menace to human health. I am completely convinced, Mr. Speaker, that the exhaust pipes from automotive engines may well prove to be the most deadly and dangerous part of the car from the standpoint of the health of people.

The automotive industry, as a group and through its association with various automotive professional engineer organizations, has been doing a great deal of research on these problems and on devices to correct some of the dangers to which I have referred. Much has been done, but a great deal more must be done.

The American Petroleum Association, through its own members and through cooperation with many other organizations, has been doing a great deal of work in this field.

Many universities, colleges, research organizations, medical experts, scientists, municipal and State officials and many others have been working on these very important problems.

Some progress has been made, Mr. Speaker, and although some devices have been developed in an effort to solve the problem by attempting to clean up automotive exhaust gases so that they will not be harmful to human health, efficient devices to do the job within reasonable cost limits have not yet been fully developed. I am completely confident, however, Mr. Speaker, that American automotive engineers, scientists, mechanical engineers, chemical engineers, and many others, both within the industry and outside the industry, have the ability and the ingenuity to do the job once they are fully convinced of the need and the public demand.

Frankly, Mr. Speaker, and as can be seen by the reports from the several departments, certain objections to H.R. 9368 and H.R. 1346 have been raised for the reasons stated. I am firmly convinced that H.R. 8238, as amended, meets all these objections. Mr. William F. Sherman, Secretary, Engineering Advisory Committee, Automobile Manufacturers Association, by a telegram addressed to me on July 17, 1959, expressed certain reservations and opinions of H.R. 8238, and, under unanimous consent, I include Mr. Sherman's telegram referred to in full:

I have been directed by the chairman and members of the Engineering Advisory Committee of the Automobile Manufacturers Association, which appeared before your committee on July 8, to advise you that the statement attributed to you by the press that your bill H.R. 8238 is not opposed by the manufacturers misinterprets the position of the manufacturers with respect to your bill while all of the automobile manufacturers subscribe to the objectives of H.R. 8238 as evidenced by the major intensive research and development program they are conducting in their efforts in this direction, they do not believe that its passage will accelerate progress or further the attainment of these same objectives. However, the automobile manufacturers will support a bill that directs the Surgeon General to conduct research on this subject and report his findings periodically to the Congress.

Permit me, Mr. Speaker, to point out that H.R. 8238 as amended fully meets two statements in Mr. Sherman's telegram which I have quoted fully. These are: That "all the automobile manufacturers subscribe to the objectives of H.R. 8238," and that "the automobile manufacturers will support a bill that directs the Surgeon General to conduct research on this subject and report his findings periodically to the Congress."

It is my considered opinion, Mr. Speaker, therefore, that H.R. 8238 as amended, meets any and all of the ob-

jections of the several departments of the Federal Government and all of the objections of the Automobile Manufacturers Association Engineering Committee as presented by William F. Sherman, its secretary.

It is also my own personal opinion, Mr. Speaker, that the Surgeon General of the Public Health Service through appropriation of funds already approved for the use of the Public Health Service, the National Institutes of Health, and the Department of Health, Education, and Welfare, has ample funds to carry out the provisions of H.R. 8238, as amended, and that no additional funds are necessary at this time. It is also my personal opinion, Mr. Speaker, that the Automobile Manufacturers Association,

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along with the petroleum industry, and others, have ample funds and a recognized responsibility in the public interest to cooperate fully with the Surgeon General, both in proving the need for any corrective action necessary and producing the device or methods necessary to meet this need.

It is my personal opinion, therefore, Mr. Speaker, that H.R. 8238, as amended, should be approved promptly by the Congress so that the responsibility of the Surgeon General is recognized; so that he is directed to proceed promptly in accordance with all the provisions of H.R. 8238, as amended; that the automotive industry in general should recognize and act in accordance with its responsibility in the public interest, and further; that the Congress shall insist that all proper steps be taken to alleviate the dangers to human health from automotive exhaust gases at the earliest practicable date.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. SCHENCK. I yield to the gentleman from Arkansas.

Mr. HARRIS. Mr. Speaker, I should like to commend the gentleman from Ohio as well as the other members of the committee for the tremendous progress they have made in their study on matters of safety. I think it would be well to advise the House that the author of the bill, the gentleman from Ohio [Mr. SCHENCK], has spent many years in the field of education, was an instructor himself in the field of the automotive training and therefore has had a long background of experience in this field. He has made a tremendous contribution to the solution of the safety problems in this country.

Mr. SCHENCK. I thank the distinguished gentleman.

Mr. BECKER. Mr. Speaker, will the gentleman yield?

Mr. SCHENCK. I yield to the gentleman.

Mr. BECKER. Mr. Speaker, I should like to pursue the question raised by the gentleman from Iowa [Mr. GROSS]. I know that the gentleman from Alabama [Mr. ROBERTS] answered very frankly and honestly that he could not be bound by his statement as to where the funds for this study would come from. Is there not further information as to where the funds will come from to make this study? I think we ought to have factual statements as to where the funds are coming from. I think the gentleman from Alabama or the gentleman from Ohio can give us that information.

Mr. SCHENCK. Mr. Speaker, in reply to the question of my good friend from New York, the Public Health Service now, as I understand it, has approximately $1 million in its fund for research in connection with these exhaust gas fumes. Also included in the National Institutes of Health are various agencies. I have a very definite opinion from all the testimony we have received that these substances in the exhaust gases are carcinogenic in type, in that they are cancer-forming substances. The National Institutes of Health is interested in that particular phase and has ample funds with which to continue its research in this matter, this being a very possible

source of injury and harm to human health.

Mr. BECKER. Does the gentleman say that the funds are coming from the Public Health Service, or are the funds to be obtained from the Department of Health, Education, and Welfare? As I understand the gentleman the funds are going to come out of one of those two departments, is that correct?

Mr. SCHENCK. That is my understanding. It is my understanding that these funds will come directly out of the Public Health Service, the Department of Health, Education, and Welfare and the operations of the National Institutes of Health, which funds have already been appropriated.

Mr. BECKER. Mr. Speaker, I would like to say that my interest in this is because so much of the funds of the Department of Health, Education and Welfare are used for studies and then they make studies and start propagandizing for funds to be appropriated by Congress for purposes that many Members of Congress are opposed to. That is why I would like to know where these funds are coming from.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. SCHENCK. I yield to the gentleman from Arkansas.

Mr. HARRIS. I think the gentleman from New York is laboring under some misapprehension with reference to the purpose of this legislation.

Mr. BECKER. Perhaps so.

Mr. HARRIS. As the bill was originally introduced it required the Surgeon General of the Public Health Service, after conducting necessary research, to establish standards which the industry would have to follow to meet this problem. We thought we were not quite ready for that yet. The committee decided that we should direct the Surgeon General to make a study and to report back to the Congress on the problem.

Mr. BECKER. Mr. Speaker, I am glad the gentleman has cleared my mind on that, because I was confused by the original bill and the report, and the proposition we have before us now. I am now entirely satisfied.

Mr. TABER. Mr. Speaker, will the gentleman yield for a question?

Mr. SCHENCK. Yes, I am happy to yield to the distinguished gentleman from New York.

Mr. TABER. How can any committee of Congress have legislative powers to direct the Department of Health, Education, and Welfare to do anything?

Mr. SCHENCK. It is my understanding, Mr. Speaker, that under the legislative jurisdiction of the Committee on Interstate and Foreign Commerce and through legislation approved by the Congress we may direct the Department to do so.

Mr. TABER. They have the right to bring in bills that relate to the Department, but they do not have the right to direct them what to do.

Mr. SCHENCK. Oh, yes.

Mr. TABER. Oh, no; they could not.

Mr. SCHENCK. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MCDONOUGH].

Mr. MCDONOUGH. Mr. Speaker, as the author of one of the bills, H.R. 1297, considered by the committee, I want to express my appreciation to the committee for bringing this bill to the floor and for the hearings that were held and the study that was made. The report signifies that this is a very vital thing as far as the health of the public in general is concerned. It has been determined after long and exhaustive research that the exhaust gases of automobiles contribute immeasurably to the pollution of the air, especially in heavily populated city areas of the United States and in particular in my locality in Los Angeles, where we have not only a heavy population and a heavy automobile registration operating the year around, but we have a topographical situation where the prevailing wind comes off the Pacific Ocean and we have a high mountain range to the east of the city which impedes the flow of the atmos-

phere. The polluted air keeps building up and building up until it rolls back over the city and then drops when the atmosphere gets heavy and brings down upon the people toxic gases that cause smarting of the eyes and contributes to asthmatic conditions and, as the report indicates, is a contributing factor to the incidence of cancer. Of course, there is no secret about the fact that automobile exhaust gases are very disastrous because we have heard of a number of suicides where people have used that as a means of committing suicide, that is, in a concentrated form where they pipe the exhaust gas into the cabin of the car and they inhale a certain amount of carbon monoxide and all the deleterious gases. When we know these gases are being released into the atmosphere in large quantities it is certainly the responsibility of the Public Health Service to discover to what extent this can be controlled and what sort of equipment ought to be applied to an automobile to implement the study of the Public Health Service in order to prevent the introduction of these gases into the atmosphere.

Permit me to read the following from the committee report:

HISTORY OF THE LEGISLATION

Air pollution is a national problem. It is a public health problem. Federal, State, and local governments have spent vast sums to study and control this problem. Industry likewise has spent millions on research and abatement. Great progress has been made but the problem is far from solved. In fact, the blight of air pollution, especially resulting from automotive exhaust gases, has become a real menance to all urban areas.

This problem has been under consideration by the Committee on Interstate and Foreign Commerce for many years. In 1955, your committee reported favorably on legislation for Federal aid in air-pollution control. This legislation (Public Law 159, 84th Cong.) directs the Public Health Service to conduct and support research and to provide technical services to State and local governments and to private agencies. The law provides for a 5-year program and authorized total expenditures of $25 million.

In 1956, the Special Subcommittee on Traffic Study of this committee made a study

[p. 16078]

of noxious, toxic, and harmful motor vehicle exhaust fumes in connection with a comprehensive investigation of highway traffic safety. Testimony was taken and research activities of the industry were studied on visits to manufacturing plants.

The danger to automobile drivers and occupants resulting from exposure to exhaust fumes in traffic was called forcefully to the attention of the Traffic Safety Subcommittee in the 1956 hearings at Dayton, Ohio, by Dr. Robert E. Zipf, president of the Ohio State Coroner's Association, who urged that a research program be set up to study this problem (hearings, "Traffic Safety, 1956," p. 722).

Legislation proposed to provide standards

After consideration of the data gathered in the subcommittee study, Congressman SCHENCK, on July 20, 1957, introduced H.R. 9368, 85th Congress, to prohibit the use in commerce of any motor vehicle which discharged unburned hydrocarbons in an amount found by the Surgeon General to be dangerous to human health.

That bill directed the Surgeon General of the Public Health Service to prescribe and publish, not later than 6 months after enactment of the legislation, standards as to the amount of unburned hydrocarbons which are safe, from the standpoint of human health (with particular reference to the carcinogenic nature of unburned hydrocarbons), for a motor vehicle to discharge into the atmosphere.

The bill provided criminal penalties for any person using in commerce in the Territories or the District of Columbia, in interstate commerce, or in commerce with foreign nations, a motor vehicle which discharged unburned hydrocarbons in amounts in excess of the standards set by the Surgeon General.

Hearings on this bill were held March 17, 1958, by the Special Subcommittee on Traffic Safety. Leading experts in the field were heard and a comprehensive record of 180 pages published, which is available from the committee.

At the beginning of the present session, Congressman SCHENCK introduced H.R. 1346, a modification of his bill in the previous Congress. Congressman MCDONOUGH introduced H.R. 1297, also dealing with the problem of motor exhausts. The bill H.R. 8238, here reported with amendments, was similar to H.R. 1346 but with modifications referred to below.

Because agency reports on H.R. 1346 and H.R. 1297 were discussed by the committee in detail in connection with consideration of H.R. 8238, and the adoption of the committee substitute, the text of these two bills and the agency reports thereon are printed hereafter in an appendix to this report.

Hearings held on air pollution legislation

Hearings on air pollution legislation were held May 19 and June 24, 1959, by the Subcommittee on Health and Safety. At that time valuable information on the problem of unburned hydrocarbons was presented by representatives of the Public Health Service and others. These hearings

have been printed and are available from the committee.

Additional hearings were held July 7, 8, and 9 by the subcommittee to consider automobile safety legislation, including the problem of unburned hydrocarbons.

Following the hearings, the legislation was considered by the subcommittee. Certain amendments were adopted to H.R. 1346, chiefly to section 2 to eliminate the objection raised by the Bureau of the Budget and the Department of Health, Education, and Welfare, that as written this section would necessitate the creation of a Federal enforcement organization in an area traditionally under State and local jurisdiction. Congressman SCHENCK thereafter introduced a new bill to incorporate the amendments adopted in the subcommittee and this became H.R. 8238, the bill considered by the entire committee.

In addition to the above objection, the Department of Health, Education, and Welfare, while agreeing that the provisions of H.R. 1346 relating to standards "are technically feasible of ultimate accomplishment," also opposed enactment of the legislation as introduced on other grounds set out in detail in a letter addressed to the chairman of this committee, included hereafter in an appendix to this report. After considering these objections and other aspects of the problem, the committee adopted an amendment in the nature of a substitute for the purpose of accelerating research into the problem. As outlined above, the committee substitute calls for a comprehensive study and report by the Surgeon General.

NEED FOR THE LEGISLATION

Automobile exhaust research now is being conducted by the Public Health Service. In the hearings on May 19 and June 24 the scope and progress of this research was explored by the subcommittee.

The committee is concerned about the general problem of air pollution but desires to emphasize here the importance of giving the highest priority to an investigation of the role of motor vehicle exhaust gases, especially in view of the testimony in the record regarding the important part motor vehicle exhaust gases play in contributing to air pollution in major metropolitan areas.

Also, harmful toxic effects upon drivers of motor vehicles who inhale exhaust fumes may be an important contributory cause of automobile accidents, as pointed out by Dr. Zipf in the 1956 subcommittee hearings mentioned above.

Clearly, more information is needed about the part that unburned hydrocarbons play in contributing to air pollution in general, with the attendant ill effects on human health and comfort.

We need information on how to eliminate and control harmful, toxic, and irritating motor vehicle exhaust fumes. We need more information regarding the harmful effects of these fumes on public health.

In the May 19, 1959, hearings on air pollution control legislation, the subcommittee was told that scientists know there are pollutants in the air which cause cancer, particularly in laboratory animals, and that death rates from certain types of cancer and respiratory conditions are higher in urban areas where air pollution is greater. Statistics were cited which show that lung cancer rates are twice as high for the largest cities than in rural areas. Agriculture also suffers extensive damage from air pollution.

Extensive study of problem needed

The committee feels that extensive study of carcinogens (cancer-producing agents) which may be present in motor vehicle exhausts is urgent. In that connection, the following excerpt from a statement regarding air pollution research submitted by the Public Health Service in connection with the May 19 hearings (p. 32) is of interest:

"In something less than 4 years of effort in this field, several important and significant findings have emerged from medical research on air pollution and its effect on man. Evidence strongly suggests that the slowly progressive and subtle changes that may result from air pollution cause much of the distress and disability of our aging population. Certain air pollutants found in our cities are known to be experimentally carcinogenic for animals, and there is evidence that death rates for certain causes of death increase markedly with urbanization. Specifically, these causes include cancer of the lung, trachea, and bronchus, cancer of the stomach and esophagus, arterio-sclerotic heart disease, and myocardial degeneration. Incomplete evidence suggests that the distribution of cancer mortality within cities is related to the distribution of air pollution intensity. Further medical research on the effects of air pollution is needed in order to help delineate those factors which affect human comfort, health, and life spans, so that effective and practical control efforts may be undertaken."

In the hearings on H.R. 9368, 85th Congress, March 17, 1958, the subcommittee was told in a statement submitted by the Department of Health, Education, and Welfare (hearings, p. 120):

"It has been shown that auto exhausts contains substances which, when supplied to suitable experimental animals under appropriate conditions, will increase the frequency of cancer."

Reports of studies on exhaust fumes

The committee also considered the following memorandum from the Acting Surgeon General, dated July 14, 1959, submitted by the Secretary of Health, Education, and Welfare, in response to a request from the subcommittee chairman:

"The following information is provided in response to the request of Representative KENNETH A. ROBERTS, chairman, Subcommittee on Health and Safety, concerning the possible effects on health of automotive exhaust fumes.

"Automotive exhaust fumes, and the products that result after these fumes enter the atmosphere, include numerous groups of compounds of which the unburned and partially burned hydrocarbons are only one. To our knowledge, the only pertinent studies thus far undertaken that involve the deliberate exposure of human subjects to known

mixtures, or constituents, of automotive exhausts, are the studies concerned with its effect in producing *eye irritation*.

"Our presently available information, therefore, is limited to knowledge obtained from controlled laboratory exposures of experimental animals to constituents of automotive exhaust. The results of two such studies, conducted by Dr. Paul Kotin and his associates at the University of Southern California, have been reported in Cancer (vol. 9, No. 5, 1956, and vol. 10, No. 6, 1957). These studies involved the exposure of both tumor-susceptible and tumor-resistant mice to ozonized gasoline, a form of unburned hydrocarbon. The exposures induced an increase in lung tumors of 100 percent in the tumor-susceptible mice, and produced lung tumors in 10 percent of the tumor-resistant mice. Other effects reported included higher death rate, lighter body weights and some reduction in fertility. Dr. Kotin, in his conclusion, states: 'Differences in tumor rates and the production of hyperplastic and metaplastic changes in the bronchial epithelium in a highly refractory inbred strain warrant the consideration of polluted atmosphere characterized primarily by oxidation products of aliphatic hydrocarbons as a factor in human pulmonary carcinogenesis.'

"In our opinion, these studies justify the conclusion that constituents of automotive exhaust fumes can produce carcinogenic and other undesirable physiological effects in mice, and therefore might produce these effects in human beings. Whether they do so, however, cannot now be stated."

Discussions at Conference on Air Pollution

The need for extensive study of the contribution of motor-vehicle exhaust fumes to air pollution in metropolitan areas is indicated in papers prepared for presentation at the National Conference on Air Pollution in Washington, November 18, 1958.

[p. 16079]

Dr. Leslie A. Chambers, director of research, Los Angeles County Air Pollution Control District, said:

"Few sources of air pollution have been under such close scrutiny in recent years as the automobile and other petroleum fueled vehicles. This attention is well deserved on the basis of the firmly established major role of vehicular exhausts in the production of smog in Los Angeles, and the inevitable inference that automobile exhausts are contributing heavily to air pollution in other metropolitan areas."

Dr. Paul Kotin, associate professor of pathology, University of Southern California School of Medicine, Los Angeles, said:

"Certain epidemiological facets of the increasing incidence of lung cancer suggest that the atmospheric environment may be casually associated with this observed increase."

Dr. Lester Breslow, chief, Bureau of Chronic Disease, California State Department of Health, said:

"The findings of the several investigations briefly reported here add up to a substantial justification for concern about the long-term effect of repeated exposure to air pollution. Evidence is gradually accumulating which suggests that air pollution of various types chemically and physically, may be involved in such important lung conditions as chronic bronchitis, asthma, emphysema, and lung cancer."

Dr. Thomas F. Mancuso, chief, division of industrial hygiene, Ohio State Department of Health, Columbus, said:

"I believe that air pollution represents a highly probable and important factor in the excess of lung cancer in urban areas, acting directly and augmenting the occupational exposures of men so that carcinogenic and cocarcinogenic agents of both environments may be involved."

Recommendations of national conference

The National Conference on Air Pollution recommended additional research to devise effective control methods for various types of emissions, with particular attention to problems of automobile exhausts.

In a summary of the highlights of that conference, published by the Department of Health, Education, and Welfare (Public Health Service Publication No. 648), it is stated (p. 14):

"The transportation industry's greatest pollution problem is the exhaust emitted from the tailpipe of the automobile. Although the public is more aware of the smoke and odors emitted from diesel engine buses, trucks and trains, these are relatively minor sources as compared to automobile exhausts.

"The most significant emissions from automobile exhausts are carbon monoxide, oxides of nitrogen, and organic substances. The latter two are the major cause of the Los Angeles smog and are a problem of growing importance in many other cities. There are probably several thousand organic components involved, which have varying effects on eye irritation, toxicity, plant damage and visibility. More needs to be known about the individual components of exhaust emissions and the meteorological factors which govern the formation of reaction products. Satisfactory methods of reducing this pollution have yet to be developed, although the automobile industry has made some progress in achieving better combustion and thus reducing the amount of fuel that escapes into the air."

Studies of fumes in metropolitan areas

In the hearings March 17, 1958, on H.R. 9368, 85th Congress, Dr. Clarence A. Mills, Professor of experimental medicine, University of Cincinnati, presented three exhibits showing some very interesting results of his study of air pollution problems. His testimony indicates the urgent need for further study of the part motor-vehicle exhaust fumes play in contributing to air pollution in metropolitan areas.

In his statement he had the following to say regarding his exhibit C, an article from the

November 1957 issue of Cancer Research (hearings, p. 75):

"Now, exhibit C, the tobacco smoking, motor exhaust fumes and general air pollution in relation to lung-cancer incidence, represents a very serious effort to assay the various factors at work in the amazing and very alarming rise in lung-cancer incidence in American cities, much more in the cities than in the country districts, and the finger of suspicion has been pointed very strongly at tobacco smoking, there had been some suspicion of general urban air pollution being a factor also, but there had been no real serious effort at separate evaluation of those factors in this lung-cancer situation.

"This report, exhibit C, presents my findings there which, in essence, indicate tobacco smoking, and primarily cigarette smoking, as the major etiological causative factor in lung-cancer incidence, but that tobacco-smoking effect is more than doubled for those urban residents who drive more than 12,000 miles a year on an average in urban traffic.

"It is still higher for those tobacco smokers who drive that much and then live in the dirtiest part of the city.

"So we have there a very first strong hint that motor-exhaust fumes are a significant factor, mathematically significant also, in the incidence of lung cancer."

The committee recognizes the urgent need for additional and expanded research on the problem to determine how motor vehicle exhausts contribute to air pollution and the harmful levels of concentration endangering human health. This research is necessary to establish criteria upon which engineers can develop better control methods.

In a letter to the chairman of the Subcommittee on Health and Safety, dated July 16, 1959, Hon. Arthur S. Flemming, Secretary of Health, Education, and Welfare said:

"It should be pointed out that the role of the Public Health Service in the auto exhaust problem is essentially one of research related to the characterization of exhaust components and to their effect."

I am very much concerned with the passage of adequate legislation to control this, having introduced a bill with my colleague, the gentleman from Ohio. I trust we will obtain a satisfactory report from the Public Health Service soon and that we will be able to implement the recommendations of the Public Health Service as soon as possible.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The title was amended so as to read: "A bill to authorize and direct the Surgeon General of the Public Health Service to make a study and report to Congress, from the standpoint of the public health, of the discharge of substances into the atmosphere from the exhausts of motor vehicles."

A motion to reconsider was laid on the table.

Mr. SCHENCK. Mr. Speaker, I want to express my deep appreciation and sincere thanks to the Members of the House for their approval of H.R. 8238 today. This measure is of great importance for the protection of human health from the harmful substances I am convinced are contained in automotive exhaust gases. It is my sincere hope, Mr. Speaker, that this proposed legislation will receive prompt attention in the other body and that it will be approved.

Engineers and scientists in the automotive and allied fields are to be sincerely commended, Mr. Speaker, on the progress made thus far in working on these problems, but much more needs to be done and done promptly in the public interest. It is my hope, Mr. Speaker, that the approval of this measure here in the House today will serve to encourage greater interest and an early solution.

The Congress, by approving this measure, Mr. Speaker, will focus public attention upon these dangers to human health, especially in areas of congested and slow moving automotive traffic and I am certain that such attention will bring public demand for adequate protection. I feel certain also that many local communities and states will be encouraged to take appropriate action.

There is no doubt in my mind, Mr. Speaker, but that the Surgeon General and all those associated with him will be able to establish proper standards of safety in automotive exhaust gases well within the time limitation of two years as required by the provisions of H.R. 8238.

I am completely confident, however, Mr. Speaker, that automotive engineers and other scientists will find the proper solutions to these problems with or even perhaps without the need for any new device or attachment. The best forecast of the future needs but a brief review of accomplishments in the past to note that our U.S. engineers and scientists can always achieve the proper answers when confronted with the necessity of doing so. The automotive industry in our United States has, by sheer skill, ability, and know-how, produced the best engineered and best appearing automobiles in the entire world. A method of controlling exhaust gases so that they will not be harmful to human health coupled with the production of efficient automobiles of pleasing design and style which at the same time include safety devices for the protection of everyone are but two of the challenges that will be met successfully through American ingenuity.

It is not my purpose or intention, Mr. Speaker, to create any undue hardship on the very important automotive industry. I am convinced, however, Mr. Speaker, that these matters to which I have referred are essential in the public interest and I am sure that these challenges can be and will be met because such is the history of American ingenuity and accomplishment.

Mr. SCHENCK. Mr. Speaker. I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

[p. 16080]

1.1c(3)(b) VOL. 106 (1960), May 26: Passed Senate, p. 11209

STUDY OF DISCHARGE OF SUBSTANCES FROM EXHAUSTS OF MOTOR VEHICLES

The bill (H.R. 8238) to authorize and direct the Surgeon General of the Public Health Service to make a study and report to Congress, from the standpoint of the public health, of the discharge of substances into the atmosphere from the exhausts of motor vehicles was considered, ordered to a third reading, read the third time, and passed.

[p. 11209]

1.1d AMENDMENT OF ACT OF JULY 14, 1955

October 9, 1962, P.L. 87-761, 76 Stat. 760

AN ACT

To amend the Act of July 14, 1955, relating to air pollution control, to authorize appropriations for an additional two-year period, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 5 of the Act entitled "An Act to provide research and technical assistance relating to air pollution control", approved July 15, 1955, as amended (42 U.S.C., sec. 1857d), is amended by striking out "nine fiscal years during the period beginning July 1, 1955, and ending June 30, 1964," and inserting in lieu thereof "eleven fiscal years during the period beginning July 1, 1955, and ending June 30, 1966,".

SEC. 2. Section 3 of the Act entitled "An Act to provide research and technical assistance relating to air pollution control", approved July 15, 1955, as amended (42 U.S.C., sec. 1857b), is amended by inserting "(a)" immediately after "SEC. 3.", and by adding at the end thereof the following new subsection:

"(b) In view of the nationwide significance of the problems of air pollution from motor vehicles, the Surgeon General shall conduct studies of the amounts and kinds of substances discharged from the exhausts of motor vehicles and of the effects of the discharge of such substances, including the amounts and kinds of such substances which, from the standpoint of human health, it is safe for motor vehicles to discharge into the atmosphere."

Approved October 9, 1962.

[p. 760]

1.1d(1) SENATE COMMITTEE ON PUBLIC WORKS

S. REP. No. 1083, 87th Cong., 1st Sess. (1961)

PROVIDING FOR PUBLIC HEARINGS ON AIR POLLUTION PROBLEMS OF MORE THAN LOCAL SIGNIFICANCE UNDER, AND EXTEND THE DURATION OF, THE FEDERAL AIR POLLUTION CONTROL LAW, AND FOR OTHER PURPOSES

SEPTEMBER 18 (legislative day, SEPTEMBER 16), 1961.—Ordered to be printed

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Mr. KERR, from the Committee on Public Works, submitted the following

REPORT

[To accompany S. 455]

The Committee on Public Works, to whom was referred the bill (S. 455) to provide for public hearings on air pollution problems of more than local significance under, and extend the duration of, the Federal air pollution control law, and for other purposes, having considered the same, report favorably thereon without amendment, and recommend that the bill do pass.

PURPOSE

The purpose of S. 455, is to authorize the Surgeon General to make investigations and to hold public hearings on air pollution problems which are interstate in nature and are of broad significance.

GENERAL STATEMENT

Public Law 159, 84th Congress, approved July 14, 1955, authorized a program for research and technical assistance to obtain data and to devise and develop methods for control and abatement of air pollution, by the Secretary of Health, Education, and Welfare, and the Surgeon General of the Public Health Service. The act recognizes the primary responsibilities and rights of the States, local governments, and other public agencies in controlling air polluiton, but provides Federal grants-in-aid to those agencies concerned with air pollution and control, to assist them in the formulation and execution of their air pollution abatement research programs.

Under the provisions of the act, the Surgeon General is authorized

to prepare or recommend research programs, and to encourage coopera-

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tive activities, collect and disseminate information, conduct and support research, and to make available to all agencies the results of surveys, studies, and investigations, research and experiments relating to air pollution and abatement. Reports of such studies as considered desirable may be published from time to time by the Surgeon General, together with appropriate recommendations.

The act authorized an appropriation of $5 million annually for each of the fiscal years beginning July 1, 1955, and ending June 30, 1960. In 1959 this act was amended to extend the duration of the Federal air pollution control law to June 30, 1964.

Under this authorized program, approximately $2 million was expended in 1955; $1.7 million during fiscal year 1956; $2.7 million for 1957; $4 million for each of 1958 and 1959; $4.3 million for fiscal year 1960; $4.9 million for fiscal year 1961, and the request for fiscal year 1962 amounts to about $5 million. It is understood that additional amounts are requested for fiscal year 1962 through other authorizations.

The Federal effort has contributed materially to difficult problems of sampling, identifying, and measuring airborne contaminants, such as the improvement of the methods of analyzing gaseous contaminants present in the atmosphere of virtually every city.

Appraisal has been made of some important modern sources of urban air pollution such as oil refineries, automobile exhausts, and combustion processes, which are inevitable results of our increasing mechanization and industrialization.

Studies of chemical, meteorological, and physical influences and of atmosphere reactions are making available new knowledge that must ultimately be required for proper and economical procedure for controlling air pollution.

Scientists have generally concurred that a major source of fumes which are ingredients of smog and pollution in most cities is the motor vehicle, and that phase of the problem is under study on all fronts including the automobile, and petroleum industry. The Federal Government has increased its work in this field, and will continue to expedite the program for investigating the part that motor vehicle exhaust and combustion play in the problem of atmospheric contamination.

Health studies have developed evidence as to the effect of air pollution on human health and well-being, creating much discomfort from obstruction of breathing, and causing disease and even death.

The Federal Government is not carrying this entire program alone, as many agencies are participating in the attack on the air pollution problem. In the great concern for the health of the American people, this very acute problem must be recognized, together with the fact that increased urbanization and industrialization will undoubtedly produce new air pollution problems in the future.

DISCUSSION

When Public Law 159 was enacted, the committee acknowledged that the desired aims and objectives envisioned under the program could not be entirely accomplished within the authorized 5-year period. Accordingly, in 1959, the act was amended to extend the program to June 30, 1964, The committee is of the opinion that it would be helpful to the program if it were extended for another

[p. 2]

period of years and accordingly recommends that it be extended to June 30, 1966.

The committee is of the opinion that the Department of Health, Education, and Welfare could make a significant contribution by exercising Federal leadership in dealing with air pollution problems of broad significance. This contribution would result through the development and publication of recommendations based on the evaluation of data developed by the Department or presented by others, as well as a full consideration of the points of view of all parties having a significant interest in such problems. Some of these problems, although essentially local in character, manifest themselves in many communities throughout the Nation. Others involve pollution from sources within one State which, through the movement of air masses, affect communities in other States. Both types of problems can be expected to increase in number and extent with further urbanization, and the development of solutions for them may in many cases transcend the capabilities of local agencies, and even of State control authorities. The recommendations resulting from hearings would not be binding upon the participants in the hearings or anyone else; the purpose of the hearings would be simply to develop such recommendations as a means of focusing public attention on and developing support for the most carefully considered solutions to the problems which occasioned the hearings.

The committee believes that enactment of S. 455 would serve a very useful purpose and accordingly recommends its passage.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Public Law 159—84th Congress

Chapter 360—1st Session
and
as amended by Public Law 365—86th Congress 1st session

AN ACT To provide research and technical assistance relating to air pollution control

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the dangers to the public health and welfare, injury to agricultural crops and livestock, damage to and deterioration of property, and hazards to air and ground transportation, from air pollution, it is hereby declared to be the policy of Congress to preserve and protect the primary responsibilities and rights of the States and local governments in controlling air pollution, to support and aid technical research to devise and develop methods of abating such pollution, and to provide Federal technical services and financial aid to State and local government air pollution control agencies and other public or private agencies and institutions in the formulation and execution of their

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air pollution abatement research programs. To this end, the Secretary of Health, Education, and Welfare and the Surgeon General of the Public Health Service (under the supervision and direction of the Secretary of Health, Education, and Welfare), shall have the authority relating to air pollution control vested in them respectively by this Act.

SEC. 2. (a) The Surgeon General is authorized, after careful investigation and in cooperation with other Federal agencies, with State and local government air pollution control agencies, with other public and private agencies and institutions, and with the industries involved, to prepare or recommend research programs for devising and developing methods for eliminating or reducing air pollution. For the purpose of this subsection the Surgeon General is authorized to make joint investigations with any such agencies or institutions.

(b) The Surgeon General may (1) encourage cooperative activities by State and local governments for the prevention and abatement of air pollution; (2) collect and disseminate information relating to air

pollution and the prevention and abatement thereof; (3) conduct in the Public Health Service, and support and aid the conduct by State and local government air pollution control agencies, and other public and private agencies and institutions of, technical research to devise and develop methods of preventing and abating air pollution; and (4) make available to State and local government air pollution control agencies, other public and private agencies and institutions, and industries, the results of surveys, studies, investigations, research, and experiments relating to air pollution and the prevention and abatement thereof.

SEC. 3. The Surgeon General may[, upon request of any State or local government air pollution control agency,] conduct investigations and research and make surveys concerning any specific problem of air pollution confronting [such State or local government air pollution control agency] *any State or local government air pollution control agency* with a view to recommending a solution of such problem *but only if requested to do so by such State or local government air pollution control agency or if, in his judgment, such problem may affect or be of concern to communities in various parts of the Nation or may affect any community or communities in a State other than that in which the matter causing or contributing to the pollution originated.*

SEC. 4. The Surgeon General shall prepare and publish from time to time reports of such surveys, studies, investigations, research, and experiments made under the authority of this Act as he may consider desirable, together with appropriate recommendations with regard to the control of air pollution.

SEC. 5. There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the [nine fiscal years during the period beginning July, 1955, and ending June 30, 1964 not to exceed $5,000,000] *eleven fiscal years beginning July 1, 1955, and ending June 30, 1966, not to exceed $5,000,000* to enable it to carry out its functions under this Act and, in furtherance of the policy declared in the first section of this Act, to (1) make grants-in-aid to State and local government air pollution control agencies, and other public and private agencies and institutions, and to individuals, for surveys and studies and for research, training, and

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demonstration projects, and (2) enter into contracts with public and private agencies and institutions and individuals for surveys and studies and for research, training, and demonstration projects. Such grants-in-aid and contracts may be made without regard to sections 3648 and 3709 of the Revised Statutes. Sums appropriated for such grants-in-aid and contracts shall remain available until expended, and

shall be allotted in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare.

SEC. 6. (a) *Whenever, on the basis of reports, surveys, or studies, he believes it appropriate, or whenever requested by any State or local government air pollution control agency, the Surgeon General may call a public hearing on any problem of air pollution which may affect or be of concern to communities in various parts of the Nation or which may affect any community or communities in any State other than the State in which the matter causing or contributing to the pollution originates. Any such hearing shall be conducted before a board composed of not less than five me appointed by the Secretary of Health, Education, and Welfare, wh l be representative of the public, industry which is affected by or concerned with the problem, persons who are expert or have special knowledge in the matter, interested Federal agencies, and interested State or local government air pollution control agencies.*

(b) *Subject to regulations of the Surgeon General, an opportunity to be heard at such hearing shall be accorded to all interested persons.*

(c) *After consideration of the information presented at the hearing and such other information as is available to it, the board shall make a report and recommendations to the Surgeon General on such matters as the existence, cause, and effect of the air pollution on which the hearing was held, progress toward its abatement, and other related matters. Such report and recommendations, together with the comments and recommendations, if any, of the Surgeon General with respect thereto, shall be available to the community or communities, Government agencies, and industries concerned and, to the extent the Surgeon General deems appropriate, to the public, but shall not be binding on any person, agency, or organization.*

SEC. [6.] 7. When used in this Act—

(a) The term "State air pollution control agency" means the State health authority, except that in the case of any State in which there is a single State agency other than the State health authority charged with responsibility for enforcing State laws relating to the abatement of air pollution, it means such other State agency;

(b) The term "local government air pollution control agency" means a city, county, or other local government health authority, except that in the case of any city, county, or other local government in which there is a single agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the abatement of air pollution, it means such other agency; and

(c) The term "State" means a State or the District of Columbia.

SEC. [7.] *8.* Nothing contained in this Act shall limit the authority of any department or agency of the United States to conduct or make grants-in-aid or contracts for research and experiments relating to air pollution under the authority of any other law.

SEC. [8.] *9.* It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, to the extent practicable

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and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and within any interstate agency or any State or local government air pollution control agency in preventing or controlling the pollution of the air in any area insofar as the discharge of any matter from or by such property may cause or contribute to pollution of the air in such area.

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1.1d(2) HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

H.R. REP. No. 2265, 87th Cong., 2d Sess. (1962)

EXTENDING THE AIR POLLUTION CONTROL ACT

AUGUST 23, 1962.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. ROBERTS of Alabama, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

[To accompany H.R. 12833]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H.R. 12833) to amend the act of July 14, 1955, relating to air pollution control, to authorize appropriations for an additional 2-year period, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF LEGISLATION

The purposes of H.R. 12833 are to extend the time limitation on authorized appropriation of the present Air Pollution Control Act (Public Law 159, 84th Cong., as amended by Public Law 86–365) for 2 years; provide continued emphasis by the Surgeon General for

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studies on the effects of motor vehicle exhausts, including human health. Specific activities in this field have been conducted under Public Law 86–493.

Public Law 159, 84th Congress, approved July 14, 1955, authorized a program for research and technical assistance to obtain data and to devise and develop methods for control and abatement of air pollution, by the Secretary of Health, Education, and Welfare, and the Surgeon General of the Public Health Service. The act recognizes the primary responsibilities and rights of the States, local governments, in controlling air pollution, but provides Federal grants-in-aid to those agencies concerned with air pollution and control, to assist them in the formulation and execution of their air pollution abatement research programs.

Under the provisions of the act, the Surgeon General is authorized to prepare or recommend research programs, and to encourage cooperative activities, collect and disseminate information, conduct and

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support research, and to make available to all agencies the results of surveys, studies, and investigations, research and experiments relating to air pollution and abatement. Reports of such studies as considered desirable may be published from time to time by the Surgeon General, together with appropriate recommendations.

The act authorized an appropriation of $5 million annually for each of the fiscal years beginning July 1, 1955, and ending June 30, 1960. In 1959 this act was amended to extend the duration of the Federal air pollution control law to June 30, 1964.

Public Law 86–493 approved June 8, 1960, directed the Surgeon General of the Public Health Service to give special emphasis and priority to the role of motor vehicle exhaust gases in the general problem of air pollution and specifically as to the effect of such exhausts on human health. A report by the Surgeon General was required within 2 years after the date of the enactment of the act.

Under the program authorization of these acts and sections 301 and 311 of the Public Health Service Act, approximately $200,000 was expended in 1955 for air pollution research and technical assistance; $1.7 million during fiscal year 1956; $2.7 million for 1957; $4 million for each of 1958 and 1959; $4.3 million for 1960; $6 million for 1961; $8.4 million for 1962; and for fiscal year 1963 it is anticipated the expenditures will approximate $11 million.

HISTORY OF THE LEGISLATION

Air pollution is a serious national problem. In the future, unless appropriate action is taken, the problem will increase greatly because

of further industrial growth and concentration of population in urban areas. Our Nation's technological society produces great material benefits for the people, but also creates, as byproducts, potential problems of contamination of our environment. Air pollution is not a temporary problem, but one which will require continuing attention. Continuing research and control efforts will be necessary if major adverse effects on the public health and welfare are to be prevented. It is a significant public health problem and Federal, State, and local governments are spending large sums to study and control it. Industry likewise has spent millions on research and abatement. Great progress has been made but the problem is far from solved. In fact the blight of air pollution, especially resulting from automotive exhaust gases, has become a real menace to all urban areas.

The problem of air pollution has been under consideration by the Committee on Interstate and Foreign Commerce for many years. In 1955, your committee reported favorably on the basic legislation establishing the Federal air pollution research and technical assistance program (Public Law 159, 84th Cong.).

In 1956, the special Subcommittee on Traffic Safety of this committee made a study of noxious, toxic, and harmful motor vehicle exhaust fumes in connection with a comprehensive investigation of highway traffic safety. Testimony was taken and research activities of the industry were studied on visits to manufacturing plants.

Hearings have been held by the Health and Safety Subcommittee of this committee in 1958, 1959, and 1960 on various bills concerned with extension of the Federal air pollution program and on the progress being made in air pollution control, particularly with regard to motor vehicle exhausts.

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In 1959, the committee reported favorably on legislation to extend the Federal air pollution program (Public Law 86–365) and in 1960, a favorable committee report was made on a bill requiring increased emphasis on research into the motor vehicle exhaust problem and a report to Congress on the results of such investigations (Public Law 86–493).

The executive branch of Government has also recognized the air pollution problem and in 1954, at the request of President Eisenhower, the Secretary of Health, Education, and Welfare appointed an ad hoc Interdepartmental Committee on Community Air Pollution. In January 1955, the President stated in his special health message that—

> As a result of industrial growth and urban development, the atmosphere over some population centers may be approaching the limit of its ability to absorb air pollutants with safety to

> health. I am recommending an increased appropriation to the Public Health Service for studies seeking necessary scientific data and more effective methods of control.

More recently President Kennedy stated in his message on natural resources in February 1961 that—

> We need an effective Federal air pollution control program now. For although the total supply of air is vast, the atmosphere over our growing metropolitan areas—where more than half the people live—has only limited capacity to dilute and disperse the contaminants now being increasingly discharged from homes, factories, vehicles, and many other sources.

In his message on the health program in that same month he provided more specific recommendations for air pollution legislation which would accelerate efforts in this field. He recommended that Congress enact legislation to "strengthen the Federal effort to prevent air pollution, a growing and serious problem in many areas," by providing—

> (*a*) authority for an adequate research program on the causes, effects, and control of air pollution, (*b*) project grants and technical assistance to State and local air pollution control agencies to assist in the development and initiation or improvement of programs to safeguard the quality of air, and (*c*) authority to conduct studies and hold public conferences concerning any air pollution problem of interstate nature or of significance to communities in different parts of the Nation.

GENERAL STATEMENT

With the passage of Public Law 159, air pollution activities in the Public Health Service were conducted, starting in 1955, within two separate organizational units—the air pollution engineering program and the air pollution medical program. The interrelationships of the engineering and health aspects of air pollution as developed by these programs pointed out the value of closest possible coordination of their activities. Consequently, in 1960, the Public Health Service strengthened the activity by combining the two programs into a single Division of Air Pollution which has provided a more comprehensive, interdisciplinary approach to research, technical assistance

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and training, and a simplified and more effective mechanism for working with other agencies, industry, universities, and other interested organizations and individuals.

In recognition of the urgency of many air pollution problems, the Public Health Service, immediately after enactment of Public Law

159, began utilizing, through research grants and contracts, the resources and capabilities of universities and other institutions to explore the nature of and the means for coping with such problems. Cooperative activities with other Federal agencies such as the Bureau of Mines, the Weather Bureau, and the Department of Agriculture having interests and specialized skills in this field were likewise inaugurated and have continued.

Accomplishments of the program, in the short period since its establishment, have been noteworthy. Working with the Weather Bureau, a great deal has been learned about the influence of meteorological factors on the buildup or dispersion of airborne contaminants. A program for continuous surveillance of weather to forecast periods of widespread air stagnation has been in effect since 1960. This provides local health agencies and other appropriate authorities with advance notice of atmospheric conditions for which protective measures might be indicated.

A national air sampling network has been established which is providing needed information on the composition and concentrations of pollutants in the air in various parts of the country. Data obtained are of inestimable value to State and local air pollution control agencies, as well as to the Public Health Service.

Morbidity and mortality surveys have brought forth impressive evidence of the relationships of polluted air to various forms of cardiorespiratory disease. A strong statistical association has been shown, for example, between air pollution and emphysema. The sharply rising death rate ascribed to this disease is a matter of real concern. The evidence developed with respect to production of lung cancer is such as to require further study as expeditiously as feasible.

Laboratory studies of mechanisms of physiological response to various forms of air pollutants have yielded valuable information for appraisal of health effects to be anticipated from various levels of pollution. Field studies and special surveys in many areas of the Nation have produced findings which are being correlated with such laboratory research.

As directed by Public Law 86–493, special efforts have been devoted to the problems associated with the emissions from motor vehicles. A comprehensive report on this subject submitted, as directed, to the Congress in June 1962, is being printed as House of Representatives Document 489 in order to make this valuable contribution widely available.

In the report, it is pointed out that, while the precise role of motor vehicle emissions in producing adverse effects is far from fully defined, it is known that photochemical reactions in the air result in the formation of many highly reactive substances which could be more injurious

than those originally emitted. Vegetation damage from photochemical reaction products has been demonstrated in the laboratory. Damage of the same type is found in many areas of the United States. In these localities, the presence of the suspected agents has been confirmed by measurements.

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The significance of photochemical reactions is further emphasized by laboratory studies showing irradiated exhaust to produce more marked effects on experimental animals than does unirradiated exhaust.

In carrying out the duties specified by Public Law 84–159 and Public Law 86–493, the Federal Government has sought successfully to further man's knowledge of the causes, effects, and control of air pollution. An important consequence of these efforts has been the development, both in and out of Government, of an increasing reservoir of trained individuals and of equipment and facilities for tackling the air pollution problems of today and tomorrow. The need for further development and utilization of these resources is great. The problem will be even greater in the near future as the increasing population, the greater urbanization, and the expansion of industrialization place ever greater strains on our limited air resources.

Pressures for the development of adequate air quality standards will continue to increase. As yet these are virtually nonexistent, despite the need of industry and Government for such criteria as a basis for more rational design of control procedures.

Production of acceptable criteria must await, for most air contaminants, additional knowledge of their measurement and further evaluation of their effects, whether these be on the health or comfort of man, the corrosion of the structures in which he works and lives, or the destruction of the vegetation he grows for utilitarian or decorative purposes. Research will be required, not only on the health effects of specific pollutants, singly or in particular combinations, but also on the relationship and relative significance of such effects to other environmental factors which may influence health and well-being.

Despite the need for further knowledge and for development of acceptable criteria, much can be done at the present time through a more effective utilization of information already on hand. This requires the establishment of appropriate agencies to promote such utilization.

The Public Health Service has attempted to bring about the practical application of scientific information developed for the elimination or reduction of air pollution. This has been carried out through various forms of technical assistance. Training programs of considerable

variety and scope have provided means for State and local control agencies and industry to develop personnel knowledgeable in the methods for dealing with air pollution. Technical publications have been prepared to further help achieve these objectives. Consultation and assistance have been provided to existing State and local air pollution control agencies, and in the development of new programs.

On the State level, during the past decade, there has been improvement in the development of comprehensive programs dealing with problems in this area. Some 15 States now have enactments which authorize specific programs, whereas no State had such authorization in 1950.

According to a recent survey, there are only 106 local control programs which have full-time staffs. These programs serve 342 local political jurisdictions, which contain about 45 percent of the national urban population. Only 28 of these control programs have five or more full-time employees.

Air pollution problems are not limited to communities. Farmers too are affected. Vegetation damage from air pollution is now estimated to run as high as $500 million annually.

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COMMITTEE HEARINGS

The Subcommittee on Health and Safety conducted hearings on June 25, 1962, on a number of bills aimed at extending the authorization of Public Law 159 of the 84th Congress and expending the authority of the Public Health Service under the provisions of that legislation. The bills are as follows: H.R. 747 and H.R. 1189 by Mr. McDonough, H.R. 2948 by Mr. Shelley, H.R. 3577 by Mr. Roosevelt, H.R. 9347 and H.R. 10615 by Mr. Halpern, H.R. 9352 and H.R. 11524 by Mr. Corman, H.R. 10519 by Mr. Roberts of Alabama, and S. 455, passed by the Senate during the first session of the 87th Congress. As a result of these hearings, a clean bill was introduced by Mr. Roberts of Alabama (H.R. 12833).

CONCLUSION

This legislation (H.R. 12833) accomplishes two purposes, the first of which is to extend the existing law with respect to air pollution for an additional period of 2 years subject to all of the conditions and limitations which have heretofore applied to this program.

The second purpose is to enact into permanent law a requirement that the Surgeon General specifically conduct studies on motor vehicle exhaust as it affects human health through the pollution of air. The committee believes this requirement should be made permanent law

as the result of the special 2-year study and investigation conducted pursuant to Public Law 86–493. The report on this study is now being printed as House Document No. 489.

The committee urges that the bill as reported do pass.

AGENCY REPORTS

The reports on several of the bills on which hearings were held as a result of which a clean bill, H.R. 12833 was introduced, are as follows: Department of Labor, Department of the Interior, Federal Aviation Agency, Department of Agriculture, Comptroller General of the United States, Bureau of the Budget, Department of Health, Education, and Welfare, Department of the Army, and the Secretary of Commerce.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, June 22, 1962.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN HARRIS: This is in further response to your request for the views of the Department of Labor on H.R. 10519, a bill to extend and strengthen the Federal air pollution control program.

We strongly urge the enactment of H.R. 10519 which is the administration's proposal for strengthening the Federal effort to prevent air pollution.

Earlier this year President Kennedy called attention to the problem of air pollution in his special message on health care and also in his conservation message. As the President pointed out, pollution of the air we breathe is a growing and serious problem in many areas;

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since fresh air can neither be piped into cities nor stored for future use, our only protection is to prevent pollution. The President drew a parallel between legislation needed in the field of air pollution and the legislation passed last year by Congress to enable us to accelerate our efforts to combat water pollution.

We believe that the proposals contained in H.R. 10519 would be of great benefit to labor and industry, as well as to the general public. We prefer, however, to leave detailed discussion of its provisions to those agencies primarily concerned with its administration.

The Bureau of the Budget advises that there is no objection to the

presentation of this report from the standpoint of the administration's program.

Yours sincerely,

ARTHUR J. GOLDBERG,
Secretary of Labor.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 29, 1962.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. HARRIS: There is pending before your committee H.R. 10519, a bill to extend and strengthen the Federal air pollution control program.

We recommend the enactment of the bill.

As the title of the bill states, it is intended to extend and strengthen the present Federal air pollution control program. The bill provides for air pollution prevention and technological source control activities within the Federal Government wherever these can be provided by available resources. The Department of the Interior has been active in air pollution abatement research and investigations since before 1912, in which year its Bureau of Mines published three bulletins on causes and means of preventing smoke emissions from coal burning equipment. Publications followed shortly that recorded work of the Bureau of Mines on control of fumes from metallurgical processes and on developing adequate ventilation standards for automotive vehicular tunnels. Through the years that followed until mid-1954, during which period the major assigned Federal responsibilities regarding air pollution were concentrated within this Department, a long and impressive list of achievements and their documenting publications was developed by the Bureau of Mines.

Since 1955, this Department has been pleased to cooperate, through its Bureau of Mines, in the Federal air pollution abatement program that became a primary responsibility of the Public Health Service under Public Law 84–159. The Bureau of Mines air pollution interests center around technologic developments for the control of the sources of pollution which result from the production, processing and utilization of minerals, mineral fuels and their products. Bureau research on automobile and diesel engine exhaust has materially contributed to the knowledge on this subject. Research on the problem of reducing air pollution from thermal powerplants and other indus-

trial, fuel-burning installations has provided much needed new information on the development of economic means for reducing the concentration of sulfur dioxide and oxides of nitrogen in the effluent gases from the stack.

We favor the enactment of H.R. 10519 because we believe there is a need for increased emphasis on air pollution abatement and because the bill provides the means and encouragement for the Surgeon General to utilize fully the resources available to him from agencies such as our own that have much to offer to the Federal program of air pollution abatement.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEDERAL AVIATION AGENCY,
Washington, D.C., June 28, 1962.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of March 6, 1962, for the views of this Agency with respect to H.R. 10519, a bill to extend and strengthen the Federal air pollution control program.

This proposal recognizes the need for national leadership in the development of cooperative Federal, State, and local programs for the prevention and control of air pollution by: (*a*) Encouraging interstate compacts for the prevention and control of air pollution; (*b*) authorizing the Surgeon General to make grants to air pollution control agencies and to others for research, and for the development and initiation, or improvement of programs for the prevention of air pollution; (*c*) permitting the Surgeon General to initiate research and to make surveys concerning any specific problem of air pollution.

Authority is afforded the Surgeon General to call a public conference on any problem of air pollution, to be conducted by a five member board, and at which interested persons shall be afforded a hearing. The board shall make an advisory report and recommendations to the Surgeon General with respect to the air pollution problem under consideration.

This Agency defers to the Department of Health, Education, and Welfare in that it is the Department primarily concerned with the subject of the proposal.

The Bureau of the Budget has advised that there is no objection

from the standpoint of the administration's program to the submission of this report to your committee.

Sincerely,

N. E. HALABY, *Administrator.*

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DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 22, 1962.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives.

DEAR MR. CHAIRMAN: Thank you for your letter of March 6, 1962, giving us the opportunity to report on House bill 10519. The bill is entitled "To extend and strengthen the Federal Air Pollution Control Program."

The bill would extend and strengthen the present Air Pollution Control Act (Public Law 159, 84th Cong.) as amended (42 U.S.C. 1857–1857g). H.R. 10519 includes the substantive provisions of the current Air Pollution Control Act and additional provisions which would add to or modify certain aspects of the current act.

This Department favors the enactment of H.R. 10519 as it is in accord with the President's message regarding legislation needed to strengthen the Federal effort to prevent air pollution relative to a health program.

This Department has a direct interest in the abatement of air pollution. Individuals who produce, handle, process, and market farm and forest products, including animals, crop plants, and forest trees upon which this country depends for food, fiber, shelter, and other materials, are affected adversely by air pollutants. Adverse effects include not only the impairment of health and comfort to the individual but also normal growth and development of farm animals and plants and of forest trees.

Air pollution, especially from effluents containing fluorine, sulfur and other compounds and combustion products, has been demonstrated to cause extensive crop, livestock, and forest damage. This Department has authority and will undertake such research and other appropriate action in the abatement of air pollution affecting agriculture as the relative importance of such problems make it necessary to include funds for them in budget requests.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, April 13, 1962.

B–135945

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives.

DEAR MR. CHAIRMAN: Your letter of March 13, 1962, requests our comments on H.R. 10519, a bill to extend and strengthen the Federal air pollution control program.

Since we have no particular information concerning the desirability of the proposed legislation we make no recommendations concerning the merits of the bill, however, the following comments are offered for your consideration.

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The bill is similar in many respects to the Federal Water Pollution Control Act (33 U.S.C. 466), which originally vested authority under that act in the Surgeon General. Public Law 87–88, approved July 20, 1961, amended that act and transferred the authority contained therein to the Secretary of Health, Education, and Welfare. Concerning the desirability of such transfer of authority, the House Committee on Public Works stated, at page 4 of House Report No. 306, 87th Congress, in part as follows:

"* * * During public hearings the committee heard testimony favoring the establishment of a Federal Water Pollution Control Administration in the Department of Health, Education, and Welfare. The President has urged the establishment of a 'special unit' in the Public Health Service to administer both air and water pollution control programs.

"The Secretary of Health, Education, and Welfare, recognizing the need to upgrade pollution control activities in his Department, asked the committee for '* * * time to take a complete fresh look at the situation and the various proposals for dealing with it.'

"In order to give the Secretary complete flexibility in effectuating his decision relating to the proper administrative status of this program the bill approved by the committee would transfer responsibility for the administration of the Federal water pollution control program from the Surgeon General to the Secretary of Health, Education, and Welfare.

"This action is in conformity with recommendation No. 14 of the first report of the Hoover Commission on Organization of the Executive Branch of the Government (H. Doc. 55, 81st Cong.) which states:

"'Under the President, the heads of departments must hold full responsibility for the conduct of their departments. There must be a

clear line of authority reaching down through every step of the organization and no subordinate shall have authority independent from that of his superior.'"

In view of this recent action by the Congress on water pollution control legislation, your committee may wish to revise the present bill to also vest authority for air pollution control in the Secretary of Health, Education, and Welfare.

Section 4(b)(6) of the bill provides for the establishment and maintenance of research fellowships. This section is similar to research fellowships provided by section 4(a)(4) of the Federal Water Pollution Control Act (33 U.S.C. 466c(a)(4)) except that under the Federal Water Pollution Control Act reports must be furnished to the Congress on the operations thereunder. Your committee may wish to consider whether similar reports should be required on operations under section 4(b)(6) of the bill.

No provision is made in the bill to require a grantee to keep adequate cost records of the projects or undertakings to which the Federal Government makes financial contributions, or to authorize the Surgeon General or the Comptroller General to have access to the grantee's records for purposes of audit and examination. In view of the increase in grant programs over the last several years, we believe that in order to determine whether grant funds have been expended for the purpose for which the grant was made, the grantee should be required by law to keep records which would fully disclose the disposition of those funds. We believe also that the agency as well as the General Accounting Office should be permitted to have access to the

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grantee's records for the purpose of audit and examination. We suggest, therefore, that a new section be added to the bill as follows:

"RECORDS AND AUDIT"

"(a) Each recipient of assistance under this Act shall keep such records as the Surgeon General shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and

examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act."

We would also favor the addition of a like section as an amendment to the Federal Water Pollution Control Act. Language similar to that suggested above is contained in H.R. 132, 87th Congress, reported by your committee August 21, 1961, and in section 25 of the Area Redevelopment Act, Public Law 87–27, approved May 1, 1961.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., March 28, 1962.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request of March 6, 1962, for the views of the Bureau of the Budget on H.R. 10519, a bill to extend and strengthen the Federal air pollution control program.

This bill includes the substantive provisions of the current Air Pollution Control Act and would add to or modify the current act by:

(*a*) recognition of the need for the Federal Government to provide national leadership;

(*b*) authorization to the Surgeon General to make project grants of limited duration to State and local air pollution control agencies for the development, initiation, or improvement of control programs;

(*c*) consent of the Congress to the negotiation of agreements or compacts by two or more States for cooperative effort and mutual assistance, and for the establishment of agencies to effectuate such agreements or compacts;

(*d*) authorization to the Surgeon General to detail, upon request, personnel to air pollution control agencies;

(*e*) authorization to the Surgeon General to conduct studies on his own initiative and to make recommendations concerning any

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air pollution problem of interstate nature or of significance to, or typical of air pollution problems confronting, communities in different parts of the Nation;

(*f*) authorization to the Surgeon General to call a public con-

ference, on his own initiative or upon request of any air pollution control agency, for voluntary formal expression of views by interested persons on any problem of air pollution which is of concern to communities in various parts of the Nation, or which is of interstate nature;

(*g*) elimination of the time limitation (June 30, 1964) and $5 million ceiling on annual appropriations.

This proposed legislation was prepared by the administration and would carry out the recommendation for strengthening the Federal effort to prevent and control air pollution contained in the President's message to the Congress on February 27, 1962, on health programs. I am authorized to advise you that the enactment of H.R. 10519 would be in accord with the program of the President.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, March 14, 1962.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for a report on H.R. 10519, a bill to extend and strengthen the Federal air pollution control program.

H.R. 10519 embodies the administration's proposals in the area of air pollution. In the form of a draft bill it was transmitted by this Department to the Speaker of the House of Representatives on February 27, 1962, and was referred to your committee on March 1.

For the reasons given in our letter to the Speaker in support of the bill we recommend its early enactment.

Sincerely,

ABRAHAM A. RIBICOFF, *Secretary.*

DEPARTMENT OF THE ARMY,
Washington, June 22, 1962.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to H.R. 10519, 87th Congress, a bill to extend and strengthen

the Federal air pollution control program. The Secretary of Defense has delegated to the Department of the Army the responsibility for expressing the views of the Department of Defense thereon.

The purpose of H.R. 10519 is to extend and strengthen the Federal air pollution control program by adding to the substance of the existing Federal air pollution control program, authorized in title 42, United States Code, provisions which would do the following:

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(*a*) recognize the responsibility of the Federal Government to provide national leadership;

(*b*) authorize the Surgeon General to make grants of limited duration to air pollution control agencies for the development, initiation, or improvement of air pollution control programs (as distinct from his present authority to award grants-in-aid and contracts for research, training, and demonstration projects);

(*c*) give consent of the Congress to the negotiation of agreements or compacts by two or more States for the establishment of agencies to effectuate such agreements or compacts;

(*d*) authorize the Surgeon General to detail, upon request, personnel to air pollution control agencies;

(*e*) authorize the Surgeon General to conduct studies on his own initiative, as well as on request from an air pollution control agency, and to make recommendations, concerning any air pollution problem of an interstate nature or of significance to, or typical of air pollution problems confronting, communities in different parts of the Nation;

(*f*) eliminate the time limitation (June 30, 1964) and $5 million ceiling on annual appropriations.

The bill also contains a disclaimer of any intention to limit the functions of any Federal agency under any other provision of law relating to air pollution, which disclaimer appears to be at least as broad as the disclaimer already contained in section 1857(f) of title 42, United States Code.

The Department of the Army on behalf of the Department of Defense has considered the above-mentioned bill. The Department of Defense recognizes the danger to public health and welfare from air pollution and supports air pollution abatement programs to the full extent commensurate with military security. To this end, the Department of Defense cooperates by making available unclassified results of research into the general control of air pollution for the benefit of the public. In the light of the above, and of the disclaimer adverted to in the preceding paragraph, the Department of the Army on behalf of the Department of Defense interposes no objection to subject bill.

Enactment of this legislation will cause no apparent increase in budgetary requirements of the Department of Defense.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely yours,

ELVIS J. STAHR, Jr.,
Secretary of the Army.

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THE SECRETARY OF COMMERCE,
Washington, D.C., July 6, 1962.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in reply to your request for the views of this Department with respect to H.R. 10519, a bill to extend and strengthen the Federal air pollution control program.

This bill was submitted to the Congress by the Department of Health, Education, and Welfare and would carry out the recommendations made by the President in his special health message. Among other things the bill would direct the Surgeon General of the Public Health Service, under the supervision and direction of the Secretary of Health, Education, and Welfare to—

(1) Assure the utilization in the Federal air pollution control program of all appropriate and available facilities and resources within the Federal Government through a program of cooperative activities.

(2) Encourage the States and local governments in the prevention and control of air pollution.

(3) Conduct research, and encourage the conduct of research through financial assistance, in air pollution through grants, contracts, training, research fellowships, cooperative activities and the collection and dissemination of information pertaining to the prevention and control of air pollution.

(4) Make grants of limited duration to air pollution control agencies.

(5) Conduct investigations, research, and studies into air pollution problems if requested to do so by an air pollution control agency or if, in his judgment, such problems are of broad national interest or interstate in character.

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(6) Call a public conference on any problem of air pollution which is interstate in nature or is otherwise of national significance.

(7) Elimination of the time limitation (June 30, 1964) and $5 million ceiling on annual appropriations.

This Department has consistently supported a vigorous Federal program in air pollution since its inception 1955. Air pollution affects every segment of our life and economy. It causes large monetary losses due to corrosion and soiling; it demonstrably affects our weather now and, may present a serious geophysical problem in the future. These important effects are in addition to the health burden placed on our population. This Department, through its Weather Bureau and its National Bureau of Standards, has an interest in, and can make contributions to, better solutions of the total air pollution problem.

Section 3(a) relating to cooperative activities recognizes the interest of other Federal departments and agencies in air pollution. It would require the Surgeon General to encourage cooperative activities with departments and agencies having functions relating to the prevention and control of air pollution so as to assure utilization of all appropriate and available Federal facilities and resources in the air pollution control program. We believe that a continuing, integrated, Federal program

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which utilizes the valuable competence in the various Federal departments and agencies is essential in order to combat the increasing air pollution problem.

This Department favors the enactment of this legislation.

The Bureau of the Budget advised that there would be no objection to the submission of this report from the standpoint of the administration's program. The Bureau further advised that enactment of this legislation would be in accord with the program of the President.

Sincerely yours,

EDWARD GUDEMAN,
Under Secretary of Commerce.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

ACT OF JULY 14, 1955

AN ACT To provide research and technical assistance relating to air pollution control

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the dangers to the public health and welfare, injury to agricultural crops and livestock, damage to and deterioration of property, and hazards to air and ground transportation, from air pollution, it is hereby declared to be the policy of Congress to preserve and protect the primary responsibilities and rights of the States and local governments in controlling air pollution, to support and aid technical research to devise and develop methods of abating such pollution, and to provide Federal technical services and financial aid to State and local government air pollution control agencies and other public or private agencies and institutions in the formulation and execution of their air pollution abatement research programs. To this end, the Secretary of Health, Education, and Welfare and the Surgeon General of the Public Health Service (under the supervision and direction of the Secretary of Health, Education, and Welfare) shall have the authority relating to air pollution control vested in them respectively by this Act.

SEC. 2. (a) The Surgeon General is authorized, after careful investigation and in cooperation with other Federal agencies, with State and local government air pollution control agencies, with other public and private agencies and institutions, and with the industries involved, to prepare or recommend research programs for devising and developing methods for eliminating or reducing air pollution. For the purpose of this subsection the Surgeon General is authorized to make joint investigations with any such agencies or institutions.

(b) The Surgeon General may (1) encourage cooperative activities by State and local governments for the prevention and abatement of air pollution; (2) collect and disseminate information relating to air

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pollution and the prevention and abatement thereof; (3) conduct in the Public Health Service, and support and aid the conduct by State and local government air pollution control agencies, and other public and private agencies and institutions of, technical research to devise and develop methods of preventing and abating air pollution; and (4) make available to State and local government air pollution control agencies, other public and private agencies and institutions, and industries, the results of surveys, studies, investigations, research, and experiments relating to air pollution and the prevention and abatement thereof.

SEC. 3. (*a*) The Surgeon General may, upon request of any State or local government air pollution control agency, conduct investigations and research and make surveys concerning any specific problem of air pollution confronting such State or local government air pollution control agency with a view to recommending a solution of such problem.

(*b*) *In view of the nationwide significance of the problems of air pollution from motor vehicles, the Surgeon General shall conduct studies of the amounts and kinds of substances discharged from the exhausts of motor vehicles and of the effects of the discharge of such substances, including the amounts and kinds of such substances which, from the standpoint of human health, it is safe for motor vehicles to discharge into the atmosphere.*

SEC. 4. The Surgeon General shall prepare and publish from time to time reports of such surveys, studies, investigations, research, and experiments made under the authority of this Act as he may consider desirable, together with appropriate recommendations with regard to the control of air pollution.

SEC. 5. There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the **[**nine**]** *eleven* fiscal years during the period beginning July 1, 1955, and ending June 30, **[**1964**]** *1966*, not to exceed $5,000,000 to enable it to carry out its functions under this Act and, in furtherance of the policy declared in the first section of this Act, to (1) make grants-in-aid to State and local government air pollution control agencies, and other public and private agencies and institutions, and to individuals, for surveys and studies and for research, training, and demonstration projects, and (2) enter into contracts with public and private agencies and institutions and individuals for surveys and studies and for research, training, and demonstration projects. Such grants-in-aid and contracts may be made without regard to sections 3648 and 3709 of the Revised Statutes. Sums appropriated for such grants-in-aid and contracts shall remain available until expended, and shall be allotted in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare.

SEC. 6. When used in this Act—

(a) The term "State air pollution control agency" means the State health authority, except that in the case of any State in which there is a single State agency other than the State health authority charged with responsibility for enforcing State laws relating to the abatement of air pollution, it means such other State agency;

(b) The term "local government air pollution control agency" means a city, county, or other local government health authority, except that in the case of any city, county, or other local government

in which there is a single agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the abatement of air pollution, it means such other agency; and

(c) The term "State" means a State or the District of Columbia.

SEC. 7. Nothing contained in this Act shall limit the authority of any department or agency of the United States to conduct or make grants-in-aid or contracts for research and experiments relating to air pollution under the authority of any other law.

SEC. 8. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, to the extent practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any interstate agency or any State or local government air pollution control agency in preventing or controlling the pollution of the air in any area insofar as the discharge of any matter from or by such property may cause or contribute to pollution of the air in such area.

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1.1d(3) CONGRESSIONAL RECORD

1.1d(3)(a) VOL. 107 (1961), Sept. 20: Passed Senate, pp. 20417–20418

HEARINGS ON AND EXTENSION OF FEDERAL AIR POLLUTION CONTROL LAW

Mr. KUCHEL. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1063, S. 455.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 455) to provide for public hearings on air pollution problems of more than local significance under, and extend the duration of, the Federal air pollution control law, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to and the Senate proceeded to consider the bill.

Mr. KUCHEL. Mr. President, air pollution is a grave national problem. The Federal Government has had a responsibility in this field in the last several years to use its power and might to help stamp out air pollution in all the communities of America. I introduced the proposed legislation, which would continue that program and would invigorate the Federal Government to cope with the responsibilities of the problem. The bill was reported unanimously from the committee.

Mounting concern has been shown with each passing year about contamination of the atmosphere, especially in our heavily industrialized and thickly settled areas. The menace of air pollution, notably in metropolitan centers, now is generally acknowledged to be an undeniably serious threat to the health of the American people.

For the past 6 years under a law which I had the privilege of introducing in Congress, the Federal Government has been active, primarily through the U.S. Public Health Service, in collecting data about the occurrence of smog and other forms of pollution, in measuring the effects of contamination upon mankind, in trying to identify the sources of pollutants, in determining conditions which produce the most objectionable accumulations, and in providing information which may open the way to stamp out this scourge.

As these studies have gone on, scientists and engineers have come to realize the complexities of air pollution are greater than had been suspected. They likewise feel the need for better and additional tools to carry on their programs for safeguarding the Nation's health.

Early in the present session, in company with several colleagues, I introduced for the second successive year a bill which would strengthen the role of the Federal Government in antipollution work and would broaden the scope of my original legislation, Public Law 159. This measure once more has been approved by the Senate Public Works Committee as a desirable means of stepping up the attack upon the annoying, insidious, dangerous phenomenon which is a result of our Nation's ever-expanding use of motor vehicles and ever-growing industrial operations.

We know now that air pollution is not a temporary problem. Consequently, there is before the Senate the bill S. 455 which will be a step along the lines recommended by President Kennedy in one of his series of special messages to Congress in the first weeks after he assumed office. I wish to recall that on February 23, the President in discussing a variety of questions relating to our natural resources called for "new leadership, research, and financial and technical assistance for the control of air pollution, a serious hazard to the health of our people that causes an estimated $7.5 billion annually in damage to vegetation, livestock, metals, and other materials." The President in that message

pointed out "although the total supply of air is vast, the atmosphere over our growing metropolitan areas—where more than half the people live—has only limited capacity to dilute and disperse the contaminants now being increasingly discharged from homes, factories, vehicles, and many other sources."

The bill I was privileged to reintroduce this year passed this Senate unanimously more than a year ago. Originally recommended by a former Surgeon General and a Republican administration, it has the support of the present Surgeon General and the incumbent Democratic administration.

I believe it is decidedly in the public interest to cloak the Secretary of Health, Education, and Welfare and the Surgeon General, as this measure would do, with authority to create investigating and hearing boards to dig into major pollution problems and to ascertain the facts about atmospheric contamination which is interstate in character. It also is essential, as the legislation further provides, to extend the duration of the research program for another 2 years, to June 30, 1966.

There is nothing in this bill which would transgress on the jurisdiction, rights, and powers of States and other non-Federal agencies of government. But the hearing boards would recommend constructive measures and under this legislation the Surgeon General would advise all levels of government on positive steps he feels would reduce dangers to the American people.

Enactment of this proposal would be of immeasurable assistance to scientists working in laboratories, research institutions, field measurement stations, and elsewhere in gathering fundamental information and in devising remedial courses of action to reduce the air-pollution hazard.

I ask unanimous consent that excerpts from the committee report—No. 1083—be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

GENERAL STATEMENT

Public Law 159, 84th Congress, approved July 14, 1955, authorized a program for research and technical assistance to obtain data and to devise and develop methods for control and abatement of air pollution, by the Secretary of Health, Education, and Welfare, and the Surgeon General of the Public Health Service. The act recognizes the primary responsibilities and rights of the States, local governments, and other public agencies in controlling air pollution, but provides Federal grants-in-aid to those agencies concerned with air pollution and control, to assist them in the formulation and execution of their air pollution abatement research programs.

Under the provisions of the act, the Surgeon General is authorized to prepare or recommend research programs, and to encourage cooperative activities, collect and disseminate information, conduct and support research, and to make available to all agencies the results of surveys, studies, and investigations, research and experiments relating to air pollution and abatement. Reports of such studies as considered desirable may be published from time to time by the Surgeon General together with appropriate recommendations.

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The act authorized an appropriation of $5 million annually for each of the fiscal years beginning July 1, 1955, and ending June 30, 1960. In 1959 this act was amended to extend the duration of the Federal air pollution control law to June 30, 1964.

Under this authorized program, approximately $2 million was expended in 1955; $1.7 million during fiscal year 1956; $2.7 million for 1957; $4 million for each of 1958 and 1959; $4.3 million for fiscal year 1960; $4.9 million for fiscal year 1961, and the request for fiscal year 1962 amounts to about $5 million. It is understood that additional amounts are requested for fiscal year 1962 through other authorizations.

The Federal effort has contributed materially to difficult problems of sampling, identifying, and measuring airborne contaminants, such as the improvement of the methods of analyzing gaseous contaminants present in the atmosphere of virtually every city.

Appraisal has been made of some important modern sources of urban air pollution such as oil refineries, automobile exhausts, and combustion processes, which are inevitable results of our increasing mechanization and industrialization.

Studies of chemical, meteorological, and physical influences and of atmosphere reactions are making available new knowledge that must ultimately be required for proper and economical procedure for controlling air pollution.

Scientists have generally concurred that a major source of fumes which are ingredients of smog and pollution in most cities is the motor vehicle, and that phase of the problem is under study on all

fronts, including the automobile and petroleum industry. The Federal Government has increased its work in this field, and will continue to expand the program for investigating the part that motor vehicle exhaust and combustion play in the problem of atmospheric contamination.

Health studies have developed evidence as to the effect of air pollution on human health and well-being, creating much discomfort from obstruction of breathing, and causing disease and even death.

The Federal Government is not carrying this entire program alone, as many agencies are participating in the attack on the air pollution problem. In the great concern for the health of the American people, this very acute problem must be recognized, together with the fact that increased urbanization and industrialization will undoubtedly produce new air pollution problems in the future.

DISCUSSION

When Public Law 159 was enacted, the committee acknowledged that the desired aims and objectives envisioned under the program could not be entirely accomplished within the authorized 5-year period. Accordingly, in 1959, the act was amended to extend the program to June 30, 1964. The committee is of the opinion that it would be helpful to the program if it were extended for another period of years and accordingly recommends that it be extended to June 30, 1966.

The committee is of the opinion that the Department of Health, Education, and Welfare could make a significant contribution by exercising Federal leadership in dealing with air pollution problems of broad significance. This contribution would result through the development and publication of recommendations based on the evaluation data developed by the Department or prescribed by others, as well as a full consideration of the points of view of all parties having a significant interest in such problems. Some of these problems, although essentially local in character, manifest themselves in many communities throughout the Nation. Others involve pollution from sources within one State which, through the movement of air masses, affect communities in other States. Both types of problems can be expected to increase in number and extent with further urbanization, and the development of solutions for them may in many cases transcend the capabilities of local agencies, and even of State control authorities. The recommendations resulting from hearings would not be binding upon the participants in the hearings or anyone else; the purpose of the hearings would be simply to develop such recommendations as a means of focusing public attention on and developing support for the most carefully considered solutions to the problems which occasioned the hearings.

The committee believes that enactment of S. 455 would serve a very useful purpose and accordingly recommends its passage.

The ACTING PRESIDENT pro tempore. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was 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 3 of the Act of July 14, 1955 (42 U.S.C. 1857b), is amended by striking out ", upon request of any State or local government air pollution control agency,", by striking out "such State or local government air pollution control agency" and inserting in lieu thereof "any State or local government air pollution control agency", and by inserting before the period at the end thereof but only if requested to do so by such State or local government air pollution control agency or if, in his judgment, such problem may affect or be of concern to communities in various parts of the Nation or may affect any community or communities in a State other than that in which the matter causing or contributing to the pollution originated."

SEC. 2. Such Act is further amended by redesignating sections 6, 7, and 8 as sections 7, 8, and 9, respectively, and inserting after section 5 the following new section:

"SEC. 6. (a) Whenever, on the basis of reports, surveys, or studies, he believes it appropriate, or whenever requested by any State or local government air pollution control agency, the Surgeon General may call a public hearing on any problem of air pollution which may affect or be of concern to communities in various parts of the Nation or which may affect any community or communities in any State other than the State in which the matter causing or contributing to the pollution originates. Any such hearing shall be conducted before a board composed of not less than five members, appointed by the Secretary of Health, Education, and Welfare, who shall be representative of the public, industry which is affected by or concerned with the problem, persons who are expert or have special knowledge in the matter, interested Federal agencies, and interested State or local government air pollution control agencies.

"(b) Subject to regulations of the Surgeon General, an opportunity to be heard at such hearing shall be accorded to all interested persons.

"(c) After consideration of the information presented at the hearing and such other information as is available to it, the board shall make a report and recommendations to the Surgeon General on such matters as the existence, cause, and effect of the air pollution on which the hearing was held, progress toward its abatement, and other related matters. Such report and recommendations, together with the comments and recommendations, if any, of the Surgeon General with respect thereto, shall be available to the community or communities, Government agencies, and industries concerned

and, to the extent the Surgeon General deems appropriate, to the public, but shall not be binding on any person, agency, or organization."

SEC. 3. Section 5 of such Act (42 U.S.C. 1857d) is amended by striking out "nine fiscal years beginning July 1, 1955, and ending June 30, 1964, not to exceed $5,000,000" in the first sentence, and inserting in lieu thereof "eleven fiscal years beginning July 1, 1955, and ending June 30, 1966, not to exceed $5,000,000".

Mr. KUCHEL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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1.1d(3)(b) VOL. 108 (1962), Sept. 17: Amended and passed House, pp. 19658–19661

EXTENDING THE AIR POLLUTION CONTROL ACT

Mr. HARRIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12833) to amend the act of July 14, 1955, relating to air pollution control, to authorize appropriations for an additional 2-year period, and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 5 of the Act entitled "An Act to provide research and technical assistance relating to air pollution control," approved July 15, 1955, as amended (42 U.S.C., sec. 1857d), is amended by striking out "nine fiscal years during the period beginning July 1, 1955, and ending June 30, 1964," and inserting in lieu thereof "eleven fiscal years during the period beginning July 1, 1955, and ending June 30, 1966,".

SEC. 2. Section 3 of the Act entitled "An Act to provide research and technical assistance relating to air pollution control", approved July 15, 1955, as amended (42 U.S.C., sec. 1857b), is amended by inserting "(a)" immediately after "SEC. 3.", and by adding at the end thereof the following new subsection:

"(b) In view of the nationwide significance of the problems of air pollution from motor vehicles, the Surgeon General shall conduct studies of the amounts and kinds of substances discharged from the exhausts of motor vehicles and of the effects of the discharge of such substances, including the amounts and kinds of such substances which, from the standpoint of human health, it is safe for motor vehicles to discharge into the atmosphere."

The SPEAKER pro tempore. Is a second demanded?

Mr. SCHENCK. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HARRIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 12833 reported by the Committee on Interstate and Foreign Commerce provides for a 2-year extension of the present Federal air pollution control program with additional new language directing the Surgeon General to continue the investigation of motor vehicle exhaust fumes, which are an important source of air pollution, especially in metropolitan areas. In June, the Surgeon General made a comprehensive report to Congress on motor vehicle exhaust in compliance with the Schenck Act of 1960, sponsored by the distinguished ranking minority member of the Subcommittee on Health and Safety, the gentleman from Ohio [Mr. SCHENCK], who has taken a very active interest in this critical problem.

This important report, which will be very valuable to public officials, research workers, scientists, and others for many years to come, is being printed as House Document No. 489, and will be available in a few days from the Committee on Interstate and Foreign Commerce.

It is imperative that we extend the Federal aid to air pollution control program this session. Our air is a valuable national resource. Since the enactment of of Public Law 159 of the 84th Congress, approved July 4, 1955, setting up the Federal program, the Surgeon General of

the U.S. Public Health has made remarkable progress on a program of research and technical assistance to devise and develop methods for the control and abatement of air pollution. Extension of the act is necessary this session if the program is not to be interrupted.

PROGRAM ESTABLISHED IN 1955

The legislation enacted in 1955 recognizes that air pollution endangers the public health and welfare, injures crops and livestock, damages property, and creates hazards to air and ground transportation. It has no provision for Federal enforcement activity and specifically preserves the rights and responsibilities of State and local governments in controlling air pollution. Under the act, the Surgeon General is authorized to—

First. Undertake investigations jointly with other Federal agencies, with State and local air pollution control agencies, and with public and private agencies or institutions, and with industries involved, to develop research programs for the elimination or reduction of air pollution.

Second. Encourage cooperative activities by State and local governments to prevent and abate air pollution.

Third. Collect and disseminate information relating to air pollution and the prevention and abatement thereof.

Fourth. Conduct research on air pollution problems and assist research activities of State and local agencies, both public and private.

Fifth. Conduct, upon request by a State or local government control agency, investigations and research and make surveys concerning any specific problem of air pollution confronting any State or local air pollution control agency with a view of recommending a solution of the problem.

Sixth. Make grants and enter into contracts for research, training, and demonstration projects for State and local government air pollution control agencies and other public and private agencies and institutions and to individuals.

The original act set up a 5-year program, with appropriations limited to not more than $5 million a year. In September 1959, the original act was extended 4 years. Thus, we need to extend the act this session to permit the inclusion of Public Law 159–84 items in the budget next year.

EXPANDED PROGRAM RECOMMENDED

On February 27, 1962, the Secretary of the Department of Health, Education, and Welfare, in a letter to the Speaker, submitted the draft of a bill to expand the present program. That bill, H.R. 10519, introduced by the gentleman from Alabama [Mr. ROBERTS], chairman of the Subcommittee on Health and Safety, included the substantive provisions of the existing law and proposed to add or modify certain aspects of the present act by—

(a) Recognition of the need for the Federal Government to provide national leadership;

(b) Authorization to the Surgeon General to make project grants of limited duration to State and local air pollution control agencies for the development, initiation, or improvement of control programs;

(c) Consent of the Congress to the negotiation of agreements or compacts by two or more States for cooperative effort and mutual assistance, and for the establishment of agencies to effectuate such agreements or compacts;

(d) Authorization to the Surgeon General to detail, upon request, personnel to air pollution control agencies;

(e) Authorization to the Surgeon General to conduct studies on his own initiative and to make recommendations concerning any air pollution problem of interstate nature or of significance to, or typical of air pollution problems confronting, communities in different parts of the Nation;

(f) Authorization to the Surgeon General to call a public conference, on his own initiative or upon request of any air pollution control agency, for voluntary

formal expression of views by interested persons on any problem of air pollution which is of concern to communities in various parts of the Nation, or which is of interstate nature;

(g) Elimination of the time limitation—June 30, 1964—and $5 million ceiling on annual appropriations.

However, due to heavy schedule of the committee with other legislation, it has been impossible to give adequate consideration to these recommendations. The Subcommittee on Health and Safety held hearings on the program last fall during the adjournment of Congress before these recommendations were made. The subcommittee was able to schedule 1 day of hearings on June 25 to hear Members of Congress, but as stated before, the heavy schedule of the committee made it impossible for us to go into these recommendations in detail. A 2-year extension of the present law will enable us to study these proposals next Congress.

The people of this country have been concerned about air pollution for many years but in recent years, with the advent of smog on the west coast and in

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other areas, the public alarm and concern have been increased.

ECONOMIC LOSS HEAVY

Current estimates of the economic loss from air pollution in the United States range from $4 to $11 billion a year. Regardless of the actual figure, we know that the annual loss is staggering.

Approximately 90 percent of our urban population lives in locations with air pollution problems. Few cities, large or small, are immune. The Public Health Service has estimated that all of the 212 communities with a population in excess of 50,000 have air pollution problems.

Although air pollution is considered primarily a problem of urban areas, that is not entirely the case as the loss to farmers runs into the millions. It has been estimated that the yearly crop loss in California due to contaminated air is between $6 and $10 million. This is chiefly in the Los Angeles area. It is known that there are severe losses in Florida, New Jersey, Tennessee, and other States.

The loss is not confined to growing crops. In Florida fluorides from phosphate processing plants accumulate in and on vegetation. The Public Health Service reports that these fluorides, ingested by cattle, can cause fluorosis which may seriously affect milk production.

The Federal effort made under Public Law 159 has assisted materially in meeting difficult problems of sampling, identifying, and measuring airborne contaminants, such as the improvement of the methods of analyzing gaseous contaminants present in the atmosphere of virtually every city.

Appraisal has been made of some important modern source of urban air pollution.

Studies of chemical, meteorological, and physical influences and of needed atmosphere reactions are making available new knowledge for proper and economical procedure for controlling air pollution.

Scientists have generally concurred that a major source of fumes which are ingredients of smog and pollution in most cities is the motor vehicle. The amendment proposed in this bill will make certain that the Public Health Service continues its work in this field, and will expedite the program for investigating the part that motor vehicle exhaust and combustion play in the problem of atmospheric contamination.

Health studies have developed evidence as to the effect of air pollution on human health and well-being, creating much discomfort, from obstruction of breathing, and causing disease and even death.

The Federal Government is not carrying this entire program alone, as many agencies are participating in the attack on the air pollution problem. In the great concern for the health of the American people, this very acute problem

must be recognized together with the fact that increased urbanization and industrialization will undoubtedly produce new air pollution problems in the future.

This is an important program and the committee urges enactment of the pending bill to insure continuation of this work.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, the appropriation from this purpose has gone from $200,000 in 1955 to $11 million estimated in 1963. This activity ought to be in pretty good shape and I hope we will soon begin to see some tangible results. From what I have experienced by way of monoxide alleys around Washington I do not think very much is happening for the money that is being spent. I am not going to oppose this bill, but I should like to see some results for $11 million a year expenditure for study purposes.

Mr. HARRIS. Mr. Speaker, I share the gentleman's concern. As I indicated, there have been these results. A great deal of progress has been made, and we hope we will accomplish a lot more by extending the program. I share the gentleman's feeling that we need results and must have them. I think we are on the way to getting results.

Mr. GROSS. We have spent $4 million in 2 or 3 years, $8 million in 1 year, and now it is up to $11 million. This has all gone up from $200,000 a year. I think it is high time we began to see some real, tangible results from these expenditures for study purposes.

Mr. HARRIS. It is my hope, and I expect we shall see such results.

Mr. SCHENCK. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, it is both a privilege and a pleasure to serve as a member of the great Committee on Interstate and Foreign Commerce with the gentleman from Arkansas [Mr. HARRIS], as our chairman. Our committee, because of its extremely broad legislative jurisdiction, has a very heavy schedule which is of great personal interest to nearly everyone throughout the Nation. The effective chairmanship of our committee requires a man of wide experience, knowledge, tolerance, understanding, and a willingness to give full consideration to the views of each member of our committee. Our chairman, the distinguished gentleman from Arkansas [Mr. HARRIS], has all these attributes, and I am grateful for the opportunity to serve with him.

Mr. Speaker, I appreciate deeply the kind and complimentary reference our distinguished chairman has made to the Schenck Act of the 86th Congress of which I was the author. I also appreciate deeply, Mr. Speaker, the cooperation and support of the distinguished gentleman from Arkansas [Mr. HARRIS], in the successful enactment of the Schenck Act which was the first measure on this subject approved by the Congress.

Mr. Speaker, I also want to express my sincere appreciation and commendation to the distinguished chairman of our Subcommittee on Health and Safety, the gentleman from Alabama [Mr. ROBERTS] for his continuous, unrelenting, and effective work in the entire field of health and safety. It has been both a privilege and a pleasure to work with him and I sincerely hope that the citizens of the great State of Alabama will reelect him to the Congress as one of the eight Members from that State.

Congressman ROBERTS has worked unceasingly here in the Congress of the United States in the very best tradition on all questions of health and safety before our subcommittee and has done so entirely in the best interest of all the people of our Nation. He has given distinguished leadership to the work of our subcommittee and I wanted to take this opportunity to personally commend him.

Mr. Speaker, on June 7, 1962, the Surgeon General of the Public Health Service transmitted to the Congress a report entitled "Motor Vehicles, Air Pollution, and Health." The report was prepared as required by Public Law 86–493, an act

which I had the privilege of sponsoring. The work on motor vehicle emissions in which the Public Health Service is engaged is extremely complex and difficult. I speak with some firsthand knowledge on this matter, as I made it a point during this past year to visit, in Cincinnati, Ohio, the research laboratories of the Division of Air Pollution. There I had the opportunity to see the very practical, yet highly imaginative, methods being employed by the scientific and technical personnel to seek out the answers to such worrisome problems as why and how does smog form, and what does this do to the health of the public.

While I do not profess to be a technical specialist in this field, I have availed myself of many opportunities, as a member of the Subcommittee on Health and Safety, which is under the able chairmanship of the gentleman from Alabama [Mr. ROBERTS] to discuss the problems of air pollution from automotive sources with many individuals knowledgeable in the field. The subject is not so simple as the discharge from cars of carbon monoxide, which everyone knows to be poisonous, or the objectionable odors one encounters behind some trucks or buses.

The problems are inseparably related to the fundamental design principles of gasoline engines, and of diesel engines, which are different, to the fuels which are burned, to driving patterns, to car maintenance and operating habits, and how much horsepower the average citizen demands. Furthermore, the problems are related to sunlight which changes the chemical structure of the waste products discharged by motor vehicles. The changes which occur can alter significantly the degree and nature of hazard to human health, and also the potential for destroying vegetation or damaging property. The research stimulated by Public Law 86-493 has elicited many clues to help find solutions to this form of pollution which prevails in every part of our country. The recent report of the Public Health Service presents this information clearly and definitively. The report, I would add, makes very interesting reading and I would recommend it to your attention. It will shortly be reaching your desks as House Document No. 489.

H.R. 12833 insures the continuation, without interruption, of the necessary research on auto exhaust. Of even more importance, it provides for the continuation of the entire Federal program on air pollution. The contamination of our atmosphere arises from many sources

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besides motor vehicles. The significance of these multiple sources, individually, and as they relate to each other, must be determined. The program for protecting our air must be broadened, with the knowledge developed in recent years by the Public Health Service and other research groups, and with the experience obtained by industry and by State and local agencies, we can proceed with hearings which will enable the next Congress to provide suitable legislation to accomplish our purpose. Meanwhile, H.R.12833 assures that irreplaceable scientific manpower, as well as valuable time, will not be lost.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. ROBERTS] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ROBERTS of Alabama. Mr. Speaker, it is necessary to enact this legislation to prevent possible delays in our important air pollution control program.

This 2-year extension will permit the Subcommittee on Health and Safety to study various suggestions for expanding the present program.

We have reached a situation where air pollution is a serious national problem. More importantly, this problem will remain with us and grow steadily worse unless suitable, sustained measures are undertaken. Air pollution affects our entire population and its effective control

will require the cooperation of that population, working as individuals, as well as through their local, State, and Federal agencies.

The problems associated with the pollution of our air have been subjects of serious consideration by the Committee on Interstate and Foreign Commerce for a number of years. The Federal air pollution research and technical assistance program was established in 1955, based on legislation reported favorably by your committee. This legislation, which had time and budgetary limitations, has been extended by subsequent action of the Congress, without however, the removal of these restrictions. One significant addition to the basic program came about in 1960, when, under the sponsorship of the ranking minority member of the Subcommittee on Health and Safety, the gentleman from Ohio [Mr. SCHENCK], H.R. 86–493 brought about the necessary comprehensive investigations of the special problems of air pollution originating from the operation of automotive vehicles.

Findings in the report emanating from this work amply demonstrate the wisdom of this congressional mandate.

Despite remarkable achievements in the development and dissemination of scientific and technical information since inception of the air pollution program in which there has been general recognition that a more comprehensive approach is essential if we are not to lose ground. In his January 1955 special health message, President Eisenhower stated that—

> As a result of industrial growth and urban development, the atmosphere over some population centers may be approaching the limit of its ability to absorb air pollutants with safety to health. I am recommending an increased appropriation to the Public Health Service for studies seeking necessary scientific data and more effective methods of control.

President Kennedy, in his natural resources message of February 1961 said:

> We need an effective Federal air pollution control program now. For although the total supply of air is vast, the atmosphere over our growing metropolitan areas—where more than half the people live—has only limited capacity to dilute and disperse the contaminants now being increasingly discharged from homes, factories, vehicles, and many other sources.

If I may expand upon this statement by the President, I would add that the effects of air pollution discharged in these metropolitan areas are not limited to the immediate vicinity of their release. Tens of millions of dollars of damage to farm crops occur annually at distances up to 50 miles occur annually at distances up to 50 miles or more downwind from large urban complexes, and this damage has been demonstrated to be of a type due to specific air contaminants. Furthermore, such damage, which is on the increase, has occurred in east coast States as well as west coast States and in many others in between. The problems, thus, are rural as well as urban—of economic consequence in addition to being of health significance.

Since the enactment of Public Law 84–159 in 1955, great strides have been made in the identification and measurement of air pollutants, and in the evaluation of their effects. The magnitude and nature of the problem, and its occurrence in many localities throughout the land, has been clearly demonstrated.

The agricultural damage I have just mentioned is illustrative of one of the economic aspects of air pollution. The total annual cost, in terms of property damage, must be expressed in billions. Of greater concern, however, are the effects on health.

Since 1955, many specific relationships of air contaminants to disease conditions have been delineated. There is a strong statistical association between the rising death rate from the lung condition called emphysema and air pollution. The indications of a relationship of air pollution to lung cancer are such as to make intensified studies a matter of great urgency. Another health effect demonstrated by recent research efforts is the probability that resistance to some infectious diseases is lowered as a result of breathing chemically polluted air.

These and other findings justify the requests by Presidents Eisenhower and Kennedy for a program more in keeping with the needs. This means not only a program of expanded research, but also a program for more effective application of existing know-how.

An administration proposal for a comprehensive program was submitted by the Secretary of Health, Education, and Welfare in February 1962. Unfortunately, sufficient time for adequate hearings on a problem of such far-reaching nature was not available during the current session. The Subcommittee on Health and Safety, of which I am chairman, did devote sufficient time to the subject, however, to conclude that the interests of the country would be best served by postponing legislative proposals for a broader type of air pollution program until proper hearings can be conducted. I wish to give assurance that such hearings will be held in time to permit congressional action early in the next session.

Meanwhile, your committee recommends H.R. 12833 which extends the existing authority to the Surgeon General of the Public Health Service for a period of 2 years beyond that specified in present legislation. This will provide a basis whereby budgetary as well as research processes and planning can be satisfactorily maintained while congressional action is in process.

H.R. 12833, in addition to extending the provisions of Public Law 84–159, as amended, emphasizes the importance of continued research on air pollution of motor vehicle origin.

Mr. ROGERS of Florida. Mr. Speaker, the legislation before us today extends a program of air pollution control and abatement methods for another 2 years. This program was borne out of the need to begin studies on a problem which has all the elements of serious threat to the health of this Nation.

This program began with the signing of Public Law 84–159, and was later amended by Public Law 365 in the 86th Congress. The measure before us now would extend the program another 2 years, and as a member of the Health and Safety Subcommittee of the Interstate and Foreign Commerce Committee, I am pleased to support this bill and the efforts of the distinguished chairman of the subcommittee, the gentleman from Alabama [Mr. ROBERTS].

Through experience on the subcommittee, I have learned that air pollution is a problem of national scope which affects not only our urban population but the rural areas as well. When we think of polluted air we immediately visualize city streets choked with the blue pall of automotive and industrial gases. And we think of Americans breathing that air each moment. However, what of the effects of this air on American agriculture and its related industries?

The results which have come from the air pollution control program thus far have been impressive. Studies have shown the relationships between polluted air and respiratory diseases, as has been expected. The human heart, it has been shown, is also affected by polluted air. Emphysema, a disease which has health authorities very much concerned because of its rising death toll, is strongly tied to stagnant air by impressive supporting statistical data. Medically, there is good, accurate evidence to show the need for continuing research.

The effects of polluted air on animals is another factor which we should bear in mind as this legislation is considered.

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With medical data showing the direct ties polluted air can have to human health, it logically follows that this same air would have effects on the food man eats. Vegetation damage from air pollution is estimated at some $500 million annually. Vegetation is susceptible to the chemical effects of polluted air, and in fact is perhaps more immediately sensitive to it than man or animals may be. Under this program we have before us, it has been learned that the elements

in these gases are changed by the sunlight, and their bearing on vegetation is made greater in many instances.

The State of Florida is fortunate in having a great number of rapidly expanding cities, and surrounding them is an abundant agricultural economy based on vegetables, sugarcane, cattle, citrus, and flower growing. These elements of Florida's economy are interrelated, and depend on each other for their continued growth and development. Motor vehicles and rail facilities are needed to transport agricultural commodities into urban markets for sale and consumption. These areas in turn provide many supplies such as fertilizer and machinery for agriculture. Tourism flourishes in Florida as a result of air, rail, bus, and automobile facilities, all of which must be studied for prevention pollution measures.

For these reasons, Mr. Chairman, and because the air pollution control problems of the Nation are rapidly increasing, I urge passage of H.R. 12833.

Mr. FOGARTY. Mr. Speaker, I wish to urge the House to act favorably on H.R. 12833, extending the Air Pollution Control Act because it insures the continuation of vital legislation which serves one of the most important interests of our Nation and all its citizens—public health. It has been my privilege for several years to preside over the Subcommittee on Appropriations, which is charged with the responsibility of examining the programs of the Department of Health, Education, and Welfare. This has been a unique and rewarding experience, and has provided opportunity to become familiar with the people and programs with which this Department is concerned. All of these are intimately concerned with the health and welfare of the public; of all these programs, there is none which relates more directly to the basic requirements of the average citizen than that concerned with air pollution, whose objective is to safeguard the quality of the air that each citizen breathes.

My committee, each year, has held extensive hearings on the appropriation requests for air pollution and other environmental health programs. In addition, 2 years ago, the committee held extensive hearings on this and related health problems of the environment, during which we heard expert testimony from many outstanding authorities. On the basis of this testimony, there is no question that air pollution is a serious and growing problem in many areas of our country.

Until recently, most of us have taken for granted the availability of unlimited quantities of fresh air to breathe. Now, however, it has become apparent that the quantity of air supply in any location is limited and can be overloaded with wastes discharged to it to the point that it becomes unwholesome, so that it can actually damage our health and our property. Of all our natural resources, the air is perhaps used more extensively by each person than any other in that the average adult breathes approximately 30 pounds of it each day, a much larger quantity than he takes in in either food or drink. It is essential that the quality of the air which we all breathe be maintained in suitable condition, since we cannot purify it for breathing purposes, but must take it as it comes to us.

The experts testify that the increasing seriousness of air pollution is due primarily to our growth of population and our increasing economic prosperity. The pollutional discharges are concentrated in our urban areas where an increasing percentage of our population lives and where the greatest use of raw materials, finished products, and energy resources is made. The effects of the pollution, however, are not confined to the cities, but extend out from them for many miles into the surrounding areas. Air pollution produces a heavy toll of economic loss in this country each year—in the form of damage to agricultural and other plants, corrosion of materials and structures, and decreases in real estate values. Estimates of the total of

such damage recently have ranged from $5 to $11 billion annually.

More important than this property damage, however, is the increasingly specific evidence that air pollution is a growing threat to the health of all of us. Testimony offered before the Appropriations Subcommittee has shown not only that deaths can be caused by high concentrations of air pollutants under acutely adverse conditions as have occurred in London, England, and New York City, but that air pollution is closely associated with acute and chronic respiratory illness. With respect to lung cancer, the incidence among those breathing polluted city air is greater than among rural residents, and materials capable of producing lung cancers in experimental animals can be extracted routinely from the air in our cities. Recent research by the Public Health Service shows increasing evidence linking air pollution with such respiratory diseases as asthma, bronchitis, and emphysema. These seriously crippling respiratory ailments are increasing rapidly in their incidence in this country, and currently constitute the major causes of respiratory disability and of payments therefor under the social security system. In addition, other studies have shown exposure to irritating air pollutants to increase the susceptibility of individuals to respiratory infections, a primary cause of industrial absenteeism.

Over the past several years, the needs for action to abate or prevent air pollution have received attention by a number of expert scientific groups. Two years ago, an ad hoc task group, appointed by the Surgeon General, reported on national needs in air pollution research. More recently, a committee on environmental health problems, appointed by the Surgeon General and under the chairmanship of Dr. Paul M. Gross of Duke University, now president of the American Association for the Advancement of Science, reported on the research, training, and operational needs nationally in the control of air pollution and other environmental health hazards. Also, the Committee on Atmospheric Sciences of the National Academy of Sciences has reported this year on national goals and plans in this broad field, and has devoted considerable attention to the specific needs with respect to air pollution. The reports of all of these expert committees are in essential agreement in that they foresee the need for and recommend increased attention to this growing and serious problem. Solutions to the problems of air pollution will require concerted and intensified actions involving all levels of government, industry and other organizations. The Federal Government has a real responsibility to provide leadership and assistance in seeing that the overall job gets done.

Under H.R. 12833, the House is being asked to extend for the period of 2 years the Federal program in the field of air pollution, and to direct that the problems of pollutant emissions from automotive vehicles be given special attention. I submit that these are minimal steps. In the long run, much more will be required, involving cooperation of Federal, State and local governments, industry, and other organizations that have a direct or indirect concern with problems of unclean air. Unfortunately, it appears that there has not been sufficient time in this session of the Congress to develop decisions as to the most desirable provisions of more comprehensive legislation designed to substantially strengthen the Nation's efforts in the field of air pollution control. In the meantime, until more comprehensive action can be taken, we cannot fail to support H.R. 12833, which authorizes and directs the Surgeon General to press forward in the present program activities of the Public Health Service in relation to air pollution.

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the bill H.R. 12833?

The question was taken; and (two-thirds having voted in favor thereof) the

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rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 455) to provide for public hearings on air pollution problems of more than local significance under, and extend the duration of, the Federal air pollution control law, and for other purposes, and ask for its immediate consideration.

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1.1d(3)(c) VOL. 108 (1962), Sept. 26: Senate concurs in House amendments, pp. 20802–20803

EXTENSION OF FEDERAL AIR POLLUTION CONTROL LAW

Mr. KUCHEL. Mr. President, there are at the desk amendments of the House of Representatives to Senate bill 455, of which I am the author. I ask that they be laid before the Senate.

The PRESIDING OFFICER (Mr. METCALF in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 455) to provide for public hearings on air pol-

[p. 20802]

lution problems of more than local significance under, and extend the duration of, the Federal air pollution control law, and for other purposes, which were, to strike out all after the enacting clause and insert:

That the first sentence of section 5 of the Act entitled "An Act to provide research and technical assistance relating to air pollution control", approved July 15, 1955, as amended (42 U.S.C., sec. 1857d), is amended by striking out "nine fiscal years during the period beginning July 1, 1955, and ending June 30, 1964," and inserting in lieu thereof "eleven fiscal years during the period beginning July 1, 1955, and ending June 30, 1966,".

SEC. 2. Section 3 of the Act entitled "An Act to provide research and technical assistance relating to air pollution control", approved July 15, 1955, as amended (42 U.S.C., sec. 1857b), is amended by inserting "(a)" immediately after "SEC. 3.", and by adding at the end thereof the following new subsection:

"(b) In view of the nationwide significance of the problems of air pollution from motor vehicles, the Surgeon General shall conduct studies of the amounts and kinds of substances discharged from the exhausts of motor vehicles and of the effects of the discharge of such substances, including the amounts and kinds of such substances which from the standpoint of human health, it is safe for motor vehicles to discharge into the atmosphere."

And to amend the title so as to read: "An act to amend the act of July 14, 1955, relating to air pollution control, to authorize appropriations for an additional 2-year period, and for other purposes."

Mr. HUMPHREY. Mr. President, will the Senator yield to me?

Mr. KUCHEL. I yield.

Mr. HUMPHREY. Has this matter been cleared with the chairman of the committee?

Mr. KUCHEL. No; it has not. The bill came from the Committee on Public Works, but it has not been cleared with the chairman.

Mr. HUMPHREY. The Senator may go ahead and speak on the matter, and in the meantime we will check into it.

Mr. KUCHEL. Mr. President, air pollution continues to be a grave and serious problem to the health of the American people, and it is the Federal Government which must supply, and continue to supply, the leadership in the elimination of air pollution.

We supplied the legislation for that leadership 7 years ago in enacting the first Federal air pollution law in our country's history. I am glad to recall that I was the author of that law.

A year ago I introduced S. 455, to continue the responsibility of the Department of Health, Education, and Welfare, and particularly of the Surgeon General

of the United States, in the field of research with respect to air pollutants.

Under the provisions of the original act, the Surgeon General is authorized to prepare or recommend research programs and to encourage cooperative activities, collect and disseminate information, conduct and support research, and to make available to all agencies the results of surveys, studies, investigations, research, and experiments relating to air pollution and abatement. Reports of such studies as are desirable may be published from time to time by the Surgeon General, together with appropriate recommendations.

The act authorized an appropriation of $5 million annually for each of the fiscal years beginning July 1, 1955, and ending June 30, 1960.

In 1959 this act was amended to extend the air pollution control law to June 30, 1964.

As I said, the bill passed the Senate unanimously about a year ago. During the intervening months the President of the United States recommended that this legislation be adopted.

In the House of Representatives amendments were written into the bill to provide that the program should continue for 2 additional years, or until June 30, 1966; and, in addition, the House of Representatives wrote in what I think is a worthwhile feature, making it abundantly clear that the intention of the Congress with respect to the responsibility of the Surgeon General includes the following. I read, parenthetically, from section 2 of the bill as amended in the House:

> In view of the nationwide significance of the problems of air pollution from motor vehicles, the Surgeon General shall conduct studies of the amounts and kinds of substances discharged from the exhausts of motor vehicles and of the effects of the discharge of such substances, including the amounts and kinds of such substances which, from the standpoint of human health, it is safe for motor vehicles to discharge into the atmosphere.

Under existing law, the Surgeon General of the United States has entered into contracts with eleemosynary institutions and others to conduct research of this kind. Some of the research is being carried on in the State of California, and particularly in the city of Los Angeles, under a contract with the University of Southern California, by which animal life is exposed to the exhausts of automobiles and the adverse effect on animal life is measured.

This is but one of the types of experimentation conducted under the present law by which the Government of the United States is seeking to isolate air pollutants and, having isolated them, to take such steps as may be necessary to eliminate them from the air we breathe.

But, in addition to that highly important function, there is present in this country today the problem of adverse effects of air pollution on agriculture, plant life, and animal life; and there again the Surgeon General is making progress under present law. That progress needs to continue being made.

In a word, Mr. President, the House of Representatives has taken the bill which the Senate passed a year ago and has written into it provisions for a continuation of the present highly important responsibilities of the Surgeon General; and, in addition, has written out clearly that the responsibility shall include appropriate research with respect to the exhausts of motor vehicles.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. HUMPHREY. I say, most regretfully, to my friend from California, because I know of his deep interest in this matter, and of his leadership in having the legislation passed, or processed, that I have asked one of the aids of the Senate to check with the Public Works Committee and with the chairman of the committee relating to the House amendments.

I say most respectfully that I have not been able to obtain a firm answer. I understand there is a temporary "hold" on it, without any particular opposition.

I know the Senator will be cooperative. If the Senator will withdraw his request now, we will speak with the chairman of the committee. Now that the Senator has made his presentation, if we can obtain clearance, it can go through rather quickly, because I doubt whether there would be substantial opposition.

Mr. KUCHEL. I shall do so. Mr. President, I wish to say for the RECORD that I cleared this matter with the majority leader, but I say most frankly I did not clear it with the chairman of the Senate committee which originally reported my bill. Under those circumstances, I apologize to my friend.

Mr. HUMPHREY. The Senator knows that I have no objection.

Mr. KUCHEL. Yes.

Mr. HUMPHREY. I am in full support of what the Senator seeks to do. I am only serving as sort of a "watchdog" on procedural matters, to protect the rights of committees. I am sure this matter can be handled very shortly, if the Senator will withdraw his request.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the House amendments to the bill (S. 455) may be temporarily laid aside.

The PRESIDING OFFICER. The Senator withdraws his request for present consideration of the House amendments. Without objection, it is so ordered.

Subsequently the Presiding Officer laid before the Senate the amendments of the House of Representatives to the bill (S. 455) to provide for public hearings on air pollution problems of more than local significance under, and extend the duration of, the Federal air pollution control law, and for other purposes.

Mr. KUCHEL. I have talked with the distinguished Senator from Oklahoma, under whose sponsorship my bill was reported a year ago and passed. He has no objection to the Senate considering the House amendments. In fact, he will approve my request. As I said earlier, I had cleared the matter with the distinguished majority leader.

Mr. President, I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

Mr. KUCHEL. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. BURDICK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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1.1e THE CLEAN AIR ACT, DECEMBER 17, 1963

P.L. 88–206, 77 Stat. 392

AN ACT To improve, strengthen, and accelerate programs for the prevention and abatement of air pollution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 14, 1955, as amended (42 U.S.C. 1857–1857g), is hereby amended to read as follows:

"FINDINGS AND PURPOSES

"SECTION 1. (a) The Congress finds—

"(1) that the predominant part of the Nation's population is located in its rapidly expanding metropolitan and other urban areas, which generally cross the boundary lines of local jurisdictions and often extend into two or more States;

"(2) that the growth in the amount and complexity of air pollution brought about by urbanization, industrial development, and the increasing use of motor vehicles, has resulted in mounting dangers to the public health and welfare, including injury to agricultural crops and livestock, damage to and the deterioration of property, and hazards to air and ground transportation;

"(3) that the prevention and control of air pollution at its source is the primary responsibility of States and local governments; and

"(4) that Federal financial assistance and leadership is essential for the development of cooperative Federal, State, regional, and local programs to prevent and control air pollution.

"(b) The purposes of this Act are—

"(1) to protect the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population;

"(2) to initiate and accelerate a national research and development program to achieve the prevention and control of air pollution;

"(3) to provide technical and financial assistance to State and local governments in connection with the development and execution of their air pollution prevention and control programs; and

"(4) to encourage and assist the development and operation of regional air pollution control programs.

"COOPERATIVE ACTIVITIES AND UNIFORM LAWS

"SEC. 2. (a) The Secretary shall encourage cooperative activities by the States and local governments for the prevention and control of air pollution; encourage the enactment of improved and, so far as practicable in the light of varying conditions and needs, uniform State and local laws relating to the prevention and control of air pollution; and encourage the making of agreements and compacts between States for the prevention and control of air pollution.

"(b) The Secretary shall cooperate with and encourage cooperative activities by all Federal departments and agencies having functions relating to the prevention and control of air pollution, so as to assure the utilization in the Federal air pollution control program of all appropriate and available facilities and resources within the Federal Government.

"(c) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of air

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pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements or compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by Congress.

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"RESEARCH, INVESTIGATIONS, TRAINING, AND OTHER ACTIVITIES

"SEC. 3. (a) The Secretary shall establish a national research and development program for the prevention and control of air pollution and as part of such program shall—

"(1) conduct, and promote the coordination and acceleration of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, and control of air pollution; and

"(2) encourage, cooperate with, and render technical services and provide financial assistance to air pollution control agencies and other appropriate public or private agencies, institutions, and organizations, and individuals in the conduct of such activities; and

"(3) conduct investigations and research and make surveys concerning any specific problem of air pollution in cooperation

with any air pollution control agency with a view to recommending a solution of such problem, if he is requested to do so by such agency or if, in his judgment, such problem may affect any community or communities in a State other than that in which the source of the matter causing or contributing to the pollution is located; and

"(4) initiate and conduct a program of research directed toward the development of improved, low-cost techniques for extracting sulfur from fuels.

"(b) In carrying out the provisions of the preceding subsection the Secretary is authorized to—

"(1) collect and make available, through publications and other appropriate means, the results of and other information, including appropriate recommendations by him in connection therewith, pertaining to such research and other activities;

"(2) cooperate with other Federal departments and agencies, with air pollution control agencies, with other public and private agencies, institutions, and organizations, and with any industries involved, in the preparation and conduct of such research and other activities;

"(3) make grants to air pollution control agencies, to other public or nonprofit private agencies, institutions, and organizations, and to individuals, for purposes stated in subsection (a)(1) of this section;

"(4) contract with public or private agencies, institutions, and organizations, and with individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5);

"(5) provide training for, and make training grants to, personnel of air pollution control agencies and other persons with suitable qualifications;

"(6) establish and maintain research fellowships, in the Department of Health, Education, and Welfare and at public or nonprofit private educational institutions or research organizations;

"(7) collect and disseminate, in cooperation with other Federal departments and agencies, and with other public or private agencies, institutions, and organizations having related responsibilities,

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basic data on chemical, physical, and biological effects of varying air quality and other information pertaining to air pollution and the prevention and control thereof; and

"(8) develop effective and practical processes, methods, and prototype devices for the prevention or control of air pollution.

"(c)(1) In carrying out the provisions of subsection (a) of this section the Secretary shall conduct research on, and survey the results of other scientific studies on, the harmful effects on the health or welfare of persons by the various known air pollution agents (or combinations of agents).

"(2) Whenever he determines that there is a particular air pollution agent (or combination of agents), present in the air in certain quantities, producing effects harmful to the health or welfare of persons, the Secretary shall compile and publish criteria reflecting accurately the latest scientific knowledge useful in indicating the kind and extent of such effects which may be expected from the presence of such air pollution agent (or combination of agents) in the air in varying quantities. Any such criteria shall be published for informational purposes and made available to municipal, State, and interstate air pollution control agencies. He shall revise and add to such criteria whenever necessary to reflect accurately developing scientific knowledge.

"(3) The Secretary may recommend to such air pollution control agencies and to other appropriate organizations such criteria of air quality as in his judgment may be necessary to protect the public health and welfare.

"GRANTS FOR SUPPORT OF AIR POLLUTION CONTROL PROGRAMS

"SEC. 4. (a) From the sums appropriated annually for the purposes of this Act but not to exceed 20 per centum of any such appropriation, the Secretary is authorized to make grants to air pollution control agencies in an amount up to two-thirds of the cost of developing, establishing, or improving programs for the prevention and control of air pollution: *Provided*, That the Secretary is authorized to make grants to intermunicipal or interstate air pollution control agencies (described in section 9(b) (2) and (4)) in an amount up to three-fourths of the cost of developing, establishing, or improving, regional air pollution programs. As used in this subsection, the term 'regional air pollution control program' means a program for the prevention and control of air pollution in an area that includes the areas of two or more municipalities, whether in the same or different States.

"(b) From the sums available under subsection (a) of this section for any fiscal year, the Secretary shall from time to time make grants to air pollution control agencies upon such terms and conditions as the Secretary may find necessary to carry out the purpose of this section. In establishing regulations for the granting of such funds the

Secretary shall, so far as practicable, give due consideration (1) the population, (2) the extent of the actual or potential air pollution problem, and (3) the financial need of the respective agencies. No agency shall receive any grant under this section during any fiscal year when its expenditures of non-Federal funds for air pollution programs will be less than its expenditures were for such programs during the preceding fiscal year. No grant shall be made under this section until the Secretary has consulted with the appropriate official as designated by the Governor or Governors of the State or States affected.

"(c) Not more than 12½ per centum of the grant funds available under subsection (a) of this section shall be expended in any one State.

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"ABATEMENT OF AIR POLLUTION

"SEC. 5. (a) The pollution of the air in any State or States which endangers the health or welfare of any persons, shall be subject to abatement as provided in this section.

"(b) Consistent with the policy declaration of this Act, municipal, State, and interstate action to abate air pollution shall be encouraged and shall not be displaced by Federal enforcement action except as otherwise provided by or pursuant to a court order under subsection (g).

"(c)(1)(A) Whenever requested by the Governor of any State, a State air pollution control agency, or (with the concurrence of the Governor and the State air pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to air pollution which is alleged to endanger the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the air pollution control agency of the municipality where such discharge or discharges originate, to the air pollution control agency of the State in which such municipality is located, and to the interstate air pollution control agency, if any, in whose jurisdictional area such municipality is located, and shall call promptly a conference of such agency or agencies and of the air pollution control agencies of the municipalities which may be adversely affected by such pollution, and the air pollution control agency, if any, of each State, or for each area, in which any such municipality is located.

"(B) Whenever requested by the Governor of any State, a State air pollution control agency, or (with the concurrence of the Governor

and the State air pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to alleged air pollution which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate and if a municipality affected by such air pollution, or the municipality in which such pollution originates, has either made or concurred in such request, give formal notification thereof to the State air pollution control agency, to the air pollution control agencies of the municipality where such discharge or discharges originate and of the municipality or municipalities alleged to be adversely affected thereby, and to any interstate air pollution control agency, whose jurisdictional area includes any such municipality and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution is not of such significance as to warrant exercise of Federal jurisdiction under this section.

"(C) The Secretary may, after consultation with State officials of all affected States, also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) is occurring and is endangering the health and welfare of persons in a State other than that in which the discharge or discharges originate. The Secretary shall invite the cooperation of any municipal, State, or interstate air pollution control agencies having jurisdiction in the affected area on any surveys or studies forming the basis of conference action.

"(2) The agencies called to attend such conference may bring such persons as they desire to the conference. Not less than three weeks, prior notice of the conference date shall be given to such agencies.

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"(3) Following this conference, the Secretary shall prepare and forward to all air pollution control agencies attending the conference a summary of conference discussions including (A) occurrence of air pollution subject to abatement under this Act; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

"(d) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the appropriate State, interstate, or municipal air pollution control agency (or to all such agencies) that the necessary remedial action be taken. The Secretary

shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

"(e) (1) If, at the conclusion of the period so allowed, such remedial action or other action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution has not been taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a hearing board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of such hearing board and each Federal department, agency, or instrumentality having a substantial interest in the subject matter as determined by the Secretary shall be given an opportunity to select one member of such hearing board, and one member shall be a representative of the appropriate interstate air pollution agency if one exists, and not less than a majority of such hearing board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks prior notice of such hearing shall be given to the State, interstate, and municipal air pollution control agencies called to attend such hearing and to the alleged polluter or polluters.

"(2) On the basis of evidence presented at such hearing, the hearing board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the hearing board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and suitable to secure abatement of such pollution.

"(3) The Secretary shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution; to air pollution control agencies of the State or States and of the municipality or municipalities where such discharge or discharges originate; and to any interstate air pollution control agency whose jurisdictional area includes any such municipality, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution.

"(f) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

"(1) in the case of polution of air which is endangering the

health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, may request the Attorney General to bring

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a suit on behalf of the United States to secure abatement of pollution, and

"(2) in the case of pollution of air which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, at the request of the Governor of such State, shall provide such technical and other assistance as in his judgment is necessary to assist the State in judicial proceedings to secure abatement of the pollution under State or local law or, at the request of the Governor of such State, shall request the Attorney General to bring suit on behalf of the United States to secure abatement of the pollution.

"(g) The court shall receive in evidence in any suit brought in a United States court under subsection (f) of this section a transcript of the proceedings before the board and a copy of the board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability of complying with such standards as may be applicable and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

"(h) Members of any hearing board appointed pursuant to subsection (e) who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such board or otherwise engaged on the work of such board, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"(i) (1) In connection with any conference called under this section, the Secretary is authorized to require any person whose activities result in the emission of air pollutants causing or contributing to air pollution to file with him, in such form as he may prescribe, a report, based on existing data, furnishing to the Secretary such information as may reasonably be required as to the character, kind, and quantity of pollutants discharged and the use of devices or other means to

prevent or reduce the emission of pollutants by the person filing such a report. After a conference has been held with respect to any such pollution the Secretary shall require such reports from the person whose activities result in such pollution only to the extent recommended by such conference. Such report shall be made under oath or otherwise, as the Secretary may prescribe, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe, unless additional time be granted by the Secretary. No person shall be required in such report to divulge trade secrets or secret processes and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

"(2) If any person required to file any report under this subsection shall fail to do so within the time fixed by the Secretary for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business: *Provided,* That the

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Secretary may upon application therefor remit or mitigate any forfeiture provided for under this subsection and he shall have authority to determine the facts upon all such applications.

"(3) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

"AUTOMOTIVE VEHICLE AND FUEL POLLUTION

"SEC. 6. (a) The Secretary shall encourage the continued efforts on the part of the automotive and fuel industries to develop devices and fuels to prevent pollutants from being discharged from the exhaust of automotive vehicles, and to this end shall maintain liaison with automotive vehicle, exhaust control device, and fuel manufacturers. For this purpose, he shall appoint a technical committee, whose membership shall consist of an equal number of representatives of the Department and of automotive vehicle, exhaust control device, and fuel manufacturers. The committee shall meet from time to time at the call of the Secretary to evaluate progress in the development of such devices and fuels and to develop and recommend research programs which could lead to the development of such devices and fuels.

"(b) One year after enactment of this section, and semi-annually

thereafter, the Secretary shall report to the Congress on measures taken toward the resolution of the vehicle exhaust pollution problem and efforts to improve fuels including (A) occurrence of pollution as a result of discharge of pollutants from automotive exhaust; (B) progress of research into development of devices and fuels to reduce pollution from exhaust of automotive vehicles; (C) criteria on degree of pollutant matter discharged from automotive exhausts; (D) efforts to improve fuels so as to reduce emission of exhaust pollutants; and (E) his recommendations for additional legislation, if necessary, to regulate the discharge of pollutants from automotive exhausts.

"COOPERATION BY FEDERAL AGENCIES TO CONTROL AIR POLLUTION FROM FEDERAL FACILITIES

"SEC. 7. (a) It is hereby declared to be the intent of Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, to the extent practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare and with any air pollution control agency in preventing and controlling the pollution of the air in any area insofar as the discharge of any matter from or by such building, installation, or other property may cause or contribute to pollution of the air in such area.

"(b) In order to control air pollution which may endanger the health or welfare of any persons, the Secretary may establish classes of potential pollution sources for which any Federal department or agency having jurisdiction over any building, installation, or other property shall, before discharging any matter into the air of the United States, obtain a permit from the Secretary for such discharge, such permits to be issued for a specified period of time to be determined by the Secretary and subject to revocation if the Secretary finds pollution is endangering the health and welfare of any persons. In connection with the issuance of such permits, there shall be submitted to the Secretary such plans, specifications, and other information as he deems relevant thereto and under such conditions as he may prescribe. The Secretary shall report each January to the Congress the status of such permits and compliance therewith.

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"ADMINISTRATION

"SEC. 8. (a) The Secretary is authorized to prescribe such regulations as are necessary to carry out his functions under this Act. The

Secretary may delegate to any officer or employee of the Department of Health, Education, and Welfare such of his powers and duties under this Act, except the making of regulations, as he may deem necessary or expedient.

"(b) Upon the request of an air pollution control agency, personnel of the Public Health Service may be detailed to such agency for the purpose of carrying out the provisions of this Act. The provisions of section 214(d) of the Public Health Service Act shall be applicable with respect to any personnel so detailed to the same extent as if such personnel had been detailed under section 214(b) of that Act.

"(c) Payments under grants made under this Act may be made in installments, and in advance or by way of reimbursement, as may be determined by the Secretary.

"DEFINITIONS

"SEC. 9. When used in this Act—

"(a) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(b) The term 'air pollution control agency' means any of the following:

"(1) A single State agency designated by the Governor of that State as the official State air pollution control agency for purposes of this Act;

"(2) An agency established by two or more States and having substantial powers or duties pertaining to the prevention and control of air pollution;

"(3) A city, county, or other local government health authority, or, in the case of any city, county, or other local government in which there is an agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the prevention and control of air pollution, such other agency; or

"(4) An agency of two or more municipalities located in the same State or in different States and having substantial powers or duties pertaining to the prevention and control of air pollution.

"(c) The term 'interstate air pollution control agency' means—

"(1) an air pollution control agency established by two or more States, or

"(2) an air pollution control agency of two or more municipalities located in different States.

"(d) The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(e) The term 'person' includes an individual, corporation, partnership, association, State, municipality, and political subdivision of a State.

"(f) The term 'municipality' means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

"(g) All language referring to adverse effects on welfare shall include but not be limited to injury to agricultural crops and livestock, damage to and the deterioration of property, and hazards to transportation.

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"OTHER AUTHORITY NOT AFFECTED

"SEC. 10. (a) Except as provided in subsection (b) of this section, this Act shall not be construed as superseding or limiting the authorities and responsibilities, under any other provision of law, of the Secretary or any other Federal officer, department, or agency.

"(b) No appropriation shall be authorized or made under section 301, 311, or 314(c) of the Public Health Service Act for any fiscal year after the fiscal year ending June 30, 1964, for any purpose for which appropriations may be made under authority of this Act.

"RECORDS AND AUDIT

"SEC. 11. (a) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act.

"SEPARABILITY

"SEC. 12. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

"APPROPRIATIONS

"SEC. 13. (a) There is hereby authorized to be appropriated to carry out section 4 of this Act for the fiscal year ending June 30, 1964, not to exceed $5,000,000.

"(b) There is hereby authorized to be appropriated to carry out this Act not to exceed $25,000,000 for the fiscal year ending June 30, 1965, not to exceed $30,000,000 for the fiscal year ending June 30, 1966, and not to exceed $35,000,000 for the fiscal year ending June 30, 1967.

"SHORT TITLE

"SEC. 14. This Act may be cited as the 'Clean Air Act'."

SEC. 2. The title of such Act of July 14, 1955, is amended to read "An Act to provide for air pollution prevention and control activities of the Department of Health, Education, and Welfare, and for other purposes".

Approved December 17, 1963.

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1.1e(1) HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

H.R. REP. No. 508, 88th Cong., 1st Sess. (1963)

CLEAN AIR ACT

JULY 9, 1963.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. ROBERTS of Alabama, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

[To accompany H.R. 6518]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H.R. 6518) to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

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Page 7, strike out lines 8 through 17, inclusive, and insert in lieu thereof the following:

SEC. 4. (a) In any fiscal year, not to exceed $5,000,000 of the amounts authorized to be appropriated by section 12 of this Act for such fiscal year shall be available to make grants to air pollution control agencies to assist them in meeting the costs of establishing and maintaining programs for the prevention and control of air pollution. Sums available for making grants as provided in this section shall remain available for such purpose during the fiscal year for which appropriated and the succeeding fiscal year.

Page 8, line 9, strike out "equal to" and insert in lieu thereof "not to exceed".

Page 8, line 10, strike out the colon and insert in lieu thereof a period.

Page 8, strike out lines 11 through 17, inclusive, and insert in lieu thereof "In the".

Page 13, line 11, immediately after the comma, insert:

and one member shall be a representative of the Department of the Interior,

Page 21, line 15, strike out "This Act" and insert in lieu thereof the following:

[p. 1]

(a) Except as provided in subsection (b) of this section, this Act

Page 21, immediately after line 18, insert the following:

(b) No appropriation shall be authorized or made under sections 301, 311, or 314(c) of the Public Health Service Act for any fiscal year after the fiscal year ending June 30, 1964, for any purpose for which appropriations may be made under authority of this Act.

Page 21, after line 24, insert the following:

APPROPRIATIONS

SEC. 12. (a) There is hereby authorized to be appropriated to cary out section 4 of this Act for the fiscal year ending June 30, 1964, not to exceed $5,000,000.

(b) There is hereby authorized to be appropriated to carry out this Act not to exceed $20,000,000 for the fiscal year ending June 30, 1965, $30,000,000 for the fiscal year ending June 30, 1966, and $35,000,000 for the fiscal year ending June 30, 1967.

Page 22, line 2, strike out "12." and insert "13.".

HISTORY OF LEGISLATION

Air pollution is a serious national problem. It is probable that it will increase greatly, unless appropriate action is taken, owing to further industrial growth and the concentration of population in urban areas. The Nation's rapid progress in technological development has made possible a high level of material benefits for the people, but has also generated, as byproducts of such development, a high level of existing and potential problems of contamination of our environment. The pollutants come from many sources—from furnaces which heat homes, offices, and public buildings; from burning of domestic and industrial waste; from motor vehicle exhaust; from industrial processes which release chemical vapors; and from combustion of fuels for the generation of power.

Continuing research and control efforts will be necessary if major adverse effects on the public health and welfare are to be prevented. Federal, State, and local governments are spending large sums to study and control it. Industry likewise has spent many millions on research and abatement. Great progress has been made but the problem is far from solved. In fact, the blight of air pollution, especially resulting from motor vehicle exhaust gases, has become a real menace to all urban areas.

The problem of air pollution has been under consideration by the Committee on Interstate and Foreign Commerce for many years. In 1955, the committee reported favorably on the basic legislation establishing the existing Federal air pollution research and technical assistance program, which became Public Law 159 of the 84th Congress.

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In 1956, the Special Subcommittee on Traffic Safety of this committee made a study of noxious, toxic, and harmful motor vehicle exhaust fumes in connection with a comprehensive investigation of highway traffic safety. Testimony was taken and research activities of the industry were studied on visits to manufacturing plants.

Hearings have been held by the Health and Safety Subcommittee of this committee in 1958, 1959, and 1960 on various bills concerned with extension of the Federal air pollution program and on the progress being made in air pollution control, particularly with regard to motor vehicle exhausts.

In 1959, the committee reported favorably on legislation to extend the Federal air pollution program (Public Law 86-365), and in 1960 a favorable committee report was made on a bill requiring increased emphasis on research into the motor vehicle exhaust problem and a

report to Congress on the results of such investigations (Public Law 86–493).

The executive branch of Government has also recognized the air pollution problem and in 1954, at the request of President Eisenhower, the Secretary of Health, Education, and Welfare appointed an ad hoc Interdepartmental Committee on Community Air Pollution. In January 1955, the President stated in his special health message that—

> As a result of industrial growth and urban development, the atmosphere over some population centers may be approaching the limit of its ability to absorb air pollutants with safety to health. I am recommending an increased appropriation to the Public Health Service for studies seeking necessary scientific data and more effective methods of control.

President Kennedy has focused increased attention on the air pollution problem in recent years through a number of special messages to the Congress.

In his special health message on February 7, 1963, President Kennedy observed that there is overwhelming scientific evidence linking air pollution to the aggravation of heart conditions and to increases in susceptibility to chronic respiratory diseases, particularly among older people. The President pointed out that economic damage from air pollution amounts to as much as $11 billion every year in the United States, of which $500 million represents agricultural losses alone.

In making specific legislative recommendations for improvement of the Nation's air pollution control effort, the President stated:

> In the light of the known damage caused by polluted air, both to our health and to our economy, it is imperative that greater emphasis be given to the control of air pollution by communities, States, and the Federal Government. We are currently spending 10 cents per capita a year in fighting a problem which cost an estimated $65 per capita annually in economic losses alone. I therefore recommend legislation authorizing the Public Health Service of the Department of Health, Education, and Welfare—
>
> (*a*) to engage in a more intensive research program permitting full investigation of the causes, effects, and control of air pollution;
>
> [p. 3]
>
> (*b*) to provide financial stimulation to States and local air pollution control agencies through project grants which will help them to initiate or improve their control programs;
>
> (*c*) to conduct studies on air pollution problems of interstate or nationwide significance; and

(*d*) to take action to abate interstate air pollution along the general lines of the existing water pollution control enforcement measures.

COMMITTEE HEARINGS

The Subcommittee on Public Health and Safety conducted hearings on March 18 and 19, 1963, on a number of bills to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution. The bills are as follows: H.R. 4415 by Mr. Roberts of Alabama; H.R. 3507 by Mr. Fulton of Pennsylvania; H.R. 4061 by Mr. Rodino of New Jersey; and H.R. 4750 by Mr. Halpern of New York. As a result of these hearings, a clean bill was introduced by Mr. Roberts of Alabama (H.R. 6518).

PURPOSE OF LEGISLATION

This legislation would replace the Air Pollution Control Act (act of July 14, 1955, Public Law 159, 84th Cong., as amended) with a new version, a "Clean Air Act." The new act constitutes a complete revision of existing law by strengthening and making more explicit the authority of the Department of Health, Education, and Welfare with respect to its activities in air pollution research, training, and demonstrations. It is the intention of the committee that the Air Pollution Control Act as revised by this bill shall become the basic authority for appropriations for air pollution programs to be conducted by the Secretary of Health, Education, and Welfare.

In addition, two new programs are authorized: a 4-year program of Federal grants to State, regional, and local air pollution control agencies; and a program of limited Federal assistance and participation, under certain circumstances, in actions directed toward abatement of particular air pollution problems.

APPROPRIATIONS AUTHORIZED

For fiscal 1964 not to exceed $5 million is authorized to be appropriated for grants to air pollution control agencies under the new grant program. This authorization, together with the proposed appropriations of approximately $13 million for fiscal 1964 under existing law, would bring the total authorized appropriations to approximately $18 million for fiscal 1964. For fiscal 1965, not to exceed $20 million; for fiscal 1966, not to exceed $30 million; and for fiscal 1967 not to exceed $35 million are authorized to be appropriated to carry out the provisions of the act, of which not to exceed $5 million in any fiscal year shall be available for grants to air pollution control agencies.

EXISTING LAW AND PRESENT PROGRAMS

The existing authority of the Department of Health, Education, and Welfare with respect to air pollution is derived primarily from the Air Pollution Control Act, Public Law 159, 84th Congress, approved July 14, 1955, as amended.

This act authorizes a program of research and technical assistance to obtain data and to devise and develop methods for control and abatement of air pollution by the Secretary of Health, Education, and Welfare and the Surgeon General of the Public Health Service. The act recognizes the primary responsibilities and rights of the States and local governments in controlling air pollution, but authorizes Federal grants-in-aid to air pollution control agencies to assist them in the formulation and execution of their research programs directed toward abatement of air pollution.

Under the provisions of the act, the Surgeon General is authorized to prepare or recommend research programs; encourage cooperative activities by State and local governments; conduct studies and research and make recommendations with respect to any specific problem of air pollution, if requested; conduct research and make grants for research, training, and demonstration projects; and to make available to all agencies the results of surveys, studies, and investigations, research, and experiments relating to air pollution and abatement.

Public Law 86–493, approved June 8, 1960, directed the Surgeon General of the Public Health Service to conduct a thorough study of motor vehicle exhaust as it affects human health through the pollution of air. A report on this study was published as House Document 489. In 1962, the Air Pollution Control Act was amended by Public Law 87–761 so as to make permanent the requirement that the Surgeon General conduct studies relating to motor vehicle exhaust. The act was further amended so as to authorize appropriations to carry out the act until June 30, 1966. A summary of the air pollution programs conducted by the Public Health Service under these authorizations is set forth in the committee's 1962 report on extending the Air Pollution Control Act (Rept. 2265, 87th Cong).

Although the Air Pollution Control Act, as amended, constitutes the basic authority for the Department's activities in the field of air pollution, sections 301 and 311 of the Public Health Service Act have also been utilized as a basis for appropriations to support these activities. Section 301 is the basic section of the Public Health Service Act with respect to the Surgeon General's authority relative to research, research training, and related functions; section 311 is the basic section authorizing Federal-State cooperation and technical assistance. In addition, section 314(c) of the Public Health Services Act authorizes

grants to States, counties, etc., to assist in establishing and maintaining adequate public health services, including grants for demonstrations and for training of personnel for State and local health work. Although the committee is advised that section 314(c) has not in fact been used as a basis for grants to support public health activities primarily related to air pollution, it would appear not to preclude grants for that purpose.

The existing Air Pollution Control Act authorizes appropriations of $5 million annually for each of the fiscal years beginning July 1, 1955, and ending June 30, 1966. Under that act and sections 301 and 311 of the Public Health Service Act, approximately $2,000,000 was ex-

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pended in 1955 for air-pollution research and technical assistance; $1.7 million during fiscal year 1956; $2.7 million for 1957; $4 million for each of 1958 and 1959; $4.3 million for 1960; $6 million for 1961; $8.4 million for 1962; $11 million for 1963; and for fiscal year 1964 it is anticipated expenditures will approximate $13 million, exclusive of the $5 million for 1964 authorized under the new grant program proposed in this legislation.

The committee has amended the bill to provide appropriations ceilings for fiscal 1965, 1966, and 1967. In order to insure the effectiveness of these ceilings, the committee has also provided that no appropriation shall be authorized or made under section 301, 311, or 314(c) of the Public Health Service Act for any fiscal year, after the fiscal year ending June 30, 1964, for any purpose for which appropriations may be made under authority of this legislation. However, as discussed later in this report, the committee does not intend that this restriction operate to prohibit appropriations under other provisions of law for activities which may be only peripherally concerned with air pollution.

SUMMARY OF LEGISLATION

FINDINGS AND PURPOSE

Section 1 of the proposed revision of existing law is a statement of findings on the part of Congress necessitating the enactment of this legislation and a statement of the purposes of the legislation. This is essentially an expansion and clarification of the provisions of section 1 of existing law.

COOPERATIVE ACTIVITIES AND UNIFORM LAWS

Subsections (a) and (c) of section 2 of the proposed revision of existing law are essentially the same as the provisions of section 3 of the Federal Water Pollution Control Act.

Subsection (b) of section 2 requires that the Secretary cooperate with all Federal departments and agencies to assure the Federal air pollution control program of all available Federal facilities and resources.

RESEARCH, INVESTIGATION, TRAINING, AND OTHER ACTIVITIES

This section is a revision of section 2 of existing law and is essentially modeled after section 4 of the Federal Water Pollution Control Act. Briefly, it requires the Secretary to establish a national research and development program for prevention and control of air pollution, and for that purpose to conduct research, render technical service, and conduct investigations and research if requested to do so by appropriate air pollution control agencies, or if he deems the problems of air pollution of national significance; and in addition, to conduct studies relating to motor vehicle exhausts and to the effect of the discharge of such exhausts on human health and the determination of standards of safety for such discharge. For these purposes the Secretary is authorized to collect and make available information on the subject, to cooperate with all interested public and private agencies and institutions, to make grants for research, training, and demonstrations; to introduce controls, to provide training for personnel, to establish

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research fellowships, to collect and disseminate basic data on chemical, physical, and biological air quality and other information; to develop effective practical processes, methods, and prototype devices for the prevention or control of air pollution; and to establish criteria of air pollution.

GRANTS

Section 4 proposes that not more than $5 million of the total amount authorized to be appropriated by section 12 for any fiscal year shall be available to make grants to air pollution control agencies to help meet the cost of establishing and maintaining programs for the prevention and control of air pollution. These sums are to be allotted to the several States on the basis of population, the extent of the air pollution problem, and the financial need of the State. From each State's allotment the Secretary is authorized to make grants to air pollution control agencies in an amount not to exceed two-thirds of the cost of establishing and maintaining a particular air pollution prevention or control program. The grants are to be made in accordance with such terms and conditions as the Secretary finds necessary to carry out this section. Provision is also made for the reallotment of

those allotments not obligated because of insufficient approvable applications.

The principal focus of any nationwide program to develop an effective air pollution prevention and control effort must be the establishment and strengthening of agencies in the States and the larger municipalities. The committee has long emphasized that the prevention and control of air pollution at its source is the primary responsibility of States and local governments.

Studies by the Public Health Service indicate that all communities in the United States having a population greater than 50,000 and about 40 percent of the communities in the 2,500 to 50,000 brackets, have air pollution problems. Only 17 States with air pollution programs expend more than $5,000 per year. Approximately $2 million was spent by these States in 1961, of which more than half was spent by the State of California.

In 1961, local air pollution control agencies spent approximately $8.2 million. A survey by the Public Health Service found that about 6,000 communities have air pollution problems of varying degrees for which active control programs should be initiated or strengthened. Of the 218 urban places with more than 50,000 population having major or moderate air pollution problems, only about one-half are served by an air pollution control agency.

The objective of the grant program is to provide impetus to the establishment and improvement of air pollution prevention and control programs in the States and local communities, not to provide a substitute for State and local funds. The committee is aware of the contention often made with respect to programs of Federal grants-in-aid that such financial assistance stifles local initiative and results in dependence on continuing Federal support. The committee considers that this argument could not apply to this program. The relatively modest amounts authorized to be appropriated for this purpose, together with the State allotment formula and matching provisions of the bill, will operate, in the committee's opinion, to encourage, not discourage, local effort in financing new or expanded

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programs, or the improvement of existing programs. The committee would expect the regulations of the Department with respect to the grant program to be designed to carry out this objective.

Under the provisions of the bill, the Secretary would be authorized to make grants directly to local air pollution control agencies, without prior State approval. The committee would expect, however, that in the administration of this program, the Department will take precautions to insure that a grant will be made only after appropriate

consideration has been given to the views of the State air pollution control authority (where such a State authority exists) with respect to the particular program for which a grant is sought. This procedure would assure, to a greater degree, that the objective of a planned and coordinated statewide program would be achieved most efficiently and economically.

ABATEMENT OF AIR POLLUTION

Section 5 establishes the manner for abating air pollution. In substance it is quite similar to the comparable provisions in section 8 of the Federal Water Pollution Control Act.

Subsection (c)(1)(A) of section 5 establishes the procedure for the initiation of a conference on an air pollution problem when there is interstate pollution involved. Subsection (c)(1)(B) establishes procedures for the initiation of a conference in the case of an intrastate air pollution problem. Subsection (c)(1)(C) authorizes the Secretary to call a conference in the case of interstate air pollution on his own initiative. After the conference the Secretary must allow at least 6 months for any remedial action which he recommends to be taken. Thereafter, if the recommended remedial action is not taken, he may call a public hearing before a hearing board appointed by him after notice to the interested parties. The hearing board, after the hearing, may recommend to the Secretary measures to secure abatement of the pollution and the Secretary may send such recommendations to the interested parties together with a notice specifying a reasonable time (but not less than 6 months) to secure abatement of the air pollution. If, after the expiration of the time set by the Secretary to secure abatement, such abatement measures have not been taken, the Secretary, in the case of intrastate pollution, shall send the findings and record of the hearing together with his finding that action reasonably calculated to secure abatement has not been taken, to the Governor and the attorney general of such State, and at their request, may provide technical and other assistance to assist the State in judicial proceedings to secure abatement. In the case of interstate air pollution the Secretary may request the Attorney General to bring a suit on behalf of the United States to secure abatement. He shall not make such a request until he receives a certification from the Governor of each State wherein the health and welfare of individuals are being endangered by air pollution (other than the State in which the discharge or discharges causing or contributing to such pollution originate) that such Governor has made a good faith effort to enter into an agreement or compact with the State causing the pollution to secure abatement thereof and has been unable to secure such agreement or

compact. The court is given jurisdiction to render such judgment and orders as the public interest and equity of the case may require.

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The purpose of this section is to provide authority for limited Federal participation and assistance, under certain circumstances, in actions directed toward abatement of particular air pollution problems.

The committee is impressed with the seriousness of the air pollution problem and the need for more effective control of pollution as an important measure for preserving the public health and welfare.

The committee, however, wishes to clearly reaffirm its adherence to the policy that primary responsibility for regulatory control of air pollution is and should remain with duly constituted State and interstate authorities. It is well established that the protection of the health and welfare of the citizens of a State is a proper subject for the exercise of the State police power. Nevertheless, it is the committee's opinion that there is a real need for limited Federal assistance designed to encourage and foster cooperative efforts on the State and local levels in delineating the scope and nature of particular problems and in finding solutions to those problems. The bill provides specifically for cooperation with the States, and the conference and hearing procedures authorized are intended to encourage and assist States and local communities in their efforts to control air pollution, not to usurp or preempt their rights, powers, or responsibilities in this field.

With respect to interstate pollution, i.e., where pollution originating in one State affects the health and well-being of the people of another State, the Secretary may request institution of Federal court action but only after the prior administrative procedures have been exhausted and only upon condition that the certification requirement described above has been met. The committee believes that the procedures provided constitute a reasonable balance between the primary rights of the States to control air pollution within their boundaries and the rights of States seriously affected by pollution from another State to have available to them a practical remedy.

REQUIREMENTS OF REPORT

Section 6 authorizes the Secretary to require any person whose activities causing or contributing to air pollution have been the subject of a conference under section 5 to file certain reports with respect to times and quantities of pollutants discharged and the use by such person of various devices and means to prevent or reduce that pollution. This information is to be considered confidential for the purposes, of title 18, United States Code, section 1905. Failure to file such

a report subjects the person in default to forfeit $100 a day to the United States to be recoverable in a civil action. The Secretary may remit or mitigate any such forfeiture.

COOPERATION OF FEDERAL AGENCIES

Section 7 requires all Federal departments and agencies to cooperate with the Department of Health, Education, and Welfare and with air pollution agencies in controlling air pollution discharges from any Federal building, installation, or property.

ADMINISTRATION

Section 8 contains the usual provisions with respect to the administration of the law.

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DEFINITIONS

Section 9 defines various terms used in the act, including "air pollution control agency," "State," "person," and "municipality."

OTHER AUTHORITY

Subsection (a) of section 10 provides that the act shall not be construed as superseding or limiting the responsibilities and authorities of the Secretary of Health, Education, and Welfare or of any other Federal officer, department, or agency under any provision of law, except to the extent provided in subsection (b) of this section 10.

Subsection (b) of section 10 prohibits any appropriation from being authorized or made under sections 301, 311, and 314(c) of the Public Health Service Act for the fiscal year beginning July 1, 1964, and for any subsequent fiscal year, for any purpose for which appropriations may be made under authority of this act. The purpose of this subsection is to insure that this act will become the basic authority for appropriations by the Federal Government for all air pollution programs. Obviously, in the case of programs which may be peripherally concerned with air pollution, the committee does not intend that onerous bookkeeping requirements be established to allocate to the penny on a strict cost-accounting basis the air pollution aspects of those programs, but it does intend that this legislation become the authority for appropriations for all air pollution programs, in order that the legislative committees of Congress may have, to an extent which they presently do not have, a fuller understanding and control of the true cost to the Federal Government of these air pollution programs.

SEPARABILITY

Section 11 contains the usual separability clause.

APPROPRIATIONS

Subsection (a) of subsection 12 authorizes an appropriation of not more than $5 million for the fiscal year ending June 30, 1964, to carry out the grant program established by section 4 of the act. Subsection (b) of section 12 authorizes appropriations of up to $20 million for the fiscal year 1965, $30 million for the fiscal year 1966, and $35 million for the fiscal year 1967. These amounts represent the maximums authorized to be appropriated and will permit Congress periodically to reexamine the Federal air pollution programs to determine future public policy in this area.

SHORT TITLE

Section 15 authorizes the short title of "Clean Air Act" for this legislation.

Section 2 of the bill amends the formal title of the act of July 14, 1955, to make it more accurate as a result of the amendments made by this legislation.

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AGENCY REPORTS

The reports of the various executive agencies on several of the bills on which hearings were held as a result of which a clean bill, H.R. 6518, was introduced, are as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
March 15, 1963.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request of March 9, 1963, for a report on H.R. 4415, a bill "to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution," and your request of February 22, 1963, for a report on H.R. 3507, a similar bill "to accelerate, extend, and strengthen the Federal air pollution control program." This report also covers H.R. 4061, which is identical with H.R. 3507.

These bills would amend the act of July 14, 1955, as amended (42 U.S.C. 1857–1857g), to replace that act with a new version, a "Clean Air Act," which would provide for an increased and intensified research, investigation, and training program; would add new authority

for financial grants to air pollution control agencies for establishing and maintaining air pollution control programs; and would provide new authority for action to abate air pollution. The major provisions of the bills are summarized below:

H.R. 4415 would authorize the Secretary of Health, Education, and Welfare to establish a national research and development program for the prevention and control of air pollution, including a directive to study air pollution deriving from motor vehicle exhausts, and providing, among other things, authority to develop processes, methods, and prototype devices for the prevention or control of air pollution; to recommend criteria for air quality; to provide training; and to collect and disseminate basic data.

The bill would also authorize a 5-year program of grants to State, local, or regional air pollution control agencies for the establishment or support of air pollution control programs. For this purpose, $5 million would be authorized to be appropriated for fiscal year 1964, $6 million for each succeeding fiscal year to and including fiscal year 1967, and $7 million for fiscal year 1968. Appropriations would be allotted among the States on the basis of population, extent of the air pollution problem, and financial need of the respective States (measured by per capita income). Funds not obligated by the end of the fiscal year for which they are allotted would be reallotted by the Secretary. From each State's allotment, the Secretary would make grants to air pollution agencies in an amount equal to two-thirds of the cost of establishing and maintaining programs for the prevention and control of air pollution, except that in the case of regional air pollution control programs which meet criteria established by the Secretary, in regulations, as necessary for the effective control of air pollution in the area, grants would be in an amount equal to three-fourths of the cost of establishing and maintaining the programs. (Provision is made for grants to interstate air pollution control agencies to be made from allotments of the constituent States.)

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As a part of the national research and development program for the prevention and control of air pollution, the Secretary would be authorized to conduct investigations, research, and make surveys concerning any specific problem of air pollution confronting any air pollution control agency, if he is requested to do so by such agency, or if, in his judgment, the problem is interstate in nature or of nationwide significance. He would also be authorized to make recommendations for the solution of such problems.

In addition, the bill would authorize the Secretary to take action to

abate interstate air pollution along the general lines of the existing water pollution control enforcement measures. In the case of air pollution which is endangering the health or welfare of persons in a State other than that in which the discharge originates, the Secretary would call a conference of the local and other air pollution control agencies of the States and areas involved either at the request of the Governor of a State, a State air pollution agency, or a municipality (with the concurrence of the State), or on his own initiative. Following the conference, if the Secretary believes that effective progress is not being made toward abatement and that the health or welfare of any person is being endangered, he would be required to recommend appropriate remedial action. If after 6 months appropriate remedial action has not been taken, the Secretary would be required to call a public hearing before an ad hoc hearing board of five or more persons appointed by him. Each State involved would be given an opportunity to choose one member of the board; one member would be a representative of the Department of Commerce; and at least a majority of the board would be persons other than officers and employees of the Department of Health, Education, and Welfare. The board would make findings as to whether pollution is occurring and whether effective progress toward abatement is being made, and would recommend to the Secretary appropriate abatement measures. The findings and recommendations of the board would be sent to those causing or contributing to the pollution and to the control agencies concerned, with a notice specifying a reasonable time (not less than 6 months) to secure abatement of such pollution. If appropriate action is not taken in the specified time, the Secretary would be authorized to request the Attorney General to bring suit on behalf of the United States to secure abatement of the pollution.

In the case of intrastate air pollution, the Secretary would call a conference either upon the request of the Governor, the State air pollution agency, or a municipality (with the concurrence of the State agency). However, if a municipality has not made the request, then the concurrence of a municipality involved—i.e., the municipality where the pollution originates, or a municipality affected by the pollution—would be required. The Secretary would, however, not call such a conference if, in his judgment, the effect of such pollution is not of such significance as to warrant exercise of Federal jurisdiction. The same procedural steps as those involved in the case of interstate pollution would be provided up to and through the hearing stage. Enforcement, however, would remain with the State concerned. The Secretary would send the findings and recommendations to the Governor and the attorney general of the State, and, if requested by the

Governor or attorney general, would provide technical and other assistance necessary to assist the State in judicial proceedings to secure abatement of the pollution under State or local law.

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A person whose air pollution activities have been the subject of a conference under the above-described provisions could be required by the Secretary to file a report furnishing such information as may be reasonably required as to the pollutants involved and as to the use of pollution control devices, and failure to furnish such information within the required time would, if such failure continues for 30 days after notice of default, give rise to a forfeiture of $100 per day recoverable by civil suit. (This provision is patterned on a similar one in the Federal Trade Commission Act.)

One other provision of the bill deserves mention. It would provide that research supported under the authority of the bill shall be provided for in such a manner that all patents, processes, products, uses, and information resulting therefrom will "be available to the general public." It is specifically provided that this section is not to be construed to deprive the owner of any background patents of his rights thereunder.

The need for a Federal program in air pollution control sufficiently augmented and reconstituted to deal effectively with the national responsibilities in this field was outlined by President Kennedy in his 1963 health message, presented to the Congress on February 7. The President called for legislation in four broad areas of activity. He asked the Congress for authority (*a*) to engage in a more intensive research program permitting full investigation of the causes, effects and control of air pollution; (*b*) to provide financial stimulation to States and local air pollution control agencies through project grants which will help them to initiate or improve their control programs; (*c*) to conduct studies on air pollution problems of interstate or nationwide significance; and (*d*) to take action to abate interstate air pollution along the general lines of the existing water pollution control enforcement measures.

The bill would provide the authorities requested by the President, and we are in full accord with its objectives and, in most respects, with the specific provisions to carry out those objectives. However, the provisions of section 4, relating to grants for the support of air pollution control programs, are in need of revision in certain respects.

In the first place, the requirement that grants under this section be made for meeting a specified portion of the cost of establishing and maintaining programs for prevention and control of air pollution appears to imply continuing support which would apply to existing as

well as new programs, and would embrace the entire program of a recipient agency until the end of the last fiscal year for which appropriations are authorized. This seems incompatible with the appropriation ceiling coupled with other fiscal requirements of the section. Even at the present level of State and local expenditures, the proposed annual appropriation authorization would be insufficient to meet the required two-thirds (or in the case of regional programs) three-fourths of the maintenance costs of existing programs. (Currently throughout the Nation, States and local government agencies are expending more than $10 million annually in maintaining existing programs.) No provision is made in the bill for prorating of grants in the event of insufficient total appropriations.

There is, moreover, considerable disparity among and within the States in their air pollution control problems and needs, and great variation in the present readiness of States and communities to develop or improve programs for air pollution control. The vital need at

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this early stage, as indicated in the President's message, is for flexible authority to apply the limited Federal grant appropriations toward stimulation of air pollution control programs by giving support to the initiation of such programs where they do not now exist, and to the expansion and improvement of programs now in being, rather than furnishing continuing and programwide grant support of ongoing programs. To this end, we recommend that the Secretary be authorized to make grants (of limited duration), within the appropriation ceilings stated in the bill, to assist in meeting up to two-thirds (or up to three-fourths in the case of regional projects) of the cost of projects for the initiation, expansion, or improvement of air pollution control programs, rather than the cost of "maintaining" such programs.

In the second place, a statutory allotment provision such as that contained in the bill, which envisions distribution of funds according to formula, is not, at this stage, well suited to the accomplishment of these objectives. Such a provision would probably result in allotment of sums where they are not needed and later reallotment, with a year's delay in each instance. We therefore recommend deletion of the allotment provisions of the bill, and insertion of a paragraph directing the Secretary, in acting upon applications for grants, to take into consideration the desirability of an equitable geographical distribution of projects (giving due weight to the extent of the air pollution problem in various areas of the Nation and other relevant factors). We feel that these changes, and the larger Federal share for regional projects as an incentive for collaborative action by two or more States or municipalities, would make possible the most effective distribution of

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limited Federal funds and would assure that Federal aid would be directed toward those projects which are most directly related to the national objectives of the program.

We would also suggest amendment of section 3(a)(3) of the bill to make clearly discretionary the provision which authorizes the Secretary, if requested by an air pollution control agency, to conduct investigations and research or make surveys concerning any specific problem of air pollution confronting that agency. This could be done by inserting on page 4, line 24 of the bill, after the word "agency," the phrase "and in the judgment of the Secretary such problem is of sufficient significance."

With respect to the intrastate abatement provisions in subsection (c)(1)(B) of section 5 of the bill, we recommend changing the word "shall" in line 16, page 11, to "may" thus giving the Secretary flexibility and discretion in determining when to call a conference, so that he could take into consideration not only the significance of the air pollution problem but the extent to which the State and local agencies have attempted to exercise their authorities under appropriate State and local law.

Most of the provisions of H.R. 3507 and H.R. 4601 are identical with, or very similar to, those of H.R. 4415 and the comments and recommendations we have made above would apply to them as well. We would, however, call your attention to the major differences between the bills.

Instead of the 5-year program of grants for the support of air pollution control programs authorized in H.R. 4415, a 10-year program would be authorized in H.R. 3507 and H.R. 4601, with appropriation authorizations varying between $5 and $7 million the first 5 years and going to $10 million for each of the last 3 years of the program.

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We prefer the 5-year authorization of H.R. 4415 as being more appropriate for a new grants program and offering a timely opportunity for congressional review after a reasonable period of experience under the new program.

H.R. 3507 and H.R. 4601 would authorize the Secretary to establish, equip, and maintain regional field laboratory and research facilities for the conduct of research and training relating to the prevention and control of air pollution. This authority is not at the present time necessary to carry out the research and training responsibilities under these bills.

H.R. 3507 and H.R. 4601 would establish an Air Pollution Control Advisory Board, consisting of the Secretary and nine members appointed by the President, to advise and make recommendations to

the Secretary on matters of policy relating to his functions under the act. We believe it preferable, however, to provide authority to establish by executive action such advisory committee or committees as the Secretary, from time to time, may deem appropriate to the circumstances rather than using the more rigid statutory approach.

H.R. 3507 and H.R. 4601 would authorize the Secretary, when action to secure abatement of an intrastate problem is not taken following a hearing thereon, and with the written consent of the Governor of the State concerned, to request the Attorney General of the United States to bring suit on behalf of the United States to secure abatement of the pollution. We prefer the enforcement provisions included in H.R. 4415 which limit the Secretary's action in such cases to notifying the State and, at its request, to render technical or other assistance to the State in judicial proceedings to secure abatement of the pollution under State or local law.

In brief, while the provisions of these bills are parallel in most respects, and they would effectively implement the recommendations in the President's health message, we prefer the provisions of H.R. 4415 and accordingly recommend its enactment with the modifications indicated above.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

(Signed) ANTHONY J. CELEBREZZE,
Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 18, 1963.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR MR. HARRIS: This responds to your request for the views of this Department on H.R. 4415, a bill to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution.

We recommend enactment of the bill but recommend that it be amended as suggested below.

As the title of the bill states, it is intended to improve, strengthen, and accelerate programs for the prevention and abatement of air

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pollution. The bill provides for air pollution prevention and technologi-

cal source control activities within the Federal Government wherever these can be provided by available resources. The Department of the Interior has been active in air pollution abatement research and investigations since before 1912, in which year its Bureau of Mines published three bulletins on causes and means of preventing smoke emissions from coal-burning equipment. Publications followed shortly that recorded work of the Bureau of Mines on control of fumes from metallurgical processes and on developing adequate ventilation standards for automotive vehicular tunnels. Through the years that followed until mid-1954, during which period the major assigned Federal responsibilities regarding air pollution were concentrated within this Department, a long and impressive list of achievements and their documenting publications was developed by the Bureau of Mines.

Since 1955, this Department has been pleased to cooperate, through its Bureau of Mines, in the Federal air pollution abatement program that became a primary responsibility of the Public Health Service under Public Law 84–159. The Bureau of Mines air pollution interests center around technologic developments for the control of the sources of pollution which result from the production, processing, and utilization of minerals, mineral fuels, and their products. Bureau research on automobile and diesel engine exhaust has materially contributed to the knowledge on this subject. Research on the problem of reducing air pollution from thermal powerplants and other industrial, fuel-burning installations has provided much needed new information on the development of economic means for reducing the concentration of sulfur dioxide and oxides of nitrogen in the effluent gases from the stack.

We favor the enactment of H.R. 4415 because we believe there is a need for increased emphasis on air pollution abatement and because the bill provides the means and encouragement for the Secretary of Health, Education, and Welfare to utilize fully the resources available to him from agencies such as our own that have much to offer to the Federal program of air pollution abatement.

Section 5(e)(1) provides for a public hearing to be held in or near one or more of the places where the discharge or discharges causing or contributing to pollution originate, before a hearing board of five or more perons appointed by the Secretary of Health, Education, and Welfare. This section also provides that at least one member of the hearing board shall be a representative of the Department of Commerce. Because operations involving production, processing, or utilization of mineral substances are major sources of air pollution, we believe that in many hearings this Department should be represented on the hearing board. We recognize that other Federal agencies may

also have a similar need, and we recommend that the bill be amended as follows:

On page 13, lines 7–9, delete "at least one member shall be a representative of the Department of Commerce," and substitute "and each Federal agency that has a substantial interest in the subject matter shall be given an opportunity to select one member of such hearing board,".

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The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

JOHN M. KELLY,
Assistant Secretary of the Interior.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, March 25, 1963.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN HARRIS: This is in response to your request for our comments on H.R. 4415, a bill to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution.

In his health message to the Congress last month the President called attention to the compelling need for greater emphasis on the control of air pollution by the local communities, States, and Federal Government. Evidence linking air pollution with the aggravation of certain illnesses, and the annual costs from an economic standpoint totaling about $11 billion were cited in the message as making action imperative.

We strongly urge the enactment of legislation in line with the recommendations of the President in his health message. However, we defer to the Department of Health, Education, and Welfare as to the specific provisions which such legislation should contain.

The Bureau of the Budget advises that there is no objection to the submission of this report from the standpoint of the administration's program.

Yours sincerely,

W. WILLARD WIRTZ,
Secretary of Labor.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., March 19, 1963.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives.

DEAR MR. CHAIRMAN: This is in reply to your requests for comments on H.R. 3507 and H.R. 4415, bills to strengthen the air pollution control program.

This Department favors the enactment of legislation for this purpose. The bills would authorize the Secretary of Health, Education, and Welfare to engage in a more intensive national research program permitting full investigation of the causes, effects, and control of air pollution through encouragement of State and local cooperation with Federal departments and agencies. Additionally, the bills provide for grants to air pollution control agencies to assist them in meeting the costs of establishing and maintaining their programs.

This Department has a direct interest in the abatement of air pollution as it affects human health. Additionally, individuals who produce, handle, process, and market farm and forest products,

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including animals, crop plants, and forest trees upon which this country depends for food, fiber, shelter, and other materials, are affected adversely by air pollutants. Adverse effects include not only the impairment of health and comfort to the individual, but also normal growth and development of farm animals and plants, and of forest trees.

Air pollution, especially from effluents containing fluorine, sulfur, and other compounds and combustion products, has been demonstrated to cause extensive crop, livestock, and forest damage. This Department has authority and will undertake such research and other appropriate action in the abatement of air pollution affecting agriculture as the relative importance of such problems make it necessary to include funds for them in budget requests.

The Bureau of the Budget advises that enactment of legislation along the lines of H.R. 4415 would be in accord with the program of the President.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., March 26, 1963.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of March 9, 1963, for comments on H.R. 4415, a bill "to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution," and your request of February 22, 1963, for comments on H.R. 3507, a similar bill, "to accelerate, extend, and strengthen the Federal air pollution control program."

These bills would replace the act of July 14, 1955, as amended (42 U.S.C. 1857–1857g), with a new act which is to be known as the Clean Air Act. This new act provides authority for (1) intensified research, investigation, and training programs; (2) financial grants to State municipal, and other air pollution control agencies; and (3) Federal action to abate interstate air pollution and, under certain conditions, to provide assistance to States and municipalities in the abatement of intrastate air pollution.

On February 7, 1963, the President sent to the Congress a special message on improving American health, which called for the enactment of new legislation to strengthen and intensify Federal air pollution control efforts in four broad areas, as follows:

> "(*a*) To engage in a more intensive research program permitting full investigation of the causes, effects, and control of air pollution
>
> "(*b*) To provide financial stimulation to States and local air pollution control agencies through project grants which will help them to initiate and improve their control programs.
>
> "(*c*) To conduct studies on air pollution problems of interstate or nationwide significance.

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> "(*d*) To take action to abate interstate air pollution, along the general lines of the existing water pollution control enforcement measures."

Both bills, H.R. 4415 and H.R. 3507, appear to be generally responsive to the needs in this field as outlined by the President. In his report to you on these bills, the Secretary of Health, Education, and Welfare has indicated the reasons for generally preferring the provisions of H.R. 4415 to those of H.R. 3507. The Bureau of the Budget concurs in the report of the Secretary of Health, Education, and Welfare and, for the reasons stated in the Secretary's report, believes that H.R. 4415 more appropriately meets the needs in this field.

We wish to call your attention specifically to section 4 of H.R. 4415, which authorizes grants for support of air pollution control programs. The report of the Secretary of Health, Education, and Welfare recommends a substantial revision of this section, since it authorizes a formula grant program for providing continuing support of air pollution control agencies rather than project grants to initiate and improve such programs, as called for by the President.

It is our view that Federal grants to State and local air pollution control agencies should be to initiate, stimulate, and improve air pollution control programs in those areas with the greatest need and problem. The bill rightly recognizes the primary responsibility of States and municipalities for the prevention and control of air pollution. Since there is considerable disparity among the States and localities both as to the seriousness of the air pollution problem and their efforts to deal with the problem, the objective of a Federal grant program at this time should be to provide short-term assistance directed toward initiating or strengthening control programs in those States and localities which have the most severe air pollution problems. We, therefore, recommend the following: (1) That section 4 be amended to provide for Federal project grants of limited duration for the purpose of initiating or strengthening air pollution control programs; (2) that authority be provided so that these grants could be made on a flexible basis, with provision that the Federal Government could match up to 66 percent of new project costs on State or local projects, and that special financial incentives could be provided for regional air pollution control programs which meet criteria established by the Secretary; and (3) that Federal grant support be provided on a declining basis over the duration of the projects in order to facilitate the gradual assumption of financial support for the control programs by the States and localities.

We have one further specific comment to make on H.R. 4415. The last sentence of subsection (c) of section 6 (which provides for certain reports to be made to the Secretary in enforcement cases and spells out the penalties for failure to make such reports) states that "The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States." Since executive powers are to be exercised under this subsection, it would be inappropriate for the courts to bear the costs and expenses of carrying out this function. On this basis, we recommend deletion of this sentence.

The effect of this proposed deletion would be that any costs and expenses resulting from subsection (c) would be paid from appropriations to the Department of Justice.

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Subject to the above considerations, you are advised that legislation along the lines of H.R. 4415 would be in accord with the program of the President.

Sincerely yours,

(Signed) PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE,
Washington, D.C., March 20, 1963.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your requests for the views of this Department concerning H.R. 3507 and H.R. 4415, bills to extend, accelerate, and strengthen air pollution prevention and control programs.

The President in his message of February 7, 1963, to the Congress relative to the health program recognized the damage caused by air pollution to the health and economy of our country, and stressed that greater emphasis be given to air pollution control by communities, States, and the Federal Government. He made the following recommendation:

"I therefore recommend legislation authorizing the Public Health Service of the Department of Health, Education, and Welfare—

"(*a*) To engage in a more intensive research program permitting full investigation of the causes, effects, and control of air pollution;

"(*b*) To provide financial stimulation to States and local air pollution control agencies through project grants which will help them to initiate or improve their control programs;

"(*c*) To conduct studies on air pollution problems of interstate or nationwide significance; and

"(*d*) To take action to abate interstate air pollution along the general lines of the existing water pollution control enforcement measures."

We have reviewed the subject bills and both appear to implement the recommendation of the President. The major differences in the bills concern the extent and duration of the grant programs and the provisions relating to enforcement measures against air pollution. Also, H.R. 3507 would provide for the establishment in the Department of Health, Education, and Welfare of an Air Pollution Control Advisory Board composed of the Secretary of HEW as Chairman and nine non-Government members to be appointed by the President.

This Department has consistently supported a vigorous Federal

program in air pollution since its inception in 1955. Both the Weather Bureau and the National Bureau of Standards have direct interests in air pollution programs. Accordingly, we favor enactment of legislation such as H.R. 3507 and H.R. 4415. However, since the Department of Health, Education, and Welfare would be responsible for the administration of such legislation, we would defer to their views as to which bill would provide the most effective implementation of the President's recommendation.

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We do offer for your consideration the following specific comment concerning these bills:

Section 3(b)(7) of both bills relating to research, investigation, training, and other activities should be clarified to insure the most efficient use of Federal competence. We suggest this section be revised to read:

> "(7) collect and disseminate, in cooperation with other Federal departments and agencies, *and using the facilities of such departments and agencies where suitable*, and with other public or private agencies, institutions, and organizations having related responsibilities, basic data on chemical, physical, and biological air quality and other information pertaining to air pollution and the prevention and control thereof;".

The Bureau of the Budget advised there would be no objection to the submission of this report to the committee.

Sincerely,

ROBERT E. GILES.

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington, D.C., March 20, 1963.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of Defense with respect to H.R. 3507 and H.R. 4415, 88th Congress, bills relating to air pollution control.

The purpose of the bills is to extend and strengthen the Federal air pollution control program.

In his message of February 7, 1963, relative to a health program, the President recommended legislation authorizing the Public Health Service of the Department of Health, Education, and Welfare—

> (*a*) to engage in a more intensive research program permitting full investigation of the causes, effects, and control of air pollution;

(*b*) to provide financial stimulation to States and local air pollution control agencies through project grants which will help them to initiate or improve their control programs;

(*c*) to conduct studies on air pollution problems of interstate or nationwide significance; and

(*d*) to take action to abate interstate air pollution along the general lines of the existing water pollution control enforcement measures.

The Department of Defense endorses legislation to accomplish the purposes set forth above. However, this Department defers to the Department of Health, Education, and Welfare as to the wording of the legislation, inasmuch as it would be administered by that Department.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

(Signed) JOHN T. MCNAUGHTON.

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FEDERAL AVIATION AGENCY,
OFFICE OF THE ADMINISTRATOR,
Washington, D.C., April 16, 1963.

Hon. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letters of February 22, 1963, and March 9, 1963, requesting the views of this Agency on H.R. 3507, a bill to accelerate, extend, and strengthen the Federal air pollution control program, and H.R. 4415, a bill to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution.

Since the Department of Health, Education, and Welfare will administer any pollution abatement program which is authorized by the Congress, we defer to the views of that Department on the named bills.

We would note, however, that one of the findings of these bills is that air pollution poses hazards to air transportation. While smoke and smog and other pollutants detract from optimum flying conditions at times, we have no evidence that air pollution currently constitutes a condition of danger to flight.

The Bureau of the Budget has advised that there is no objection

from the standpoint of the administration's program to the submission of this report to your committee.

Sincerely,

(Signed) N. E. Halaby,
N. E. HALABY,
Administrator.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets and new matter is printed in italic):

ACT OF JULY 14, 1955

[AN ACT To provide research and technical assistance relating to air pollution control

[*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in recognition of the dangers to the public health and welfare, injury to agricultural crops and livestock, damage to and deterioration of property, and hazards to air and ground transportation, from air pollution, it is hereby declared to be the policy of Congress to preserve and protect the primary responsibilities and rights of the States and local governments in controlling air pollution, to support and aid technical research to devise and develop methods of abating such pollution, and to provide Federal technical services and financial aid to State and local government air pollution control agencies and other public or private agencies and institutions in the formulation and execution of their air pollution abatement research programs. To this end, the Secretary of Health, Education, and Welfare and the Surgeon General of the Public Health Service (under the supervision and direction of the Secretary

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of Health, Education, and Welfare) shall have the authority relating to air pollution control vested in them respectively by this Act.

[SEC. 2. (a) The Surgeon General is authorized, after careful investigation and in cooperation with other Federal agencies, with State and local government air pollution control agencies, with other public and private agencies and institutions, and with the industries involved, to prepare or recommend research programs for devising and developing methods for eliminating or reducing air pollution. For the purpose

of this subsection the Surgeon General is authorized to make joint investigations with any such agencies or institutions.

[(b) The Surgeon General may (1) encourage cooperative activities by State and local governments for the prevention and abatement of air pollution; (2) collect and disseminate information relating to air pollution and the prevention and abatement thereof; (3) conduct in the Public Health Service, and support and aid the conduct by State and local government air pollution control agencies, and other public and private agencies and institutions of, technical research to devise and develop methods of preventing and abating air pollution; and (4) make available to State and local government air pollution control agencies, other public and private agencies and institutions, and industries, the results of surveys, studies, investigations, research, and experiments relating to air pollution and the prevention and abatement thereof.

[SEC. 3. (a) The Surgeon General may, upon request of any State or local government air pollution control agency, conduct investigations and research and make surveys concerning any specific problem of air pollution confronting such State or local government air pollution control agency with a view to recommending a solution of such problem.

[(b) In view of the nationwide significance of the problems of air pollution from motor vehicles, the Surgeon General shall conduct studies of the amounts and kinds of substances discharged from the exhausts of motor vehicles and of the effects of the discharge of such substances, including the amounts and kinds of such substances which, from the standpoint of human health, it is safe for motor vehicles to discharge into the atmosphere.

[SEC. 4. The Surgeon General shall prepare and publish from time to time reports of such surveys, studies, investigations, research, and experiments made under the authority of this Act as he may consider desirable, together with appropriate recommendations with regard to the control of air pollution.

[SEC. 5. There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the eleven fiscal years during the period beginning July 1, 1955, and ending June 30, 1966, not to exceed $5,000,000 to enable it to carry out its functions under this Act and, in furtherance of the policy declared in the first section of this Act, to (1) make grants-in-aid to State and local government air pollution control agencies, and other public and private agencies and institutions, and to individuals, for surveys and studies and for research, training, and demonstration projects, and (2) enter into contracts with public and private agencies and institutions and

individuals for surveys and studies and for research, training, and demonstration projects. Such grants-in-aid and contracts may be made without regard to sections 3648 and 3709 of the Revised

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Statutes. Sums appropriated for such grants-in-aid and contracts shall remain available until expended, and shall be allotted in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare.

[SEC. 6. When used in this Act—

[(a) The term "State air pollution control agency" means the State health authority, except that in the case of any State in which there is a single State agency other than the State health authority charged with responsibility for enforcing State laws relating to the abatement of air pollution, it means such other State agency;

[(b) The term "local government air pollution control agency" means a city, county, or other local government health authority, except that in the case of any city, county, or other local government in which there is a single agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the abatement of air pollution, it means such other agency; and

[(c) The term "State" means a State or the District of Columbia.

[SEC. 7. Nothing contained in this Act shall limit the authority of any department or agency of the United States to conduct or make grants-in-aid or contracts for research and experiments relating to air pollution under the authority of any other law.

[SEC. 8. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, to the extent practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any interstate agency or any State or local government air pollution control agency in preventing or controlling the pollution of the air in any area insofar as the discharge of any matter from or by such property may cause or contribute to pollution of the air in such area.]

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1.1e(2) SENATE COMMITTEE ON PUBLIC WORKS

S. REP. No. 638, 88th Cong., 1st Sess. (1963)

CLEAN AIR ACT

NOVEMBER 7 (legislative day, OCTOBER 22) 1963.—Ordered to be printed

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Mr. MUSKIE, from the Committee on Public Works, submitted the following

REPORT

[To accompany S. 432]

The Committee on Public Works, to whom was referred the bill (S. 432) to accelerate, extend, and strengthen the Federal air pollution program, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are indicated in the bill as reported and are shown by linetype and italic.

PURPOSE

The purpose of S. 432, as amended, is to—

(1) Replace the Air Pollution Control Act (act of July 14, 1955, Public Law 159, 84th Cong., as amended) in its entirety with a new version, a Clean Air Act.

(2) Express the findings of the act that the increase in air pollution and the complexity of the problem of air pollution has been brought about by urbanization, industrial development, and the increasing use of motor vehicles. The act further recognizes the damage to the public health and welfare and the economic losses resulting from air pollution. It indicates also that the primary responsibility for the prevention and control of air pollution rests with State and local governments and that Federal financial assistance and leadership is essential.

(3) Express the purposes of the act to protect the Nation's air resources, to continue and extend the national research and development program, to provide technical and financial assistance, and to encourage and assist the development and operation of air pollution control programs.

(4) Encourage cooperative activities by State and local governments for control of air pollution and uniform State and local

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laws. Authorize the Federal Government to participate in such measures.

(5) Grant the consent of Congress to two or more States to negotiate and enter into agreements or compacts (requiring ultimate approval by Congress) for the prevention of air pollution, and the establishment of such agencies as may be necessary to make effective such agreements or compacts.

(6) Authorize a broad program of research, investigations, training, and other activities relating to air pollution control.

(7) Authorize the compilation and publication of criteria reflecting accurately the latest scientific knowledge indicating the type and extent of effects which may be expected from the presence of air pollutants, such criteria to be revised in accordance with latest developments in scientific knowledge.

(8) Authorize grants to air pollution control agencies to develop, establish, and improve programs for the prevention and control of air pollution, specifying that grants to air pollution agencies shall not exceed 20 percent of total funds authorized.

(9) Authorize grants up to two-thirds of the cost of developing, establishing, and improving air pollution control programs to air pollution control agencies, and up to three-fourths of such costs to intermunicipal or interstate air pollution control agencies.

(10) Authorize a procedure to carry out abatement actions whenever the health and welfare of persons is being endangered by air pollution.

(11) Direct the Secretary of Health, Education, and Welfare to encourage continued efforts on the part of the automotive and fuel industries to prevent pollutants from being discharged from the exhaust of automotive vehicles.

(12) Authorize the establishment of a technical committee to evaluate progress in the development of automotive pollution control devices and fuels, and to develop and recommend research programs which would lead to the development of such devices and fuels; also to make the necessary reports on the findings with respect to results obtained and steps necessary to alleviate or reduce pollution from these sources.

(13) Recognize the need for cooperation by Federal departments in controlling air pollution from installations under their jurisdiction and authorizing a procedure whereby the Secretary of Health, Education, and Welfare may establish pollutant

sources for which a permit must be obtained in cases where any matter is being discharged into the air which may add to the overall air pollution problem.

(14) Authorize establishment of such regulations as are necessary for the effective administration of the bill and provide for accountability of financial assistance furnished under the act.

(15) Authorize fiscal year funds for 1964 to be used for the purposes of this bill, and authorize funds as follows: Fiscal year 1965, $25 million; fiscal year 1966, $30 million; fiscal year 1967, $35 million; fiscal year 1968, $42 million; and fiscal year 1969, $50 million.

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GENERAL STATEMENT

The Special Subcommittee on Air and Water Pollution held hearings on various legislative proposals relating to air pollution on September 9, 10, and 11, 1963. The bills dealing with air pollution which were considered by the committee are as follows: S. 432, S. 444, S. 1009, S. 1040, S. 1124, and H.R. 6518.

Testimony and statements were received from witnesses representing conservation groups, industry, State and local governments, labor, Federal officials, and other interested parties.

The testimony received demonstrated that the problem of air pollution grows more serious across the Nation and that current efforts are meeting with only limited success in many areas.

It is the view of the committee that the bill being considered will provide an orderly approach to air pollution control and is very essential.

NEED FOR LEGISLATION

Air is probably the most important of all our natural resources. Everyone is aware that we need fresh air every few seconds in order to live. Less well known are the enormous demands upon our air supply—measurable in thousands of cubic miles annually—to sustain our modern technological way of life. Far more air than fuel, even in terms of actual weight, is used in all combustion processes, from burning gasoline in the family car to burning coal in a huge electric powerplant.

The combustion processes replace usable air with potentially harmful pollutants, and the capability of the atmosphere to disperse and dilute these pollutants—especially in urban areas where people, vehicles, and industries tend to congregate in even greater numbers—is strictly limited.

Polluted air, like polluted water, is costly to our economy as well

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as a hazard to our health. To assure safe drinking water, our communities install treatment works and purification processes for the water which enters the distribution systems. Similar purification and distribution systems for air are impractical. Consequently, to provide safe air for its citizens, the community must curtail the discharge of pollutants into the air.

Polluted air is not contained in a specific area but is carried from one political jurisdiction to another. It does not know State lines or city limits. Providing air of good quality to all of our people is a challenge and an obligation for Government operations on all levels. This problem was recognized by President Eisenhower in his special health message of January 1955 and by President Kennedy, who has focused increased attention on the air pollution problem through his special health message to Congress on February 7, 1963.

The Congress also recognized the problem of air pollution and enacted legislation dealing with the problem. However, a period of over 8 years has elapsed since enactment of the first identifiable Federal program in air pollution. This first step was taken with Public Law 159, 84th Congress, which was approved on July 14, 1955. This law authorized a program of research and technical assistance with some provisions for Federal grants in aid to air pollution control agencies to assist them in the formulation and execution of their research programs directed toward abatement of air pollution.

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A subsequent amendment (Public Law 86–493) directed the Surgeon General of the Public Health Service to conduct a thorough study of motor vehicle exhaust as it affects human health through pollution of air. A report on this study was published as House Document 489 in June 1962. The act of 1955 also was amended so as to authorize appropriations to carry out the act until June 30, 1966.

Although the Air Pollution Control Act, as amended, constitutes the basic authority for the Department of Health, Education, and Welfare activities in the field of air pollution, sections 301 and 311 of the Public Health Service Act have also been utilized as a basis for appropriations to support these activities. Section 301 is the basic section of the Public Health Service Act with respect to the Surgeon General's authority relative to research, research training, and related functions; section 311 is the basic section authorizing Federal-State cooperation and technical assistance. In addition, section 314(c) of the Public Health Services Act authorizes grants to States, counties, etc., to assist in establishing and maintaining adequate public services, including grants for demonstrations and for training of personnel for State and local health work. Although the committee is advised that

section 314(c) has not in fact been used as a basis for grants to support public health activities primarily related to air pollution, it would appear not to preclude grants for that purpose.

The existing Air Pollution Control Act authorizes appropriations of $5 million annually for each of the fiscal years beginning July 1, 1955, and ending June 30, 1966. Under that act and sections 301 and 311 of the Public Health Service Act, approximately $200,000 was expended in 1955 for air pollution research and technical assistance; $1.7 million during fiscal year 1956; $2.7 million for 1957; $4 million for each of 1958 and 1959; $4.3 million for 1960; $6 million for 1961; $8.4 million for 1962; $11 million for 1963; and for fiscal year 1964 it is anticipated expenditures will approximate $13 million, exclusive of the $5 million for 1964 authorized under the new grant program proposed in this legislation.

The present program has been most helpful in the initiation of activities in connection with air pollution control and has defined important facets of the problem and provided guidance to States and communities in assessing the value of their problem and demonstrating remedial measures. However, there is increasing evidence that air pollution is causing many physical ailments and that damage from air pollution amounts to many billion dollars annually and that control programs must be accelerated.

One-third of the States have established programs to deal with air pollution, but most of these are, so far, quite limited in scope. Local government programs, where they exist, are generally understaffed and without sufficient financial and trained manpower resources to meet their needs properly. Only 34 local programs have annual budgets exceeding $25,000 and 7 of these are in California. Of the other 51 local air pollution control agencies, 21 try to function on less than $10,000 per year. In the past decade, despite a 30-percent increase in urban population, there has been, outside of California, no overall increase in manpower to combat air pollution at the local level.

It has been estimated that in 1961 major air pollution problems existed in 308 urban places. This represents an increase of 84 in a

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decade. About 7,300 places, housing 60 percent of the population, are confronted with air pollution problems of one kind or another.

The American public looks forward to a growing population, an expanding economy, and an improving state of well-being. Essential to this is clean air. To compensate for past neglect of air quality conservation, a greater effort is required now, by the public, by industry, and by governmental agencies at all levels. The nationwide character of the air pollution problem requires an adequate Federal program to

lend assistance, support, and stimulus to State and community programs.

There is a need for compilation and publication of air quality criteria in terms of known and suspected effects on what is necessary for the protection of human health and welfare, agriculture, and property.

A number of States do not have air pollution control laws; others have laws which have control authority only, or no control authority, but local option legislation and research and technical assistance authority.

It is quite evident that an aggressive program of research needs to be directed toward providing assistance in developing appropriate State and local air pollution control laws and criteria. There is also a need for nationwide enforcement and criteria, and, in addition, consideration needs to be given to the international aspect of air pollution.

MAJOR PROVISIONS OF BILL

FINDINGS AND PURPOSE

Section 1.—This section of the proposed revision of existing law is an expansion and clarification of the provisions of section 1 of existing law and there are several portions of this section which merit particular attention.

The act recognizes that the growth and complexity of air pollution is the result of our continuing urbanization and industrialization along with our improved mobility through the increasing use of motor vehicles.

The act recognizes the primary responsibilities of the States and local governments for the prevention and control of air pollution. However, it finds that a predominant part of the Nation's population is located in rapidly expanding metropolitan and other areas, many of which cross lines of local jurisdictions and in some cases involve two or more States.

It finds that to protect the Nation's interest a Federal program of financial assistance and leadership is essential to the development of effective State, local, and regional programs to prevent and control air pollution.

The purposes of this legislation are such as to go beyond the limited activities under existing law in the fields of research, technical assistance, and training. The legislation would permit the initiation of an accelerated national developmental program and research program.

Financial and technical assistance would be made available to State and local governments for the development and execution of

their air pollution prevention and control programs. This legislation recognizes the importance of protecting our air resources and accord-

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ingly provides not only for research and developmental programs, but also provides for procedures to be followed in enforcing air pollution abatement.

COOPERATIVE ACTIVITIES AND UNIFORM LAWS

Section 2.—This section expands the cooperative activities under section 2 of existing law by authorizing the Secretary of Health, Education, and Welfare to not only encourage cooperative activities by State and local governments but he is also required to cooperate with and encourage cooperative activities by all Federal departments and agencies. The Secretary is authorized to encourage the enactment of uniform State and local laws where practicable, and to encourage the making of agreements and compacts between States. The consent of Congress is given to the negotiation of such compacts or agreements for cooperative effort, mutual assistance, and enforcement of their respective laws and for the establishment of such agencies as may be desirable to effectuate such agreements or compacts. Such compacts or agreements must be approved by the Congress before they become binding or obligatory.

RESEARCH, INVESTIGATION, TRAINING, AND OTHER ACTIVITIES

Section 3.—This section is a revision of parts of sections 2, 3, 4, and 5 of existing law resulting in the bringing together in one section the relevant provisions essential to the conduct of research, investigation, training, and other aspects essential in a comprehensive program.

Briefly, it requires the Secretary to establish a national research and development program for prevention and control of air pollution, and for that purpose to conduct research, render technical service, and conduct investigations and research if requested to do so by appropriate air pollution control agencies, or to do so on his own initiative if the problem of air pollution is interstate in nature. For these purposes the Secretary is authorized to collect and make available information on the subject; to cooperate with all interested public and private agencies and institutions; to make grants for research, training, surveys, studies, and demonstrations; to contract for these purposes; to establish research fellowships; to collect and disseminate basic data on chemical, physical, and biological effects of varying air quality; to develop effective and practical processes, methods, and prototype devices for the prevention and control of air pollution; and to compile

and publish for informational purposes criteria relating to air pollutants which may be harmful to the public health or general welfare.

The Secretary is expected to cooperate with State, interstate, and local air pollution agencies in order to avoid duplication of effort and to insure timely exchange of communication. But the committee believes that such cooperation should not be used as a barrier to research by it being withheld.

This section further requires the Secretary to specifically initiate, among others, a program of research directed toward the development of improved, low-cost techniques for extracting sulfur from fuels.

The committee is impressed with the research results developed thus far showing the adverse effects on health and welfare of our

[p. 6]

people by air pollutants. Of particular concern are the results showing the relationship of sulfur compounds in the air, from the combustion of fuels, and the incidence of the common cold and upper respiratory infections.

The committee has been informed by an expert in the field that significant advances are currently being made in the fields of pediatric nutrition, microbiology, and the social sciences that are affecting sickness and death rates, but that there needs to be a corresponding additional stimulation of research on the effects of the air we breathe on the health of ourselves and our children. It has been suggested that research and pilot studies be carried on in order to accurately assess the importance of air pollution in causing asthma and other pulmonary diseases. For this purpose it has been suggested that a climatron or a universal climate control chamber be constructed which would permit evaluation of the effects of air pollution on such diseases. It is the intention of the committee that both the problems of sulfur compounds and asthma and pulmonary diseases be pursued in greater depth, and that the efforts for the development of methods to alleviate these problems be intensified as rapidly as possible.

The committee also feels that particular emphasis should be placed on research and surveys on the harmful effects on the health or welfare of our people by the various known air pollution agents and the compilation and publication of criteria reflecting the kind and extent of such effects that may be expected from the presence of air pollution agents. A great many people know, in a general way, of the effects of air pollution; however, little is known as to the degree of ambient air quality desired since an organized scientific appraisal of the medical, social, and economic problems posed by air pollution has been underway for only about a decade. Scientific criteria would show the harm-

ful effects of various air pollutants and the tolerable levels of air pollution.

The committee is extremely anxious to see an all-out effort made to carry out research, investigations, and training in control of air pollution. The committee expects that the most extensive program possible should be undertaken. It is assumed by the committee that the Secretary will give consideration to the establishment of field research facilities relative to air pollution problems and it is expected that he will advise Congress if additional authorizations are needed to accomplish this program.

GRANTS FOR SUPPORT OF AIR POLLUTION CONTROL PROGRAMS

Section 4.—This section provides that up to 20 percent of the total amount authorized to be appropriated may be available to make grants to air pollution control agencies. The Secretary would be authorized to make grants in an amount up to two-thirds of the cost of developing, establishing, or improving programs for the prevention and control of air pollution. Further, authority is provided for the Secretary to make such grants to intermunicipal and interstate agencies in an amount up to three-fourths of such costs for the development, establishment, or improvement of regional air pollution prevention and control programs. The grants are to be made in accordance with such terms and conditions as the Secretary finds necessary to carry out this section giving due consideration to population, extent of the actual

[p. 7]

or potential air pollution problem, and financial need of the respective agencies. Finally, this section establishes a limit on the program grant funds to be expended in any one State at not more than 12½ percent of such funds. Any agency receiving such a grant shall not reduce its funds from the preceding fiscal year.

Studies by the Public Health Service indicate that all communities in the United States having a population greater than 50,000, and about 40 percent of the communities in the 2,500 to 50,000 brackets, have air pollution problems. Only 17 States with air pollution programs expend more than $5,000 per year. Approximately $2 million was spent by these States in 1961, of which more than half was spent by the State of California.

In 1961, local air pollution control agencies spent approximately $8.2 million. A survey by the Public Health Service found that about 6,000 communities have air pollution problems of varying degrees for which active control programs should be initiated or strengthened.

Of the 333 places with more than 50,000 population having major or moderate air pollution problems, only about one-half are served by an air pollution control agency.

The objective of the grant program is to provide impetus to the establishment and improvement of air pollution prevention and control programs in the States and local communities but not to provide a substitute for State and local funds.

By "financial need" of an agency, the committee intends that more than mere budgetary limitations of the agency be considered. The capability of the community or communities supporting the agency, taking into account such factors as financial resources, bonding limitations, per capita income, market values of property, and other relevant factors, should guide the Secretary's decisions. For example, if two communities, each having an air pollution control agency, possess approximately the same tax resources, per capita income, and market valuation of properties within their corporate limits, and have the same bonding limitations, preference would be indicated in the case of the agency supported by a community which has bonded itself to the maximum, as against the agency supported by a community which has not done so.

The funds authorized to be appropriated for this purpose, together with the formula and matching provisions of the bill, should operate, in the committee's opinion, to encourage local effort in financing new or expanded programs, or the improvement of existing programs. The committee would expect the regulations of the Department with respect to the grant program to be designed to carry out this objective.

The committee believes that the primary responsibility for the prevention and control of air pollution should remain with the State and local governments and accordingly is convinced that the stimulation provided by the grant program will help to expand the local programs. The committee urges that the funds allocated be utilized to expand and initiate local research and control programs.

Under the provisions of the bill, the Secretary would be authorized to make grants directly to local air pollution control agencies without prior State approval. The committee would expect, however, that in the administration of this program, the Department will take precautions to insure that a grant will be made only after appropriate consideration has been given to the views of the State air pollution

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control authority (where such a State authority exists) with respect to the particular program for which a grant is sought. This procedure would assure, to a greater degree, that the objective of a planned and

coordinated statewide program would be achieved most efficiently and economically.

ABATEMENT OF AIR POLLUTION

Section 5.—This section establishes the manner for Federal action in abating air pollution. It is nearly identical to the comparable provisions in section 8 of the Federal Water Pollution Control Act.

Subsection (c)(1)(A) of section 5 establishes the procedure for the initiation of a conference on an air pollution problem when there is interstate pollution involved. Subsection (c)(1)(B) establishes procedures for the initiation of a conference in the case of an intrastate air pollution problem. Subsection (c)(1)(C) authorizes the Secretary, after consultation with State officials, to call a conference in the case of interstate air pollution on his own initiative. The Secretary must invite the cooperation of any municipal, State, or interstate air pollution control agencies to participate in the making of any surveys or studies forming the basis of conference action. This is to allow the agencies to know what is being done in their area, but failure to accept the invitation should not deter the Secretary from acting. After the conference the Secretary must allow at least 6 months for any remedial action; if remedial action is not taken, he may call a public hearing before a hearing board appointed by him after notice to the interested parties. The hearing board, after the hearing, may recommend to the Secretary measures to secure abatement of the pollution and the Secretary shall send such recommendations to the interested parties together with a notice specifying a reasonable time (but not less than 6 months) to secure abatement of the air pollution. If, after the expiration of the time set by the Secretary to secure abatement, such abatement measures have not been taken, the Secretary, in the case of intrastate pollution, may with the written consent of the Governor request the Attorney General to bring suit on behalf of the United States to secure abatement. In the case of interstate air pollution the Secretary may request the Attorney General to bring a suit on behalf of the United States to secure abatement.

This section also authorizes the Secretary, in connection with any conference called, to require any person whose activities result in causing or contributing to air pollution to file a report with respect to character, kind, and quantities of pollutants discharged and the use by such person of various devices and means to prevent or reduce that pollution. After the conference has been held with respect to such pollution the Secretary shall require such reports from the person whose activities result in such pollution only to the extent recom-

mended by such conference. No person would be required in such report to divulge trade secrets or secret processes and all information is to be considered confidential for the purposes of title 18, United States Code, section 1905. Failure to file such a report subjects the person in default to forfeit $100 a day to the United States to be recoverable in a civil action. The Secretary may remit or mitigate any such forfeiture.

It is not the purpose of this section to displace State, local, or interstate action to abate air pollution but rather to provide authority for

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limited Federal participation and assistance under certain circumstances directed toward the abatement of specific air pollution problems.

The committee in its desire to protect the primary rights of the States and local governments and its proper concern for the national interest is of the opinion that the limited Federal authority provided by this section would be of benefit to the Nation as a whole. The conference and hearing procedures are intended as a mechanism of resolving problems and encouraging remedial or preventive action. The continuing growth and complexity of the air pollution problem requires effective legislative action to protect the health and welfare of our citizens. We breathe the air as it comes to us, polluted or otherwise, and individual protective efforts are ineffectual. Society requires appropriate protection of its vital interests. The committee believes this section is vital to achieving that purpose.

The authority given the Secretary to require reports relating to the discharge of pollutants and their control is essential in the view of the committee to permit effective implementation of the abatement authorities. To secure the necessary information without such a requirement would necessitate the right of entry onto private property for investigative purposes and would result in the need for significantly enlarged staffs and also require an inordinate expenditure of funds.

AUTOMOTIVE VEHICLE AND FUEL POLLUTION

Section 6.—This section authorizes the Secretary to encourage the continued effort on the part of automotive and fuel industries to develop devices and fuels to prevent air pollution. The Secretary is required to appoint an equal number of representatives of the Department of Health, Education, and Welfare and the automotive and fuel manufacturing industries to a technical committee to evaluate progress in the development of means to reduce air pollution. This technical committee will serve in a liaison capacity to evaluate progress in

the development of devices and fuels to prevent pollutants from being discharged from the exhaust of automotive vehicles. The committee would also develop and recommend research programs to achieve these purposes.

It is further provided that 1 year after enactment and semiannually thereafter, the Secretary is to report to Congress on measures taken toward the solution of the vehicle exhaust pollution problem and his recommendations for additional legislation, if necessary.

The automotive vehicle is a major contributor to the problem of air pollution. The committee is of the opinion that a concerted effort involving intensification of research is essential to discover the most effective means for the control of motor vehicle pollution. The establishment of a committee with appropriate representation would permit a greater degree of coordination and cooperation between Government and industry for this purpose.

The magnitude of this problem is such as to require continuing surveillance on the part of the Congress. Further, in the event that voluntary cooperation is not producing the desired results in a reasonable period of time, then the Congress could give further consideration as to necessary legislation.

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COOPERATION BY FEDERAL AGENCIES TO CONTROL AIR POLLUTION FROM FEDERAL FACILITIES

Section 7.—This section requires all Federal departments and agencies to cooperate with the Department of Health, Education, and Welfare and with air pollution agencies in controlling air pollution discharges from any Federal building, installation, or property. Further, the Secretary is authorized to establish classes of potential pollution sources for which any Federal department or agency would be required to obtain a permit from the Secretary before discharging any matter into the air. The Secretary is required to report each January to the Congress the status of such permits and compliance with this provision.

The cooperation of Federal departments and agencies in controlling the discharge of air pollutants from buildings, installations, or other property over which they have jurisdiction has not been equal to the leadership role in air pollution control rightfully contemplated for the Federal Establishment. Accordingly, the committee has provided for a permit system, to be administered by the Secretary of Health, Education, and Welfare, which will assure effective cooperation in the control of pollution from these installations.

ADMINISTRATION

Section 8.—This section contains the usual provisions with respect to the administration of the legislation. Specifically, this section authorizes the Secretary to prescribe necessary regulations to carry out its functions. Further, personnel of the Public Health Service may be detailed, upon request, to an air pollution control agency to carry out the provisions of the act. Finally, the Secretary is authorized to make payments under grants in installments, in advance, or by way of reimbursement.

The committee considers these authorities desirable and necessary for effective administration of the act.

DEFINITIONS

Section 9.—This section defines various terms used in the act including "air pollution control agency," "State," "person," and "municipality."

Testimony and data presented to the committee during the course of hearings before the subcommittee and staff investigations indicated that, in addition to its impact upon health, air pollution has adverse effects on the public welfare in such areas as agricultural crops and livestock, property, and transportation. It is the intention of the committee that where the act refers to adverse effects on welfare it is to apply to meaningful injury, damage, deterioration, or hazards in those and such other areas of injury as experience may disclose.

OTHER AUTHORITY NOT AFFECTED

Section 10.—Subsection (a) of section 10 provides that the act shall not be construed as superseding or limiting the responsibilities and authorities of the Secretary of Health, Education, and Welfare or of any other Federal officer, department, or agency under any provision

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of law, except to the extent provided in subsection (b) of this section 10.

Subsection (b) of section 10 prohibits any appropriation from being authorized or made under sections 301, 311, and 314(c) of the Public Health Service Act for the fiscal year beginning July 1, 1964, and for any subsequent fiscal year, for any purpose for which appropriations may be made under authority of this act. The purpose of this subsection is to insure that this act will become the basic authority for appropriations by the Federal Government for all air pollution programs. In the case of programs which may be peripherally concerned

with air pollution, the committee does not intend that bookkeeping requirements be established to allocate to the penny on a strict cost-accounting basis the air pollution aspects of those programs, but it does intend that this legislation become the authority for appropriations for all air pollution programs, in order that the legislative committees of Congress may have, to an extent which they presently do not have, a fuller understanding and control of the true cost to the Federal Government of these air pollution programs.

RECORDS AND AUDIT

Section 11.—This section authorizes the Secretary to prescribe keeping records which would disclose the amount and disposition of the proceeds of Federal assistance received, the amount received from other sources, and such other records as will facilitate an effective audit.

Finally, the Secretary and the Comptroller General or their representatives are authorized access for the purpose of audit and examination to any books, records, and other documents pertinent to the grants received under the act.

In view of the expansion of the grant programs, the committee believes it would be appropriate that a system of audits be provided to assure that grant funds are used for the purpose intended. Accordingly, provisions to accomplish this have been included.

SEPARABILITY

Section 12.—This section contains the usual separability clause.

APPROPRIATIONS

Section 13.—Subsection (a) of subsection 13 authorizes the use of funds appropriated by Public Law 88–136 under air pollution to carry out the purposes of the act. Subsection (b) of section 13 authorizes appropriations of up to $25 million for the fiscal year 1965, $30 million for the fiscal year 1966, $35 million for the fiscal year 1967, $42 million for the fiscal year 1968, and $50 million for the fiscal year ending June 30, 1969. These amounts represent the maximums authorized to be appropriated and will permit Congress periodically to reexamine the Federal air pollution programs to determine future public policy in this area.

The committee considers these amounts as quite modest in view of the nature and extent of the air pollution problem and the danger to the Nation's health and welfare.

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SHORT TITLE

Section 14.—This section authorizes the short title of "Clean Air Act" for this legislation.

Section 2 of the bill amends the formal title of the act of July 14, 1955, to make it more accurate as a result of the amendments made by this legislation.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic.

AN ACT

[To provide research and technical assistance relating to air pollution control] *To provide for air pollution prevention and control activities of the Department of Health, Education, and Welfare, and for other purposes*

[That in recognition of the dangers to the public health and welfare, injury to agricultural crops and livestock, damage to and deterioration of property, and hazards to air and ground transportation, from air pollution, it is hereby declared to be the policy of Congress to preserve and protect the primary responsibilities and rights of the States and local governments in controlling air pollution, to support and aid technical research to devise and develop methods of abating such pollution, and to provide Federal technical services and financial aid to State and local government air pollution control agencies and other public or private agencies and institutions in the formulation and execution of their air pollution abatement research programs. To this end, the Secretary of Health, Education, and Welfare and the Surgeon General of the Public Health Service (under the supervision and direction of the Secretary of Health, Education, and Welfare) shall have the authority relating to air pollution control vested in them respectively by this Act.

[SEC. 2. (a) The Surgeon General is authorized, after careful investigation and in cooperation with other Federal agencies, with State and local government air pollution control agencies, with other public and private agencies and institutions, and with the industries involved, to prepare or recommend research programs for devising and developing methods for eliminating or reducing air pollution. For the purpose of this subsection the Surgeon General is authorized to make joint investigations with any such agencies or institutions.

[(b) The Surgeon General may (1) encourage cooperative activities by State and local governments for the prevention and abatement of air pollution; (2) collect and disseminate information relating to air

pollution and the prevention and abatement thereof; (3) conduct in the Public Health Service, and support and aid the conduct by State and local government air pollution control agencies, and other public and private agencies and institutions of, technical research to devise and develop methods of preventing and abating air pollution; and (4) make available to State and local government air pollution control agencies, other public and private agencies and institutions, and industries, the results of surveys, studies, investigations, research, and

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experiments relating to air pollution and the prevention and abatement thereof.

[SEC. 3. The Surgeon General may, upon request of any State or local government air pollution control agency, conduct investigations and research and make surveys concerning any specific problem of air pollution confronting such State or local government air pollution control agency with a view to recommending a solution of such problem.

[(b) In view of the nationwide significance of the problems of air pollution from motor vehicles, the Surgeon General shall conduct studies of the amounts and kinds of substances discharged from the exhausts of motor vehicles and of the effects of the discharge of such substances, including the amounts and kinds of such substances which, from the standpoint of human health, it is safe for motor vehicles to discharge into the atmosphere.

[SEC. 4. The Surgeon General shall prepare and publish from time to time reports of such surveys, studies, investigations, research, and experiments made under the authority of this Act as he may consider desirable, together with appropriate recommendations with regard to the control of air pollution.

[SEC. 5. There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the eleven fiscal years during the period beginning July 1, 1955, and ending June 30, 1966, not to exceed $5,000,000 to enable it to carry out its functions under this Act and, in furtherance of the policy declared in the first section of this Act, to (1) make grants-in-aid to State and local government air pollution control agencies, and other public and private agencies and institutions, and to individuals, for surveys and studies and for research, training, and demonstration projects, and (2) enter into contracts with public and private agencies and institutions and individuals for surveys and studies and for research, training, and demonstration projects. Such grants-in-aid and contracts may be made without regard to sections 3648 and 3709 of the Revised Statutes. Sums appropriated for such grants-in-aid and contracts shall

remain available until expended, and shall be allotted in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare.

[SEC. 6. When used in this Act—

[(a) The term "State air pollution control agency" means the State health authority, except that in the case of any State in which there is a single State agency other than the State health authority charged with responsibility for enforcing State laws relating to the abatement of air pollution, it means such other State agency;

[(b) The term "local government air pollution control agency" means a city, county, or other local government health authority, except that in the case of any city, county, or other local government in which there is a single agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the abatement of air pollution, it means such other agency; and

[(c) The term "State" means a State or the District of Columbia.

[SEC. 7. Nothing contained in this Act shall limit the authority of any department or agency of the United States to conduct or make grants-in-aid or contracts for research and experiments relating to air pollution under the authority of any other law.

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[SEC. 8. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, to the extent practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any interstate agency or any State or local government air pollution control agency in preventing or controlling the pollution of the air in any area insofar as the discharge of any matter from or by such property may cause or contribute to pollution of the air in such area.]

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1.1e(3) COMMITTEE OF CONFERENCE

H.R. REP. No. 1003, 88th Cong., 1st Sess. (1963)

CLEAN AIR ACT

DECEMBER 5, 1963.—Ordered to be printed

Mr. ROBERTS of Alabama, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 6518]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6518) to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: [See Clean Air Act as Passed.]

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STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6518) to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

GENERAL STATEMENT

The House bill amended the entire act of July 14, 1955, the existing statute on air pollution.

The Senate amendment struck out all after the enacting clause of the House bill and inserted a complete revision of such act of July 14, 1955.

The proposed conference substitute is also a complete revision of the act of July 14, 1955, and, except for minor clerical, technical, and

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conforming amendments, the differences between the House bill and the proposed conference substitute are as follows:

INVESTIGATIONS, RESEARCH, AND SURVEYS

Paragraph (3) of subsection (a) of section 3 of the act, as revised by the House bill, authorized the Secretary to conduct investigations and research and to make surveys concerning any specific problem of air pollution confronting any air pollution control agency.

The Senate amendment authorized these investigations, research, and surveys to be made in cooperation with air pollution control agencies.

The proposed conference substitute adopts the language of the Senate amendment.

Paragraph (3) further authorized these investigations, research, and surveys to be made if, in the judgment of the Secretary, the problem might affect or be of concern to communities in various parts of the Nation.

The Senate amendment deleted this provision.

The proposed conference substitute is the same as the Senate amendment in this regard and does not contain this provision of the House bill.

AUTOMOTIVE VEHICLE AND FUEL POLLUTION

As it would have been rewritten by the House passed bill, section 3 of the act would have required the Secretary of Health, Education, and Welfare, as a part of a national research and development program for the control and prevention of air pollution, to conduct specified studies with respect to motor vehicle exhaust fumes.

These provisions were deleted in the Senate amendment and are not in the conference substitute. However, the Senate amendment added

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a new section 6 to the act requiring the Secretary to encourage continued efforts on the part of the automotive and fuel industries to develop devices and fuels to prevent pollutants from being discharged from the exhaust of automotive vehicles. For this purpose, the Secretary would be required to maintain liaison with automotive manufacturers and fuel producers and to appoint a technical committee consisting of an equal number of representatives of the Department of Health, Education, and Welfare and of such manufacturers and producers. This technical committee would meet at the call

of the Secretary in order to evaluate progress in the development of such devices and fuels and to develop and recommend research programs which could lead to the development of such devices and fuels. The Secretary would report to the Congress on measures taken toward the resolution of the vehicle exhaust pollution problem and efforts to improve fuels, including, among other things, his recommendations for additional legislation, if necessary, to regulate the discharge of pollutants from automotive exhausts. Such a report would be made to the Congress 1 year after enactment of this legislation and semiannually thereafter.

The House passed bill had no provisions comparable to section 6 of the act as it would be rewritten in the Senate amendment. These provisions are included in the conference substitute with a modification so that the Secretary would also be required to maintain liaison with, and have representatives on the technical committee from, exhaust control device manufacturers.

SULFUR RESEARCH

As it would be rewritten in the Senate amendment, section 3 of the act would require the Secretary, as a part of the national research and development program for the control and prevention of air pollution, to initiate and conduct a program of research directed toward the development of improved, low-cost techniques for extracting sulfur from fuels.

The House passed bill had no comparable provisions.

In this respect, the conference substitute is the same as the Senate amendment. The conferees wish to point out that these provisions do not emphasize an area of air pollution research for which authority appears elsewhere in this legislation, but rather gives specific authority for a program of research directed toward the development of improved, low-cost techniques for extracting sulfur from all fuels on the assumption that sulfur and its byproducts resulting from the combustion of fuels constitute some of the major pollutants of the atmosphere.

PURPOSES FOR WHICH GRANTS MAY BE MADE

Paragraph (3) of subsection (b) of section 3 of the act as revised by the House bill authorized the Secretary to make grants to air pollution control agencies whether public or nonprofit private agencies, institutions, and organizations, and to individuals for research, training projects, and demonstrations.

The Senate amendment permitted these grants to be made to the

same agencies, institutions, organizations, and individuals as the House bill but for the purposes stated in paragraph (1) of subsection

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(a) of section 3. Paragraph (1) of subsection (a) of section 3 of the revised act provides that the Secretary shall conduct and promote the coordination and acceleration of research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, and control of air pollution.

The proposed conference substitute is the same as the Senate amendment in this respect.

RESEARCH AND PUBLICATION OF CRITERIA

Both the House bill and Senate amendment provide that the Secretary shall conduct, and promote the coordination and acceleration of, research, investigations, experiments, training demonstrations, surveys and studies relating to the causes, effects, extent, prevention, and control of air pollution.

In addition, section 3(c)(1) of the Senate amendment provided that in carrying out his duties under the aforementioned authority, the Secretary shall conduct research on, and survey the results of other scientific studies on, the harmful effects on the health or welfare of persons by the various known air pollution agents (or combination of agents). The House bill contained no comparable provisions. The conference substitute is, in this respect, the same as the Senate amendment.

Section 3(c)(2) of the Senate amendment provided that whenever the Secretary determines that there is a particular air pollution agent (or combination of agents) present in the air in certain quantities, producing effects harmful to the health or welfare of persons, he shall compile and publish criteria reflecting accurately the latest scientific knowledge useful in indicating the kind and extent of such effects which may be expected from the presence of such air pollution agent (or combination of agents) in the air in varying quantities. The Senate amendment further required that such criteria be published for informational purposes only and made available to municipal, State, and interstate air pollution control agencies and required the Secretary to revise such criteria whenever necessary to reflect accurately developing scientific knowledge.

The House bill contained no comparable provisions and the conference substitute is, in this respect, the same as the Senate amendment with the exception that the requirement that this criteria be published

for informational purposes only has been modified to eliminate the requirement that it be published "only" for informational purposes.

GRANTS FOR SUPPORT OF AIR POLLUTION CONTROL PROGRAMS

Section 4 of the act as revised by the House bill provided that not more than $5 million of the total amount authorized to be appropriated by section 12 of the revised act for any fiscal year should be available to make grants to air pollution control agencies to help meet the cost of establishing and maintaining programs for the prevention and control of air pollution. These sums were to be allocated to the several States on the basis of population, the extent of the air pollution problem, and the financial need of the State. From each State's allotment the Secretary is authorized to make grants to air pollution control agencies in an amount not to exceed two-thirds of the cost of establishing and maintaining programs for the prevention and control

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of air pollution. Those allotments not obligated because of insufficient approvable applications were to be reallocated by the Secretary.

The Senate amendment struck out all of section 4 as revised by the House bill and inserted in lieu thereof an authorization that not to exceed 20 percent of the total of all sums authorized to be appropriated for this act could be used to make grants to air pollution control agencies for developing, establishing, or improving programs for the prevention and control of air pollution. These grants would be made in amounts up to two-thirds of the cost of such programs except in the case of developing, establishing, or improving regional air pollution programs in which case the grant may not exceed three-fourths of the cost of such program. The grants were to be made in accordance with such terms and conditions as the Secretary finds necessary to carry out the section and he is required, as far as practicable, to give due consideration to population, the extent of the actual or potential air pollution problem, and the financial need of the respective air pollution control agencies. It further provided that any agency receiving such grant shall not have reduced its non-Federal funds in the preceding fiscal year during the fiscal year in which it receives such grant. It also required that no grant be made until the Secretary has consulted with appropriate officials designated by the Governor or Governors of the State or States affected. In addition, it limited the amount to be expended in any one State to not more than 12½ percent of the grant funds appropriated for purposes of the act.

The proposed conference substitute is substantially identical with

the provisions of the Senate amendment except for clarifying amendments designed to insure (1) that not more than 20 percent of the annual appropriation made to carry out the act shall be available for grants and (2) that no agency whose expenditures of non-Federal funds for air pollution program during a fiscal year will be less than its expenditures for such programs during the preceding year shall be eligible to receive any grant during that fiscal year.

CONFERENCES ON ABATEMENT OF AIR POLLUTION

Under both the House-passed bill and the Senate amendment thereto, one of the principal means of bringing about abatement of air pollution in a State or States which endangers the health or welfare of any persons is by the calling of a conference. The conferees at any such conference would be representatives of air pollution control agencies for the place where such pollution originates and for the place affected by such pollution.

The House-passed bill would have permitted the Secretary of Health, Education, and Welfare to call such a conference whenever he had reason to believe, on the basis of reports, surveys, or studies, that any air pollution is endangering the health or welfare of persons in a State other than in which the pollutants originate.

The Senate amendment requires the Secretary (1) to consult with State officials of all affected States before calling a conference in such a case and (2) to invite the cooperation of any municipal, State, or interstate air pollution control agencies having jurisdiction in the affected area on any surveys or studies forming the basis of conference action.

The conference substitute is the same in this respect as the Senate amendment.

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MEMBERSHIP OF HEARING BOARD

Section 5(e)(1) of the act as revised by the House bill provided that the hearing board convened for the purpose of conducting a public hearing on an air pollution problem shall consist, in part, of at least one representative of the Department of Commerce and one member of the Department of the Interior.

The Senate amendment substituted a provision requiring that each Federal agency having a substantial interest in the subject matter as determined by the Secretary be given an opportunity to select one member of the hearing board, and, stipulated that one member shall be a representative of the appropriate interstate air pollution agency (if, one exists).

The conference substitute retains the Senate provision, with a modification that not only each Federal agency but each Federal department or instrumentality which has a substantial interest in the subject matter shall be given such opportunity.

ABATEMENT OF AIR POLLUTION

Section 5(f) of the act as revised by the House bill provided that if, after the expiration of the time set by the Secretary to secure abatement, such abatement measures have not been taken, the Secretary, in the case of intrastate pollution, shall send the findings and record of the hearing together with his finding that action reasonably calculated to secure abatement has not been taken, to the Governor and the attorney general of the State, and at their request, may provide technical and other assistance to assist the State in judicial proceedings to secure abatement. In the case of interstate air pollution the Secretary was authorized to request the Attorney General to bring a suit on behalf of the United States to secure abatement. He was prohibited from making such a request until he received a certification from the Governor of each State wherein the health and welfare of individuals are being endangered by air pollution (other than the State in which the discharge or discharges causing or contributing to such pollution originate) that such Governor has made a good faith effort to enter into an agreement or compact with the State causing the pollution to secure abatement thereof and has been unable to secure such agreement or compact.

The Senate amendment struck out these provisions of the House bill and inserted in lieu thereof the requirement that if action reasonably calculated to secure abatement within the specified time is not taken, the Secretary, in the case of interstate air pollution, may request the Attorney General to bring a suit on behalf of the United States to secure abatement, and in the case of intrastate air pollution shall, at the request of the Governor of such State, provide technical and other assistance necessary to assist the State in judicial proceedings to secure abatement under State or local law or, if requested by the Governor of the State, authorizes the Secretary to request the Attorney General to bring suit on behalf of the United States to secure abatement of the pollution.

The proposed conference substitute is the same as the Senate amendment except for certain clarifying amendments to insure that the request of the Governor of the State must be obtained before the Secretary can request the Attorney General to bring suit to secure

abatement of intrastate pollution and a clarifying amendment to provide that subsection (g) relating to evidence in court in a suit be restricted to those suits brought in U.S. courts.

REPORTS

The House bill contained a provision authorizing the Secretary to require certain reports from any person whose activities result in the emission of air pollutants causing or contributing to an air pollution problem *which has been the subject of a conference.*

The Senate amendment provided that such reports may be required *in connection with* any such conference.

The conference substitute is, in this respect, the same as the Senate amendment.

The House bill and Senate amendment authorized the Secretary to prescribe the form of the report, furnishing such information as may reasonably be required as to the character, kind, and quantity of pollutants discharged and the use of devices or other means to prevent or reduce the emission of pollutants by the person filing such report. The Senate amendment further provided that such report is to be based on existing data and that after a conference has been held, the Secretary shall require such reports only to the extent recommended by such conference.

The conference substitute retains these modifications.

In addition, the Senate amendment provided that no person shall be required in such report to divulge trade secrets or secret processes, and this language has been retained in the conference substitute.

PERMITS FOR FEDERAL DEPARTMENTS AND AGENCIES

The Senate amendment provided in subsection (d) of section 7 of the revised act that the Secretary may establish classes of potential pollution sources for which Federal departments or agencies shall before discharging any matter into the air in the United States obtain a permit prior to such discharge. These permits would be issued only at specified periods of time and subject to revocation if the Secretary finds the pollution is endangering the health and welfare of any persons. Plans, specifications, and other information which the Secretary deems relevant must be submitted to him in connection with the issuance of these permits, and he is requested to report to Congress each January the status of such permits and the compliance therewith.

The House bill contained no similar provisions.

The proposed conference substitute adopts the provisions of the Senate amendment in this regard.

ADMINISTRATION

The House bill authorized the Secretary to prescribe such procedural regulations as are needed to carry out his functions under the act.

The Senate amendment eliminated the word "procedural" as being too restrictive upon the authority which the Secretary needs to carry out the act.

The proposed conference substitute is the same as the Senate amendment in this regard.

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DEFINITIONS

The Senate amendment included American Samoa within the definition of the term State.

The House bill did not include American Samoa.

The proposed conference substitute is the same as the Senate amendment.

The Senate amendment added a subsection (g) to section 9 of the revised act to provide that all language referring to adverse effects on welfare shall include but not be limited to injury to agriculture crops and livestock, damage to and the deterioration of property, and hazards to transportation.

The House bill contained no equivalent provision.

The proposed conference substitute is the same as the Senate amendment in this regard.

RECORDS AND AUDITS

The Senate amendment provides in subsection (a) of section 11 of the revised act that every recipient of assistance will keep such records as the Secretary shall prescribe including those which fully disclose the amount and disposition by the recipient of the proceeds of assistance, the total cost of the project or undertaking in which the assistance is given or used, the amount of that portion of the cost supplied by other sources and such other records which will facilitate an effective audit. Subsection (b) of this section provides that the Secretary of Health, Education, and Welfare and the Comptroller General or their agents shall have access, for the purpose of audit and examination, to books, documents, papers, and records of the recipient that are pertinent to the grants received under this act.

The House bill contained no equivalent provision.

The proposed conference substitute adopts the provisions of the Senate amendment.

APPROPRIATIONS

Subsection (b) of section 13 of the act as revised by the House bill provides authorization of not to exceed $20 million for fiscal year 1965, not to exceed $30 million for the fiscal year 1966, and not to exceed $35 million for the fiscal year ending June 30, 1967.

The Senate amendment to this provision increased the authorization from $20 million to $25 million for fiscal year 1965, adopted the amounts provided in the House bill for the fiscal years 1966 and 1967 and added authorizations of not to exceed $42 million for fiscal year 1968, and $50 million for fiscal year 1969.

The proposed conference substitute is the same as the provisions of the House bill with the exception of the authorization for fiscal year 1965 which was increased from not to exceed $20 million to not to exceed $25 million as provided by the Senate amendment. It is the understanding of the conferees that limiting the program to 3 fiscal years will permit legislative committees in both Houses of

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Congress to reexamine this program within a relatively short period of time and, assuming the expectations for the program are realized, will permit the Congress to provide necessary increases in authorizations for future fiscal years. The conferees recognize that air pollution constitutes one of our national problems and that as our population grows and as urbanization expands this may require increased fiscal support of air pollution programs.

OREN HARRIS,
KENNETH A. ROBERTS,
GEORGE M. RHODES,
LEO W. O'BRIEN,
PAUL G. ROGERS,
JOHN B. BENNETT,
PAUL F. SCHENCK,
ANCHER NELSEN,
DONALD G. BROTZMAN,
Managers on the Part of the House.

[p. 18]

1.1e(4) CONGRESSIONAL RECORD, VOL. 109 (1963)

1.1e(4) (a) July 24: Considered and passed House, pp. 13273–13281; 13283–13285

CLEAN AIR ACT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 440 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6518) to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH]; and pending that, I yield myself such time as I may consume.

As the reading of the resolution shows, it provides for an open rule with 1 hour of debate on H.R. 6518, which is entitled the "Clean Air Act," and which would replace the Air Pollution Control Act of 1955.

To my knowledge there is no opposition to the rule, and I therefore reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use and ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. SMITH of California. Mr. Speaker, House Resoution 440 provides an open rule of 1 hour general debate for the consideration of H.R. 6518, a bill entitled "Clean Air Act." The purpose of this measure is to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution.

Air pollution is a serious national problem. I am certain that any Member who has been in Los Angeles at any time when smog was present realizes the seriousness of the situation. I understand that there are many other cities throughout the United States that are faced with this problem. The pollutants come from *many sources—from furnaces* which heat homes, offices, and public buildings; from burning of domestic and industrial waste; from motor vehicle exhaust; from industrial processes which release chemical vapors; and from combustion of fuels for the generation of power.

Great progress has been made, but the problem is far from settled. I do not know the actual figure, but I am certain that the city and county of Los Angeles and the State of California, as well as private enterprise, have spent millions of dollars in attempting to eliminate smog from the area.

This measure will authorize a total of $90 million to be used to try and help solve the problem. Of this, $5 million is for fiscal year 1964, $20 million for fiscal year 1965, $30 million for fiscal year 1966 and $35 million for fiscal year 1967. In other words, a total of $90 million over the next 4 years. The money will primarily be used for research, investigation and training by the Department of Health, Education, and Welfare, particularly the Public Health Service.

According to the testimony before the Rules Committee and the report, H.R. 6518 requires the Secretary of Health, Education, and Welfare to establish a national research and development pro-

gram for prevention and control of air pollution, and for that purpose to conduct research, render technical service, and conduct investigations and research if requested to do so by appropriate air pollution control agencies, or if he deems the problems of air pollution of national significance; and, in addition, to conduct studies relating to motor vehicle exhausts and to the effect of the discharge of such exhausts on human health and the determination of standards of safety for such discharge. For these purposes the Secretary is authorized to collect and make available information on the subject, to cooperate with all interested public and private agencies and institutions, to make grants for research, training, and demonstrations; to introduce controls, to provide training for personnel, to establish research fellowships, to collect and disseminate basic data on chemical, physical, and biological air quality and other information; to develop effective practical processes, methods, and prototype devices for the prevention or control of air pollution; and to establish criteria of air pollution.

The bill also sets up a procedure whereby under certain circumstances, the Federal Government can proceed to secure abatement of serious situations and violations.

Mr. Speaker, I realize that this measure will extend the Federal jurisdiction into another field which possibly is a more local than Federal problem. By the same token, I believe that the taxpayers in these areas where air pollution exists are willing to do anything they can to help clean up the air. It is occasionally stated that if the city officials can place the responsibility on county officials, they will do so. It probably follows that county officials may feel the same way about the State, and the State may feel the same way about the Federal Government. I would certainly hope that in the passage of this legislation, city, county, and State officials will not come to the conclusion that the Federal Government has taken over this field and that they thus will have no responsibility in the future. It seems to me that this is a problem that requires the attention and best efforts of all of these groups working closely together. I would also hope that this money is not used to duplicate research which has been heretofore conducted by local communities or States, as well as any universities. I would hope that all results of research by the various organizations will be readily gathered together and disseminated to the communities that it may benefit and, in turn, the Federal research program will continue from that point.

I would further hope that the subcommittee of the House Interstate and Foreign Commerce Committee having jurisdiction over this matter will devote their close attention to the developments under this program in order to determine that the $90 million is spent wisely.

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I support the bill, Mr. Speaker, I know of no objection to the rule and urge its adoption. I reserve the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

IN THE COMMITTEE OF THE WHOLE

Mr. ROBERTS of Alabama. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6518) to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the con-

sideration of the bill, H.R. 6518, with Mr. ULLMAN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Alabama [Mr. ROBERTS] will be recognized for 30 minutes and the gentleman from Ohio [Mr. SCHENCK] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. ROBERTS].

Mr. ROBERTS of Alabama. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I am happy to recommend to the favorable consideration of this distinguished body the bill, H.R. 6518, which is designed to assist in the prevention and control of one of the Nation's most serious health and economic problems—that of pollution of our air, which, without exaggeration, has become a national disgrace.

Air pollution problems have existed in varying degrees of intensity for many years in most of the Nation's metropolitan centers.

The swift growth of our technological society has produced a high level of material benefits for the people but has also generated a high level of actual and potential problems caused by contamination of our environment.

These contaminating elements come from many sources—from furnaces which heat homes, offices, and public buildings; from motor vehicle exhausts; from burning of domestic and industrial waste; from industrial processes which release chemical vapors; and from combustion of fuels for the generation of power.

Air pollution imposes a heavy burden on our economy, causing extensive damage through its effects on animals and plant life, corrosion and soiling of materials and structures, depreciation of property values, interference with air and surface transport, and losses of unburned fuels. It has been estimated that economic damage from air polluting amounts to as much as $11 billion each year in the United States; $500 million of this figure represents agricultural losses alone. Air pollution thus costs an estimated $65 per capita annually in economic losses alone.

The adverse effects on human health caused by air pollution are of even greater concern, although obviously health is too precious to be measurable in terms of dollars.

Research conducted over the past few years has produced overwhelming evidence linking air pollution to the aggravation of heart conditions and to increases in acute and chronic respiratory diseases. Specific diseases associated in one degree or another with air pollution are lung cancer, emphysema, chronic bronchitis, and asthma. And the irritation caused our eyes, noses, and general sensibilities by the blight of air pollution in most of our urban areas is a vexatious problem with which many of us are all too familiar.

It is not difficult to understand the nature of this threat when one realizes that only a small part of the vast supply of our air resources is available for use in any single location. In general, the sources of air pollution are concentrated where people are concentrated. Over one-half of our population now lives on less than 10 percent of the land area of the country, and there is every indication that by 1970 two-thirds of our population at that time will live in the same limited land area.

The anticipated growth and concentration of our population and industry in these land areas will inevitably result in increasingly serious health and economic consequences, unless appropriate action is taken now.

Within recent years considerable progress has been made at the Federal, State, and community levels, but the problem will continue to demand an expansion of research and control efforts for many years in the future.

The need for such an expanded effort

has become apparent to me after careful study of the problem in my capacity as chairman of the Subcommittee on Public Health and Safety of the Committee on Interstate and Foreign Commerce.

The problem of air pollution has been under consideration by the committee for many years. In 1955 the committee reported favorably on the basic legislation establishing the present Federal air pollution research and technical assistance program.

In 1956 the Special Subcommittee on Traffic Safety of the committee made a study of noxious, toxic, and harmful motor vehicle exhaust fumes in connection with a comprehensive investigation of highway traffic safety. Testimony was taken and research activities of the industry were studied on visits to manufacturing plants.

Hearings have been held by the Health and Safety Subcommittee in 1958, 1959, 1960, and 1962 on various bills concerned with extension of the Federal air pollution program and on the progress being made in air pollution control, particularly with regard to motor vehicle exhausts.

In 1959 the committee reported favorably on legislation to extend the Federal air pollution program—Public Law 86-365—and in 1960, a favorable committee report was made on a bill requiring increased emphasis on research into the motor vehicle exhaust problem and a report to Congress on the results of such investigations—Public Law 86-493.

Last year, the committee reported favorably on legislation to extend the Federal program for an additional period of 2 years and to enact into permanent law the substance of Public Law 86-493 requiring the Surgeon General specifically to conduct studies on motor vehicle exhaust as it affects human health through the pollution of air—Public Law 87-761.

Thus, over the years the air pollution problem has been carefully studied. During these years significant progress has been made, through research, in understanding the nature of the problem and the methods for its control. But, in comparison with the magnitude of the problem, far too little has been done at all levels of government, to actually apply the knowledge we now possess to control the existing problem and to prevent its aggravation in the future.

Mr. Chairman, although organized programs to deal with problems of air pollution are of comparatively recent origin, I should like to summarize briefly what has been done, or at least begun, at the Federal, State, and local levels.

FEDERAL PROGRAM

Since its establishment in 1955, the air pollution program of the Public Health Service has conducted and supported research, provided training, rendered technical assistance upon request, and disseminated information on air pollution to official and other organizations and the general public. Main emphasis has been placed on research, which has developed vital information on the health and economic effects of air pollution. This information has been made widely available for use by all levels of government, industry, and the public. New and valuable information on levels of air pollution throughout the Nation has been made available through the cooperative local, State, and Federal national air sampling network which now operates in every State, in 213 urban and 37 nonurban sampling sites. A continuous air monitoring program now provides what is virtually a minute-by-minute appraisal of the levels of gaseous pollutants in eight major cities.

A 2-year study on air exhaust and health has been completed under the authority of Public Law 86-493, enacted in 1960. The report to Congress, "Motor Vehicles, Air Pollution, and Health," makes clear that automobile emissions produce effects on human health and other biological systems. It points out that it is possible that none of our present approaches will, in the long run, provide adequate solutions to the problem.

Entirely different concepts may be needed, such as the modification of basic engine design or employment of types of engines not now commonly in use.

Progress has also been made in assessing the quantities of individual pollutants present in the atmosphere. One example is the studies published on comparative levels of benzpyrene in cities throughout the country.

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The Service has also accelerated its work on the investigations of techniques and basic design considerations, not only as they relate to the pollutants produced by automobiles, but for other pollutants, such as the oxides of sulfur, for which adequate means of control are not now available.

Technical assistance activities have been expanded. Thirteen cooperative statewide surveys have been completed, as well as 10 major local surveys and dozens of investigations of special air pollution problems.

Finally, the training programs of the Service have made a major contribution to the development of the technical manpower required for Federal, State, and local programs. Up to the present, training at the sanitary engineering center in Cincinnati and the field include courses in 18 different subject areas. Research and training grants to universities and other organizations have increased from 31 in 1958 to 85 at the present time.

STATE AND LOCAL PROGRAMS

Because of their many variations in scope and emphasis, it is not possible to generalize about State and local programs. They include research, equipment development, surveys, and pollution abatement activities. The primary emphasis is on control activities—the application of present scientific knowledge and techniques to reduce or control the emission of pollutants into the atmosphere. However, the widespread application of control techniques is dependent in large measure on the availability of competently staffed and supported State and local air pollution control agencies. Unfortunately, our present structure of such agencies is far from adequate for dealing with the needs of the Nation for air-pollution control.

With respect to our urban population, approximately 90 percent or 100 million persons live in localities having air pollution problems. It is estimated that all 232 communities in this country with a population greater than 50,000 have air pollution problems and approximately 40 percent of the communities in the 2,500 to 50,000 population range have problems. In total, about 6,000 communities in the United States have air pollution problems of varying degrees for which action programs should be initiated or strengthened as soon as practicable.

Today there are only 106 local control programs on record which have full-time staffs. These programs serve 342 local political jurisdictions, which comprise about 45 percent of the national urban population. Only 28 of these control programs have 5 or more full-time employees. There is an additional number of local programs with part-time staffs. The median annual expenditure is about 10 cents per capita, an amount highly inadequate to do the job which is necessary to attain effective control.

On the State level, during the past decade, there has been some improvement in the status of State air pollution legislation and the development of comprehensive programs dealing with problems in this area. Thus, about 15 States now have enactments which authorize the conduct of specific programs, whereas no State had such authorization as of 1950.

These relatively new State programs are quite varied with respect to the types of activities included. Of the 15 States having specifically identifiable air pollution programs, 12 have regulatory control authority at the State level, but only 4 of these exercise this authority statewide. All 15 of these States provide some

technical assistance to local jurisdictions; 8 provide for encouragement of interlocal programs, and 4 have set up statewide air sampling and monitoring networks; 5 of these 15 States have engaged in varying degrees in training of personnel, nuisance abatement, laboratory assistance research, pollutant emission studies, and dissemination of information. In general, those States with specific air pollution programs carry on activities in one or more of the following categories: First, surveillance of problems; second, technical assistance to local agencies; and, third, legal regulatory control at the State level.

Because the air respects no arbitrary boundaries and flows freely from community to community and State to State, the problem of interstate air pollution is a very real one. There are some 38 million Americans living in metropolitan areas that reach across State boundaries, and all these people live and work in polluted air. Yet there is in this country only one air pollution control agency that is interstate in its activities, and it has barely begun.

In recent years several committees composed of highly qualified persons have studied the problems of air pollution in the United States, at the request of the President, the Congress, and the Surgeon General. All of these groups have emphasized the essentiality of preserving the quality of our air resources and the need for more research and technically trained manpower, and greater application of our available technology in preventing air pollution.

Mr. Chairman, H.R. 6518 would replace the existing Air Pollution Control Act, as amended, with a new version. The legislation would strengthen and make more explicit the authority of the Department of Health, Education, and Welfare with respect to its activities in air pollution research, training of needed manpower, and demonstrations. In addition, two new programs are authorized; namely, one, a 4-year program of Federal grants to State, regional, and local air pollution control agencies to assist in the establishment and improvement of air pollution prevention and control programs in the States and local communities; and two, a program of limited Federal assistance and participation, under certain circumstances, in actions directed toward abatement of particular air pollution problems.

ENFORCEMENT

The provisions of H.R. 6518 relating to abatement of air pollution are an important adjunct to the expanded local and State control activity which the bill seeks to encourage.

This portion of the bill is again an expression and a logical outgrowth of the concept that control is best secured through the efforts of local and State agencies. The plan for abatement action is predicated on the belief that the proper role of the Federal Government in these matters is as collector and disseminator of information, to assist the States and local governments on request, and—when control efforts by the States have not been successful in resolving an interstate problem, to exercise a limited abatement authority.

Mr. Chairman, the abatement procedures outlined in the bill and discussed in the accompanying Report No. 508 have been developed in considerable detail. I would like to summarize them briefly here.

The abatement procedures recognize that States and communities are faced with two classes of air pollution problems—first, those in which both the sources of pollution and the persons whose health or property are endangered by it are found in one State—interstate pollution; and, second, those in which property or health damage result from air pollution originating in another State or States—interstate pollution. In both such cases, the Secretary of Health, Education, and Welfare would be authorized, when officially requested to do so, to conduct conferences of the interested parties and to make recom-

mendations intended to secure abatement of the pollution problem in question. The Secretary would furthermore be authorized to convene such conferences on his own initiative when an air pollution problem which he has reason to believe that air pollution arising in one State is endangering the health or welfare of persons in another State.

Following the conference, the Secretary must allow 6 months for any remedial action which he recommends to be taken. Thereafter, if appropriate remedial action for abatement of the problem has not been taken, he may call a public hearing of the interested parties and receive from the hearing board its recommendations to secure abatement of the pollution problem. The Secretary may then convey the hearing board's recommendations to the interested parties, specifying a reasonable period of time—not less than 6 months—for them to be carried out.

If, at the end of the period specified by the Secretary, measures to secure abatement have not been carried out, he may then transmit his recommendations together with a transcript of the hearing to appropriate governmental officals. At this point, again, the bill makes a clear distinction between abatement of interstate and intrastate air pollution. In instances of intrastate air pollution, the Secretary shall present his findings to the Governor and the attorney general of the State, and may, at their request, provide technical and other assistance in judicial proceedings to secure abatement. When the pollution problem in question is of an interstate nature, the Secretary may turn over his recommendations and findings to the Attorney General and request him to bring suit to secure abatement on behalf of the United States. He shall not, however, make such a request until he has received certification from the

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Governor of each offended State that each Governor has made a good faith effort to enter into a compact or agreement with the State in which the pollution originates, and has met with no success.

Mr. Chairman, this plan for abatement of air pollution places the primary responsibility for control at the State and local levels of government and invokes the power of the Federal courts only when every reasonable effort to control an interstate problem at the State level has been shown to be unproductive and the health or welfare of American citizens is being needlessly jeopardized.

I believe we can all agree that the principal effect of this provision of H.R. 6518 will be to encourage communities and States to accept fully their responsibility for the control of air pollution, which, as I have said, is consistent with the broad objectives of the bill and with the intent of the Congress.

Interstate air pollution is a uniquely complex and demanding problem. With the growth of urban population, more and more metropolitan areas are reaching across State boundaries. So indeed are the air pollution problems that urban life creates, for as we have learned in committee hearings, the air pollution byproducts of our technological society are carried on the wind across the hundreds of miles, heedless of the political boundaries that crisscross the land.

Yet despite this growing problem, the resources of the States and their communities can be made equal to it, if the Federal Government helps to provide the climate for constructive and meaningful growth of the air pollution control effort throughout the Nation.

Today, Mr. Chairman, there is only one interstate air pollution agency in the United States, and it is without adequate authority to effectively abate air pollution. Yet, in 1960 some 38 million people lived in 24 metropolitan areas that extend into two or more States. The Nation has every right to look to the Federal Government for aid and guidance in finding a remedy to this situation. H.R. 6518 though it can offer no panacea,

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would, if enacted, be the first real step toward a solution.

GRANTS FOR SUPPORT OF AIR POLLUTION CONTROL PROGRAMS

The legislation before the House explicitly states that primary responsibility for the prevention and control of air pollution at its source rests with State and local governments, a reaffirmation of a policy which the Congress has consistently set for the Federal air pollution program. Mr. Chairman, the provision of H.R. 6518 authorizing the use of Federal funds to partially support State and local air pollution control programs is not only consistent with the expressed intent of Congress, it is essential if that intent is to be fully realized.

If the Nation were effectively controlling its growing air pollution problem, H.R. 6518 would be superfluous. The facts, unfortunately, point to the contrary. Mr. Chairman, only 24 of our 50 States spend more than $5,000 a year to control air pollution. In all, the States are spending less than $4 million a year to meet the rising threat of air pollution, and more than half of that sum is being spent in California alone. Local control agencies are spending considerably more, about $8.5 million annually; but half of the Nation's metropolitan centers and some 6,000 smaller communities are inadequately served by control programs, despite the fact that they all suffer moderate or serious air pollution problems.

The bill would authorize the Secretary of Health, Education, and Welfare to expend not more than $5 million annually, plus any unexpended portion of the funds for this purpose appropriated for the previous fiscal year, in the form of grants to State and local air pollution control agencies to assist them in establishing and maintaining control programs. The objective of these grants is to provide impetus to the establishment and improvement of regulatory air pollution programs in the States and local communities. Members of the House will agree, I feel sure, that this is indeed a modest sum when compared with the billions of dollars worth of damage to goods, property, and agriculture inflicted each year by polluted air. Yet these funds, allocated as the bill prescribes on the basis of a formula which takes into account population, per capita income, and the extent of the air pollution problem within each State, would enable and encourage many communities to undertake effective control programs where they are now either inadequate or totally lacking.

There are, of course, serious-minded persons who deplore, as I do, the thought that the Federal Government might assume the full burden and cost of air pollution control throughout the country. This is neither the responsibility of National Government, nor is it the intent of the legislation before the House. The bill, in its entirety, would rather assist the several States in meeting their responsibility for the prevention and control of air pollution. It would mark the beginning, Mr. Chairman, of a concerted effort to deal wisely and effectively with a problem, which, though it is primarily local in nature, is nonetheless a national disgrace and a serious economic and health problem.

The time for prudent Federal leadership and support is upon us. The Congress should delay no longer in helping initiate and strengthen effective air pollution control programs where they are most sorely needed—in the cities and States of the Nation troubled by polluted air.

Mr. SCHENCK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, every individual person in the Nation must breathe in order to remain alive, and there is no choice but to breathe the air with which we are surrounded. Therefore, this bill H.R. 6518 is vitally important to every person in this Nation in a very personal way.

Our colleague, the gentleman from Alabama [Mr. ROBERTS], chairman of

our subcommittee, is to be most sincerely commended for all the work he has done in this field of air pollution and better health.

The United States enjoys, more than any other nation on earth, a level of prosperity and a standard of health that are a monumental tribute to our industrial and technological progress and to our representative form of government. It is incongruous, in the face of these accomplishments, that we are failing to adequately meet the problem of air pollution, one of the challenges thrust upon us by modern civilization. A nation that can provide employment for 70 million people, that can achieve miracles of lengthened lifespan and reduced infant mortality, that can provide its citizens more educational opportunities, more of the trappings of personal comfort, indeed more of the tangible and intangible elements of a prosperous life—such a nation must certainly find ways to correct the steadily worsening environmental insults of air pollution to which its people, its proud cities, even its agricultural areas are subjected.

From the economic viewpoint alone, it is reliably estimated that the loss per capita in damage to crops and vegetation, paint, chrome plate, rubber, and other material goods is costing $65 per capita per year and this does not take into account the damage to the health of our people and animals which cannot be measured in dollars alone. This per capita economic loss will continue and even at an increased cost unless prompt and effective steps are taken to meet these problems. Yet we are currently spending only about 10 cents per capita to meet these problems and thus the wisest thing to do is to step up our efforts to reduce the rate of economic loss and protect the good health of everyone. No area in our Nation is free from these dangers and losses. Appropriate and proper efforts now will produce lasting benefits to every area of the Nation and each of our citizens.

It has been my great privilege to have had a direct part in activities relating to the problem of air pollution for several years and in so doing I believe I have come to really appreciate the urgent seriousness of this property loss and the bad effects on human life. A good step in the right direction is embodied in H.R. 6518, introduced by my able colleague, the gentleman from Alabama [Mr. ROBERTS], which I urge the House to approve overwhelmingly. This bill will make it possible for the cities and States of the country to fully assume their own proper responsibility for the control of air pollution, by intelligent and limited use of the instrumentality of the Federal Government to aid them in this endeavor. Herein lies the key to an expanded national program to deal with a proliferating, national problem: cooperation among government at all levels, with the primary responsibility as it should for direct control authority left to the States and local governments.

Mr. Chairman, I had the pleasure of participating last December in the National Conference on Air Pollution, called by Surg. Gen. Luther L. Terry. Many differing views were expressed at that meeting on specific details of the air pollution problem, but I cannot emphasize too much the really remarkable unanimity of opinion that much more needs to be done nationally to bring the

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problem of air pollution under control. Spokesmen from industry, from science, from public health, from air pollution control activities and from all levels of government were virtually of one voice in calling for a sustantial increase in the national effort to bring about better control of this problem. And the public response to the conference, manifested only in part by the impressive coverage given it by the press, radio, and television, provides yet another index of the growing public acknowledgment that much more needs to be done now to halt the contamination of our

air resources. Thus, I think we here in the Congress have a unique opportunity on the one hand to truly represent the will of the American people and on the other to provide the leadership that is a traditionally essential element of the legislative process.

The bill now before the House, H.R. 6518, may be looked upon as having three major elements. First, it reiterates the well established sentiment of the Congress that air pollution, a byproduct of industrial, technological, and population growth and concentration, demands abatement action, which is primarily the responsibility of the communities and States. In a second element, the bill authorizes a substantial expansion of existing Federal activities in the field of air pollution; namely, research, technical assistance, training, and dissemination of information. Finally the bill gives the Federal Government, for the first time, the authority to assist States and communities directly in the establishment and maintenance of control programs by providing limited financial assistance, if the need is shown, and by participating under certain circumstances in activities directed toward abatement of particular air pollution problems.

In its totality, the bill introduced by the gentleman from Alabama [Mr. ROBERTS] is focused on the one great stumbling block that has thus far frustrated efforts to deal conclusively with the problem of air pollution—the inability or unwillingness of many States and an alarming number of cities and towns to conduct the kind of air pollution control programs they so urgently need. Virtually every provision of the bill is clearly aimed at aiding, primarily through making technical information available, the establishment and improvement of local and State control programs, and hence, at removing the serious obstacle of inadequate action. There is no intention, as far as I am concerned, to relieve local communities and States of their own responsibilities to provide for and administer a clean-air program.

The bill does this, I think, in two closely related ways. The Federal Government through the Department of Health, Education, and Welfare, can provide very limited initial financial impetus when proven necessary to initiate, or where needed, strengthen control programs in the States and cities of the Nation. As the bill provides, the Federal Government can serve only in the capacity, as a starter, to help the local programs get their feet on the ground through modest financial help and technical information. I am sure that once effective programs are undertaken and their worth and benefit to the community or State is demonstrated, as it will be, the citizen-taxpayers served by such programs will be glad to assume the full responsibility for their continuing support, and the modest investment made by the Federal Government will be far outstripped by appropriated local funds. Once the people realize the gains in personal health and comfort and in economic returns that will accompany effective air pollution control, I submit they will never again allow the needless and careless destruction of their air resource that we are witnessing today.

The bill will authorize what we must certainly call a modest investment in Federal grant support of local and State control programs—a total expenditure in any fiscal year not to exceed $5 million. These funds would be allocated to the States on an equitable formula basis of established need, designed to take into account the State's own financial capacity and its air pollution problem. Obviously, this sum could never serve to underwrite the entire national cost of air pollution control, and the bill envisions nothing of this kind. This money would serve only as a stimulus, and as tangible evidence of the willingness of the Federal Government to aid the States in launching and maintaining their own effective control programs.

Another major feature of the bill, one which is intimately tied to the grants program, is the authorized Federal participation in abatement activities. On

this point, too, the bill places full responsibility for control with State and local governments, but it does more than that. It attempts to create a climate, now sorely absent, in which States can pursue abatement measures with the assistance of the Federal Government as a repository of authoritative technical information and counsel. In only one type of air pollution situation would the Federal Government be authorized to intervene directly to secure air pollution abatement through the Federal courts. This would only occur when all efforts at the State level have failed to resolve an air pollution problem involving two or more States. We have every reason to believe that application of this authority would truly be the exception to the rule.

This leads to a point which I believe needs to be emphasized. In attempting as it does to encourage and foster increased local and State air pollution control activity, the bill recognizes the need for the creation of both interstate and intrastate agreements to deal with air pollution problems, as they so often occur, on a multijurisdictional basis. Experience has demonstrated that single political entities, whether they be cities, counties, or entire States, often cannot adequately deal with the air pollution problems confronting them because another political jurisdiction, entirely independent of the first in many cases, is directly involved. Where these problems are confined within one State, the course of action is clear—a statewide or regional control agency must be established and empowered by the States to deal with the problem. But when two or more States are involved, the situation becomes administratively more complex and demands the adoption of agreements or compacts among the States. The bill, H.R. 6518, would give the consent of the Congress to the creation of such compacts or agreements so that interstate problems could be resolved at the State level. Only when no such compact or agreement exists and when efforts to secure one prove fruitless would the Federal courts be asked to intervene on behalf of the people of the United States.

Mr. Chairman, my experience in the field of air pollution, particularly in the perplexing area of automotive exhaust gas air pollution, has firmly persuaded me that every segment of our society, governmental and nongovernmental, has an important role to play in the struggle to preserve our diminishing supply of fresh, healthful, clean air. Last year, the Surgeon General, in response to legislation which I was privileged to introduce 2 years earlier, submitted a lengthy report to the Congress on the biological and health effects of motor vehicle air pollutants. The report concluded in essence that this specific air pollution problem is beyond question a potentially critical health threat and that it will surely worsen unless effective measures are taken to correct it. As we all know, the automotive industry has continued to spend huge sums in research on the matter of the harmful effects of automotive exhaust gases and has taken an important step by equipping all new cars beginning with the 1964 models with a crankcase "blowby" device that will reduce by about one-third the amount of harmful unburned hydrocarbons released into the air by each car. I understand that the industry is and has been working, furthermore, on the development of other devices and techniques that will help to correct the far more serious problem of pollutants released through the exhaust system itself. But this effort alone will not solve the automotive pollution problem unless and until the cities and States of the Nation are equipped to administer and insist upon a program of strict control to assure that motor vehicle pollution control devices and procedures are uniformly adopted and enforced. To my knowledge, only one State, California, has seen and acted upon the wisdom of this course, despite the fact that every city in the land with more than 50,000 residents either has now or soon will have a motor vehicle pollution problem to be dealt with.

In other areas, what I have just said is even more true, because the problem of control need not wait for the development of reliable and economical equipment and techniques. Air pollution authorities agree that many means are already at hand to bring under effective control many of the major sources of air pollution, such as fuel use, industrial operations, refuse disposal, and others. This information all too often is lying unused because the cities and States of the country, or certainly most of them, are either not equipped or are not yet willing to assume responsibility to bring

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it into application in the interests of their citizens.

I will conclude, Mr. Chairman, by respectfully asking that the House take this opportunity to strike a blow at the national disgrace of air pollution. The people of the United States are ready and able to meet the threat of air pollution. Our responsibility is to help them in every way appropriate to the Federal system of government. I urge my colleagues here in the House to overwhelmingly approve the clean air bill, H.R. 6518, and thus make an important start in providing all our people with urgently needed clean air in which to live.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. SCHENCK. I yield to the gentleman from California.

Mr. TEAGUE of California. Mr. Chairman, I seek the advice of the gentleman. I am very well aware of the seriousness of the problem of air pollution as well as the problem of water pollution. I would like to get the opinion of the gentleman as what a Member such as myself can do or should do if that Member has taken the position, as I have in the past, that water pollution problems, serious as they are, are primarily a matter to be handled at the local level. How is this air pollution proposal to be distinguished in principle from that relating to water?

Mr. SCHENCK. If I may reply to my good colleague from California, I will say that this legislation attempts to put under one umbrella all the various types of air pollution programs, participation, the matter of research, and the matter of grant in aid where a proven need exists, but those grants are not in excess of $5 million a year. It also makes it possible for the local communities to receive technological information and know-how from the research department of the Department of Health, Education, and Welfare, which is extremely important.

It provides, also, that there can be organized State compacts if the Congress will approve State compacts the same as they do with respect to water pollution. It also provides that we encourage and urge the local communities and States to do the job for themselves, applying only to the Federal Government when there is no other resource available.

Mr. TEAGUE of California. I thank the gentleman.

Mr. SCHENCK. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman has consumed 4 minutes.

Mr. ROBERTS of Alabama. Mr. Chairman, I yield to the gentleman from New York [Mr. HALPERN].

Mr. HALPERN. Mr. Chairman, I rise in support of this bill and I wish to heartily commend the distinguished chairman of the subcommittee, the able gentleman from Alabama [Mr. ROBERTS], for his hard work and dedication to this legislation. He has shown a continued determination to protect the lives and welfare of millions of Americans.

I believe H.R. 6518 will do just that. And I am privileged to have worked closely with the gentleman in this, and in the previous Congress on legislation in this field, my companion bill in this session being H.R. 4750.

Although I am not a member of the subcommittee, I have had continued interest in this problem and have found the chairman extremely helpful and

fully cooperative in seeking the answers to the ever-growing chaotic air pollution situation. I also want to express my appreciation to the officials of the Department of Health, Education, and Welfare who have been so cooperative with me and my staff in this matter.

Mr. Chairman, this is a most important problem and tragically, for too long a time, it has lacked the necessary tools to be effectively attacked. We can no longer be apathetic about this dangerous scourge which has caused such immeasurable damage to the health, property, and welfare of countless Americans.

We certainly do not shrug off as insignificant the pollution of air with radioactive materials from nuclear explosions. We may question contentions about the kind and extent of damage such pollution causes, but this uncertainty whets our determination to probe the dangers in order to decide more intelligently what do about them. In contrast, our response to air pollution which is a byproduct of urban, industrial living, has been somewhat lethargic. For this reason, passage of H.R. 6518 will be both a sign and means of our overcoming apathy.

Perhaps our slowness to act in this area stems from the rarity of spectacular damage caused by nonradioactive pollutants. The Donora disaster of 1948, when 20 persons died because of a concentrated, 3-day smog, is an exception. If the effects of nonradioactive pollutants are less dramatic than those caused by radioactive substances, nevertheless they are equally invidious. For nonradioactive pollutants—nitrogen and sulfur oxides, hydrocarbons, and solid particles—threaten our pocketbooks, our aesthetic satisfaction, and, above all, our health.

The estimates of the economic cost of air pollution are staggering. They range from $7.5 to $11 billion annually. Just imagine that, Mr. Chairman. This figure takes into account the damage to crops as well as the increased work absenteeism in areas where air pollution reaches high levels. Compare the billion dollar annual figure with the $90 million appropriations for a 5-year period envisioned by the clean air bill under consideration. Who can label this expenditure wasteful spending?

The aesthetic debits of air pollution are obvious to anyone familiar with the grayness of city buildings, the haze that greets the traveler flying to a large metropolis and, to single out a trivial but telling example, the sooty pall typical of snow in an urban environment.

It is possible that some persons might acquiesce in the economic and aesthetic costs of polluted air, an attitude I find hard to comprehend. But, how many of us can accept calmly danger to our health? Recent studies conducted by the U.S. Public Health Service postulate a close connection between the lung ailments, particularly chronic bronchitis, emphysema and lung cancer, and the prevalence of polluted air. Laboratory experiments with animals and humans tend to support the conclusions drawn from statistical surveys.

By the experts' own admission, evidence on the relation between air pollution and disease is far from conclusive. This incompleteness alone is a powerful argument for supporting H.R. 6518 which makes possible increased research into all aspects of air pollution, the dangers it poses as well as the remedies for them. However inadequate, the data already gathered persuades me that action to reduce and, if possible, to eliminate air pollution, is also imperative. To argue that it is necessary to wait until we have more information before acting often masks a determination to do nothing at all. In most instances, we act on probabilities and, as I interpret the facts the probability is for additional economic, esthetic, and health losses as long as the projected increase in urbanization, automobile travel, and industrialization goes on unaccompanied by anti-air-pollution programs. H.R. 6518 takes into account the need for applying what we know about air pollution and its remedies by empowering the

Federal Government to take legal action against those responsible for polluting the air.

Admitting the need for more extensive and intensive air pollution programs, why should the Federal Government get into the picture? Why not leave the responsibility to the States and local communities?

In the first place, air circulates freely, observing no State or municipal boundaries. The citizens of one State affected by pollutants discharged into the air in another State need some means to protect their interest in clean air. This bill makes the Federal Government their protector by allowing the U.S. Attorney General to bring suit against air pollution violators in the offending State after less compulsory paths to compliance have failed.

Second, local and State governments in general have failed to do adequate jobs in the past. Substantial progress has, of course, been made in some communities in the last few years. I can point to New York and the superb job being done by Commissioner Arthur J. Benline of the New York City Department of Air Pollution Control. But there is just so much States and cities can do on their own. According to the U.S. Public Health Service, only 342 local political units including about 45 percent of the population in areas which have problems, have air pollution control programs with full-time staffs. A scattering of other communities have programs with part-time staffs.

Finally, the coordinating role of the Federal Government under this bill inevitably reduces wasteful duplication, especially in research. Many communities, geographically widely separated, have similar problems. With the Federal Government acting as liaison, they could more easily arrange a division instead of a duplication of labor. This would save considerable sums of money as well as make possible maximum use of available resources. H.R. 6518 further

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aids local and State cooperation by authorizing the Secretary of Health, Education, and Welfare to channel reports to local agencies about developments in the air pollution field.

Mr. Chairman, as a Representative from New York City, whose industry, automobile traffic and population density create an ever-growing air pollution problem, I naturally have an immediate and personal interest in seeing H.R. 6518 passed. But, I do not speak only on behalf of either the urban dweller nor the 50-odd small farmowners and numerous home gardeners within New York City's limits. I know that I speak too, for countless others wherever they live, who have an interest in maximizing the economic, esthetic and physical well-being of all citizens. I trust this view is shared by the overwhelming majority in the House and that it is reflected in a resounding vote in favor of this bill.

Mr. ROBERTS of Alabama. Mr. Chairman, I thank the gentleman for his support of this legislation.

Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BURKHALTER].

Mr. BURKHALTER. Mr. Chairman, In America today we are faced with many problems; however, I feel that air pollution or, as some call it, smog, will be our No. 1 problem in the very near future if we do not do something to alleviate its spread now at the Federal level with proper legislation during this session. Regardless of what this contaminator of our life giving air is called it is a daily detriment, a serious daily detriment, to the health and welfare of each and every community in our Nation.

Initially certain scientists and air pollution experts and some health authorities tried to say that this problem was confined to parts of California and a few other large metropolitan areas; however, it is now more or less a generally accepted fact that the problem has become a national one, especially in any locality of over 50,000 inhabitants.

Physicians and leading health authori-

ties have long held that air pollution is certainly a contributing factor, and perhaps one of the major causes, of lung cancer, heart ailments, asthma, tuberculosis, and other respiratory ailments. Only this week were members of this House and the Senate asked to participate in a mass survey technique to detect a common chronic disease of the lungs, emphysema. Smoking and air pollution are the chief contributing factors of emphysema, yet no one knows how to prevent this disease, although it may be slowed down by modern medicine if the condition is detected in its early stages. Each and every year new types of respiratory diseases are finding their ways into our daily existence because of the pollutants thrown into the air by our industrial economy.

The general public is still skeptical about what is really causing smog, or air pollution. Most experts still insist that motor vehicles contribute in excess of 60 percent of all the pollutants and irritants which are discharged into the atmosphere. The other factors which constitute the remaining 40 percent are spread out in much smaller percentages. In California the following were found to be sources of air pollution: Petroleum refineries, steel mills, chemical plants, rubber processing and finishing establishments, foundries, electroplating plants, steam plants, open dumps, the private back yard incinerator and even the municipally owned incinerators and a host of unlisted and unnamed industrial processing plants. Air pollution is also contributed to by each little community restaurant, each open burning of leaves—in Los Angeles one of the first bans carried out was against the back yard incinerator because of the solid pollutants which were carried into the air each day; afterwards, the public incinerators were banned for the same reason, contamination of the air with solid pollutants.

Unfortunately the first conclusion a person was apt to reach was—if you do not see smoke or dust, no air pollution was occurring. However, due to the intensive research and public educational programs presented today concerning the many reasons for the pollution of the air the public has become well aware that it is for the most part the unseen vapors and chemicals which react one with the other to cause one's eyes to water and burn and to cause terrific pains and discomfort in breathing to some individuals.

It has been pointed out that local, city, county, and even State laws are not the answer. For example, in California some of the industries that contribute a great deal to the Los Angeles basin smog are located in neighboring counties. Also, local laws are not effective in combating smog created by motor vehicle exhaust because today there are thousands of individuals who commute to and from their daily occupations or businesses who may travel well over 50 miles a day, and these people may cross and recross many local, county, and even State boundaries during the day. This movement naturally applies to the tourist as well as the commuter. With this kind of boundary criss-crossing it is easy to see that local ordinances which attempt to control air pollution are meaningless. Why? Because the moving, fleeting pollutants are transported by moving vehicles across local and State lines, as well as being carried by the changing wind and weather patterns out and beyond the local boundaries of their origin.

In face of ordinary facts such as these it is imperative for any control which is to be really effective to originate at the Federal level. Before ordinances or laws were passed at the local level, nothing was being done to curtail the daily scourge of the problem. In Los Angeles County, notwithstanding our phenomenal growth from 3,900,000 people and 9,800 industries in 1948 to 6,500,000 people and 16,000 industries as of 1960, because of the smog research and ordinances passed since 1947 the volume of contamination entering the air from stationary sources is less than half what it was 15 years ago, and about 6,000 tons

a day less than it would have been had not our local control measures been taken in the interval. Even in London, England, which passed its "clean air act of 1956," the average concentration of smoke over the city has been reduced by roughly 40 percent.

It is estimated that air pollution is costing our Nation $11 billion a year. Dollars represent only replaceable goods, but what of the loss of a single life to this manmade air poisoner? This is not just a scare threat, unfortunately; the record shows that smog can kill and has. How many remember the headlines of 1952 that let the world know that over 4,000 deaths occurred in London from a killer—smog—and as late as 1962, 400 Londoners lost their lives to another killing smog blanket. The residents of Donora, Pa., were lucky and escaped with their lives, but 5,900 inhabitants out of 13,900 were made deathly sick by polluted air. These are all facts, not fantasies. It would indeed be a grave mistake to infer that all the damage that smog creates is to the physical body of man. It is estimated that in California damage to crops from smog alone is approximately $8 million to field and vegetable crops, according to Dr. John Middelton, chairman, department of plant pathology, citrus experimental station, University of California, Riverside. It is obvious Federal legislation is long past due in combating the foul mixtures that are polluting our lifegiving air hourly.

The automobile exhaust is one of the worst offenders. I have introduced legislation, H.R. 3765, which will set up certain standards that must be maintained for the elimination of this source of contamination. However, the other 40 percent creating air pollution are from a variety of sources, and each, no matter how small, must be treated and acted upon accordingly. The control of the pollutants from small and large industrial establishments is a factor which can be a financial drain on companies which are paying interest and principal on original loans, and will be for the next 15 to 20 years. A large portion of these new industrial plants have been started in the last 15 to 18 years, and a high percentage of the owners are veterans who received their initial loan from the Small Business Administration.

In talking with many of these individual owners, I have found that although they are encumbered with present financial obligations they would be more than willing to seek further loans which would enable them to install air-pollution control devices on any and all processes they employ which are at present contaminating the atmosphere, if such loans could be made available from Government agencies at a low interest rate.

I do not believe it is the desire of any of us advocating the rigid enforcement of controls of air pollution to harass or close down any of our industrial, commercial, or any firms which are contributing to the economic well-being of our country. However, this is a two-way street and the public health is of the first importance. Due to this dual involvement, and to the ready cooperation of many of the firms to install devices to control the emission of pollutants

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from their establishments, I believe that each of us in the legislative branch of the Federal Government are obligated to make low interest loans available to this group because of the very vital contribution to the welfare and health of the Nation this control of air pollution would be. Quoting from S. Smith Griswold, air pollution control officer for the Los Angeles air pollution control district, in this regard he has said:

Three separate factors suggest this need for a Federal program:

1. Los Angeles County and other urban areas cannot cope independently with the many technical and scientific factors associated with effective control efforts. To secure answers to the many questions confronting State and local agencies, there must be an effective division of effort between the several levels of government. Without that

kind of cooperative approach, the solution to the air pollution problem will be dangerously slow.

2. Much positive and constructive data and information regarding air pollution and its control already has been developed by local agencies, particularly in Los Angeles County where a very comprehensive program is being administered. This existing information should be correlated and made available to all control agencies through central coordination at the Federal level. There is little need to duplicate research or engineering development projects already completed or well on their way to completion if the information can be retrieved readily through a central agency. Available time and money should be used to expand the knowledge of air pollution and its effect on environmental health wherever necessary.

3. Federal financial assistance through grants-in-aid or contract research projects should be made available to local agencies conducting work of national interest. Most local governmental budgets are already strained to the breaking point and they should not now be required to spend local tax funds on projects that are of benefit to the entire Nation.

The aggressive program at the Federal level which could result from the enactment of H.R 6518 would provide sorely needed support to State and local air pollution control programs. It would concentrate the great mass of technical data and information and provide for the uniform national effort which the Surgeon General of the United States has said is vitally necessary for the protection of the health and welfare of the citizens of this Nation.

Many, many reasons and facts have been stated from both sides of the House that point out the increasing dangers from continued inactivity of Congress to act in controlling air pollution. I, therefore, urge that all of my colleagues weigh the responsibilities involved in the interest of public health and urge that Mr. ROBERTS' bill, H.R. 6518, be supported and passed by this august body unanimously.

Mr. ROBERTS of Alabama. Mr. Chairman, I thank the gentleman from California for his interest and his contribution and support of this legislation.

Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr ROGERS].

Mr. ROGERS of Florida. Mr. Chairman, I rise in strong support of this legislation and also to commend the chairman of this subcommittee and the other members of the committee, including the ranking minority member, for the fine work they have done over the years on this program.

Actually this problem of air pollution is increasing daily. We are seeing it right here in the Nation's Capital. In fact, it is to be found in all cities with a population of 50,000 or more. From a survey that has been made it is stated that 40 percent of all communities of 2,500 to 50,000 have air pollution problems. Of course, this is going to increase as our population increases, as the use of automobiles increases, as we industrialize, as we urbanize.

This legislation is simply founded upon the idea that some research done now will pay off not only in lessening the damage of some $11 billion that comes about yearly, but also in the saving of lives.

Mr. Chairman, this legislation is offered in an effort to combat a national problem which threatens to become worse in very short order unless corrective action is taken. Polluted air, a by-product of industrialization and urban growth, threatens the health of every American, as well as the food he eats and the materials he uses.

Air pollution is a health hazard. To consider one aspect, it can turn mass murderer. In 1952, the city of London, England, suffered under heavy fog laden with a thick variety of polluted material. In those two weeks, more Londoners were killed than had died in the cholera epidemics of the 19th century. That infamous fog took from 3,000 to 4,000 lives.

In 1948 a deadly fog in Donora, Pa., resulted in 20 deaths and many, many illnesses.

But these incidents happened some years ago. Yes, but the average American recognizes the problem we have under discussion here today when you mention to him the irritation which accompanies a warm, still day in any urban or semi-urban area where automobile exhaust fumes, chemical waste, industrial vapors lay in the atmosphere to hinder

sight and breathing. And any farmer can recognize the damage which can occur to crops planted near heavily traveled highways.

The problem of contaminated atmosphere has become common knowledge for every American, and concern for this problem is seen in local, State, and Federal activities.

The problem is getting worse despite corrective action even now underway to control it. The U.S. Public Health Service estimates that by 1970, two-thirds of the American people will be breathing the air which covers less than 10 percent of this Nation's total land area—strong testimony to illustrate our trend toward even greater population density. As a corollary, let us compare the amount of toxic substances in circulation. In 1947 U.S. production of synthetic organic chemicals was about 18 billion pounds. In 1958 we were producing more than 40 billion pounds. The waste products of this production are still being thrown into the air we breathe.

We have ample evidence to link polluted air to all sorts of diseases. Respiratory diseases naturally fall to mind first—emphysema, asthma, lung cancer, tuberculosis, and many other maladies with cardiorespiratory effects are accelerated if not caused directly by dirt in the air.

Laboratory tests show that polluted air becomes more a threat when exposed to sunlight. In some cases, chemicals which pose no danger can suddenly become dangerous when irradiated by the sun's rays, and many chemicals once irradiated become even more potent than when originally emitted. For example, exhaust fumes have been found to be highly toxic; $11 billion damage yearly is reported from air pollution and vegetation damage alone from polluted air is estimated to run as high as $500 million annually, indirectly affecting damage to our health as well as our economy.

Thus we can see the very great need for extending our efforts in the field of air pollution.

The committee emphasizes that the primary responsibilities and rights are the States and local governments in controlling air pollution.

H.R. 6518 does extend our efforts in this field, and does so in a way which gives closer congressional scrutiny, spells out the legislative authority much more clearly than has ever been done in any Federal air pollution program before, and will result in greater efficiency and returns per dollar spent as well.

At present, the U.S. Public Health Service has been conducting air pollution studies and work under broad, general authority as contained in sections 301, 311, and 314(c) of the Public Health Service Act. This legislative authority allowed great leeway for PHS activities, and the only real control which Congress had over these activities lay in the appropriations which were allowed to the Public Health Service.

The Committee on Interstate and Foreign Commerce has agreed with the findings of the Health and Safety Subcommittee that any future air pollution efforts must be scaled down to a compact package which allows close congressional supervision, specific authority, a definite set of goals to be accomplished, and a time limit on this new authority.

For these reasons, the committee has redefined the law with specific recommendations, required that any departure from this authority be checked by coming before the Congress for authorizations as well as appropriations, and cut the entire program to basically a 3-year program instead of the 5-year program originally proposed.

One of the main amendments which the committee adopted reduced the program to 3 years, and reduced the amount of the authorization as well. The House has this year already approved some $13 million for Public Health Service activity to be carried out under existing law. Because H.R. 6518 would enhance air pollution programs to include, for the first time, abatement of the problem as well as reasearch into its causes, an authorization for $5 million is contained in

this legislation to carry out this new authority for fiscal year 1964. However, Public Health Service suggested $154,937 for fiscal years 1965 through 1968 to

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implement this authority. However, the committee, by imposing ceilings of $20 million for fiscal year 1965, $30 million for fiscal year 1966, and $35 million for fiscal year 1967, has reduced the program to a 3-year authorization, and cut some $70 million as well.

There are other amendments which the committee has adopted in an effort to better regulate this program. Adoption of these amendments by the Congress is needed in order that air pollution programs, existing as well as the one proposed, can be better administered and made more effective.

The first such amendment places a restriction on the funds to be made available for grants for air pollution control programs. The amendment specifies a ceiling of $5 million for these grants, and states that such funds must come from the general appropriations for operation of the entire air pollution effort.

The second amendment is designed to discourage excessive spending in these grants made to States for air pollution control. The bill prior to this amendment would have directed that grants for this purpose be made in the amount of two-thirds of the cost of these programs. This amendment removes this fixed formula, and allows grants of smaller amounts to be made, with the effect being greater flexibility of administration, wider distribution of funds, and a reduction in the overall cost of the program as well.

The next two amendments follow through to conform with the grant formula alteration just described. These amendments allow regional air pollution agencies to receive grants in the same manner for which grants to the States are proposed, and provides that regional grants be figured pro rata as part of the share allotted to each State. The same effects of flexibility, wider distribution of funds, and reduction in cost are desired with regard to these amendments.

At the request of the Department of the Interior, the committee amended this legislation to allow the Department of the Interior to sit on the hearing board proposed. The Department of the Interior, with its concern in the field of coal mining, one cause of polluted air, was felt to be of value in such cases.

Mr. Chairman, as you can see, this legislation would provide action needed in the recognized problem of air pollution, and does so by providing efficient methods for that action through better regulation and control by the Congress. For these reasons I urge the enactment of H.R. 6518 as unanimously reported by the Committee on Interstate and Foreign Commerce.

Mr. ROBERTS of Alabama. I wish to commend the gentleman from Florida for his able and strenuous efforts in getting this legislation to the floor.

Mr. Chairman, I have no further requests for time.

Mr. SCHENCK. Mr. Chairman, I yield 5 minutes to my colleague, a member of the committee, the gentleman from Minnesota [Mr. NELSEN].

Mr. NELSEN. Mr. Chairman, I take this time to make some comments relative to this legislation, also to ask some questions of the chairman of the subcommittee in order to make a complete clarification for the record as to what this bill does.

Originally when this bill came before our subcommittee I think some of us envisioned the possibility that this might be a very far-reaching measure moving much along the lines of the Water Pollution Act. Some of the original enforcement provisions in the bill, in my judgment, were ill-advised, and I think the committee did a very thorough job in modifying the bill in all respects. I personally do not want the Federal Government to move in and start paying for air pollution control in every little town in the country. I think there is an area of research and technical assistance that should be available to communities. I

think there is an interstate problem, where there may be problems among several States, where there may be justification for the Federal Government's taking a hand in the problem.

May I ask this question: It is my understanding that many of the things that are being done under this bill in the way of research, technical assistance, and grants have previously been done under acts that presently are on the books. Is that not rgiht?

Mr. ROBERTS of Alabama. That is true; under the Public Health Service Act and the existing Air Pollution Control Act. The gentleman was in attendance at all the hearings. He helped write the legislation. At all times we were aware of his concern that we not replace local or State effort. We figure about $5 million a year for the new grant program. We do not want this to go into every little town. I do not think the wide open spaces and the little towns are bothered with this problem. It is primarily a problem of the cities with 50,000 population and above.

Mr. NELSEN. I certainly want technical assistance, advice, and planning made available, but to go in there to install physical facilities is another thing. I think the bill as written now will prevent that.

Mr. ROBERTS of Alabama. I think the gentleman knows from reading the bill that this is under the control of the local authorities. The Federal Government cannot go in without the concurrence of the Governors of the States and at the request of the Governors of the States.

Mr. NELSEN. That is right.

Mr. ROBERTS of Alabama. I think we tried very hard to avoid some mistakes that have been made in other Federal programs. The general purpose of the bill is to encourage cooperative effort on the part of the local jurisdictions, the States, and the Federal Government.

Mr. NELSEN. In other words, any request to the Federal Government does come through the Governor of the State, and the municipalities of the State must bring their requests to the Governor, who in turn brings the matter to the Federal agency.

Mr. ROBERTS of Alabama. That is true.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Alabama. I yield to the gentleman from Missouri.

Mr. CURTIS. As I read the bill, you do provide under (A) on page 10, under (B) on page 11, that requests originate from State or local authority, but under (C) on page 12, that the Secretary can move on his own volition without any request from any State or municipality.

Mr. ROBERTS of Alabama. That is merely for the purpose of holding a conference.

Mr. CURTIS. No; I beg to differ. This is the provision for bringing about the enforcement. You can start in any one of three ways.

Mr. ROBERTS of Alabama. Would the gentleman read the language to which he refers?

Mr. McCLORY. If the gentleman will yield, I think I can point out the language.

Mr. CURTIS. The language I am referring to, if the gentleman will yield, is on line 9. It reads:

> The Secretary shall also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution—

He starts on his own initiative and this just as section A and section B can culminate in the action taken against the State. It goes through quite a long bit of procedure, but it does result in that action.

Mr. NELSEN. Does the chairman wish to respond to the observation just made by the gentleman from Missouri [Mr. CURTIS]?

Mr. ROBERTS of Alabama. This is with reference to an interstate situation. However, before the machinery of abatement begins to operate, the Governor of the affected State must certify that

he has made a bona fide effort to enter into an agreement to secure abatement but has been unable to obtain such an agreement. So there again you go right back to the Governor who finally has to open the door to any Federal enforcement in the interstate situation.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman.

Mr. LAIRD. I note on page 4 of the committee report you outlined the appropriations authorized under this particular legislation and it sets forth the maximum authorization out of the Appropriations Committee. I would like to find out whether any additional personnel will be required in order to carry out the provisions of this proposed legislation.

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Mr. ROGERS of Florida. I want to say to the gentleman, and I realize his concern, that many questions he has asked, the committee has asked. We

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have tried in this bill to bring these programs under an umbrella and bring some control to them because the subcommittee shared some of the feeling of the gentleman. Of course, under the present law the Department can come to the Congress under the general provisions of law with no ceilings. We are now coming in and trying to tighten up this program.

I might also say to the gentleman from the requests we have seen that the Department was going to make, we have cut them about in half.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I will be glad to yield.

Mr. CURTIS. I, too, want to commend the gentleman for the position he has taken. There are some limitations in this bill and I am aware of that. What I was trying to find out, I might say from our side, was how much have you been able to gather together the various programs and put them under one umbrella? I think you are on the right track. I am really worried about this because I have the situation in my own committee where we have a similar problem that we have not been able to grapple with, and that is one reason why I expressed this concern.

Mr. ROGERS of Florida. I appreciate the concern of the gentleman because I share it and I offer this amendment to provide, when we pass this legislation, that no similar programs can be carried on anywhere in the Government under similar legislation. So we tie it all in and we can go to this one law and know that all of our air pollution control programs are right here.

Mr. CURTIS. I am frank to say to the gentleman I am about to embark on a little study of my own to see what can be done in respect to all of these research grants so that what I regard as an abuse, as I tried to describe it, cannot go on. It is not peculiar to what we have here in this bill but it is something general and applies to all of this Federal research.

Mr. ROGERS of Florida. May I say I commend the gentleman for his interest in this. This subcommittee and our committee have already embarked on this program and would welcome the support of the gentleman in all its recommendations.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I will be glad to yield.

Mr. McCLORY. Is there any reason why Dr. Wiesner, who is in charge of the Office of Science and Technology and in charge of the scientific group at the White House, endeavoring to coordinate research activities, was not invited to appear and testify before the committee?

Mr. ROGERS of Florida. They did not testify on this as I recall it.

Mr. SCHENCK. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman.

Mr. SCHENCK. May I suggest to my friend from Illinois that Dr. Wiesner, who heads up the Office of Science and Technology and the White House scientific group, is an electrical engineer. He did appear before our committee on another subject.

Mr. ROGERS of Florida. I might say that that organization spends no funds in this field. We have other agencies which have the responsibility for carrying on the program. This is not a new program. I am sure the gentleman knows that, because the Congress has already appropriated this year—that is, it has already passed through this House a bill for almost $13 million for this program. I am sure the gentleman knows that.

Mr. MCCLORY. Mr. Chairman, I would like to add with regard to the subject of water pollution that Dr. Wiesner did appear before our Committee on Government Operations.

Dr. Wiesner testified in part, with regard to the duplication of research and the effort that is being made, quite unsuccessfully so far, I might say, to coordinate the numerous multimillion-dollar research programs being carried on by various Federal departments and agencies. It would seem important that before we authorize additional expensive research programs we should make sure that we are getting the maximum results, or at least some substantial results from all of this diversified research effort.

Mr. ROGERS of Florida. The committee has gone into this. This is the purpose of the legislation, to tie this all in and to give Congress greater control over these programs.

Mr. SCHENCK. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. MCCLORY].

Mr. MCCLORY. Mr Chairman, as I envision this program it is one which converts an existing research program of limited Federal authority and function to a greatly expanded program of control and abatement on the part of the Federal Government. It follows the pattern of the Water Pollution Control Act which is referred to several times in the report and will give greatly expanded authority to the Department of Health, Education, and Welfare in this area. We talk about the conference which is to be called in connection with abatement procedures. Any members who have had experience with conferences called by the Public Health Service with regard to water pollution know that it results in a very unsatisfactory situation so far as the States and local municipalities are concerned. We have had numerous complaints before our committee investigating water pollution about the conferences that have been called by the Public Health Service. These are provided for in this act and also, although they look like innocent things, just little meetings, and although provision is made for giving notice, the result is that the Public Health Service moves in with a conference which is the first step in an abatement proceeding.

Mr. Chairman, as I interpret this bill, it not only authorizes the Governor to initiate these proceedings, but it authorizes a municipality within a State to initiate these proceedings if the air pollution originates in another State. That is the way I interpret the bill, as I read it on page 10, where it says:

> Whenever requested by the Governor * * * or * * * the governing body of any municipality, the Secretary shall—

That is mandatory.

Mr. ROBERTS of Alabama. Mr. Chairman, if the gentleman will yield, evidently he did not read lines 18 and 19, in parenthesis, which says:

> (with the concurrence of the Governor and the State air pollution control agency for the State in which the municipality is situated)—

Mr. MCCLORY. If I understand it, this requires the Governor to concur where the alleged pollution originates in another State. That is correct. It

will provide in these instances for the Public Health Service to move in and initiate these proceedings under those circumstances. And I can tell you from the experience that we have had before our committee that these may result in very disagreeable situations in your area.

Now, with regard to the greatly increased Federal expenditures which this bill authorizes, I call your attention to page 4 of this report. As pointed out there, this bill provides for two new programs. These two new authorizations will cost the taxpayers $90 million of money which we know we do not have.

These are programs which can be better conducted and financed locally by the States and municipalities which have better understanding of the problems and more resources to conduct these programs. They know what the problems are and how to solve them.

Mr. HARRIS. Mr. Chairman, I wish to concur emphatically with the statement of my colleague, the distinguished gentleman from Alabama [Mr. ROBERTS], in support of this very important legislation. The need for the additional authority contained in this bill is, in my opinion, not open to question.

For many years the Committee on Interstate and Foreign Commerce has carefully studied the air pollution problem and the committee can take real pride in its legislative record which I am happy to say has received strong bipartisan support over the years.

In 1955 the committee reported favorably on the bill which formed the basis for the Federal air pollution research and technical assistance programs. In the ensuing years the committee has followed the progress made in this area very carefully.

My colleagues, the gentleman from Alabama [Mr. ROBERTS], the gentleman from Ohio [Mr. SCHENCK], have, as most of us know, made very significant contributions. Therefore, it seems only fitting that I take this opportunity to compliment these gentlemen and the other members of the Subcommittee on Public Health and Safety on doing such a fine job with respect to this legislation.

The committee is aware of the criticism that there has been duplication and overlapping of programs administered by the Public Health Service, particularly with respect to appropriations authorizations which support these programs.

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The committee has specifically provided that no appropriations or authorizations shall be made under certain sections of the Public Health Service Act for any fiscal year for any purpose for which appropriations may be made under authority of this legislation.

The committee report discusses this question in detail.

The purpose of this provision is to insure that this legislation will become the basic authority for appropriations by the Federal Government for all air pollution programs, in order that the legislative committees of Congress may have, to an extent which they presently do not have, a fuller understanding and control of the true costs to the Federal Government of these air pollution programs.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in support of H.R. 6518, known as the Clean Air Act. This legislation is designed to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution.

In 1955 the 84th Congress recognized the need for a program of research and technical assistance to obtain and to devise and develop methods for control and abatement of air pollution, for it had become a serious national problem. Our progress in developing material benefits for our people also developed certain gaseous fumes which was contaminating the air we breathe. This contamination not only became an irritant to the membranes of our breathing faculties but it proved to be a health hazard to many with allergic conditions.

Congress made a study of the problem that existed and then enacted Public

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Law 159, 84th Congress, which provided the Secretary of Health, Education, and Labor the necessary authority and funds to carry a program of research in order to develop methods for control and abatement of air pollution.

Since being alerted to the dangers that did exist, Congress has continued to further its investigation of this problem and Public Law 86-493, approved June 8, 1960, directed the Surgeon General of the Public Health Service to conduct a thorough study of motor vehicle exhaust as it affects human health through the pollution of air.

This year the Subcommittee on Public Health and Study conducted further studies into this problem. The results of the hearings are now before us as H.R. 6518. Through the enactment of this legislation we replace Public Law 159 of the 84th Congress with a new act that strengthens and broadens the Air Pollution Control Act. We also provide Federal grants to State, regional, and local air pollution control agencies and establish a program of limited Federal assistance and participation, under certain circumstances, in actions directed toward abatement of particular air pollution problems.

Our Nation is growing at a rapid pace, both in population and technological advancements. There is a need for more homes, offices, and public buildings, which will need furnaces to heat them.

The burning of fuel in these furnaces will add certain gases to the air. Coupled with the exhaust fumes generated from the ever-growing number of motor vehicles, vapors from chemicals used in industry, and from combustion of fuels to generate power we increase the danger of pollution of our air.

If we are to be assured that we will breathe clean air and not a silent lethal weapon which could destroy our health, then we must continue to research and develop controls to insure the public health.

The legislation before us is a step further in the progress we are making to resolve this health problem. It deserves the support of this body and I wholeheartedly endorse its passage.

[p. 13285]

1.1e(4)(b) Nov. 19: Considered and passed Senate, amended, pp. 22321–22326; 22329–22331; 22334

FEDERAL AIR POLLUTION CONTROL PROGRAM

Mr. MANSFIELD. Mr. President, I ask unaminous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 615.

[p. 22315]

* * * * *

Mr. MUSKIE. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill, as so amended, be considered as original text for the purpose of amendment.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Maine? The Chair hears none, and it is so ordered.

Mr. MUSKIE. Mr. President, Senate bill 432, the Clean Air Act, introduced by the distinguished Senator from Connecticut [Mr. RIBICOFF] and 24 cosponsors, would replace the Air Pollution Control Act of 1955 with a new and more comprehensive program for the improvement of air quality.

Briefly, S. 432, as reported by the Committee on Public Works, provides the following:

First. Encouragement of cooperative activities between State and local governments for air pollution control.

Second. Expanded research and development in air pollution control programs.

Third. Grants for the support of State and local efforts to initiate and improve air pollution control programs.

Fourth. Enforcement authority for the Department of Health, Education, and Welfare in interstate air pollution cases.

Fifth. Increased control of air pollution by Federal installations.

These expanded areas of Federal activity are essential to a meaningful national air pollution control program. Federal, State, and local cooperation can meet the growing crisis in air pollution. But we cannot allow ourselves to be dissuaded from a forceful and determined effort to meet this problem by those who want to wait until we know more; by those who are more interested in avoiding the cost of cleaning up than in cleaning up the cost of doing nothing.

The proposals in S. 432, as amended, are based on hearings by the special Subcommittee on Air and Water Pollution on the following bills:

S. 432, sponsored by Senator RIBICOFF and others; S. 444, sponsored by Senator ENGLE and others; S. 1009, sponsored by Senator NEUBERGER; S. 1040, sponsored by Senator CASE of New Jersey; S. 1124, sponsored by Senator WILLIAMS of Delaware; and H.R. 6518, as enacted by the House of Representatives.

Each of these proposals has contributed to the development of the bill as reported by the Senate Public Works Committee. From the provisions of the several bills and from the constructive suggestions made by the Senators and other witnesses who appeared before the subcommittee or submitted statements, we have been able to develop a legislative proposal which should advance the cause of air pollution control in all parts of the Nation.

I want to take this opportunity to express my appreciation to the chairman of the Senate Public Works Committee [Mr. MCNAMARA] for his leadership and cooperation in our efforts to develop sound air pollution legislation. I am grateful to the distinguished Senator from West Virginia [Mr. RANDOLPH] and my other majority colleagues on the Subcommittee on Air and Water Pollution for their constructive assistance on S. 432, and to the minority members of the subcommittee, led by the able Senator from Delaware [Mr. BOGGS] for their cooperative spirit and help. Because of the joint effort we were able to muster, and the contribution of our able staffs, the legislation we have presented today has the unanimous approval of the Senate Committee on Public Works and substantial support from various segments of our society.

Mr. President, there is today a national recognition of the air pollution problem. For years men have been aware of the sooty deposits which accompany industrialization and we have been aware of the nuisance of unpleasant odors from manufacturing processes in certain industries. But so long as these side effects of industry and modern technology seemed to be nuisances and no more, we accepted them as one of the necessary drawbacks in our modern civilization.

With the outbreak of sickness and death associated with air pollution, our scientists became concerned that air contaminants could cause harm to man. Now, the Nation is aroused.

In the recent hearings of the special Subcommittee on Air and Water Pollution of the Senate Committee on Public Works, civic leaders, industrialists, medical doctors, and technicians all agreed that air pollution is a growing menace and that it must be controlled.

Air is life. We all know that we need fresh air every few seconds if we are to live. What we are not always aware of is that air is needed to sustain the kind of world in which we live. But the use of air in heating our homes, running our factories, driving our cars, and burning our wastes discharges pollutants into the air and results in physical and economic damage to the Nation.

Air pollution is injurious to health. We know, for example, that air pollution

cost 4,000 lives in London in December 1952, 340 deaths in the same city 10 years later, 17 lives in Donora, Pa., in October 1948, and 200 lives in New York in November 1953. Untold thousands of Americans have suffered and died as a result of the long-term injurious effects of air pollution.

As the staff report on air pollution, prepared for the special Subcommittee on Air and Water Pollution, has pointed out:

> Of much greater overall significance than acute episodes (of air pollution) is a growing body of evidence that long-term, low-level air pollution can contribute to and aggravate certain diseases.

We do not know all we want to know about the relationship between certain harmful agents in the air and disease, but we do know enough to establish a connection between various substances in the air and numerous respiratory ailments. These include: First, the common cold and other upper respiratory tract infections; second, chronic bronchitis; third, chronic constrictive ventilatory disease; fourth, pulmonary emphysema; fifth, bronchial asthma; and sixth, lung cancer. Close correlations have been shown between all of these diseases and the level of air pollution. In addition, there is a close correlation between the size of cities, the amount of air pollution, and the incidents of respiratory disease as a result of air pollution.

There are those who say that not enough is known to justify cleaning up air pollution now. They say we must wait until we have more specific evidence on the connection between air pollution and disease before we insist on cleanup in the air. I say there is no time to wait. We are not experimenting with the mortality of fungus, or of plants, or of mice. We are faced with the problems of injury and death to human beings—to ourselves, to our neighbors, and to our children. This is a national problem, requiring the closest cooperation between the Federal Government, State, interstate, and local agencies. If we place any value on human life, we will act now.

Air pollution is not only a menace to health, it is a source of economic loss in agriculture, in the conservation of fish and wildlife, and in the upkeep of homes and the maintenance of personal property.

Air pollution injures plants and causes hundreds of millions of dollars of losses to our agricultural economy every year. Recent research in plant pathology has demonstrated that the kinds of plants affected and the nature of injury produced vary with the agent. This has made it possible to identify some of the specific pollutants which injure plants and to prove, in some cases, that they have caused damage as far away as 100 miles or more from the point where they originate. Eastern white pine, grapevines, tobacco, spinach, grains, fresh vegetables, and flowers have suffered from air pollution. Livestock have suffered serious adverse effects from airborne fluorides. Corn and peaches are susceptible to hydrogen fluorides.

The annual cost of air pollution damage to property has been estimated at

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$11 billion for the Nation. Air pollution accelerates deterioration of metals, fabrics, leather, rubber, paint, concrete and building stone, glass and paper.

For the homeowner air pollution adds to the cost of painting, cleaning of clothing and furniture, and the replacement of many items. For industry, the cost of air pollution is measured in the replacement and protection of precision instruments and other complex control systems which are so important to modern technology.

Travel is affected by air pollution. In at least two recent instances—one in Pennsylvania and another in Louisiana—major turnpike crashes were attributed to poor visibility caused by air pollution. Air pollution, aggravated by atmospheric conditions, has increased transportation costs for air carriers. It has been esti-

mated that 15 to 20 air crashes in the United States in 1962 could be attributed to air pollution.

To these health and economic hazards we may add the nuisances of irritated eyes, unsightly haze, soiled clothing and buildings, and unpleasant smells. Air pollution makes life difficult, costly and unpleasant.

Air pollution is no respecter of persons, property lines, community boundaries or State lines. Subject only to the laws of nature, it moves across the face of the earth in the envelope of air which surrounds and sustains us. Air pollution is local in origin, but its effects are widespread. Only a forceful and coordinated attack on the problem will bring us to a meaningful solution.

Our supply of air is limited. It cannot be increased. The supply of air is fixed as are our supplies of other natural resources such as coal, petroleum, iron ore, uranium, and water. We realize that these are not limitless and must be conserved. We must take the same view of our air resources.

Our population is increasing and our standard of living is going up. Our industries, homes, and office buildings and motor vehicles take the air, combine it with fuels and return the air-polluting compounds to the air. The more we prosper, the more we foul the air we breathe.

Approximately a ton of air is required for every tankful of gasoline used by a motor vehicle. The billion gallons of fuel consumed annually by motor vehicles in the United States used 94 trillion cubic feet—640 cubic miles—of air.

Other fuels need comparable quantities of air. Burning a ton of coal consumes about 27,000 pounds of air, and a gallon of fuel oil about 90 pounds of air, while approximately 18 pounds of air are used in burning a pound of natural gas. About 3,000 cubic miles of air must be provided annually to satisfy the oxygen requirements of the fossil fuels presently used in the United States alone.

If we do not halt the present rate of pollution from all major sources we will be heading down a one-way road to physical and economic disaster.

We are doing something about air pollution. But our efforts have been late in coming and they have been very limited. We need to do much more. Our Federal air pollution program really got underway, in a very limited fashion, in 1955. Our present Air Pollution Control Act has a threefold program of research, technical assistance, and public education. It recognizes the primary place of local and State programs to control air pollution. At the same time, the act is based on the realization that air pollution is not confined to a single jurisdiction. It is a national problem, requiring a national program of research, technical assistance, and support.

One-third of the States have established programs to deal with air pollution. Most of these, however, are quite limited in scope. Local government programs, where they exist, are generally understaffed and without sufficient financial and trained manpower resources to meet their needs. Only 34 local programs have annual budgets exceeding $25,000. Seven of these are in California. Of the other 51 local air pollution control agencies, 21 tried to function on less than $10,000 per year. In the past decade, despite a 30-percent increase in urban population, there has been, outside of California, no overall increase in manpower to combat air pollution at the local level.

Mr. President, S. 432 represents a major step forward in our effort to combat the insidious threat of air pollution. It is similar to H.R. 6518, passed by the House. It is my belief that we will be able to reach an agreement with the House in the near future on a clean air act.

At this point I would like to summarize the provisions of S. 432. The purpose of S. 432, as amended, is to:

First. Replace the Air Pollution Control Act of 1955 in its entirety with a new version, a Clean Air Act.

Second. Express the findings of the

Congress that the increase in air pollution and the complexity of the problem of air pollution has been brought about by urbanization, industrial development, and the increasing use of motor vehicles. The act further recognizes the damage to the public health and welfare and the economic losses resulting from air pollution. It indicates also that the primary responsibility for the prevention and control of air pollution rests with State and local governments and that Federal financial assistance and leadership is essential.

Third. Express the purposes of the act to protect the Nation's air resources, to continue and extend the national research and development program, to provide technical and financial assistance, and to encourage and assist the development and operation of air pollution control programs.

Fourth. Encourage cooperative activities by State and local governments for control of air pollution and uniform State and local laws. Authorize the Federal Government to participate in such measures.

Fifth. Grant the consent of Congress to two or more States to negotiate and enter into agreements or compacts—requiring ultimate approval by Congress—for the prevention of air pollution, and the establishment of such agencies as may be necessary to make effective such agreements or compacts.

Sixth. Authorize a broad program of research, investigations, training, and other activities relating to air pollution control.

Seventh. Authorize the compilation and publication of criteria reflecting accurately the latest scientific knowledge indicating the type and extent of effects which may be expected from the presence of air pollutants, such criteria to be revised in accordance with latest developments in scientific knowledge.

Eighth. Authorize grants to air pollution control agencies to develop, establish, and improve programs for the prevention and control of air pollution, specifying that grants to air pollution agencies shall not exceed 20 percent of total funds authorized.

Ninth. Authorize grants up to two-thirds of the cost of developing, establishing, and improving air pollution control programs to air pollution control agencies, and up to three-fourths of such costs to intermunicipal or interstate air pollution control agencies.

Tenth. Authorize a procedure to carry out abatement actions whenever the health and welfare of persons is being endangered by air pollution.

Eleventh. Direct the Secretary of Health, Education, and Welfare to encourage continued efforts on the part of the automotive and fuel industries to prevent pollutants from being discharged from the exhaust of automotive vehicles.

Twelfth. Authorize the establishment of a technical committee to evaluate progress in the development of automotive pollution control devices and fuels, and to develop and recommend research programs which would lead to the development of such devices and fuels; also to make the necessary reports on the findings with respect to results obtained and steps necessary to alleviate or reduce pollution from these sources.

Thirteenth. Recognize the need for cooperation by Federal departments in controlling air pollution from installations under their jurisdiction and authorizing a procedure whereby the Secretary of Health, Education, and Welfare may establish pollutant sources for which a permit must be obtained in cases where any matter is being discharged into the air which may add to the overall air pollution problem.

Fourteenth. Authorize establishment of such regulations as are necessary for the effective administration of the bill and provide for accountability of financial assistance furnished under the act.

Fifteenth. Authorize fiscal year funds for 1964 to be used for the purposes of this bill, and authorize funds as follows: Fiscal year 1965, $25 million; fiscal year 1966, $30 million; fiscal year 1967, $35

million; fiscal year 1968, $42 million; and fiscal year 1969, $50 million. The total authorization for the 5-year program would be $182 million.

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Mr. President, S. 432 is a sound piece of legislation. It is a meaningful step in the right direction on the road to more effective air pollution control, and a healthful environment for all of us.

I urge its passage by the Senate.

Mr. BOGGS. Mr. President, I am very happy that the Senate is considering S. 432 as amended, known as the clean air bill. It was my privilege to be a cosponsor of this legislation.

The increase in air pollution and the complexity of the problem of air pollution has been developing to the extent that it has become a serious public hazard, a damage to the public health and welfare and to the economy. It has become necessary that every reasonable and practical step be taken at every level of Government to help meet the air pollution problem.

It is well to keep in mind that much is being done already by industry and local governments, but the problems of air pollution have been developing in scope, number and complexity much faster than have our efforts to deal with them. Therefore, this legislation is timely and provides for a more realistic and effective clean air program.

This legislation recognizes that the primary responsibility for the prevention and control of air pollution rests with State and local governments while at the same time providing Federal financial assistance and leadership.

It is my belief that this legislation will help provide the coordination, stimulus, research and technical assistance essential to a successful clean air program.

It is a privilege to serve on the subcommittee under the chairmanship of the distinguished junior Senator from Maine [Mr. MUSKIE]. The subcommittee of the Committee on Public Works under his leadership, along with the other members of the committee and the staff, worked most effectively, objectively, and diligently on this legislation.

Air is probably the most important of all our natural resources. Everyone is aware that we need fresh air in order to live. This legislation will go far in overcoming air pollution and assuring safe and clean air for our citizens.

Mrs. NEUBERGER. Mr. President, for myself and the junior Senator from Louisiana [Mr. LONG], I offer a patent amendment to insure that the fruits of the research to be funded by this legislation will be freely available to Federal and State governments and to the general public, and I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 7, between lines 23 and 24, it is proposed to insert the following new subsection:

(d) All scientific and technological research or development activity contracted for, sponsored, cosponsored, or authorized under authority of this Act which involves the expenditures of Government funds shall be provided for in such manner that all information, uses, processes, patents, and other developments resulting from such activity will (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be available to the general public. This subsection shall not be so construed as to deprive the owner of any background patent relating thereto of any right which he may have under that patent.

Mrs. NEUBERGER. Mr. President, this amendment has been discussed with the Senator in charge of the bill. I believe he is agreeable to accepting it at this time.

Mr. MUSKIE. Mr. President, there were some reservations in the committee about such a provision in the bill. The provision was included in the bill introduced by the distinguished Senator from Oregon. The reservations resulted because we had not taken much testimony on this subject.

Since the hearings we have explored the record with reference to the prob-

lem. I ask unanimous consent to have printed in the RECORD a statement I have had prepared on other pieces of legislation to which similar amendments have been attached.

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

The Senate of the United States has on many occasions expressed its view that the results of publicly financed research should be freely available to the general public.

The Atomic Energy Act of 1954 contained such provisions, which were reaffirmed in 1958.

So did the coal research and development bill enacted by Congress in 1960, the helium gas bill enacted in 1960, the oceanography bill passed by the Senate in 1961, the saline water and the disarmament bills passed by the Congress in 1961.

In this session of Congress the Senate unanimously legislated in the public interest by making sure that research authorized by the mass transit bill (S. 6) and the water resources bill (S. 2) would be used for the benefit of all the American people.

Mr. MUSKIE. I also ask unanimous consent to have printed in the RECORD a statement of the Department of Health, Education, and Welfare policy in this field, which is consistent with the amendment of the Senator from Oregon.

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

STATEMENT OF THE PATENT POLICIES OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE SUBMITTED TO THE HOUSE GOVERNMENT OPERATIONS COMMITTEE BY MANUAL B. HILLER, DEPARTMENT PATENTS OFFICER, MAY 24, 1963

Consistent with the Department's statutory responsibility for the advancement of science and knowledge and the dissemination to the public of the results of research, it is the general policy of the Department that the results of Department-financed research should be made widely, promptly, and freely available to other research workers and the public. This availability can generally be provided by dedication of a Government-owned invention to the public. Consequently, our regulations, in which our patent policies are expressed, uniformly provide as to employee inventions, inventions resulting from Government grant support or from contract, that the ownership and manner of disposition of all rights to such inventions shall be subject to determination by the head of the constituent unit responsible. Copies of the pertinent regulations are attached hereto.

Part 6 of the regulations establishes the general policy of the Department; viz, to provide by publication or other means for free access to the results of Department research. It also provides the criteria for issuance of licenses under patents for administration of which the Department has responsibility (45 C.F.R. 6.3).

Part 7, covering employee inventions, insures that such inventions when directly related to the employee's official functions or to which the Federal Government has made a substantial contribution shall be owned and controlled by the Government for the public benefit. The criteria for determining domestic rights to employee inventions, which are set forth in section 7.3 and are identical to those provided in Executive Order 10096, provide for flexibility in making determinations respecting title to employee inventions.

Part 8 of the regulations governs inventions resulting from research grants, fellowship awards, and contracts for research. As to research grants, the regulations provide—

"That the ownership and manner of disposition of all rights in and to such invention shall be subject to determination by the head of the constituent unit responsible for the grant" (45 CFR 8.1(a)).

The criteria upon which that determination is to be made, set forth in section 8.2, are similarly calculated to secure wide availability of the invention.

However, where a grantee institution has an established patent policy and its objectives are consonant with the policy objective of the Department, disposition of invention rights may be left with the grantee by the head of the operating agency making the grant provided a formal agreement can be reached between the Department and the grantee which then governs invention rights arising under all grants to that institution by that operating agency of the Department. Such agreements are executed only where there is assurance that any invention resulting from the project will be made available to the public without unreasonable restriction or excessive royalties (sec. 8.1(b)).

Section 8.6 provides for similar disposition of invention rights arising out of the performance of work under research contracts. The same alternative provided to nonprofit grantee institutions is carried forward in the contract area by a provision in the regulation that contracts for research with nonprofit institutions may leave the invention rights for disposition by the institution if its policies and procedures are acceptable as meeting the requirements applicable in the grant situation.

There is one exception to the Department's policy against relinquishment of invention rights to a private contractor, viz, where contracts with industrial profit-making organizations in the cancer chemotherapy program are involved. That program represents an intensified effort of the Public Health Service, with special appropriations made available under a congressional directive, to explore exhaustively and rapidly the potentialities of chemical compounds in the control of cancer. Because of the peculiar exigencies of this program and in order that

the resources of pharmaceutical and chemical firms may be brought to bear with a minimum of delay, an exception to general Department policy has been authorized in the negotiation of industrial contracts for this program. (Sec. 8.7; and see patent policy statement of the Secretary applicable to cancer chemotherapy industrial research contracts, July 31, 1958, set forth in section 6–10–20 of the materials attached hereto.) In essence, that exception provides that in

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industrial research contracts in the cancer chemotherapy program, the contractor may adopt either the standard patent clause which implements the general policy of the Department reserving the right of disposition of inventions to the Surgeon General, or a standard alternative clause leaving the right to patentable inventions with the contractor subject to certain limitations deemed necessary to protect the public's interest in the results of contracted research. The crucial provision therein (sec. B.4 of the policy statement) reserves to the Surgeon General the right to either dedicate the invention to the public or to issue royalty-free, nonexclusive licenses notwithstanding and in derogation of any patent which the contractor had theretofore obtained. The exercise of that right is conditioned upon a finding that either the supply of the invention is inadequate to meet the public need, the price is unreasonable or its quality is insufficient. Moreover, the right is subject to certain procedural safeguards which are specifically spelled out in paragraph B.4 of the Secretary's statement of policy.

There is thus provided a mechanism by which the public interest in any invention resulting from Government-financed cancer research is protected against insufficient supply to meet the public need, unreasonable price or inadequacy of quality. At the same time, the Department's policy and the contracts executed pursuant thereto provide reciprocal protection against precipitate governmental action which might destroy rights to which a contractor might reasonably be entitled.

Summarizing, the criteria employed by the Department for the disposition of invention rights in the field of employee inventions, research grants, fellowships, and research contracts are designed to foster the discrimination of the scientific and technical information gained thereby and to insure that the benefits of such work will be available to the public.

Mr. MUSKIE. With this background, I am perfectly willing to accept the amendment and take it to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon for herself and the Senator from Louisiana [Mr. LONG].

The amendment was agreed to.

CLEAN AIR ACT

Mrs. NEUBERGER. Mr. President, we are about to come of age in our relationship with our environment. The bill now before the Senate, S. 432, the Clean Air Act, represents the product of joint effort by the distinguished chairman of the Special Subcommittee on Air and Water Pollution [Mr. MUSKIE], the junior Senator from Connecticut [Mr. RIBICOFF], who has given us the benefit of his broad experience as Secretary of HEW, and others among us who have long sought appropriate action to preserve the purity of our skies.

For myself, this legislation represents the culmination of an effort begun nearly 3 years ago. The bill which I introduced at that time and the bill which we are called upon to debate today were in measured response to the indelible portrait of death and destruction by air pollution, drawn for us in deep strokes by President Kennedy in his health message to the Nation:

Economic damage from air pollution amounts to as much as $11 billion every year in the United States. Agricultural losses alone total $500 million a year. Crops are stunted or destroyed, livestock become ill, meat and milk production are reduced. In some 6,000 communities various amounts of smoke, smog, grime, or fumes reduce property values and—as dramatically shown in England last year—endanger life itself. Hospitals, department stores, office buildings, and hotels are all affected. Some cities suffer damages of up to $100 million a year. One of our larger cities has a daily average of 25,000 tons of airborne pollutants. My own home city of Boston experienced in 1960 a "black rain" of smoke, soot, oil, or a mixture of all three.

Last week's New York Times carried a report from the annual meeting of the American Public Health Association of the first conclusive finding that normal city air pollution affects death rates.

The report, the joint report of the Division of Air Pollution of the U.S. Public Health Service and the Vanderbilt University School of Medicine, found that residents of polluted areas suffered increased death rate from respiratory infections.

This report follows close upon several recent investigations which have revealed the peculiarly lethal role played by sulfur compounds. Those studies have demonstrated the existence of a dramatic relationship between the levels of sulfur dioxide and sulfur trioxide in the air and the frequency and duration of chronic respiratory diseases including asthma, emphysema, bronchitis, and even the common cold which each year costs this Nation tens of millions of lost workdays. There is also evidence that sulfur dioxide and sulfate levels have been extremely high during the several acute episodes of air pollution in this country and abroad which took the lives of many victims.

Sulfurous compounds in the air are produced primarily by the combustion of sulfur-containing fuels such as coal or oil. It is abundantly clear that if we were able to remove the sulfur from fuels before they were burned, economically and efficiently, we would have taken a great stride toward curing the air pollution problem. As of yet, however, such methods have not been perfected.

It was for this reason that I proposed that the subcommittee adopt a provision directing the Secretary of HEW to conduct extensive research toward the development of improved low-cost techniques for extracting sulfur from fuels. Happily the committee bill incorporates this measure.

As a cosponsor of S. 432, I commend the committee for its creative work in bringing before the Senate legislation truly deserving of the title "Clean Air Act."

I ask unanimous consent that the article entitled "Polluted Air Said to Raise Death Rate" be printed at the close of my remarks.

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

POLLUTED AIR SAID TO RAISE DEATH RATE
(By Walter Sullivan)

KANSAS CITY, MO., November 12.—What is said to be the first clear evidence that normal city air pollution affects death rates was presented here today.

The report dealt with a survey of deaths in and around Nashville, Tenn., in the 12 years that ended in 1960. It found that two factors strongly affected death rates from diseases of the respiratory system: the extent of air pollution and economic status.

Those who did the study believe it demonstrates that the levels of pollution characteristic of city air have important long-term effects on health. They were surprised, however, to find no correlation between air pollution and the incidence of lung and bronchial cancer.

The report was presented to the annual meeting of the American Public Health Association being held here this week. Some 4,000 specialists from this country and abroad are in attendance.

The weakness of present administrative machinery for combating air pollution and other health problems was also discussed at today's sessions. A series of reports was presented on the nationwide survey of this machinery, initiated last year by the National Commission on Community Health Services.

The target date for reports by the seven task forces delving into various aspects of this problem is next November. In the spring of 1963 there is then to be a National Conference on Community Health Services. The project is being sponsored by a number of national health agencies.

The Nashville study was developed jointly by the Division of Air Pollution of the U.S. Public Health Service and the Vanderbilt University School of Medicine. The Tennessee health department furnished business machine cards giving data on the death of 38,207 people in and near Nashville.

Those of the deceased for whom addresses were available were classified both according to the economic level of the section in which they lived and the air pollution characteristics of that section. To this end 123 air-sampling stations were operated for a year. Data were drawn from 67 census districts in the city area. It was then possible to study the air pollution effect, free from influence by economic considerations. Similarly the effect of economic status could be separated from that of pollution.

For example, the socioeconomic factor was presented only for those exposed to moderate levels of pollution. This, presumably, eliminated the pollution effects on the relative statistics. Likewise, air pollution factors were presented only in terms of those tabulated as middle class.

Residents were divided economically into three classes. Those of the lowest class had a death rate from respiratory disease of more than 60 per 100,000 compared to only 25 per 100,000 for those of the upper class. The effects of air pollution were broken down according to various indexes of pollution, such as dust fall and the content of sulfur oxides. The latter are byproducts of the burning of coal and other fuels.

In all cases, the sections of the city subjected to heaviest pollution were areas of maximum deaths from respiratory diseases. Past surveys of this sort have been criticized on the ground that the effects

of poverty were intertwined with pollution effects. If a person is poor he is likely to live in a smoky section of town.

Mrs. NEUBERGER. Mr. President, I ask unanimous consent that a statement on this subject prepared by the junior Senator from Louisiana [Mr. LONG], who is perhaps the Senate's most determined and articulate champion of a sound public patent policy, may be printed in the RECORD at this point.

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

STATEMENT BY SENATOR RUSSELL B. LONG, DEMOCRAT, OF LOUISIANA

Polluted air is injurious to the health and welfare of our people. The Secretary of the Department of Health, Education, and Welfare is authorized by S. 432 to conduct research; promote the coordination and acceleration of research investigations, experiments, and studies; and to engage in other designated activities that would assist in protecting the public health and welfare and the productive capacity of the population.

The growth of urbanization, industrial development, and increasing use of motor vehicles have resulted in polluting the air, with serious danger to the health and well-being of the public. Air pollution prevention and abatement is essential if growth and progress is to continue.

The research to be financed by these funds is intended to benefit the public. Its purpose is the increase in knowledge and the development of devices that will enable us to lessen the dangers resulting from air pollution. It may even become a "must" for the public to use specific inventions designed to reduce air pollution. Such inventions could well include devices to curtail poisonous gases coming from automobile exhausts and industrial plants, devices for burning all kinds of wastes and for many other purposes. It is natural, therefore, that the results of the research should be available to those whom the research is intended to benefit: The United States, the individual States, the general public, and the populations of many areas which suffer from problems of polluted air.

The effects of air pollution in my State of Louisiana, in New Orleans, for example, are all too evident. The incidence of lung cancer is considerably higher there than the national average. In addition, in the New Orleans area there are periodic epidemics of asthmatic attacks. At that city's Charity Hospital, for example, the normal load of asthmatics appearing for emergency treatment increases from an average of 25 to 30 per day up to 200 or more at certain times. This condition can be benefited potentially by better control of atmospheric conditions.

The amendment proposed by myself and the junior Senator from Oregon will assure that the intent and purpose of this legislation will be carried out for the benefit of all our people. This amendment is substantially the same as the corresponding provisions of S. 1009, the air pollution control bill introduced by Senator NEUBERGER, and H.R. 4415, introduced by Congressman ROBERTS. A reading of the hearings on this bill, at least on the House side, indicates that the Public Health Service approved the patent section.

This item is one of the two stressed by Senator NEUBERGER before the Special Subcommittee on Air and Water Pollution as being required to maximize the public benefits of this legislation.

The subcommittee chairman recognized the necessity of the amendment, and stated during Senator NEUBERGER's testimony that the "provision in your bill is a sensible one and that is as we achieve breakthroughs in the state of art in dealing with the problem, unless those are made available on a wide scale, we are going to substantially inhibit progress in the field." [1]

On October 10 of this year the President of the United States issued a memorandum on Government patent policy to the heads of the executive departments and agencies. Under that document the results of Government-funded research in fields which directly concern the public health or public welfare would be made freely available to the general public. Obviously, the research authorized by S. 432 would fall under this category. We must remember, however, that the President's memorandum does not have the force of law and is only a policy recommendation. My proposed amendment is consistent with that policy recommendation.

The Senate of the United States has on many occasions expressed its view that the results of publicly financed research should be freely available to the general public.

The Atomic Energy Act of 1954 contained such provisions, which were reaffirmed in 1958.

So did the coal research and development bill enacted by Congress in 1960, the helium gas bill enacted in 1960, the oceanography bill passed by the Senate in 1961, the saline water, and the disarmament bills passed by Congress in 1961.

In this session of Congress the Senate unanimously legislated in the public interest by making sure that research authorized by the mass transit bill (S. 6) and the water resources bill (S. 2) would be used for the benefit of all the American people.

The only difference between those bills I just mentioned and this air pollution control bill is that this one directly concerns the health and welfare of our people. It does not seem reasonable to me that we try to protect the public interest in disarmament

[1] "Air Pollution Control," hearings before Special Subcommittee on Air and Water Pollution of Committee on Public Works, U.S. Senate, Sept. 9, 10, and 11, 1963, p. 200.

or helium gas bills and then fail to do so in legislation, the primary purpose of which is to guard the health of the public.

To carry out the provisions and the objectives of this act, it is imperative that inventions, know-how, and technical data resulting from air pollution prevention and control should be freely available to everyone. To permit private interests to acquire proprietary rights to withhold from the public or to delay the benefits of such research would be to defeat the worthy purpose of the measure.

I believe that the amendment we have offered is the absolute minimum that is necessary.

Mr. DIRKSEN. Mr. President, I am aware of the fact that the bill was reported by the committee virtually unanimously.

Mr. MUSKIE. It was.

Mr. DIRKSEN. I know that all minority members of the committee support the bill.

Some opposition has been registered with me on the ground that industry has done such an excellent job in researching this whole problem and is a little alarmed about the intrusion of the Federal enforcement power. I understand that intrusion could not occur unless it came on the request of a Governor in a given State or when the pollution started in one State and carried over into another, therefore making it an interstate matter.

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Mr. RIBICOFF. I thank the Senator.

Mr. President, after listening to the Senator from Illinois, I should like to point out to him and to other Senators that within the next few days I will introduce an amendment to the tax bill, which recognizes the role industry must play if we are to accomplish the objectives of the bill. I believe the enactment of a tax program to encourage private industry and the bill which will pass today will be a two-pronged attack on the problems of air pollution.

Mr. President, this bill is a good reminder that dirty air is not a partisan matter and partisanship went out the window in order to work out an acceptable and at the same time effective bill.

Actually, Mr. President, when it comes to the problem of dirty air there is neither room nor time for partisanship. The original air pollution control bill establishing the present Federal clean air program was introduced by the Senator from California [Mr. KUCHEL], who was also an early cosponsor of S. 432, and effective air pollution control has long been sought by the junior Senator from California [Mr. ENGLE]. Adequate legislation in this field has consistently been advocated by the Senator from Oregon [Mrs. NEUBERGER], another cosponsor of S. 432, whose special concern about the health effects of air pollution have been incorporated in the bill.

We must face up to the fact that the land on which we live and work, the air we breathe, the water we drink and use in industry, agriculture, and recreation have been altered over the past half century by a manmade fallout far more abundant and potentially more dangerous than the contamination of nuclear weapons testing. The nuclear test ban treaty we begin debate on today will be a great step toward ending one source of air pollution—radioactive fallout. We must not miss the opportunity to prevent and bring under control all the other poisons in our atmosphere.

Since there is such a vast amount of air above us, many people ask how is it possible that pollution can be a serious problem. The answer is that only a small part of the toal air supply is available for our use in any single location. Over one-half of our population now lives on less than 10 percent of the land area of the country. For the most part, sources of air pollution are concentrated where people are concentrated. Furthermore, there is every indication that, by 1970, two-thirds of our population at that time will live in this same limited land area.

We are already overburdening those portions of the air resource available to many of our cities. Few people realize the enormous amount of pollutants being discharged into the atmosphere.

One of our larger cities has a daily average of 25,000 tons of air-borne pollutants. More than 180 million Americans live on the bottom of an ocean of air contaminated by an ever-growing volume and variety of pollutants.

How did all this happen? The answer is found, oddly enough, in the very hallmarks of contemporary society—our technological capacity, industrial output and rising standard of living. Man-made forests of advanced technology sprout up across our land, creating an abundance of services and consumer goods, and creating vast amounts of waste materials.

As our Nation has grown—as more people crowd together in bigger cities and drive more millions of automobiles and trucks—contamination of our air becomes more serious—sometimes critical.

The essential elements of the problem are simple. We burn fuels in thousands of ways to produce the power and products necessary to our high standard of living. Often we burn them poorly—hardly ever completely. Our factories and automobiles throw chemical compounds into the air. Acted upon by sunlight, they produce new compounds more damaging and toxic than the original wastes.

So we turn our precious air supply into a vast dump for gases, fumes and many many different dusts. We have created sewers in the sky.

The damage caused by this dirty air is appalling. It hurts our lands, stunts or destroys our crops, makes our livestock ill, reduces our meat and milk production. It soils and corrodes buildings, bridges, monuments, and physical structures of all kinds. It causes extensive plant damage of many types. It irritates the eyes. By reducing visibility it creates traffic hazards. It causes unpleasant odors. It endangers our very health and lives. Expert estimates of the high price we are paying for filth in the air today run as high as $11 billion a year, and this figure does not include the most important cost—the cost to our health. We do not have any realistic figures for the medical and hospital care of people made sick by breathing—day in and day out, year in and year out—air that is simply not fit to breathe. Neither do we know exactly how many people each year die of air pollution. But some things we do know.

We all know the story of Donora, Pa. There, during 3 days of dense, choking smog, in October 1948, 20 people died and more than 4,000 suffered acute illness because their part of the ocean of air was too polluted for safe breathing.

In 1952 between 4,000 and 5,000 Londoners died in a single week. The cause? Polluted air.

In December 1953 New York City was pinned under an inversion that trapped filthy waste between layers of air, making the air unfit—even lethal—for human lungs. When the weeklong smog was over, 200 people were dead. These 200 deaths were not even noted until 9 years later when a statistical study brought this quiet tragedy to light.

Just last December, London was hit again. The death toll was 300 to 400 at the latest count, and British health officials think the real number killed will prove much higher after hospital records and death certificates have been thoroughly examined.

This episode occurred 3,000 miles from our shores. At almost exactly the same time, a stagnant air mass over the northeastern United States caused a steady, alarming increase in pollution levels from Richmond to Boston. In our Northern Hemisphere, weather systems move from west to east. The set of meteorological circumstances which caused the London smog, developed in the eastern United States several days earlier, with the result that sulphur dioxide levels in Philadelphia and New York, between November 30 and December 4 of last year, averaged three and a half times normal, and were, for several days, over five times normal.

During this same period, levels of solid matter in the air rose correspondingly.

In my own State of Connecticut, the 5-day average in Hartford and Middletown was over three times normal with individual days of from four to five times normal.

If we had not been lucky—if this mass of contaminated air had not been blown out over the ocean—the United States might have suffered the worst air pollution calamity in history.

I think in this mid-20th century, as we contemplate putting a man on the moon, we would be negligent if we continued to rely on the wind to save us from air pollution disasters.

These episodes of acute illness and death are serious but of even greater concern is the problem of the long-term effects of air pollution. Constant exposure of urban populations to low concentrations of air poisons which could result in gradual deterioration of health, chronic disease, and premature death is a modern day fact of urban life. Leading scientists feel air pollution may have a good deal to do with aggravating heart conditions and increasing susceptibility to respiratory disease—asthma, bronchitis, emphysema, and lung cancer—particularly among older people and the ever-growing urban population.

Studies will show that death rates for cardio-respiratory diseases in the United

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States are greater in urban than in rural areas, and, in general, increase with city size. Within the last few years, this urban-rural difference has also shown up in mortality of infants less than 1 year of age and is accounted for by respiratory illness.

A recent study in a southern city shows that acute asthmatic attacks among susceptible patients were directly correlated with variations in total sulfate air pollution from time to time.

Finally, although I am not a scientist, I think only commonsense is needed to tell us that the rising incidence of lung cancer in this country, particularly in cities, emphasizes the need for a careful look at the health importance of air polluted with potentially carcinogenic substances.

Analyses of air samples from over 100 cities by the Public Health Service have shown that 3–4 benzpyrene, a potent carcinogen, is present in concentrations which could result in human dosages approximating or exceeding that from cigarette smoking.

A recent report entitled "Atmospheric Factors on Pathogenesis of Lung Cancer" by Kotin and Falk, states:

> The most satisfactory explanation for the consistent observation of an increased incidence of lung cancer in urban populations is exposure to polluted air.

According to the recent report of the Committee on Environmental Health Problems:

> Because a number of statistical studies have indicated a higher incidence of lung cancer in urban than in rural areas and because such well-known experimental carcinogens as benzpyrene have been found in community air, the finger of suspicion has been pointing for some time to atmospheric benzpyrene and related aromatic polycyclic hydrocarbons as at least contributory etiologic agents in lung cancer. Certainly it does not seem possible to attribute the alarming increase in lung cancer incidence to smoking alone. A growing body of experimental evidence incriminates atmospheric hydrocarbons.

Mr. President, the problem of air pollution has obviously gone beyond the simple eye irritation nuisance stage. These are deadly poisons being poured into our atmosphere. It is time we do something more than talk about them. We need a national clean air program as envisioned in S. 432.

The role of the Federal Government to date in this field has been limited to a supporting one of research, technical assistance to public and private organizations, and training of technical personnel. We urgently need significant expansion in the scope of the Federal air pollution control program.

The Federal Government must provide leadership, encouragement, technical know-how, and financial assistance to local and State governments in the devel-

opment of a national program of research and development for the prevention and control of air pollution. This is its proper job. This national problem requires national effort. State and local agencies cannot deal with the situation alone.

Current city, county, and regional air pollution control activities need expansion, also. Data submitted at the National Conference on Air Pollution show that only 34 local governmental air pollution control agencies have annual budgets of $25,000 or more; fewer than 1,000 people are employed by all local governments to control their air pollution problems; and only 13 air pollution control agencies employ more than 10 people. About 200 cities with populations over 50,000 are considered to have air pollution problems, but only approximately half of them have an air pollution control program—and many of these programs are seriously understaffed.

In addition, State air pollution control programs must be strengthened. Of the more than $2 million all 50 States spent for air pollution control in 1961, more than half was spent by California alone. Although today most States have air pollution control legislation of some kind, only 17 States spend more than $5,000 annually for their programs; only 9 States spend $25,000 or more. And only approximately 150 people are employed by all State Governments to combat their air pollution problems. State activities must be greatly accelerated if all citizens are to enjoy clean air.

We must obviously elevate the Federal role in air pollution control to a proper status of responsibility and leadership while recognizing the basic responsibilities of State and local governments and helping them fulfill those responsibilities. This is the purpose of S. 432. Adoption of this legislation will give us an action program with two basic elements—first, stepped-up research on some still unanswered questions regarding the sources, the nature, and the effects of air pollution and on better methods and instruments for abating it; and second, more effective control through application of our present knowledge.

I am convinced the American people are now ready to support such a program and to accept the regulation and costs that are necessary to carry it out. They realize that the days of letting poisonous wastes billow into the air are over—that air pollution is a threat to our economy, to our health, and to our lives.

The air we breathe is free, but when it is filled with filth, it is no bargain.

I urge the enactment of S. 432.

Mr. JAVITS. Mr. President, I join my colleagues in the Senate in expressing appreciation to the Senator from Connecticut [Mr. RIBICOFF] for sponsoring the basic bill and for campaigning for its enactment. I shall be glad to join in sponsoring the tax amendment, as will other Senators also. This is extremely constructive proposed legislation.

I have had occasion to work closely with the Senator from Maine. Sometimes he has been with me, and sometimes he has been against me, but always he has worked most creditably and always has made a very fine contribution to this body.

My old friend, CALEB BOGGS, is a constant source of joy and pleasure and has always been, as I have seen him come along through the House of Representatives, as Governor of his State, and now in this present august position. He has always given to the people of our Nation a luminous mind and understanding.

I shall conclude my remarks in a moment. I call attention to subsection 4(b) of the bill, and the fact that it provides three criteria upon which grants under the bill shall be made. First, there is population; second, the extent of the actual or potential air pollution problem; and, third, the financial need of the respective agencies.

Rather than trying to do anything further with the bill by way of amendment, as this is essentially a matter of administration, I should like to ask the

Senator in charge of the bill on the floor this question, so that the legislative history may be clear.

With respect to subsection 4(b) of S. 432, is it not the committee's intention, in considering the three factors to which due consideration shall be given in establishing regulations for the granting of funds, that the Secretary shall place primary emphasis on "the extent of the actual or potential air pollution problem"?

Mr. MUSKIE. Mr. President, the committee intends that in evaluating the three factors the Secretary give primary consideration to the extent of the actual or potential air pollution problem. The House version of the Clean Air Act contained a general formula for the allocation of grants to the several States to "assist them in meeting the costs of establishing and maintaining programs for the prevention and control of air pollution." The Senate committee modified the language to insure that the Secretary gives sufficient weight to the areas of serious air pollution as he administers the grant program. We want to meet the problem where it exists.

It is clearly the intent of the committee that primary emphasis be given to the extent of the actual or potential air pollution problem in the community or area for which an application for funds is made. The committee recognizes that air pollution is most severe in the areas of concentrated population, where there are large numbers of motor vehicles, and where there is a substantial volume of pollution from industrial buildings, refineries, and other chemical plants, and homes, apartments, and public buildings.

I assure the Senator from New York that it has been the understanding of the committee that this is the area of primary emphasis.

Mr. JAVITS. I am grateful to the Senator from Maine. I believe his statement clarifies the legislative history.

I close my remarks by calling attention to another provision in the bill, which I believe is a very important one for Senators to bear in mind as we move into this new concept in our country. I refer to the provision giving an incen-

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tive for interstate cooperation through interstate compacts.

We talk about decentralization. This is the way to do it. I had the honor to sponsor, in connection with the mass transportation bill, a provision enabling States operating under interstate compacts to pool their participation.

The committee has made a valuable contribution by endorsing the use of incentive premiums, increasing the amount of the Federal participation where such pooling under interstate compacts takes place.

I call the attention of Senators to an excellent precedent in terms of the Government techniques which are involved. I congratulate the committee, and I thank the chairman for his cooperation.

Mr. KEATING. Mr. President, I do not want to delay the passage of the bill. I merely wish to express my congratulations and gratitude to the distinguished Senator from Maine for assisting in this matter and accepting these amendments to this very helpful and constructive bill.

Mr. JAVITS. My colleague from New York may not have been in the Chamber at the time, but I made it clear that both of us sponsored these critically important amendments.

Mr. MUSKIE. I thank my friends from New York.

Mr. CASE. Mr. President, without delaying the Senate, I also wish to add my voice to the expressions of my colleagues in the Senate in appreciation for the work that has been done by the Senator from Maine. I am in favor of the whole bill. In particular, I am glad that there was included in it a provision I suggested during the consideration of the bill by the subcommittee and the full committee. It deals with the mandatory application of the criteria with respect to various agencies. This provision will be most helpful. I support the whole

bill, and I am grateful to the Senator from Maine.

Mr. MUSKIE. The committee drew very heavily on the Senator's own bill in shaping that provision in the bill now before the Senate.

Mr. RANDOLPH. Mr. President, this body is once again charged with the responsibility of enacting legislation for the improvement of our physical environment in the enhancement of public health and the general welfare.

Recently, under the exceptionally able leadership and floor management of the junior Senator from Maine [Mr. MUSKIE], the Senate passed by an overwhelming majority the Water Pollution Control Act of 1963. The same philosophy of Federal responsibility within a framework of Federal, State, and local partnership is implicit in the pending Clean Air Act. I have cosponsored both of these vital bills.

We have long recognized the right of the people of our communities to have pure foods, pure milk, and pure water. And we have increasingly come to recognize the regulative powers of Government to assure those rights. It is now evident that additional governmental action and authority is necessary to assure the right to breathe clean air—the most ubiquitous of the elements of our natural environment.

During our hearings of the Special Subcommittee on Air and Water Pollution, conducted under the chairmanship of Senator MUSKIE, it was amply demonstrated that local and State efforts to control air pollution are not keeping pace with the rapid process of industrialization, the increase in our national fuel and energy requirements, and the growing concentration of our population in great metropolitan centers, many of which cross State boundaries. It is in answer to the problems generated by these conditions that the pending measure calls for increased research and training activities, grants for local air pollution control programs and limited Federal authority in the field of abatement. West Virginia has established a State air pollution unit, and we would hope to fit it within the framework of cooperative assistance of this act.

Findings presented to our subcommittee by the Public Health Service indicate that all communities in the United States with populations of more than 50,000 have air pollution problems, as do about 40 percent of the communities in the 2,500 to 50,000 population range.

Yet, only 17 States maintain air pollution programs which require expenditures of more than $5,000 annually, and local agencies in 1961 spent approximately $8.2 million. This is a grossly inadequate effort when compared to the estimated $10 billion in annual property damage wrought by air pollution on farm and flower crops, livestock, soiling and corrosion of buildings and materials, and in the hazards to surface and air transportation.

One cannot, of course, measure in dollar terms the cumulative effect of air pollution in the creation and aggravation of respiratory and bronchial ailments. It has been frequently demonstrated by investigators in the United States and abroad that the frequency of occurrence of such illnesses is higher in areas which have higher air pollution levels.

Mr. President, all the evidence testifies that the pending measure is a necessary and desirable advance in the exercise of Federal responsibility for enhancing the public health and general welfare. I am confident that the Senate will act with dispatch in approving S. 432.

PROGRESS IN AIR POLLUTION CONTROL

Mr. WILLIAMS of New Jersey. Mr. President, there is no doubt that a great deal more research needs to be done in the field of air pollution. I am for research; I think it has been valuable, and I hope it is continued.

But I also think there is a great need for action—a need to put into practice the air pollution control methods and devices which research has already pro-

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vided. The existing air pollution program is fundamentally inadequate, because it provides funds solely for research, and research alone will never clear away the smog.

The Clean Air Act of 1963, which I was pleased to join Senator RIBICOFF in sponsoring, would provide funds to State and local agencies for air pollution control programs, and it seems to me that this is the approach we need if we are going to do the job of eliminating air pollution. I think that the House vote of 272 to 102 in favor of a similar proposal is evidence of concern over the damage to health and property caused by air pollution, and I hope that the Senate will show the same concern by passing S. 432 overwhelmingly.

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The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be offered, the Chair places before the Senate the House bill, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 6518) to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution.

The PRESIDING OFFICER. Is there objection to the consideration of the House bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MUSKIE. Mr. President, I move to strike out all after the enacting clause in the House bill, and insert in lieu thereof the text of S.432, as amended.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 6518) was read the third time and passed.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MUSKIE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the Senate bill, S. 432, is indefinitely postponed.

Mr. MUSKIE. Mr. President, I move that the Senate insist on its amendment and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to; and the Chair appointed Mr. MUSKIE, Mr. RANDOLPH, Mr. MOSS, Mr. METCALF, Mr. BOGGS, and Mr. PEARSON conferees on the part of the Senate.

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1.1e(4)(c) Dec. 10: House and Senate agree to conference report, pp. 23954; 23959–23966; 21083–21085

CLEAN AIR ACT

Mr. HARRIS. Mr. Speaker, I call up the conference report on the bill (H.R. 6518) to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

* * * * *

[p. 23954]

Mr. ROBERTS of Alabama. Mr. Speaker and Members of the House, first

of all I would like to thank the members of the subcommittee who participated in the conference and who have been very active in bringing about this legislation.

Mr. Speaker, the legislation that is contained in the conference report represents, in my opinion, a vindication or approval of the position of the House in most respects. This legislation is not new to the Congress of the United States. We have been in the air pollution control field now for several years. The first permanent-type legislation was adopted in 1955. Last year we adopted a sort of stopgap program to keep the legislation in effect. The legislation now before you in this conference report represents about the fourth or fifth time that legislation of this kind has been before this body.

The House passed the original bill, my bill, H.R. 6518, in July. The bill then went to the Senate where it passed with overwhelming support. We met in conference with them last week and worked out what I think is a bill that should have wide bipartisan support as this legislation has had down through the years.

During the Eisenhower administration legislation was recommended to the House. Legislation was recommended under the Kennedy administration, although they did not send up an administration bill. Our bill was pretty much worked out by the subcommittee on which I have the honor to serve as chairman. Some changes were made in the House bill which I will briefly call to your attention, but most of the program as envisioned by the House committee, both the Subcommittee on Health and Safety and the full Committee on Interstate and Foreign Commerce is pretty well carried out in the Senate bill. They have tightened up one or two important aspects of the bill. The conferees on the House side went along with these procedures. We have found that in air pollution we have a considerably different problem from that of water pollution and it must be approached in a different way.

We have recognized that there are about 100 million of our people, or about 90 percent of our population now living on about 10 percent of the land space. Unfortunately no new air is pumped into these spaces. This is getting to be a considerable problem in cities of 50,000

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population or more. It is a problem which has seen legislation adopted in some 30-odd States.

We know that perhaps 10 million of our people suffer from the dread disease known as emphysema. We are spending about $65 million a year in social security payments to people who are affected by this disease. We know that it affects and is associated, I might say, as a factor, with some cases of lung cancer. It is an aggravating cause in cases of any type of lung disease, particularly in cases of tuberculosis. We know that a growing number of trucks and vehicles on our highways, particularly in our cities, aggravate this problem. It has been estimated to cost some $10 billion a year. It is a grave problem in the field of agriculture.

In the food and drug field we have had legislation for 50 years. We are a little bit late in attacking this problem but I think that the attack we make in this legislation is going to bear results. It is a cooperative type of attack. We have specifically, I think, allowed this to be seed money and to serve as a catalyst and not to discourage the actions of the States and municipalities and some county organizations in this field.

I might say that the Senate wanted a 5-year program costing some $182 million. The House conferees stood firmly and we came up with a $95 million program. We had originally passed a program of $92 million, which means we did not give in to the Senate. We have what is substantially a 3-year program. We are almost through 1964, with 7 months of it to go. We retained the $5 million for fiscal 1964 and put in $25 million for 1965, $30 million for 1966,

and $35 million for 1967 at which time we cut off the program.

We set up in the automotive and fuel producing fields a technical committee which will follow this problem of photochemical smog and other types of smog that emanate from unburned hydrocarbons. We have already had some great effect on the automotive industry which is equipping most of its new models with smog devices. This was an outgrowth of the intense effort and interest of the gentleman from Ohio [Mr. SCHENCK].

We passed the Schenck Act 3 years ago which provided for some intensive research in this field.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS of Alabama. I am delighted to yield to the distinguished gentleman from Arkansas, the chairman of our committee.

Mr. HARRIS. Mr. Speaker, I have been wanting to say this to the House for some time; it is long overdue. I think the membership of the House should realize fully that the gentleman's subcommittee, and particularly the gentleman from Alabama [Mr. ROBERTS], and the gentleman from Ohio [Mr. SCHENCK], have done more for the health and welfare of the people of the United States than any other two individuals, in the field of safety, in the operation of automobiles, and in the field of air pollution.

I think I can say without fear of successful contradiction that the unflagging determination on the part of these two gentlemen was the principal reason for bringing seat belts or attachments to the automobiles of this country. A good many years ago the gentleman headed a subcommittee in this field. There were a lot of people in this country opposed to seat belts; the automobile industry opposed it as an industry. But the gentleman and his committee kept working in cooperation with them and through patience and determination over the years the automobile industry came to see the advisability of providing seat belts as a piece of standard equipment.

So it was in the field of air pollution. The gentleman and his committee were determined to do something about air pollution. I want to compliment the gentleman and his committee and the members of the conference committee on the part of the House for the outstanding work they have done in bringing this conference report back to the House. It is in keeping with what the gentleman's committee did as well as with what the Committee on Interstate and Foreign Commerce did, which was approved by the House. This conference report deserves the approval of the House and I urge the House to approve it by way of showing our appreciation to the gentleman and his committee for the splendid job that they have done.

Mr. ROBERTS of Alabama. Mr. Speaker, I thank the distinguished gentleman for his fine compliments. I think his fine leadership and help have been a source of inspiration to us.

Mr. Speaker, in the conference the other body brought in the idea of initiating a continuing program of research directed toward development of improved low-cost techniques for extracting sulfur from fuels which the House was agreeable to.

There has been some testimony in our hearings to the effect that the burning of sulfur in some types of fuels has some aggravating effects and is, perhaps, a cause of the common cold.

Mr. Speaker, on page 7 of the conference committee print we included language which would allow the Secretary to compile and to publish criteria which reflect the latest scientific knowledge useful in indicating the kind and extent of the effects which may be expected from the presence of such air pollution agents or combination of agents in the air, in varying quantities. This criteria may be made available to the municipal, State and interstate Air Pollution Control Agencies.

Also, Mr. Speaker, we kept the House language which allows the Secretary to make recommendations to these control agencies, in the light of this criteria.

Over in section 4(a), page 11, the Senate held to the idea which we had of providing Federal grants to the local and State agencies in an amount up to two-thirds of the cost of establishing, developing or improving air pollution prevention and control programs. One-third of the cost would be paid by the States.

In the case of the regional agencies, the Federal Government would pay up to three-fourths of the amount; this, in view of the fact that it becomes an interstate matter, and we felt that that distinction should be made. The House conferees did provide, however, and go along with the language which provides that the agency which applies for these funds would assure that it would not reduce its non-Federal funds from the preceding fiscal year, which would mean that this would keep the States and local agencies from diminishing their support.

Now, Mr. Speaker, in the abatement features of the bill, when it is an intrastate matter, the action must be entirely triggered by the chief magistrate of that State, the Governor.

We recognize that in the local situation he may call upon the Secretary for the use of technical data to be used in an abatement suit. But the Governor is in control of the local situation.

Now, in the interstate situations we provide, first of all, for a conference to which the municipal, State, or interstate Air Pollution Control Agencies must be invited. Following the conference—and that conference is not to be called until after consultation with the State groups—after the conference is held, a summary of the conference is to be made.

The SPEAKER pro tempore. The time of the gentleman from Alabama has again expired.

Mr. HARRIS. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. ROBERTS of Alabama. Recommendations are also to be made and a period of 6 months allowed for the recommendations to be placed in effect. If, at the conclusion of that period—and this language was also in the House bill—no remedial measures have been taken, a public hearing must be called. The Governor of the aggrieved State, the Governor of the polluting State, or whomever the Governor of each of those particular States may designate as his representative must be given the opportunity to serve on the hearing board and, also, each Federal agency which has a substantial interest in the subject matter must be invited. However, a majority of the people serving on this hearing board must be other than employees of the Department of Health, Education, and Welfare. They, then, have 6 more months in which to take some action toward abatement. If no action is taken at that time, then the Secretary may proceed to ask the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution.

This about concludes the discussion other than the section on the automotive and fuel industry section. We took the Senate language on that section which sets up a technical committee which must have an equal number of representatives of the Department and of the automotive and fuel manufacturing industries. They can meet from time to time to evaluate progress in the development of devices and fuels which would be in keeping with improving the situation as far as air pollution control is concerned.

I repeat again, I think the House conferees stayed with the position of the House. We have the program down to

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what we think is the minimum amount of money that should be spent in this important field. This is coming to be more and more of a problem in some 261 cities of the country and we feel that this is the minimum that the Federal Government ought to do in this field.

I hope the House will unanimously adopt the conference report.

Mr. HARRIS. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. SCHENCK].

Mr. SCHENCK. Mr. Speaker, first I would like to express my sincere appreciation to our distingished chairman, the gentleman from Arkansas [Mr. HARRIS] of the Committee on Interstate and Foreign Commerce for his very fine and complimentary words of commendation of the work of our committee, myself, and our colleagues. It has been a very real privilege to serve on the Committee on Interstate and Foreign Commerce with our distinguished chairman, the gentleman from Arkansas [Mr. HARRIS] and on our Subcommittee of Health and Safety all these years with my distinguished colleague from Alabama [Mr. ROBERTS]. It has been a deeply rewarding experience the memory of which I shall cherish so long as I shall live.

It was also a very real privilege to serve on the conference committee which report we are considering here today. We had two meetings and there was an unusually fine spirit of give and take during the friendly yet completely thorough discussion on this important bill. We are understandably proud of the fact that we maintained the position of the House and we are pleased with changes in the language that was developed in the other body. We think this conference report is real good, and the resulting changes, I feel personally make it even better, stronger and more workable than the original House measure which I fully supported, and I now express the completely sincere hope this conference report will be overwhelmingly approved.

We have heard it stated authentically many times that air pollution costs each and every person in the United States $65 a year. So it is tremendously important from the economic point of view. We must continue to research and examine the source and causes of air pollution so that it can be better controlled even though it is now being controlled to a remarkable degree. A very good program in research as to the effects of automotive exhaust gases on human health has been conducted by the Air Pollution Division of the Public Health Service. An excellent report was issued on this by the Surgeon General on this question in June of last year. More research and work is being done constantly by all segments of the automotive manufacturers, the fuel manufacturers, and the exhaust gas device manufacturers. The industry has spent large and substantial sums of money on this program each year.

Just recently the General Motors Corp. announced that it was contributing another $100,000 to the Sloan-Kettering Institute for Cancer Research to study further the effects of automotive gases in the atmosphere. Economical and workable devices will be developed to improve the abatement of the pollution of the air we breathe from automobile exhaust gases and to encourage the proper maintenance of the vehicle; but much also depends on the driver and the manner in which he drives the vehicle.

The entire problem is one of personal concern to everyone in order to assure that each of us has the kind of clean air to breathe that promotes good health. So it will require continuous research and effort on the part of everyone.

There is no person or area in the Nation that can escape the dangers of air pollution.

Again, Mr. Speaker, I would like to recommend and urge overwhelming approval of this conference report by all of our colleagues. I think it is extremely well done. I would like to express my personal appreciation to my colleagues on both sides of the aisle for the fine cooperation they have given on this legislation and on all other questions considered by our committee on this and all related fields since I have been serving on this committee.

Mr. Speaker, I include as part of my remarks a release by General Motors Corp. as follows:

DETROIT.—General Motors Corp. recently announced a research grant of $100,000 to the Sloan-Kettering Institute for Cancer Research, New York, for continued study of effects of automotive exhaust gases in the atmosphere.

The grant will support research over a 2-year

period, and will double the amount of GM's support of the program in the 6th and 7th years of the corporation's contributions to it.

The Sloan-Kettering Institute's continuing research program includes analyses of samples of tars collected from automotive exhaust gases under a variety of operating conditions and from representative city atmospheres, in an effort to identify the effect of automotive exhaust gases in relation to other sources of air pollution.

Mr. HARRIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. BEERMANN. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Nebraska.

Mr. BEERMANN. I notice in the report on page 10, regarding appropriations, section 13, that there is an authorization of $5 million for the fiscal year ending June 30, 1964, and then for the year ending June 30, 1965, $25 million, $30 million for the fiscal year ending June 30, 1966, and $35 million for the fiscal year ending June 30, 1967. Would it not be just as well to save this $95 million in the light of the Federal Budget? Why is this expanded amount asked for at this time?

Mr. HARRIS. The gentleman does propound a most appropriate question insofar as our desire to do something about budgetary matters is concerned. On the other hand, the House has already passed on the $90 million and here we are dealing only with an additional sum of $5 million in the 4-year period. So at this time we do not have before us the question of whether the program should be adopted. Of course, the conference report could be refused and the House could refuse to do anything, but in dealing with the conference report our problem is the differences between the House and the Senate, and that is what we have under discussion here today.

Mr. BEERMANN. It seems to me that there are private agencies in operation that could take care of this.

Mr. HARRIS. Mr. Speaker, I yield such time as he may desire to the gentleman from Ohio [Mr. VANIK].

Mr. VANIK. Mr. Speaker, I want to take this opportunity to commend the conferees and the subcommittee on the conference report which is now before the House. Although the House version of the bill was better legislation, I recognize the practical alternatives which were crystallized in conference.

In my Cleveland community, the air pollution problem seems to be getting progressively worse. There are certain days when atmospheric conditions cast a complete cloud blanket over the entire metropolitan area, sealing in the effluent of all of the industrial plants of the industrial valley. In this atmosphere of contamination, which periodically occurs, respiratory ailments and deaths are multiplied.

Over 25 years ago, when I was a member of the Cleveland City Council, we organized a community committee to protest the air pollution problem. At that time, we retained the services of a doctor with the school of experimental medicine of the University of Cincinnati who made a very comprehensive study of death records which showed that in the so-called dirtier areas of the city there were 240 more deaths annually resulting from lung cancer than there were in the cleaner sections of the community.

It seems to me that a similar study conducted today of the death records of a community could be made to determine the relationship between air pollution and the respiratory illnesses which result in death. Such a study would be very helpful in determining the urgency for constructive steps to meet this tremendous problem.

Mr. HARRIS. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. ROGERS].

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of the conference report on H.R. 6518, the clean-air bill. The case for the enactment of legislation for the prevention and abatement of air pollution has been made very clear by the statements of the managers on the part of the House.

I have indicated to the House before that air pollution costs some $11 billion a year in damages, which include damages to crops, animals, and human beings as well, and it is estimated by the U.S. Public Health Service that by 1970, two-thirds of our population will be breathing only the air over 10 percent of our land mass due to our population density. Certainly if we do not take steps to purify the air, then the incidence of disease and damage caused by air pollution will rapidly become a grave national health problem.

The clean-air bill before us today is a carefully thought out and researched program to combat the problem of air

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pollution. The conference committee was able to agree for all practical purposes to a 3-year $95 million program that is 2 years shorter and $87 million less than the original Senate proposal. We members of the conference committee feel that we can make an effective beginning with a shorter and less expensive program, and still obtain the needed result of restraining air pollution and eventually eliminating a major portion of this problem.

We must act now. With the continuous reports of the probability of lung cancer being caused by the toxic matter in the atmosphere we breathe, we cannot afford to wait any longer to combat this problem of air pollution. We often look back when we are confronted by the effects of inaction and say that we should have acted sooner, but hindsight is more often than not, a poor excuse for foresight. We must attack the problem of air pollution immediately—today.

Now, Mr. Speaker, in answer to the question that has been brought up about the money, the appropriations authorized by this bill, I think it is well to point out a number of facts. First of all, the air pollution program was authorized before the passage of this law by general provisions of law. In fact, there was no limit as to the amount of money that could be appropriated for air pollution programs under the law heretofore passed. This is the first effort by this committee and this Congress to begin to set some limitations on this program. If the gentleman, and I can furnish these facts to him, will go into it, he will find that we have just about cut in half the proposed carrying out of this program over the years for what many feel needs to be done. Presently the House has already appropriated $13 million. This action was taken not in this legislation but in an actual appropriation bill. This additional $5 million is authorized for this one phase of the program, that is a new program. We simply placed the $5 million in this legislation to cover the appropriation for fiscal 1964, so that we could begin to tie in all of these programs under one bill. So as to what I think the gentleman is concerned about, where it perhaps looks as if the program is jumping from $5 million up to $25 million, that actually is not the case, because you actually have $13 million appropriated and this $5 million takes it up to $18 million. We cut down from the amount the Department wanted. When the House went to conference, we had passed a bill of $90 million. Do you know what the Senate had passed? They had passed a bill of $182 million for a 5-year program. If you go over this report, I think you will be proud of the action of the House conferees because we held the program for $95 million for 3 years.

Mr. BEERMANN. Who in the world authorized or passed a law that said they could dip into the Federal Treasury and spend as much money as they want to? Who authorized a law with no restriction?

Mr. ROGERS of Florida. This Congress passed a law, the Public Health Service Act, sections 304, 311 and 314, the general law states the responsibility for carrying on this program is in the Department of Health, Education, and Welfare.

Mr. BEERMANN. With unlimited funds?

Mr. ROGERS of Florida. With no limitation on the amount that they may request. Then they go to the Committee on Appropriations and whatever they can justify before the Committee on Appropriations, the Congress can appropriate. But here we are changing that. Therefore, the gentleman should be strongly in favor of this because we are cutting down on what they can come to the Committee on Appropriations and ask for.

Mr. BEERMANN. Will the gentleman answer me this question?

Mr. ROGERS of Florida. I will be glad to try to answer the gentleman's question.

Mr. BEERMANN. Is there any chance that a law like this was passed under unanimous consent and nobody knew what was happening some several years ago?

Mr. ROGERS of Florida. No, no. I would think not and I am sure that is not the case.

Mr. BEERMANN. I would like to know when it was passed.

Mr. ROGERS of Florida. If the gentleman will check, he will find that there are many laws such as this. There is provided a general authorization and they simply go to the Committee on Appropriations. Here we are changing this position because, fortunately, I feel the House is beginning to want to take more control. Here we are beginning to tie it down more and more. In fact, the research program that we are investigating now, the whole program of research, is in line with this trend, I think in the hope of trying to tie down authorizations more tightly. That is exactly what this does. I am sure when the gentleman goes over this report, he will strongly support the committee's action.

Mr. HARRIS. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. TAFT].

Mr. TAFT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the reason I have taken this time today is to comment upon one change, certainly, which has been made in the bill as it has come from the conference committee. This change relates to an amendment which I advocated and succeeded in having passed in the House on the floor. My amendment had the effect of changing the general rule and limiting the powers which had been given to the Secretary under the provisions of the bill by inserting the word "procedural" before the type of regulations which the Secretary could promulgate. At that time the gentleman from Alabama [Mr. ROBERTS] and I had a colloquy reported in the CONGRESSIONAL RECORD which read in part as follows. I stated at that time:

> If we are referring only to procedural regulations within his own department, this (this provision, that is) would be proper. But I see no reason why he should have general regulatory powers under the provisions of this bill.
>
> Mr. ROBERTS. Will the gentleman yield?
>
> Mr. TAFT. I would be glad to yield.
>
> Mr. ROBERTS. I think the gentleman has stated what was in the minds of the members of the committee in writing this bill.

Now, apparently, when the House conferees, however, got to the conference committee they were prevailed upon and we find in the report of the conference committee the statement that the Secretary himself apparently had indicated to some members of the conference committee that he did not feel this limitation would be proper and that he felt any such limitation would cut into his authority and his ability to administer the act.

If that was true, I do not know why it was true. There had been no testimony before, so far as I can find out, indicating why he needed general rulemaking power. I think this general rulemaking power, as all of us know, in many programs has been abused. I think there is a chance it will be abused again here. I think, if we are to take out the word "procedural" as a limitation on the powers, the very least we can do is to prescribe some standards.

I would call to your attention that there are nowhere so far as I can see any standards prescribed for regulations.

While we are talking about that, I think we ought to understand what I would call a procedural monstrosity which really does exist in this bill and which I think goes to show the broad powers the Secretary has, not only under the rulemaking power but even further than that. I would call to your attention section 5(i) of the bill, subsection (2). This is a provision under which a person who is asked to file a report as to the cause of any pollution which he may be involved in, must report on the details of it, a provision which I believe violates the constitutional privilege against self-incrimination. This has been in the bill all the time. We also find here that if this happens the Secretary can mitigate the fines and penalties, if he wishes to, for failing to file these reports, but in doing so the Secretary determines what the facts are and his determination shall be final. There is no court of appeal and no review of any kind. It is an absolute discretion given to an administrative authority.

I think excessive power is given in this bill, regardless whether it may be a good or a poor bill. We all recognize the need for some action. Hopefully it can be State and local action that will be effective in this field, but there is no excuse for passing a bill of this type at this time.

Mr. ROGERS of Florida. Mr. Speaker, will the gentleman yield?

Mr. TAFT. I am glad to yield to the gentleman from Florida.

Mr. ROGERS of Florida. Is the gentleman concerned about rulemaking, perhaps to do with abatement?

Mr. TAFT. The gentleman is concerned with rulemaking in any way. I do not think there is any limitation other than the general scope of this legislation that could be invoked here.

Mr. ROGERS of Florida. Certainly the gentleman would expect to set certain rules as to the agencies, as to what

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agencies can qualify, and the time elements, and that sort of thing, would he not?

Mr. TAFT. The gentleman certainly would, and the gentleman's amendment, as offered and passed by the House before, permitting procedural regulations would, I think, have covered that point.

Mr. ROGERS of Florida. May I say this: As far as abatement is concerned, I am sure the gentleman knows that before any regulations are put into effect on abatement the court is the one that will decide that.

Mr. TAFT. I hope that is true.

Mr. ROGERS of Florida. It is written in the bill. I wanted to assure the gentleman of that.

Mr. TAFT. I will say this: It has been written into many other bills, but at the same time if the rulemaking power is there and the rules are prescribed by the Secretary and established under the Administrative Procedures Act, the court has no alternative but to accept that as law.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HARRIS. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. ROBERTS] to reply to some of the questions raised by the gentleman from Ohio.

Mr. ROGERS of Florida. Mr. Speaker, will the gentleman yield to me for 1 second?

Mr. ROBERTS of Alabama. I yield to the gentleman.

Mr. ROGERS of Florida. I want to say there that, of course, there is no way for the Secretary to enforce it except through the courts. So the fears the gentleman raised are groundless.

Mr. TAFT. The court would have no alternative but to take the law as prescribed under the rulemaking power.

Mr. ROGERS of Florida. There is no rulemaking power for abatement, if the gentleman will read the law.

Mr. TAFT. I do not agree with the gentleman in this respect. There are certain limitations, it is true, in the general scope of the act, but only in the general scope of the act.

Mr. ROBERTS of Alabama. Mr. Speaker, I have shared the gentleman's concern as to this matter and we discussed it, we thought, quite thoroughly in the conference. There were some people in the conference who felt the meaning of the word "procedural" is very vague as far as the law is concerned. When we try to ascribe meaning to words such as "substantive" and "procedural," it can be vague. The fear was expressed if we went along with the change which the gentleman put into the bill on the floor of the House that it would probably run us into the Administrative Procedure Act and in the end would not accomplish what we thought the gentleman wanted. It was with great reluctance that we could not prevail on the Senate conferees on this particular point. I do think, however, that the power of the Secretary is very adequately tied down in this bill as to what he can do and as to what kind of information he must act upon, and the extent of the data upon which he may proceed. I think it has taken care of the gentleman's objections.

Mr. TAFT. I wonder if the gentleman is saying in effect that in his opinion under the act the only type of regulations the Secretary may prescribe are, in effect, procedural, whether we so define them or not.

Mr. ROBERTS of Alabama. I would say this: I think there are enough restrictions written into this act to assure local protection and protection of industry. I think that has been the intent of this committee throughout this entire act.

I think we came out of conference with a bill which does that.

Mr. TAFT. Does the gentleman feel that the Secretary would not have power to issue substantive regulations?

Mr. HARRIS. Mr. Speaker, will the gentleman yield to me?

Mr. ROBERTS of Alabama. I yield to the gentleman.

Mr. HARRIS. The question that bothered the conferees, and rightfully so, is what is procedural and what is substantive. We have had that question, that problem, in connection with regulatory procedures over the years. As I see it, the question is not whether it is procedural or substantive with reference to rulemaking. It is the authority that is contained in the act itself and the restrictions which the act itself provides or the limitations which the act itself places on the administrator who is in this case the Secretary. Those are the guidelines, and I have thought it was the duty of the Congress to set out the standards in the language of the act itself and not get into this broad, general, rulemaking procedure where the courts will construe on the one hand and have difficulty in construing the same question on the other hand.

Mr. TAFT. Mr. Speaker, I agree with the gentleman.

Mr. HARRIS. That is the problem that the conferees had in the matter of trying to accept the gentleman's amendment.

Mr. TAFT. Subsection 5(i) violates the privilege against self-incrimination since the reports required to be filed under penalty of fines will be included in the transcript under subsection 5(g) and must be received in evidence in any suit brought under subsection 5(f).

The SPEAKER pro tempore. The time of the gentleman from Arkansas has again expired

Mr. HARRIS. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I want to commend the committee on bringing this anti-air-pollution legislation to the floor of the House and also the conferees for their work in behalf of this legislation. I do not know of any piece of legislation that we have had before the House that is as necessary as some kind of action by our Federal Government to regulate the inexcusable, unregulated air pollution, especially in the larger cities and industrial areas throughout the Nation.

In my home district, the industrial Calumet region of Indiana needs relief from smoke, smog, and polluted air. We have three major steel mills: United States Steel, Inland, Youngstown, and

several smaller steel manufacturing mills; most of the major oil companies have refineries in my congressional district. We have two or three hundred other industries. Across the State line, in Chicago, there are the South Chicago Steel Works and dozens and dozens of minor and major industries. Those are across the State line, and if local regulations were all that applied possibly we might be able to do something on our side of the State line but nothing would be done on the other side, or vice versa.

I remember a few years ago when I was in Los Angeles. The newspapers had headlines condemning the mayor and city officials about the epidemic of smog which was especially thick for several days. Our old friend and former colleague, Norris Poulson, was mayor of Los Angeles at that time. I called him up to sympathize with him. I told him about the troubles we were having in my area. I said to him that the only difference between our area and his area was that they called it smog out there while we just called it plain smoke in the Chicago area. I said to him that you can fly over New York, Pittsburgh, or Buffalo, or any of our major cities and most smaller towns, and if a strong wind is not blowing, they all are victims of devastating health hazards from smoke or air pollution. There is no question that air pollution is undermining the health of millions of our people, not only the people who live there in the community but the people who are called upon to go into these areas that have major air pollution.

Mayor Poulson invited me to a meeting they were having on air pollution the next day. They had the Southern California Anti-Air Pollution Department, members of the council, business, and labor represented at that luncheon. Of course, they had no solution to it but they did agree that no one city or local community could solve it. The Federal Government must undertake a program to solve this health menace.

I thought that if we can solve the problem of flying a man through space 23 times in a few hours, the Government ought to have enough technique in research to be able to solve the air pollution problem in this country.

This legislation will be a great step forward because our industrial district has been fighting the air pollution or smoke problem for years. It is too complex a problem for Chicago, Los Angeles, Pittsburgh, the Calumet region, or any other local area to free its citizens of the health menace of air pollution.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. HARRIS. I yield the gentleman 1 additional minute.

Mr. MADDEN. Mr. Speaker, I again want to commend the committee for presenting this legislation onto the floor of the House. I hope this antiair pollution bill passes unanimously. I do think that this great health problem will be solved eventually.

Mr. HARRIS. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. HARVEY].

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Mr. HARVEY of Indiana. Mr. Speaker, when this piece of legislation was before the House a few weeks ago, I took exception to the principle upon which it was being enacted, and still do.

At that time I offered a motion to recommit, and I hope that we will have a rollcall vote on this conference report.

Now, Mr. Speaker, I certainly do not want to be in the position of one challenging the motives of the members of this very fine committee. I think they certainly operated in the best of good faith.

I also would not like to be in the position of being for pollution. I think just about anyone would agree that this is a problem and we hope ultimately to deal with it.

Mr. Speaker, I am not going to address myself here primarily to the basic philosophy nor to the mechanics of it. My

colleague, the gentleman from Ohio [Mr. TAFT], has already touched upon what, I think, are some of the defects in the structure of the bill. My colleague, the gentleman from Illinois [Mr. MCCLORY], will address himself to the basic philosophy.

Mr. Speaker, the point I want to touch upon here, and I hope I might have the attention of the members of the committee particularly in this respect, because I am going to humbly suggest that even if this report is passed and becomes a law, you will not have concluded dealing with it. I think, as my good friend, the gentleman from Indiana [Mr. MADDEN], pointed out, you have a situation which does exist in his corner of our State which is typical of the situation that exists all over the country in which we find large cities located near State lines.

Now, Mr. Speaker, it sounds like a good idea on the surface if one State feels aggrieved to be able to haul the other one into court, so to speak, and to deal with them. But I think you are going to find, before this is concluded, that you have sort of opened up the beehive and it is going to be pretty hard to get the bees back into the hives again.

Mr. Speaker, I honestly and sincerely believe that this is not good legislation.

First of all I want to say that if we had some actual, definite, concrete remedy for smog and that this was the conceded method of dealing with it, just as you have a specific remedy for a given disease, then I would be for it. But you are simply legislating in this instance in the unknown.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. HARRIS. Mr. Speaker, I yield to the gentleman 1 additional minute.

Mr. HARVEY of Indiana. Mr. Speaker, I just want to say, in conclusion, that we have gone in my opinion pretty far afield a great many times in this House in trying to remedy everything by legislative action. I feel very definitely and sincerely in this case that that is what we are about to do. I feel we are making a mistake in passing this specific legislation.

Mr. Speaker, I sincerely trust and hope that this conference report will not be approved by the House.

Mr. HARRIS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. O'BRIEN].

Mr. O'BRIEN of New York. Mr. Speaker, I was not aware the merits of this legislation were being discussed. As I recall, the bill passed the House originally by a nearly 3-to-1 vote. I feel this conference report brings back a bill which is even superior to the one which obtained overwhelming support in the House.

I have sat occasionally on conferences and I can recall no instance where there was more solid support on the part of the conferees for the ultimate package than there was in this instance and, speaking of packages, if we had accepted the Senate package with the 5 years we would have here a bill $87 million more expensive than the one we have now.

I feel that the House acted wisely in its overwhelming support of the original bill and I think it is wisdom that it should approve the conference report.

Mr. HARRIS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. MCCLORY].

Mr. MCCLORY. Mr. Speaker, I certainly want to commend the gentlemen who worked on this bill (H.R. 6518) for their efforts. I do not want to question their interest in public health, nor do I question the interest of the rest of the Members of the House on the subject of public health. I have had some interest in this subject myself. As a matter of fact, my standing here today emanates from the privilege I have had on serving on the Subcommittee on Natural Resources and Power of the Government Operations Committee of the House investigating into the subject of water pollution. The subcommittee headed by the gentleman from Alabama has come to be

known as the Jones committee. It is my strong feeling this was not good legislation.

It is my firm belief that the bill reported by the conference committee is not good legislation. I might say that when the bill went to the Senate there were a great many changes made there. When it is suggested that the House held its own with regard to the conference report I suggest a reading of the conference committee report. It is plain to see that in most instances the House receded and the Senate version of the bill was recommended. I must say that the Senate amendments to the bill make it less objectionable than it was originally.

It is suggested that perhaps we are late in bringing forth this bill. There is no question about that, because local communities have all initiated programs of air pollution abatement in their own areas where they have their individual local problems of polluted air.

The mayor of Chicago came down here and testified that during the last 30 years that city had reduced the amount of dust per square mile from 350 tons to 43 tons, and he expects Chicago to make further progress on its own. I know that Pittsburgh and other cities have also undertaken to tackle this problem locally. It is reported that there are only 17 States which have programs for air pollution abatement. This is understandable since the problem is not a serious one in many States. We heard yesterday from the gentleman from California [Mr. BURKHALTER] who stated that California has done a great deal to try to get rid of the smog. Whether this smog results from the locating of industries in the wrong place, or from natural conditions of terrain and wind currents there is no question but that the Californians have put forth a great deal of effort. However, neither this local condition nor the various magazine articles on air pollution should persuade the Congress to initiate a vast new Federal program, as is done by this bill. If we enact this legislation I think the Congress is making a mistake.

In regard to grants-in-aid. These are held out as bait so that local areas will want this legislation. If there were no Federal funds I am quite sure they would not want it, but with Federal funds they do.

What effect does this have on the local areas? We had some testimony before the Jones committee that it reduced the local initiative with respect to water pollution abatement. I am not surprised that the conference committee report recommends a provision that notwithstanding the provisions of this legislation no grants-in-aid to local areas should be made where local appropriations have been reduced. This is almost a telltale admission as to what this legislation is going to do.

While the Senate version of this legislation, which is adopted substantially in this report, is an improvement over the original House bill, I am sure that by rejecting the conference committee report a much better bill could be produced.

Mr. HARRIS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. HALPERN].

Mr. HALPERN. Mr. Speaker, I rise in enthusiastic support of the conference report on this legislation, H.R. 6518, and recommend it wholeheartedly to my colleagues for approval.

I also wish to commend the conferees on the part of the House. Their conference report, in my opinion, represents a great deal of study and work, and they have come up with an excellent bill. In particular, I wish to compliment the gentleman from Alabama [Mr. ROBERTS] for his excellent leadership in this effort.

I have long advocated an effective bill to clean up air pollution, and have deemed it a privilege to be identified with those who recognize air pollution for the dangerous problem it is, and who have worked for a truly effective program to eradicate this problem. I cosponsored the original legislation at this session, my bill being H.R. 4750, and was also a cosponsor of last year's bill which was enacted as Public Law 87-761. Great

strides have been taken since that legislation was approved, culminating in this superb conference report which offers a broad and excellent program to attack this scourge of our metropolitan areas.

The dangers facing us in this area are clear, and the responsibility should not be shirked. Unless action is taken to eliminate the air pollution that is choking our cities we face not only monetary

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losses, but serious threats to the health and even the lives of our people.

This legislation strikes at the heart of the problem by a comprehensive program involving uniform laws, research, investigation, and training, grants for control programs, abatement of air pollution by judicial proceedings and numerous programs of Federal-State cooperation. This is just what we need, Mr. Speaker and that is just what this bill offers.

Last July the Members of this body approved H.R. 6518 by a substantial vote. Now the conference report even improves on that bill, good as it was. Accordingly, I trust that today we will give it an overwhelming vote of approval.

Mr. DADDARIO. Mr. Speaker, I urge adoption of the conference report on H.R. 6518, the Clean Air Act, House Report 1003.

I want to commend the managers on the part of the House for their efforts and particularly for seeing that restrictive language with respect to patents and other proprietary rights was eliminated from the bill.

This action is in keeping with the decision of the Committee on Interstate and Foreign Commerce in rejecting patent language included in the draft legislation received from the executive branch. The committee apparently felt, as do I, that legislation in the patents and proprietary rights area must be subject to comprehensive hearings and investigation and should be considered for its impact on overall Government research contracting, rather than as an amendment or provision of every bill authorizing public expenditures for research and development.

On October 10, our late President issued a far-reaching and important statement of Government patent policy in the form of a memorandum of understanding to sundry Government departments and agencies. I commented on President Kennedy's policy on the floor of the House that same day—page 19281 of the CONGRESSIONAL RECORD—stating that I was favorably impressed with the overall tone and objectives of the President's statement.

My comments were based on the fact that I understood that the President did not intend his patent policy to be an excuse for further restricting the rights of parties to Government research contracting. The President's policy was designed to provide the flexibility necessary to the successful completion of Government research objectives, while, at the same time, protecting the rights of the public and the equities of the industrial community under Government contracts.

Moreover, as I stated at the time, it provides for a licensing policy with necessary exceptions, which should be implemented by executive agencies without delay.

In direct contradiction to the philosophy of President Kennedy's realistic approach, we have a concerted effort on the part of some to amend every piece of legislation calling for Federal research effort, so as to add provisions which, in my opinion, not only drive the most competent organizations away from such vital research effort, but make the job of responsible Federal agencies doubly difficult.

It is the opinion of the Committee on Science and Astronautics, which has twice reported legislation to amend the title provisions of the 1958 Space Act, that such provisions as the one originally added to the clear air bill on the Senate floor, "damage small business, cost the taxpayer money, dilute the national research effort, and waste the products of scientific research."

I am pleased to see the clean air bill emerged from conference without restrictive patent language. This is a matter which should, and must, eventually be faced by committees of the House and Senate, having jurisdiction over patent matters. It is not one to be taken lightly or to be included in legislation without full and complete hearings.

Other bills, calling for Federal research effort, are still in committee. I would commend the President's patent policy to these groups, and ask that it be considered as providing necessary flexibility in Government research contracting and as an extension of the license policy not as justification for more restrictive and unworkable provisions.

Mr. BURKHALTER. Mr. Speaker, air pollution is a development of our modern civilization. Fumes from motor vehicles are a large part of the problem. Due to the splendid efforts of the auto manufacturers, a solution or partial solution has been developed.

Today in Los Angeles plans are being perfected to equip every motor vehicle in our city and county of nearly 6 million people with a control device of some sort. The fact that there is a control device—that the problem has been analyzed and a preventative in part developed is due to the cooperation of the motor vehicle manufacturers.

But there are new dangers as the numbers of automobiles increase. And I am advised that the production of motor cars now exceeds the growth of population. There are more cars being produced in this country than there are births every day. If my information is correct, there will be produced for the 1963 model year approximately 7,343,000 cars. And there will be, for the same time, approximately 4,167,000 human births.

Today I want to point out to the best of my ability the very real danger to the lives of millions of people living in our metropolitan areas. That problem is still air pollution, in spite of all that has been done. It is insidious and invisible. It deals death and disease to our people. It destroys vegetation. It interferes seriously with our economic life. Its prevention or abatement is tremendously expensive. It can be combated only through Government control, since smog or smaze knows no political boundaries.

It has seriously interfered with the growth of our metropolitan areas and I have heard that some industrial plants, namely the alfalfa compacting plants are spreading smog over the prairies of Nebraska.

Long plumes of smoke from industrial installations, the oil refineries, the steel mills, industrial plants of all kinds, power stations, and others attracted attention to what later became known as stationary offenders. These were offenders that were stationary because of their nature. Gasoline fumes, generated when gasoline tanks were filled at filling stations, came under public survey and a citywide campaign to keep oil and gasoline fumes out of the air was launched. Fumes from the open ladles in steel mills and brass foundries were brought under control.

Real hysteria developed in 1952, when a mystery fog in London killed 4,000 people. The steady progress report of the legislative committee was of little help in the face of tragedies like this. One reason for my great concern with this problem at this time is the very real possibility that a repetition of the London tragedy or the Donora, Pa., tragedy, or the tragedy in Belgium may occur some day soon in this country because of the failure of our National Government to give proper impetus to research and appropriate coordination and dissemination of the scientific knowledge already gained of this great evil.

Crop damage from the polluted air became evident in the lush gardens and fields of Los Angeles County in 1950. The first damage was found on a deposit on the leaves of certain garden plants, another source of damage was pollutants such as sulfur dioxide which caused

vegetation to wither and die; and a third source was a dehydration of vegetation from within caused by unknown gas respired by the leaves. As a result of these discoveries the APCD entered into a research contract with our old friends at the California Institute of Technology. In this same year, Dr. McCabe, who had returned to the Department of the Interior, set up a U.S. Technical Conference on Smog which was to have far-reaching effects.

In September 1953, County Counsel Kennedy issued an opinion that the California State law on air pollution was flexible enough to forbid the burning of rubbish if it was found by the APCD that such burning caused discomfort or property damage to a substantial number of inhabitants and that the prohibition would reduce the amount of air pollution.

The full importance of the opinion was not realized until 4 years later when on October 1, 1957, some 1,500,000 domestic incinerators were banned from further use.

In some instances equipment installations to eliminate pollutants cost as much as $1 million for an installation. It should be stated here that while industry as a whole was reluctant to accept the permit system of control, when it was demonstrated that enforcement was to be fair but strict, that industrial leaders throughout the area gave their utmost cooperation. The enforcement task would have been impossible without this cooperation.

When it is remembered that nearly 30 percent of the entire population of this Nation live in cities of more than 50,000

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population and that there are 323 cities in this Nation in that class, the problem can be seen in true perspective as of national importance and responsibility.

Great strides have been made in research in the Department of Health, Education, and Welfare. However, the Federal part of the program is not what it should be in light of the scope of the problem. It should be remembered that the city and county of Los Angeles alone has spent more than $34 million on this problem. It should be remembered that this much more has been spent by private industry to meet the rigid requirements of this control district.

With these figures in mind, the need for new energy at the Federal level, and for coordination and cooperation between Federal, State, and community government is brought into proper focus.

Under these circumstances a brief look at the 11-year history of the air pollution program in the Los Angeles area is in order. Since I lived with this problem, first in the State assembly and later in the City Council of Los Angeles, I think its recital here important.

Although some 60 persons died in the Meuse Valley in Belgium in 1930 as victims of a mysterious "fog," polluted air did not become a real problem until about 1940. At that time, the city of Los Angeles began a study of the problem and immediately ran into the fact that smog knew no political boundaries and that city control or attempts at city control were futile.

The problem was passed over to the Board of Supervisors of Los Angeles County in 1942 and 3 years later after considerable study, the first countywide ordinance was passed in 1945.

A Citizens Committee of Smog Control was formed of public-spirited citizens and this committee immediately recognized that the problem was bigger than countrywide. They sponsored and secured passage of assembly bill No. 1 through the California Legislature in 1947, and under its terms the first air pollution control district was established in Los Angeles County. A comprehensive study program was launched in cooperation with the California Institute of Technology. We were fortunate to have a number of internationally known experts in the field of air pollution in our area. One who has done a great deal at all levels of control was Dr. A. G.

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Haagen-Smith. Another man who made a great contribution in the field about this time was Dr. Louis McCabe of the Bureau of Mines in the Department of the Interior. He became the first Los Angeles director in 1947.

It has been estimated that great quantities of pollutants, 1,000 tons a day, were caused by the 2 million motor vehicles in Los Angeles County, but there was no device available on the market which could control or eliminate the pollutants caused by gasoline combustion. In fact, there was no general agreement as to what type of control should be developed and while there were many "cure-alls," none had been proved to be completely effective. The opinion of the county counsel pointed up this need for a device and stated that control of motor vehicles could be exercised only when "such a device is perfected, shown to be effective, available on the market, and the requirement of its use is found to be reasonable." Industrial location is greatly influenced by air pollution. Air pollution today is the bogey man of city planners and legislators at all political levels.

New interest was generated in the problem when 20 people died and some estimated 6,000 become ill as the result of a deadly "fog" in Donora, Pa. Medical science is beginning to discover new dangers from the invisible enemy. Respiratory diseases are definitely affected by smog. How much, authorities are reluctant to state at this time.

While 49 States are still without comprehensive smog or air pollution laws, while our problem in Los Angeles is partly solved—we have come as far as we can at this time. We cannot wait for the rest of the Nation to catch up—we cannot wait—we must continue our fight with renewed vigor—to slow up now will be to betray those people who helped us so valiantly in the early fight.

Mr. HARRIS. Mr. Speaker, I repeat, I am convinced that this is a very good bill. I think the approach to it is to be commended. I believe the conference report should be overwhelmingly approved.

Mr. Speaker, I move the previous question on the conference report.

* * * * *

The question was taken, and there were—yeas 273, nays 109, not voting 53 * * *.

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THE CLEAN AIR ACT—CONFERENCE REPORT

Mr. MUSKIE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate

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to the bill (H.R. 6518) to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MUSKIE. Mr. President, I urge the adoption of the conference report, and I wish to discuss it briefly. The report is signed by all of the conferees on the part of the House and the Senate, and the report has been accepted by the House of Representatives.

The House bill amended the entire act of July 14, 1955, the existing statute on air pollution. The Senate amendment struck out all after the enactment clause of the House bill and inserted a complete revision of such act of July 14, 1955.

The proposed conference substitute is also a complete revision of the act of July 14, 1955, and reflects the agreement

which was reached between the conferees.

The Senate conferees pressed strongly for the provisions of subsection (d) of section 3, which would provide that all scientific or technological research or development activity contracted for, sponsored, cosponsored, or authorized under authority of the act which involves the expenditure of Government funds shall be provided for in such manner that all information, uses, processes, patents, and other developments resulting from such activity, with certain exceptions, be available to the general public.

The House conferees insisted that it be deleted because of pending general legislation dealing with this particular subject, and the undesirability of dealing with such matters on a partial basis. The Senate conferees argued strongly for its retention, but finally reluctantly accepted the deletion.

DIFFERENCES BETWEEN THE BILL AS PASSED BY THE SENATE AND THE PROPOSED CONFERENCE SUBSTITUTE

1. INVESTIGATIONS, RESEARCH AND SURVEYS

The House in accepting subsection (c)(1) of section 3, which relates to the authority for the Secretary of Health, Education, and Welfare to conduct research, compile and publish criteria reflecting the latest scientific knowledge useful in indicating the kind and extent of such effects which may be expected from the presence of pollution agent or agents in the air, suggested that the language in the House-passed bill which would authorize the Secretary to make recommendations to appropriate agencies, with respect to air quality criteria be restored.

The Senate agreed to include the original House language, in addition to the Senate amendment, so that the Secretary could not only be called upon to conduct research and compile and publish criteria, but he would also be authorized to recommend such criteria of air quality as in his judgment may be necessary to protect the public health and welfare. The Senate conferees agreed to the deletion of the word "only" in subsection (c)(1) where it was provided that "any such criteria shall be published for informational purposes only." This was done in order that information developed by departmental sponsored research could be used by the Secretary in making recommendations under section 3(c)(1) as agreed to by the conferees.

2. GRANTS FOR SUPPORT OF AIR POLLUTION CONTROL PROGRAMS

The House accepted the Senate version of section 4 relating to grants for air pollution programs substantially in the form as passed by the Senate, except for clarifying amendments designed to insure, first, that not more than 20 percent of the annual appropriations made to carry out the act shall be available for grants; and second, that no agency whose expenditures of non-Federal funds for air pollution programs during a fiscal year are less than its expenditures for such programs during the preceding year shall be eligible to receive any grant during that fiscal year.

3. CONFERENCE ON ABATEMENT OF AIR POLLUTION

The Senate-passed version provides that the Secretary may, after consultation with State officials, also call a conference whenever, on the basis of reports, surveys, and studies, he has reason to believe that air pollution is occurring in any State or States which endangers the health or welfare of any persons. The conferees agreed that the language should be clarified to provide that State officials of all affected States shall be consulted by the Secretary before he calls a conference.

4. MEMBERSHIP OF HEARING BOARD

The conferees accepted the Senate provisions with respect to Federal mem-

bership on the Hearing Board. They adopted a technical amendment to make it clear that each Federal department, agency or instrumentality which has a substantial interest in the subject matter as determined by the Secretary shall be given an opportunity to select one member of the Hearing Board.

The Senate amendment provided that members of the Hearing Board who are not regular, full-time officers or employees of the United States, be entitled to receive compensation at not to exceed $100 per diem. The Senate receded and accepted the House language which provided $50 per diem.

5. ABATEMENT OF AIR POLLUTION

The proposed conference substitute is the same as the Senate amendment, except for certain technical amendments to clarify congressional intent that the request of the Governor of the State must be obtained before the Secretary can request the Attorney General to bring suit to secure abatement of intrastate pollution, and a technical amendment to show that subsection (g) relating to evidence in court in a suit is restricted to those suits brought in the U.S. courts.

6. AUTOMOTIVE VEHICLE EXHAUST AND FUEL POLLUTION

The House accepted the provisions of this section (section 6). The conferees included certain modifying language so that the Secretary would be required to maintain and have liaison with and have representatives on the technical committee from exhaust control device manufacturers in addition to automotive and fuel manufacturers. The Senate amendment had not included this segment of the industry concerned with the automotive exhaust problem.

7. APPROPRIATIONS

First. The Senate receded on section 13(a) in order to permit a $5 million grant program to be initiated during fiscal year 1964 if appropriations are made for such purpose.

Second. Section 13(b) of the Senate bill provided for authorizations for appropriations as follows: Fiscal year 1965, $25 million; fiscal year 1966, $30 million; fiscal year 1967, $35 million; fiscal year 1968, $42 million; fiscal year 1969, $50 million.

The conferees agreed to the appropriations as contained in the Senate bill for fiscal years 1965–67, and the Senate receded from its amendment which provided authorizations for fiscal years 1968 and 1969 with the understanding that the legislative committees in both Houses of Congress will reexamine the program to determine progress being made and the need for authorizations in those and subsequent years. The conferees recognized that air pollution constitutes one of our national problems and that as our population grows and as urbanization expands, increased fiscal support of air pollution programs may be required.

AREAS OF COMPLETE AGREEMENT WITH SENATE AMENDMENTS

A. INVESTIGATIONS, RESEARCH, AND SURVEYS

First. The Senate amendment authorized investigation, research, and surveys to be made in cooperation with air pollution control agencies. The conference adopted the Senate language.

Second. Subsection (a)(4) of section 3 of the House bill would have required the Secretary of Health, Education, and Welfare, as a part of a national research and development program for the control and prevention of air pollution, to conduct specific studies with respect to motor vehicle exhaust fumes. The Senate deleted this provision and substituted section 6 which dealt with the problem more specifically. The House accepted this approach.

Third. The House accepted the Sen-

ate provisions with respect to the initiation and conduct of a program of research directed toward the development of improved low cost techniques to extract sulfur from fuel.

Fourth. The Senate amendment provided broader authority for the Secretary to make grants than the House version. The conferees accepted the Senate version.

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B. REQUIREMENTS OF REPORTS

The House conferees accepted the Senate amendment to this subsection.

C. COOPERATION BY FEDERAL AGENCIES TO CONTROL AIR POLLUTION FROM FEDERAL INSTALLATIONS

The House conferees accepted the Senate amendment which provides that the Secretary may establish classes of potential pollution sources for which Federal departments or agencies shall, before discharging any matter into the air of the United States, obtain a permit prior to such discharging. These permits would be subject to revocation if the Secretary finds the pollution is endangering the health and welfare of any persons.

D. ADMINISTRATION

The Senate amendment deleted the word "procedural" immediately preceding the word "requirements." This was accepted by the House conferees.

E. DEFINITIONS

Certain amendments were made in the Senate amendment and were accepted by the House conferees.

F. RECORDS AND AUDIT

The House conferees accepted this section in its entirety.

Mr. President, I wish to take this opportunity to congratulate the House and Senate conferees who worked with me on H.R. 6518. We were able to transact our business expeditiously and in a spirit of cooperation. My special thanks go to Representative ROBERTS, chairman of the House conferees and to my colleagues Mr. RANDOLPH, Mr. METCALF, Mr. BOGGS, and Mr. PEARSON.

I believe the product of our endeavors represents a constructive contribution to the solution of air pollution control problems. This was a case where compromise moved us forward. The bill, as now written, is an improvement over both the House and Senate versions.

Mr. President, the report is signed by every member of the conference on the part of the Senate and of the House. The conference report was accepted in the House of Representatives today.

I move the adoption of the report.

The report was agreed to.

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1.1f MOTOR VEHICLE AIR POLLUTION CONTROL ACT, AND SOLID WASTE DISPOSAL ACT

October 20, 1965, P.L. 89-272, 79 Stat. 992

AN ACT

To amend the Clean Air Act to require standards for controlling the emission of pollutants from certain motor vehicles, to authorize a research and development program with respect to solid-waste disposal, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENTS TO CLEAN AIR ACT

SEC. 101. The Clean Air Act is amended (1) by inserting immediately above the heading of section 1: "TITLE I—AIR POLLUTION PREVENTION AND CONTROL"; (2) by changing the words "this Act" wherever they appear in sections 1 through 7 to "this title"; (3) by redesignating sections 1 through 7 and references thereto as sections 101 through 107; (4) by redesignating sections 8 through 14 and references thereto as sections 301 through 307; (5) by inserting immediately above the heading of the so redesignated section 301: "TITLE III—GENERAL"; (6) by striking out subsection (a) of the so redesignated section 306 and striking out the letter (b) at the beginning of subsection (b) in the so redesignated section 306; (7) by striking out "this Act" in the so redesignated section 306 and inserting in lieu thereof "title I"; and (8) by inserting after the so redesignated section 107 and before the heading of such title III the following new title:

"TITLE II—CONTROL OF AIR POLLUTION FROM MOTOR VEHICLES

"SHORT TITLE

"SEC. 201. This title may be cited as the 'Motor Vehicle Air Pollution Control Act'.

"ESTABLISHMENT OF STANDARDS

"SEC. 202. (a) The Secretary shall by regulation, giving appropriate consideration to technological feasibility and economic costs, prescribe as soon as practicable standards, applicable to the emission of any kind of substance, from any class or classes of new motor vehicles or new motor vehicle engines, which in his judgment cause or contribute to, or are likely to cause or to contribute to, air pollution

which endangers the health or welfare of any persons, and such standards shall apply to such vehicles or engines whether they are designed

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as complete systems or incorporate other devices to prevent or control such pollution.

"(b) Any regulations initially prescribed under this section, and amendments thereto, with respect to any class of new motor vehicles or new motor vehicle engines shall become effective on the effective date specified in the order promulgating such regulations which date shall be determined by the Secretary after consideration of the period reasonably necessary for industry compliance.

"PROHIBITED ACTS

"SEC. 203. (a) The following acts and the causing thereof are prohibited—

"(1) in the case of a manufacturer of new motor vehicles or new motor vehicle engines for distribution in commerce, the manufacture for sale, the sale, or the offering for sale, or the introduction or delivery for introduction into commerce, or the importation into the United States for sale or resale, of any new motor vehicle or new motor vehicle engine, manufactured after the effective date of regulations under this title which are applicable to such vehicle or engine unless it is in conformity with regulations prescribed under section 202 (except as provided in subsection (b));

"(2) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information, required under section 207; or

"(3) for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this title prior to its sale and delivery to the ultimate purchaser.

"(b) (1) The Secretary may exempt any new motor vehicle or new motor vehicle engine, or class thereof, from subsection (a), upon such terms and conditions as he may find necessary to protect the public health or welfare, for the purpose of research, investigations, studies, demonstrations, or training, or for reasons of national security.

"(2) A new motor vehicle or new motor vehicle engine offered for importation by a manufacturer in violation of subsection (a) shall be refused admission into the United States, but the Secretary of the Treasury and the Secretary of Health, Education, and Welfare may, by joint regulation, provide for deferring final determination

as to admission and authorizing the delivery of such a motor vehicle or engine offered for import to the owner or consignee thereof upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such motor vehicle or engine will be brought into conformity with the standards, requirements, and limitations applicable to it under this title. The Secretary of the Treasury shall, if a motor vehicle or engine is finally refused admission under this paragraph, cause disposition thereof in accordance with the customs laws unless it is exported, under regulations prescribed by such Secretary, within ninety days of the date of notice of such refusal or such additional time as may be permitted pursuant to such regulations, except that disposition in accordance with the customs laws may not be made in such manner as may result, directly or indirectly, in the sale, to the ultimate consumer, of a new motor vehicle or new motor vehicle engine that fails to comply with applicable standards of the Secretary of Health, Education, and Welfare under this title.

"(3) A new motor vehicle or new motor vehicle engine intended solely for export, and so labeled or tagged on the outside of the container and on the vehicle or engine itself, shall not be subject to the provisions of subsection (a).

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"INJUNCTION PROCEEDINGS

"SEC. 204. (a) The district courts of the United States shall have jurisdiction to restrain violations of paragraph (1), (2), or (3) of section 203(a).

"(b) Actions to restrain such violations shall be brought by and in the name of the United States. In any such action, subpenas for witnesses who are required to attend a district court in any district may run into any other district.

"PENALTIES

"SEC. 205. Any person who violates paragraph (1), (2), or (3) of section 203(a) shall be subject to a fine of not more than $1,000. Such violation with respect to section 203(a)(1) and 203(a)(3) shall constitute a separate offense with respect to each new motor vehicle or new motor vehicle engine.

"CERTIFICATION

"SEC. 206. (a) Upon application of the manufacturer, the Secretary shall test, or require to be tested, in such manner as he deems appropriate, any new motor vehicle or new motor vehicle engine submitted

by such manufacturer to determine whether such vehicle or engine conforms with the regulations prescribed under section 202 of this title. If such vehicle or engine conforms to such regulations the Secretary shall issue a certificate of conformity, upon such terms, and for such period not less than one year, as he may prescribe.

"(b) Any new motor vehicle or any motor vehicle engine sold by such manufacturer which is in all material respects substantially the same construction as the test vehicle or engine for which a certificate has been issued under subsection (a), shall for the purposes of this Act be deemed to be in conformity with the regulations issued under section 202 of this title.

"RECORDS AND REPORTS

"SEC. 207. (a) Every manufacturer shall establish and maintain such records, make such reports, and provide such information, as the Secretary may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this title and regulations thereunder and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee at reasonable times, to have access to and copy such records.

"(b) All information reported or otherwise obtained by the Secretary or his representative pursuant to subsection (a), which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of such section 1905, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. Nothing in this section shall authorize the withholding of information by the Secretary or any officer or employee under his control, from the duly authorized committees of the Congress.

"DEFINITIONS FOR TITLE II

"SEC. 208. As used in this title—

"(1) The term 'manufacturer' means any person engaged in the manufacturing or assembling of new motor vehicles or new motor vehicle engines, or importing such vehicles or engines for resale, or who acts for and is under the control of any such person in connection with the distribution of new motor vehicles or new motor vehicle

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engines, but shall not include any dealer with respect to new motor vehicles or new motor vehicle engines received by him in commerce.

"(2) The term 'motor vehicle' means any self-propelled vehicle designed for transporting persons or property on a street or highway.

"(3) The term 'new motor vehicle' means a motor vehicle the equitable or legal title to which has never been transferred to an ultimate purchaser; and the term 'new motor vehicle engine' means an engine in a new motor vehicle or a motor vehicle engine the equitable or legal title to which has never been transferred to the ultimate purchaser.

"(4) The term 'dealer' means any person who is engaged in the sale or the distribution of new motor vehicles or new motor vehicle engines to the ultimate purchaser.

"(5) The term 'ultimate purchaser' means, with respect to any new motor vehicle or new motor vehicle engine, the first person who in good faith purchases such new motor vehicle or new engine for purposes other than resale.

"(6) The term 'commerce' means (A) commerce between any place in any State and any place outside thereof; and (B) commerce wholly within the District of Columbia.

"APPROPRIATIONS

"SEC. 209. There is hereby authorized to be appropriated to carry out this title II, not to exceed $470,000 for the fiscal year ending June 30, 1966, not to exceed $845,000 for the fiscal year ending June 30, 1967, not to exceed $1,195,000 for the fiscal year ending June 30, 1968, and not to exceed $1,470,000 for the fiscal year ending June 30, 1969."

SEC. 102. (a) Paragraph (1) of subsection (c) of the redesignated section 105 of the Clean Air Act (which relates to abatement of air pollution) is amended by adding at the end thereof the following new subparagraph:

"(D) Whenever the Secretary, upon receipt of reports, surveys, or studies from any duly constituted international agency, has reason to believe that any pollution referred to in subsection (a) which endangers the health or welfare of persons in a foreign country is occurring, or whenever the Secretary of State requests him to do so with respect to such pollution which the Secretary of State alleges is of such a nature, the Secretary of Health, Education, and Welfare shall give formal notification thereof to the air pollution control agency of the municipality where such discharge or discharges originate, to the air pollution control agency of the State in which such municipality is located, and to the interstate air pollution control agency, if any, in the jurisdictional area of which such municipality is located, and shall call promptly a conference of such agency or agencies. The Secretary shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the conference, and the

representative of such country shall, for the purpose of the conference and any further proceeding resulting from such conference, have all the rights of a State air pollution control agency. This subparagraph shall apply only to a foreign country which the Secretary determines has given the United States essentially the same rights with respect to the prevention or control of air pollution occurring in that country as is given that country by this subparagraph."

(b) So much of section (f) of such redesignated section 105 as precedes clause (2) of such subsection is amended to read as follows:

"(f) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

"(1) in the case of pollution of air which is endangering the health or welfare of persons (A) in a State other than that in which the discharge or discharges (causing or contributing to

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such pollution) originate, or (B) in a foreign country which has participated in a conference called under subparagraph (D) of subsection (c) of this section and in all proceedings under this section resulting from such conference, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution, and".

SEC. 103. Redesignated section 103 of the Clean Air Act (which relates to research, investigations, and training) is amended—

(1) by striking out the word "and" at the end of paragraphs (1), (2), and (3) of subsection (a) thereof;

(2) by striking out the period at the end of paragraph (4) of subsection (a) thereof and inserting in lieu thereof "; and";

(3) by adding after paragraph (4) of subsection (a) thereof the following new paragraph (5):

"(5) conduct and accelerate research programs (A) relating to the means of controlling hydrocarbon emissions resulting from the evaporation of gasoline in carburetors and fuel tanks, and the means of controlling emissions of oxides of nitrogen and aldehydes from gasoline-powered or diesel-powered vehicles, and to carry out such research the Secretary shall consult with the technical committee established under section 106 of this Act, and for research concerning diesel-powered vehicles he may add to such committee such representatives from the diesel-powered vehicle industry as he deems appropriate; and (B) directed toward the development of improved low-cost techniques designed to reduce emissions of oxides of sulfur produced by the combustion of sulfur-containing fuels."; and

(4) by adding at the end of such section the following new subsections:

"(d) The Secretary is authorized to construct such facilities and staff and equip them as he determines to be necessary to carry out his functions under this Act.

"(e) If, in the judgment of the Secretary, an air pollution problem of substantial significance may result from discharge or discharges into the atmosphere, he may call a conference concerning this potential air pollution problem to be held in or near one or more of the places where such discharge or discharges are occurring or will occur. All interested persons shall be given an opportunity to be heard at such conference, either orally or in writing, and shall be permitted to appear in person or by representative in accordance with procedures prescribed by the Secretary. If the Secretary finds, on the basis of the evidence presented at such conference, that the discharge or discharges if permitted to take place or continue are likely to cause or contribute to air pollution subject to abatement under section 105(a), he shall send such findings, together with recommendations concerning the measures which he finds reasonable and suitable to prevent such pollution, to the person or persons whose actions will result in the discharge or discharges involved; to air pollution agencies of the State or States and of the municipality or municipalities where such discharge or discharges will originate; and to the interstate air pollution control agency, if any, in the jurisdictional area of which any such municipality is located. Such findings and recommendations shall be advisory only, but shall be admitted, together with the record of the conference, as part of the record of proceedings under subsections (c), (d), and (e) of section 105."

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TITLE II—SOLID WASTE DISPOSAL

SHORT TITLE

SEC. 201. This title (hereinafter referred to as "this Act") may be cited as the "Solid Waste Disposal Act".

FINDINGS AND PURPOSES

SEC. 202. (a) The Congress finds—

(1) that the continuing technological progress and improvement in methods of manufacture, packaging, and marketing of consumer products has resulted in an ever-mounting increase, and in a change in the characteristics, of the mass of material discarded by the purchaser of such products;

(2) that the economic and population growth of our Nation, and the improvements in the standard of living enjoyed by our population, have required increased industrial production to meet our needs, and have made necessary the demolition of old buildings, the construction of new buildings, and the provision of highways and other avenues of transportation, which, together with related industrial, commercial, and agricultural operations, have resulted in a rising tide of scrap, discarded, and waste materials;

(3) that the continuing concentration of our population in expanding metropolitan and other urban areas has presented these communities with serious financial, management, intergovernmental, and technical problems in the disposal of solid wastes resulting from the industrial, commercial, domestic, and other activities carried on in such areas;

(4) that inefficient and improper methods of disposal of solid wastes result in scenic blights, create serious hazards to the public health, including pollution of air and water resources, accident hazards, and increase in rodent and insect vectors of disease, have an adverse effect on land values, create public nuisances, otherwise interfere with community life and development;

(5) that the failure or inability to salvage and reuse such materials economically results in the unnecessary waste and depletion of our natural resources; and

(6) that while the collection and disposal of solid wastes should continue to be primarily the function of State, regional, and local agencies, the problems of waste disposal as set forth above have become a matter national in scope and in concern and necessitate Federal action through financial and technical assistance and leadership in the development, demonstration, and application of new and improved methods and processes to reduce the amount of waste and unsalvageable materials and to provide for proper and economical solid-waste disposal practices.

(b) The purposes of this Act therefore are—

(1) to initiate and accelerate a national research and development program for new and improved methods of proper and economic solid-waste disposal, including studies directed toward the conservation of natural resources by reducing the amount of waste and unsalvageable materials and by recovery and utilization of potential resources in solid wastes; and

(2) to provide technical and financial assistance to State and local governments and interstate agencies in the planning, development, and conduct of solid-waste disposal programs.

DEFINITIONS

SEC. 203. When used in this Act—

(1) The term "Secretary" means the Secretary of Health, Education, and Welfare; except that such term means the Secretary of the Interior with respect to problems of solid waste resulting from the extraction, processing, or utilization of minerals or fossil fuels where the generation, production, or reuse of such waste is or may be controlled within the extraction, processing, or utilization facility or facilities and where such control is a feature of the technology or economy of the operation of such facility or facilities.

(2) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(3) The term "interstate agency" means an agency of two or more municipalities in different States, or an agency established by two or more States, with authority to provide for the disposal of solid wastes and serving two or more municipalities located in different States.

(4) The term "solid waste" means garbage, refuse, and other discarded solid materials, including solid-waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

(5) The term "solid-waste disposal" means the collection, storage, treatment, utilization, processing, or final disposal of solid waste.

(6) The term "construction", with respect to any project of construction under this Act, means (A) the erection or building of new structures and acquisition of lands or interests therein, or the acquisition, replacement, expansion, remodeling, alteration, modernization, or extension of existing structures, and (B) the acquisition and installation of initial equipment of, or required in connection with, new or newly acquired structures or the expanded, remodeled, altered, modernized or extended part of existing structures (including trucks and other motor vehicles, and tractors, cranes, and other machinery) necessary for the proper utilization and operation of the facility after completion of the project; and includes preliminary planning to determine the economic and engineering feasibility and the public health and safety aspects of the project, the engineering, architectural, legal, fiscal, and economic investigations and studies, and any surveys, designs, plans, working drawings, specifications, and other action necessary for the carrying out of the project, and (C) the inspection

and supervision of the process of carrying out the project to completion.

RESEARCH, DEMONSTRATIONS, TRAINING, AND OTHER ACTIVITIES

SEC. 204. (a) The Secretary shall conduct, and encourage, cooperate with, and render financial and other assistance to appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the operation and financing of solid-waste disposal programs, the development and application of new and improved methods of solid-waste disposal (including devices and facilities therefor),

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and the reduction of the amount of such waste and unsalvageable waste materials.

(b) In carrying out the provisions of the preceding subsection, the Secretary is authorized to—

(1) collect and make available, through publications and other appropriate means, the results of, and other information pertaining to, such research and other activities, including appropriate recommendations in connection therewith;

(2) cooperate with public and private agencies, institutions, and organizations, and with any industries involved, in the preparation and the conduct of such research and other activities; and

(3) make grants-in-aid to public or private agencies and institutions and to individuals for research, training projects, surveys, and demonstrations (including construction of facilities), and provide for the conduct of research, training, surveys, and demonstrations by contract with public or private agencies and institutions and with individuals; and such contracts for research or demonstrations or both (including contracts for construction) may be made in accordance with and subject to the limitations provided with respect to research contracts of the military departments in title 10, United States Code, section 2353, except that the determination, approval, and certification required thereby shall be made by the Secretary.

(c) Any grant, agreement, or contract made or entered into under this section shall contain provisions effective to insure that all information, uses, processes, patents and other developments resulting from any activity undertaken pursuant to such grant, agreement, or con-

tract will be made readily available on fair and equitable terms to industries utilizing methods of solid-waste disposal and industries engaging in furnishing devices, facilities, equipment, and supplies to be used in connection with solid-waste disposal. In carrying out the provisions of this section, the Secretary and each department, agency, and officer of the Federal Government having functions or duties under this Act shall make use of and adhere to the Statement of Government Patent Policy which was promulgated by the President in his memorandum of October 10, 1963. (3 CFR, 1963 Supp., p. 238.)

(d) Notwithstanding any other provision of this Act, the United States shall not make any grant to pay more than two-thirds of the cost of construction of any facility under this Act.

INTERSTATE AND INTERLOCAL COOPERATION

SEC. 205. The Secretary shall encourage cooperative activities by the States and local governments in connection with solid-waste disposal programs; encourage, where practicable, interstate, interlocal, and regional planning for, and the conduct of, interstate, interlocal, and regional solid-waste disposal programs; and encourage the enactment of improved and, so far as practicable, uniform State and local laws governing solid-waste disposal.

GRANTS FOR STATE AND INTERSTATE PLANNING

SEC. 206. (a) The Secretary may from time to time, upon such terms and conditions consistent with this section as he finds appropriate to carry out the purposes of this Act, make grants to State and interstate agencies of not to exceed 50 per centum of the cost of making surveys of solid-waste disposal practices and problems within the jurisdictional

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areas of such States or agencies, and of developing solid-waste disposal plans for such areas.

(b) In order to be eligible for a grant under this section the State, or the interstate agency, must submit an application therefor which—

(1) designates or establishes a single State agency (which may be an interdepartmental agency) or, in the case of an interstate agency, such interstate agency, as the sole agency for carrying out the purposes of this section;

(2) indicates the manner in which provision will be made to assure full consideration of all aspects of planning essential to statewide planning (or in the case of an interstate agency jurisdictionwide planning) for proper and effective solid-waste disposal

consistent with the protection of the public health, including such factors as population growth, urban and metropolitan development, land use planning, water pollution control, air pollution control, and the feasibility of regional disposal programs;

(3) sets forth its plans for expenditure of such grant, which plans provide reasonable assurance of carrying out the purposes of this section;

(4) provides for submission of a final report of the activities of the State or interstate agency in carrying out the purposes of this section, and for the submission of such other reports, in such form and containing such information, as the Secretary may from time to time find necessary for carrying out the purposes of this section and for keeping such records and affording such access thereto as he may find necessary to assure the correctness and verification of such reports; and

(5) provides for such fiscal-control and fund-accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the State or interstate agency under this section.

(c) The Secretary shall make a grant under this section only if he finds that there is satisfactory assurance that the planning of solid-waste disposal will be coordinated, so far as practicable, with other related State, interstate, regional, and local planning activities, including those financed in part with funds pursuant to section 701 of the Housing Act of 1954.

LABOR STANDARDS

SEC. 207. No grant for a project of construction under this Act shall be made unless the Secretary finds that the application contains or is supported by reasonable assurance that all laborers and mechanics employed by contractors or subcontractors on projects of the type covered by the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5), will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with that Act; and the Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 1332–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

OTHER AUTHORITY NOT AFFECTED

SEC. 208. This Act shall not be construed as superseding or limiting the authorities and responsibilities, under any other provisions of law,

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of the Secretary of Health, Education, and Welfare, the

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Secretary of the Interior, or any other Federal officer, department, or agency.

PAYMENTS

SEC. 209. Payments of grants under this Act may be made (after necessary adjustment on account of previously made underpayments or overpayments) in advance or by way of reimbursement, and in such installments and on such conditions as the Secretary may determine.

APPROPRIATIONS

SEC. 210. (a) There is hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare, to carry out this Act, not to exceed $7,000,000 for the fiscal year ending June 30, 1966, not to exceed $14,000,000 for the fiscal year ending June 30, 1967, not to exceed $19,200,000 for the fiscal year ending June 30, 1968, and not to exceed $20,000,000 for the fiscal year ending June 30, 1969.

(b) There is hereby authorized to be appropriated to the Secretary of the Interior, to carry out this Act, not to exceed $3,000,000 for the fiscal year ending June 30, 1966, not to exceed $6,000,000 for the fiscal year ending June 30, 1967, not to exceed $10,800,000 for the fiscal year ending June 30, 1968, and not to exceed $12,500,000 for the fiscal year ending June 30, 1969.

Approved October 20, 1965, 9:10 a.m.

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1.1f(1) SENATE COMMITTEE ON PUBLIC WORKS

S. REP. No. 192, 89th Cong., 1st Sess. (1965)

CLEAN AIR ACT AMENDMENTS AND SOLID WASTE DISPOSAL ACT

MAY 14, 1965.—Ordered to be printed

Mr. MUSKIE, from the Committee on Public Works, submitted the following

REPORT

[To accompany S. 306]

The Committee on Public Works, to whom was referred the bill (S. 306) to amend the Clean Air Act to require standards for controlling the emission of pollutants from gasoline-powered or diesel-powered vehicles, to establish a Federal Air Pollution Control Laboratory, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill do pass. The amendments are indicated in the bill as reported and are shown in linetype and italic.

PURPOSE

The purpose of title I of S. 306 is to—

(1) Provide for recommended motor vehicle exhaust emission standards by the Automotive Vehicle and Fuel Pollution Technical Committee and, by regulations, for the establishment of standards, requirements, or limitations on emissions from new motor vehicles or new motor vehicle engines and devices or motor vehicle design not later than September 1, 1967. Such regulations may be amended and become effective on date to be specified. "Motor vehicle" is defined as any gasoline-powered, self-propelled vehicle designed for transporting persons or property on a street or highway. "New motor vehicle" is defined as a motor vehicle, the equitable or legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

(2) Provide for the prohibition of distribution in commerce the manufacture for sale, the sale, or the offering for sale, introduction, or delivery for introduction into commerce, or the im-

portation into the United States for sale or resale, of any new motor vehicle or new motor vehicle engine manufactured after the effective date of regulation unless it is in conformity with such

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regulations. It is also required that such vehicles or engines offered for importation must meet prescribed regulations. A procedure is prescribed for inspection of plant and facilities and for records and reports to be maintained by manufacturers. Certain new motor vehicles or new motor vehicle engines may be exempt from prohibitions.

(3) Provide for the development of standards for allowable emissions from diesel-powered vehicles, and for recommendations to be made to Congress by January 31, 1967, for possible legislation to regulate discharge of pollutants.

(4) Provide for enforcement procedures for the abatement of air pollution adversely affecting a foreign country.

(5) Authorize the conduct and acceleration of research programs relating to means of controlling hydrocarbon emissions resulting from the evaporation of gasoline in carburetors and fuel tanks, and the means of controlling emissions of oxides of nitrogen and aldehydes from gasoline-powered or diesel-powered vehicles and low cost means of reducing sulfur oxide emissions from the burning of fossil fuels. Add representatives of diesel-powered industry to Automotive Vehicle and Fuel Pollution Committee of the Clean Air Act.

(6) Authorize the construction of a Federal Air Pollution Control Laboratory.

The purpose of title II of S. 306 is to—

(1) Authorize the initiation and acceleration of a national research and development program for new and improved methods of proper and economic solid waste disposal, reducing the amount of waste and unsalvageable material and recovering and utilizing potential sources of solid waste, and provide technical and financial assistance to State and local governments and interstate agencies in planning, developing, construction, and conduct of solid waste disposal programs.

(2) Provide that not to exceed 25 percent of funds appropriated for this purpose may be made for grants-in-aid, or to contract with, public or private agencies and institutions and to individuals for research and training.

(3) Authorize grants to State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of any project which will demonstrate a new or improved

method of disposing of solid waste. Up to two-thirds of the cost of any project approved may be paid from funds appropriated. No more than 12½ percent of appropriations authorized and amended for projects may be made in any one State. Grantee must have appropriate ordinances or regulations prohibiting open burning of solid wastes and provide for enforcement action to insure that beneficial results will occur. Also, assurances must be given that proper and efficient operation and maintenance of facility for which funds have been provided. All of the information, copyrights, uses, processes, patents, and other developments resulting from activity financed with Federal funds will be made available to the general public.

(4) Encourage cooperative activities by States and local governments in connection with solid waste disposal programs, encourage planning, and encourage the enactment of improved,

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and, so far as practicable, uniform State and local laws governing solid waste disposal.

(5) Authorize up to 10 percent of funds available for the solid waste disposal program to be used in connection with the grants for support of air pollution control programs of the Clean Air Act. Grants would be made in an amount of up to two-thirds of the cost of making surveys of solid waste disposal practices and problems within the jurisdictional areas of appropriate agencies, and development of solid waste disposal plans. Assurances must be given that the planning of solid waste disposal will be coordinated with other related State, interstate, regional, and local planning activities, including those financed in part with funds pursuant to section 701 of the Housing Act of 1954.

(6) Insure compliance with provisions of the Davis-Bacon Act for a project constructed under this act.

(7) Authorize to be appropriated $20 million for fiscal year ending June 30, 1966, and fiscal year ending June 30, 1967, for the solid waste disposal program and section 104(d) of the Clean Air Act.

GENERAL STATEMENT

The Special Subcommittee on Air and Water Pollution, over a period of 2 years, has held numerous hearings on the problem of air pollution. A number of these hearings have been held throughout the country where the committee has learned firsthand the effect of air pollution in our Nation. Extensive hearings were held as well in Washington, D.C.

During January, February, June, and July 1964, following the enactment of the Clean Air Act, the subcommittee conducted field and technical hearings to obtain factual data to be used as a basis for determining whether additional legislative action was required. Subsequently, a subcommittee report entitled "Steps Toward Clean Air" documented the findings of hearings and recommended legislative action.

On January 7, 1965, 21 Senators introduced S. 306, which was designed to provide legislative implementation to the recommendations contained in the subcommittee report. On April 6, 8, and 9, 1964, hearings were held in Washington, D.C., on the measure and testimony was received from witnesses representing industry, State and local governments, health organizations, conservation groups, Federal officials, and other interested parties. On April 7, 1965, hearings were held in Detroit, Mich., to obtain testimony from representatives of the automobile industry on the portion of the measure relating to automotive air pollution. Also, an inspection was made of research facilities of the industry where firsthand information was obtained on techniques developed to control automotive air pollution and the capability of the industry to reduce this source of pollution.

The committee believes that this legislation is essential if we are to successfully combat the air pollution problems present at this time and those which inevitably will occur unless early corrective action is taken. Automotive exhausts are not the only source of air pollution, but they are a major problem and they are increasing rapidly.

The committee has determined from the automotive industry's own testimony that it can meet the California standards of 275 parts per million of hydrocarbons and not more than 1.5 percent by volume of

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carbon monoxide and does intend to meet them. The committee believes that these standards can be applied and are reasonable. By applying them, the Nation will take a major step toward the control and abatement of air pollution.

The committee believes that exact standards need not be written legislatively but that the Secretary should adjust to changing technology.

The committee believes that the indicated costs of automotive emission control equipment are modest and commensurate with the need to reduce this major source of air pollution. The Secretary can take early action in establishing standards of emissions for blowby because of progress already made by industry in installing them on many vehicles.

The committee also believes that the manner of meeting the stand-

ards, whether by engine modification or by attaching a device, should be left to the manufacturer's determination.

The Automotive and Fuel Pollution Technical Committee should move rapidly with their recommendations to the Secretary.

The effectiveness of this program will depend in large part on proper maintenance of motor vehicle engines equipped or modified to reduce harmful exhaust emissions. The major obstacle to inspection is the lack of a simple exhaust emission testing system adaptable to large scale inspections. The Department of Health, Education, and Welfare should carry forward activities to help develop means of assisting States in testing motor vehicle emissions.

The committee expects that the Department of Health, Education, and Welfare will reach an understanding with each domestic manufacturer on how inspections will be made to determine compliance. Inspections should not be such as to disrupt normal manufacturing processes in or any way disrupt assembly line operations.

It is also evident to the committee that further research is needed to determine effects of automotive pollutants other than hydrocarbons and carbon monoxide and to find means of controlling them and to advance the research activities relating to reducing the emissions of oxides of sulfur produced by the combustion of sulfur-containing fuels. The committee is convinced that a Federal Air Pollution Control Laboratory is needed to provide facilities to carry out research and experimentations in perfecting methods and means of reducing air pollution; however, it is not expected or desired that the laboratory duplicate available Federal basic research facilities.

The committee believes that it is important that the Clean Air Act be amended so that not only is there provided a basis for action to abate pollution in our country but also to adopt a procedure whereby we can cooperate with foreign countries in cases involving endangerment of health or welfare. It is expected that the Department will initiate actions involving Canada, upon advice from the International Joint Commission, and the appropriate governmental agency in the case of situations involving Mexico. The language of the bill provides for enforcement proceedings to correct international pollution problems originating in the United States. The committee urges the administration to seek agreements with Canada and Mexico to help protect U.S. citizens from air pollution originating in those countries.

The Department of Health, Education, and Welfare had suggested language which would provide for a conference procedure, in addition to that provided for in the Clean Air Act relative to abatement of

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air pollution. This would call for findings and recommendations by

the Secretary but would be only advisory in nature and would be admitted as part of the record of proceedings under the abatement proceedings of the Clean Air Act. The committee is of the opinion that the Department of Health, Education, and Welfare has not yet had sufficient experience to determine the necessity and desirability of setting advisory standards. Also, such activities might dissipate their efforts when these efforts should be concentrated on abatement action. The committee is disappointed that the Department has not been more active in pursuing the abatement courses provided for in the Clean Air Act.

The committee believes that it is important that the Department of Health, Education, and Welfare coordinate their research and development program in the solution of the air pollution problem with the efforts of other Federal agencies, State and local agencies and groups, and private companies and individuals who have knowledge and information concerning the problem and its possible solution. The committee is convinced that the solution to the air pollution problem will require the utilization of all available talents.

The committee has learned of the vast amount of solid waste which has to be disposed of each day, the problem incident to coping with its sheer volume, and the effect on the health and welfare of our people. Consequently, the committee believes that a Federal program of assistance is essential to stimulate action in this field.

NEED FOR LEGISLATION

The Congress, in taking action in passing the Clean Air Act, gave recognition to and provided means of attacking air pollution which results from excessive concentrations of gases, liquids and solids introduced into the atmosphere by human activities. These pollutants are generated by simple devices such as heating of homes and backyard incinerators to some of the more complex sources which have emerged as a result of our modern technology and booming industrial progress.

It was obvious, when the Clean Air Act was enacted into law, that more specific legislative requirements would be needed from time to time in order to provide the necessary tools to insure corrective measures.

In all of the hearings held since the adoption of the Clean Air Act of 1963, automotive exhaust from some 84 million automobiles, trucks, and buses was cited as responsible for about 50 percent of the national air pollution problem. Photochemical air pollution, or smog, is a problem of growing national importance and is attributable largely to the operation of the motor vehicle. This type of air pollution is appearing with increasing frequency and severity in metropolitan

areas throughout the Nation, and studies indicate that it produces adverse health effects, eye irritation, and plant damage.

A number of State governments are showing more concern for the preservation of air quality and have taken steps to control automotive air pollution and are evaluating the problem as a preliminary to taking control steps.

The State of California leads in the establishment of standards for regulation of automotive pollutant emissions. The acute smog problem in Metropolitan Los Angeles forced the control of exhaust carbon monoxide and hydrocarbons and crankcase emissions. Other

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States, such as New York, New Jersey, Pennsylvania, Colorado, Illinois, Indiana, Kansas, New Hampshire, and the District of Columbia have imposed, or are considering the imposition of restrictions on automobitive emissions.

The California Motor Vehicle Pollution Control Board, on June 17, 1964, approved four exhaust control devices for installation on new passenger cars. Pursuant to the California law, new 1966 vehicles for which controls are available must be equipped with exhaust controls to be eligible for California registration. On March 10, 1964, the Automobile Manufacturers Association announced that 1967 model year cars produced for California would be equipped with exhaust emission control systems which would meet California standards for hydrocarbons and carbon monoxide. The Automobile Manufacturers Association also advised that the high-volume production 1966 model year cars delivered for sale in California would be equipped with automotive exhaust emission control systems. In view of the fact that the automobile is one of the principal sources of air pollution and manufacturers have the capability of incorporating air pollution reduction facilities in their vehicles, there is no apparent reason why the entire Nation should not benefit from such advances. Also, it would be more desirable to have national standards rather than for each State to have a variation in standards and requirements which could result in chaos insofar as manufacturers, dealers, and users are concerned.

In addition to hydrocarbon and carbon monoxide, there are other emissions which have been determined to be harmful, or potentially harmful, but means of controlling them and the extent of their damage has not been finally determined. Therefore, it is necessary to accomplish necessary research to find ways of effecting corrective action where needed.

The Clean Air Act prescribes a procedure for actions to abate air pollution in State and interstate areas of the Nation. However, there is no provision which would authorize cooperative action with foreign

countries when air pollution is endangering the health or welfare or their people. It is important that we, in the interest of international amity and in fairness to the people of other countries, afford them the benefit of protective measures. International negotiations will be necessary to provide reciprocal benefits for U.S. citizens.

The Clean Air Act directs the Secretary of Health, Education, and Welfare, under section 3(b)(8) to "develop effective and practical processes, methods and prototype devices for the prevention or control of air pollution." The act also, under section 6, directs the Secretary to place emphasis on the special problem of automotive vehicle and fuel pollution and provides a sane approach to the problem for the formation of a technical committee with industry and Government representation to evaluate progress, to make recommendations, and to report semiannually to the Congress.

It is clear that the new statutory provisions will require a substantial new effort in the research and development aspects of control devices to the prototype stage, and also careful evaluation and comparative assessments of new and alternative techniques for control of automotive pollution, as well as other types of industrial and domestic pollution.

The committee is aware of the fact that there is existing authority under the Public Health Service Act for the establishment of such addi-

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tional institutions, hospitals, and stations as are necessary to enable the Service to discharge its functions and duties. However, in the discharge of his responsibility under the Clean Air Act, the Secretary must be equipped to provide the assistance called for in facilities that are properly located, constructed, equipped and staffed to provide the specialized services called for in establishing criteria, testing of engines, testing of air pollution control devices, and conducting research into methods and processes for reducing air pollution.

The problem of solid wastes collection and disposal is one of the neglected areas of pollution control. Studies conducted by the American Public Health Association and the Public Health Service shows that less than half of the cities and towns in the United States with populations over 2,500 have approved sanitary methods of disposing of the estimated 90 million tons of refuse they produce each year and which must be removed and disposed of either through burning, burial, or conversion into forms of organic matter for final disposition or put to useful purposes.

State and local programs to stimulate local improvements in solid wastes storage, collection and disposal are lacking. In 1964, only 12

States reported to the Public Health Service that they had identifiable solid waste activities, while 31 indicated no program at all.

At the Federal level, activities have been meager in relation to the size and scope of the problem. Although the Public Health Service has, for many years, encouraged and supported research on solid waste problems, its efforts would appear to fall far short of research needs. The Public Health Service's total expenditure in fiscal year 1964 in this field was about $430,000, of which $360,000 was used to support research projects carried out by non-Federal institutions.

MAJOR PROVISIONS OF THE BILL

Title I amendments to the Clean Air Act

Section 101 would amend the Clean Air Act by inserting a new heading above the heading of section 1 as follows: "Title I—Air Pollution Prevention and Control" and changing the numbering of sections 1 through 7 as sections 101 through 107, redesignate sections 8 through 14 and references as sections 301 through 307, by inserting immediately above the heading of redesignated section 301 "Title III—General," and striking out present references and inserting appropriate references to title and section numbers.

Motor vehicle pollution

A new title designated as "Title II—Control of Air Pollution From Motor Vehicles" would be inserted immediately following redesignated section 107 and would contain a series of sections designated as sections 202 through section 209.

New section 201 would designate title II as "Motor Vehicle Air Pollution Control Act."

New section 202 would direct the Secretary of Health, Education, and Welfare, by regulation, giving appropriate consideration to technological feasibility and economic costs, to prescribe standards, requirements, or limitations applicable to the emissions of any kind of substance, from any class or classes of new motor vehicles or new motor vehicle engines, which in his judgment cause or contribute to, or are

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likely to cause or contribute to, air pollution which endangers the health or welfare of any persons.

Regulations initially prescribed under this section shall, as soon as practicable, be promulgated by the Secretary, to become effective no later than September 1, 1967.

The Secretary is authorized to amend such regulations promulgated

under this section, to become effective on the date specified in the order promulgating the amendments.

New section 203 directs the Secretary, as soon as practicable, to develop standards for allowable emissions from diesel-powered vehicles manufactured and introduced into interstate commerce or imported into the United States. The Secretary is also directed to make recommendations to the Congress for additional legislation to regulate the discharge of pollutants from diesel-powered vehicles by January 31, 1967.

New section 204 prohibits the introduction or delivery for introduction into commerce, or the importation into the United States for sale or resale of any new motor vehicle or new motor vehicle engine, manufactured after the effective date of regulations which are applicable to such vehicle or engine unless it is in conformity with such regulations except that the Secretary may exempt any new motor vehicle or new motor vehicle engine, or class thereof, from the prohibition upon such terms and conditions as he may find necessary to protect the public health or welfare, for the purpose of research, investigations, studies, demonstrations, or training, or for reasons of national security.

A new motor vehicle or new motor vehicle engine offered for importation by a manufacturer in violation of regulation shall be refused admission into the United States, but the Secretary of the Treasury and the Secretary of Health, Education, and Welfare may, by joint regulation, provide for authorizing the importation of such a motor vehicle upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that motor vehicle may be brought into conformity with the standards, requirements, and limitations applicable.

A new motor vehicle or motor vehicle engine intended solely for export shall not be subject to the prohibitions if it is shown that the failure so to comply would not be in conflict with any standard, requirement, or limitation imposed by the country of designation and such compliance would make the vehicle unacceptable to the purchaser or consignee.

New sections 205, 206, 207, 208, and 209 relate to injunction proceedings, penalties, inspections, records and reports and definitions for new title II relating to control of air pollution from motor vehicles.

The committee has found that the automotive industry has the capability for limiting the emissions of hydrocarbons and carbon monoxide from both the crankcase and exhaust systems of gasoline-powered motor vehicles and found a willingness to accept legislation which would establish national standards, and it is the hope of the committee that individual States will accept national standards rather

than additionally impose restrictions which might cause undue and unnecessary expense to the user.

The committee has learned that the means of controlling diesel emissions through design and manufacturing changes are not as readily

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accessible as in the case of gasoline-powered engines. Likewise, it would be difficult, at this time, to establish a single national standard. However, it is the belief of the committee that criteria can be established for groups of diesel-powered vehicles. The committee strongly urges that the joint industry-Government technical committee authorized by the Clean Air Act, and further expanded in the bill to include representatives of the diesel-powered vehicle industry, make a concerted effort to determine the extent, effect, and ways and means of controlling detrimental and offensive emissions from diesel-powered vehicles.

The committee has made no provision for the periodic inspection of vehicles to insure their proper operation and maintenance of emission control facilities because of the many variations in State procedures and the lack of suitable testing equipment for large-scale inspection. However, it does feel strongly that the Department of Health, Education, and Welfare should work with the various States in developing equipment for making rapid checks of operating characteristics of control systems and in developing inspection procedures.

Section 102(a) of S. 306 would amend paragraph (1) of subsection (c) of the redesignated section 105 of the Clean Air Act (which relates to abatement of air pollution) by adding at the end thereof the following new subparagraph:

> (D) Whenever the Secretary, upon receipt of reports, surveys, or studies from any duly constituted international agency, has reason to believe that any pollution referred to in subsection (a) which endangers the health or welfare of persons in a foreign country is occurring, or whenever the Secretary of State requests him to do so with respect to such pollution which the Secretary of States alleges is of such a nature, the Secretary of Health, Education, and Welfare shall give formal notification thereof to the air pollution control agency of the municipality where such discharge or discharges originate, to the air pollution control agency of the State in which such municipality is located, and to the interstate air pollution control agency, if any, in the jurisdictional area of which such municipality is located, and shall call promptly a conference of such agency or agencies. The Secretary shall invite the foreign country which may be adversely affected by the pollution to attend and participate in

the conference, and the representative of such country shall, for the purpose of the conference and any further proceeding resulting from such conference, have all the rights of a State air pollution control agency.

(b) So much of subsection (f) of such redesignated section 105 as precedes clause (2) of such subsection is amended to read as follows:

(f) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

(1) in the case of pollution of air which is endangering the health or welfare of persons (A) in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, or (B) in a

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foreign country, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution.

The committee is concerned about the lack of authority for the Secretary of Health, Education, and Welfare to cooperate with and assist neighboring countries in solving mutual problems of air pollution and also to institute abatement action against polluters in our own country who are adversely affecting them. The committee believes this to be a necessary amendment to the Clean Air Act and urges the Secretaries of Health, Education, and Welfare and State to formulate, at the earliest possible date, formal procedures to cope with and correct such pollution problems.

Section 103 of S. 306 amends redesignated section 103 of the Clean Air Act (which relates to research, investigations, and training) by adding a new paragraph directing the conducting and accelerating of research programs relating to the means of controlling hydrocarbon emissions resulting from the evaporation of gasoline in carburetors and fuel tanks, and the means of controlling emissions of oxides of nitrogen and aldehydes from gasoline-powered or diesel-powered vehicles, and to carry out such research, and directs the Secretary to consult with the technical committee established under the Clean Air Act to deal with automotive vehicle and fuel pollution, and for research concerning diesel-powered vehicles he may add to the committee representatives from the diesel-powered vehicle industry as he deems appropriate. The new paragraph also provides for conducting and accelerating research directed toward the development of improved low-cost techniques designed to reduce emissions of oxides of sulfur produced by the combustion of sulfur-containing fuels.

There is also authorized to be constructed a Federal Air Pollution

Control Laboratory to be staffed and equipped as necessary to conduct such phases of the national research and development program for the prevention and control of air pollution as deemed appropriate.

The committee is convinced that the provisions of section 103 of the bill which relate to the research with respect to means of controlling hydrocarbon emissions emitting from carburetors and fuel tanks and means of controlling oxides of nitrogen and aldehydes from gasoline or diesel-powered vehicles is of extreme importance in attacking the problem posed by these emittants and sources. Emphasis is now on hydrocarbon control, although it has become clear that the other component of photochemical smog, oxides of nitrogen, will require control. Since means have not been perfected to control these emissions, the committee urges that research be accelerated to determine effects of not only oxides of nitrogen and aldehydes, but also other motor vehicle emissions and determine ways and means of controlling them.

In order to carry out the various research and development programs necessary to work out means of controlling air pollution from both mobile and stationary sources, the committee is convinced that an air pollution control laboratory is essential and is seriously concerned that the accelerated and expanded Federal air pollution control program might be seriously hampered by the lack of adequate facilities to perform the essential functions as provided for in the Clean Air Act and in this bill.

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The committee also wants to emphasize the importance of accelerating the research work now underway by the Federal Government, the coal industry and other groups in developing low-cost techniques designed to reduce emissions of oxides of sulfur produced by the combustion of sulfur-containing fuels.

Section 104 of the bill amends redesignated section 106 of the Clean Air Act (automotive vehicle and fuel pollution) by inserting at the end the following:

> The technical committee appointed pursuant to subsection (a) shall recommend standards for the allowable exhaust emissions of pollutants from new motor vehicles and new motor vehicle engines to the Secretary not later than January 31, 1966.

It is the desire of the committee that the technical committee proceed as rapidly as possible in making recommendations to the Secretary of Health, Education, and Welfare so that he will have the benefit of their advice prior to September 1, 1967, when he is to prescribe standards of allowable emissions from new motor vehicles or new motor vehicle engines. It is the opinion of the committee that

such recommendations should be made not later than January 31, 1966, to allow the Secretary sufficient time to determine their effectiveness and overall effect on the industry and users.

Title II—Solid Waste Disposal

Section 201 designates this title as the "Solid Waste Disposal Act."

Section 202 enumerates the purposes of this act, which are to initiate and accelerate a national research and development program for new and improved studies directed toward the conservation of natural resources by reducing the amount of waste and unsalvageable materials and by recovery and utilization of potential resources in solid wastes; and provide technical and financial assistance to State and local governments and interstate agencies in the planning, development, establishment, and conduct of solid waste disposal programs.

Section 203 of the bill contains definitions relating to solid waste disposal.

Section 204 (research, demonstrations, training, and other activities) provides that the Secretary of Health, Education, and Welfare shall conduct, and encourage, cooperate with, and render financial and other assistance to appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the operation and financing of solid-waste disposal programs, the development and application of new and improved methods of solid-waste disposal (including devices and facilities therefor), and the reduction of the amount of such waste and unsalvageable waste materials.

In carrying out the provisions of the preceding subsection, the Secretary is authorized to—

> (1) collect and make available, through publications and other appropriate means, the results of, and either information pertaining to, such research and other activities; including appropriate recommendations in connection therewith;
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>
> (2) cooperate with public and private agencies, institutions, and with any industries involved, in the preparation and the conduct of such research and other activities; and
>
> (3) make grants-in-aid to, or contract with, public or private agencies and institutions and individuals for research and training projects, but not in excess of 25 percent of the total amount appropriated for any fiscal year may be obligated for such purposes.

(4) make grants to any State, municipality, or intermunicipal, or interstate agency for the purpose of assisting in the development (including the construction of facilities) of any project which will demonstrate a new or improved method of disposing of solid wastes, except that (A) not more than two-thirds of the cost of any project approved by the Secretary may be paid from the appropriations made pursuant to this act; (B) not more than 12½ percent of the appropriations made and expended for this purpose may be expended in any one State; (C) no grant shall be made to any municipality that has not enacted or is not subject to, a law, ordinance or other regulation prohibiting open burning of solid wastes and containing enforcement procedures insuring that disposal facilities will have a beneficial effect on reducing air pollution; and (D) no grant shall be made for any facility until the applicant has made provision satisfactory to the Secretary to assure the proper and efficient operation and maintenance of the facility after completion of the construction thereof; and (E) no grant shall be made to any State, municipality, or interstate agency for demonstration projects until the Secretary of Health, Education, and Welfare has consulted with the appropriate official as designated by the Governor or Governors.

There is provided that no part of any appropriated funds may be expended pursuant to authorization given by this act involving any scientific or technological research or development activity unless such expenditure is conditioned upon provisions effective to insure that all information, copyrights, uses, processes, patents, and other developments resulting from that activity will be made freely available to the general public. It is further provided that the owner of any background patent relating to any such activity shall not be deprived without his consent, of any right which owner may have under that patent.

Section 205 provides that the Secretary shall encourage cooperative activities by the States and local governments in connection with solid waste disposal programs; encourage, where practicable, interstate, interlocal, and regional planning for, and the conduct of, interstate, interlocal, and regional solid waste disposal programs; and encourage the enactment of improved and, so far as practicable, uniform State and local laws governing solid waste disposal.

Section 206 of the bill provides that not to exceed 10 percent of amounts appropriated for the solid waste disposal program for any fiscal year may be used by the Secretary to make grants to State or interstate air pollution control agencies in any amount up to two-thirds of the cost of making or arranging for surveys of solid waste disposal practices and problems within the jurisdictional areas of

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such agencies, and of developing solid waste disposal plans for such areas. The Secretary shall make a grant under this provision only

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if he finds that there is satisfactory assurance that the planning of solid waste disposal will be coordinated, so far as practicable, with other related State, interstate, regional, and local planning activities, including those financed in part with funds pursuant to section 701 of the Housing Act of 1954.

Section 207 of the bill makes the provision of the Davis-Bacon Act applicable to grants for projects constructed under the solid waste disposal program.

Sections 208 and 209 relate to effect on other authority and payments.

Section 210 of the bill authorizes $20 million for fiscal years ending June 30, 1966, and June 30, 1967, to finance the program of solid waste disposal and allow not to exceed 10 percent of such funds to provide grants-in-aid for support of air pollution control programs.

The committee considers the purposes of the Solid Waste Disposal Act to be one of the most significant steps in improving the health and welfare of our people since the enactment of the Federal Water Pollution Control Act and the Clean Air Act and feels that the modest proposal of $20 million annually for 2 years is well justified as a means of making further studies of the problem and devising means of coping with it.

The program is to be administered by the Secretary of Health, Education, and Welfare; however, in section 203 of the bill (definitions) the following language is included:

> (a) The term "Secretary" means the Secretary of Health, Education, and Welfare; except that such term means the Secretary of the Interior with respect to the problems of solid waste resulting from the extraction, processing, or utilization of minerals or fossil fuels where the generation, production, or reuse of such waste is or may be controlled within the extraction, processing, or utilization facility or facilities and where such control is a feature of the technology or economy of the operation of such facility or facilities.

The committee wishes to emphasize its intention that title II of the bill shall in no way be construed to confer upon the Secretary of Interior any authority with respect to research on or the control of air pollution, or to impair, diminish or dilute the authority of the Secretary of Health, Education, and Welfare with respect to research or control of air pollution.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic).

AN ACT To improve, strengthen, and accelerate programs for the prevention and abatement of air pollution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 14, 1955,

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as amended (42 U.S.C. 1857–1857g), is hereby amended to read as follows:

"TITLE I—AIR POLLUTION PREVENTION AND CONTROL

"FINDINGS AND PURPOSES

"SECTION **[**1.**]** *101.* (a) The Congress finds—

"(1) that the predominant part of the Nation's population is located in its rapidly expanding metropolitan and other urban areas, which generally cross the boundary lines of local jurisdictions and often extend into two or more States;

"(2) that the growth in the amount and complexity of air pollution brought about by urbanization, industrial development, and the increasing use of motor vehicles, has resulted in mounting dangers to the public health and welfare, including injury to agricultural crops and livestock, damage to and the deterioration of property, and hazards to air and ground transportation;

"(3) that the prevention and control of air pollution at its source is the primary responsibility of States and local governments; and

"(4) that Federal financial assistance and leadership is essential for the development of cooperative Federal, State, regional, and local programs to prevent and control air pollution.

"(b) The purposes of this **[**Act**]** *Title* are—

"(1) to protect the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population;

"(2) to initiate and accelerate a national research and development program to achieve the prevention and control of air pollution;

"(3) to provide technical and financial assistance to State and local governments in connection with the development and execution of their air pollution prevention and control programs; and

"(4) to encourage and assist the development and operation of regional air pollution control programs.

"COOPERATIVE ACTIVITIES AND UNIFORM LAWS

"SEC. [2.] *102.* (a) The Secretary shall encourage cooperative activities by the States and local governments for the prevention and control of air pollution; encourage the enactment of improved and, so far as practicable in the light of varying conditions and needs, uniform State and local laws relating to the prevention and control of air pollution; and encourage the making of agreements and compacts between States for the prevention and control of air pollution.

"(b) The Secretary shall cooperate with and encourage cooperative activities by all Federal departments and agencies having functions relating to the prevention and control of air pollution, so as to assure the utilization in the Federal air pollution control program of all appropriate and available facilities and resources within the Federal Government.

"(c) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative

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effort and mutual assistance for the prevention and control of air pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements or compacts. No such agreement or compact shall be binding or obligatory upon any State or party thereto unless and until it has been approved by Congress.

"RESEARCH, INVESTIGATIONS, TRAINING, AND OTHER ACTIVITIES

"SEC. [3.] *103.* (a) The Secretary shall establish a national research and development program for the prevention and control of air pollution and as part of such program shall—

"(1) conduct, and promote the coordination and acceleration of research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, and control of air pollution; [and]

"(2) encourage, cooperate with, and render technical services and provide financial assistance to air pollution control agencies and other appropriate public or private agencies, institutions, and organizations, and individuals in the conduct of such activities; [and]

"(3) conduct investigations and research and make surveys concerning any specific problem of air pollution in cooperation with any air pollution control agency with a view to recommending a solution of such problem, if he is requested to do so by such agency or if, in his judgment, such problem may affect any community or communities in a State other than that in which the source of the matter causing or contributing to the pollution is located; [and]

"(4) initiate and conduct a program of research directed toward the development of improved, low-cost techniques for extracting sulfur from fuels [.]; *and*

"*(5) conduct and accelerate research programs (A) relating to the means of controlling hydrocarbon emissions resulting from the evaporation of gasoline in carburetors and fuel tanks, and the means of controlling emissions of oxides of nitrogen and aldehydes from gasoline-powered or diesel-powered vehicles, and to carry out such research the Secretary shall consult with the technical committee established under section 106 of this Act, and for research concerning diesel-powered vehicles he may add to such committee such representatives from the diesel-powered vehicle industry as he deems appropriate; and (B) directed toward the development of improved low-cost techniques designed to reduce emissions of oxides of sulfur produced by the combustion of sulfur-containing fuels.*

"(b) In carrying out the provisions of the preceding subsection the Secretary is authorized to—

"(1) collect and make available, through publications and other appropriate means, the results of and other information, including appropriate recommendations by him in connection therewith, pertaining to such research and other activities;

"(2) cooperate with other Federal departments and agencies, with air pollution control agencies, with other public and private agencies, institutions, and organizations, and with any industries

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involved, in the preparation and conduct of such research and other activities;

"(3) make grants so air pollution control agencies, to other public or nonprofit private agencies, institutions, and organizations,

and to individuals, for purposes stated in subsection (a)(1) of this section:

"(4) contract with public or private agencies, institutions, and organizations, and with individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5);

"(5) provide training for, and make training grants to, personnel of air pollution control agencies and other persons with suitable qualifications;

"(6) establish and maintain research fellowships, in the Department of Health, Education, and Welfare and at public or nonprofit private educational institutions or research organizations;

"(7) collect and disseminate, in cooperation with other Federal departments and agencies, and with other public or private agencies, institutions, and organizations having related responsibilities, basic data on chemical, physical, and biological effects of varying air quality and other information pertaining to air pollution and the prevention and control thereof; and

"(8) develop effective and practical processes, methods, and prototype devices for the prevention or control of air pollution.

"(c) (1) In carrying out the provisions of subsection (a) of this section the Secretary shall conduct research on, and survey the results of other scientific studies on, the harmful effects on the health or welfare of persons by the various known air pollution agents (or combinations of agents).

"(2) Whenever he determines that there is a particular air pollution agent (or combination of agents), present in the air in certain quantities, producing effects harmful to the health or welfare of persons, the Secretary shall compile and publish criteria reflecting accurately the latest scientific knowledge useful in indicating the kind and extent of such effects which may be expected from the presence of such air pollution agent (or combination of agents) in the air in varying quantities. Any such criteria shall be published for informational purposes and made available to municipal, State, and interstate air pollution control agencies. He shall revise and add to such criteria whenever necessary to reflect accurately developing scientific knowledge.

"(3) The Secretary may recommend to such air pollution control agencies and to other appropriate organizations such criteria of air quality as in his judgment may be necessary to protect the public health and welfare.

"*(d) The Secretary is authorized to construct a Federal Air Pollution Control Laboratory and shall staff and equip such laboratory as necessary to conduct such phases of the national research and development program for the prevention and control of air pollution as he deems appropriate.*

"GRANTS FOR SUPPORT OF AIR POLLUTION CONTROL PROGRAMS

"SEC. [4] *104.* (a) From the sums appropriated annually for the purposes of this [Act] *Title* but not to exceed 20 per centum of any such appropriation, the Secretary is authorized to make grants to air pollution control agencies in an amount up to two-thirds of the cost of

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developing, establishing, or improving programs for the prevention and control of air pollution: *Provided,* That the Secretary is authorized to make grants to intermunicipal or interstate air pollution control agencies (described in [section 9(b)] *section 302(b)* (2) and (4)) in an amount up to three-fourths of the cost of developing, establishing, or improving, regional air pollution programs. As used in this subsection, the term 'regional air pollution control program' means a program for the prevention and control of air pollution in an area that includes the areas of two or more municipalities, whether in the same or different States.

"(b) From the sums available under subsection (a) of this section for any fiscal year, the Secretary shall from time to time make grants to air pollution control agencies upon such terms and conditions as the Secretary may find necessary to carry out the purpose of this section. In establishing regulations for the granting of such funds the Secretary shall, so far as practicable, give due consideration to (1) the population, (2) the extent of the actual or potential air pollution problem, and (3) the financial need of the respective agencies. No agency shall receive any grant under this section during any fiscal year when its expenditures of non-Federal funds for air pollution programs will be less than its expenditures were for such programs during the preceding fiscal year. No grant shall be made under this section until the Secretary has consulted with the appropriate official as designated by the Governor or Governors of the State or States affected.

"(c) Not more than 12½ per centum of the grant funds available under subsection (a) of this section shall be expended in any one State.

"*(d) Not to exceed 10 per centum of amounts appropriated pursuant to section 210 of the Solid Waste Disposal Act for any fiscal year may be used by the Secretary to make grants to State or interstate air pollution control agencies in an amount up to two-thirds of the cost of making or arranging for surveys of solid waste disposal practices and problems within the jurisdictional areas of such agencies, and of developing solid waste disposal plans for such areas. The Secretary shall make a grant under this section only if he finds that there is satisfactory assurance that the planning of solid-waste disposal will be coordinated, so far as practicable, with other related State, interstate, regional, and local planning*

activities, including those financed in part with funds pursuant to section 701 of the Housing Act of 1954.

"ABATEMENT OF AIR POLLUTION

"SEC. [5.] *105.* (a) The pollution of the air in any State or States which endangers the health or welfare of any persons, shall be subject to abatement as provided in this section.

"(b) Consistent with the policy declaration of this [Act], *Title,* municipal, State, and interstate action to abate air pollution shall be encouraged and shall not be displaced by Federal enforcement action except as otherwise provided by or pursuant to a court order under subsection (g).

"(c) (1) (A) Whenever requested by the Governor of any State, a State air pollution control agency, or (with the concurrence of the Governor and the State air pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to air pollu-

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tion which is alleged to endanger the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the air pollution control agency of the municipality where such discharge or discharges originate, to the air pollution control agency of the State in which such municipality is located, and to the interstate air pollution control agency, if any, in whose jurisdictional area such municipality is located, and shall call promptly a conference of such agency or agencies and of the air pollution control agencies of the municipalities which may be adversely affected by such pollution, and the air pollution control agency, if any, of each State, or for each area, in which any such municipality is located.

"(B) Whenever requested by the Governor of any State, a State air pollution control agency, or (with the concurrence of the Governor and the State air pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to alleged air pollution which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate and if a municipality affected by such air pollution, or the municipality in which such pollution originates, has either made or concurred in such request, give formal notification thereof to the State air pollution control agency, to the air pollution control agencies of the municipality where such discharge or discharges origi-

nate and of the municipality or municipalities alleged to be adversely affected thereby, and to any interstate air pollution control agency, whose jurisdictional area includes any such municipality and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution is not of such significance as to warrant exercise of Federal jurisdiction under this section.

"(C) The Secretary may, after consultation with State officials of all affected States, also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) is occurring and is endangering the health and welfare of persons in a State other than that in which the discharge or discharges originate. The Secretary shall invite the cooperation of any municipal, State, or interstate air pollution control agencies having jurisdiction in the affected area on any surveys or studies forming the basis of conference action.

"*(D) Whenever the Secretary, upon receipt of reports, surveys, or studies from any duly constituted international agency, has reason to believe that any pollution referred to in subsection (a) which endangers the health or welfare of persons in a foreign country is occurring, or whenever the Secretary of State requests him to do so with respect to such pollution which the Secretary of State alleges is of such a nature, the Secretary of Health, Education, and Welfare shall give formal notification thereof to the air pollution control agency of the municipality where such discharge or discharges originate, to the air pollution control agency of the State in which such municipality is located, and to the interstate air pollution control agency, if any, in the jurisdictional area of which such municipality is located, and shall call promptly a conference of such agency or agencies. The Secretary shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the conference, and the representative of such country shall, for the purpose*

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of the conference and any further proceeding resulting from such conference, have the all rights of a State air pollution control agency.

"(2) The agencies called to attend such conference may bring such persons as they desire to the conference. Not less than three weeks' prior notice of the conference date shall be given to such agencies.

"(3) Following this conference, the Secretary shall prepare and forward to all air pollution control agencies attending the conference a summary of conference discussions including (A) occurrence of air pollution subject to abatement under this Act; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

"(d) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the appropriate State, interstate, or municipal air pollution control agency (or to all such agencies) that the necessary remedial action be taken. The Secretary shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

"(e) (1) If, at the conclusion of the period so allowed, such remedial action or other action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution has not been taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a hearing board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of such hearing board and each Federal department, agency, or instrumentality having a substantial interest in the subject matter as determined by the Secretary shall be given an opportunity to select one member of such hearing board, and one member shall be a representative of the appropriate interstate air pollution agency if one exists, and not less than a majority of such hearing board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of such hearing shall be given to the State, interstate, and municipal air pollution control agencies called to attend such hearing and to the alleged polluter or polluters.

"(2) On the basis of evidence presented at such hearing, the hearing board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the hearing board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and suitable to secure abatement of such pollution.

"(3) The Secretary shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution; to air pollution control agencies of the State or States and of the municipality or municipalities where such discharge or discharges originate; and to any interstate air pollution control agency whose jurisdictional area includes any such municipality, to-

gether with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution.

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[“(f) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

“(1) in the case of pollution of air which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of pollution, and]

“(f) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

“(1) in the case of pollution of air which is endangering the health or welfare of persons (A) in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, or (B) in a foreign country, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution, and

“(2) in the case of pollution of air which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, at the request of the Governor of such State, shall provide such technical and other assistance as in his judgment is necessary to assist the State in judicial proceedings to secure abatement of the pollution under State or local law or, at the request of the Governor of such State, shall request the Attorney General to bring suit on behalf of the United States to secure abatement of the pollution.

“(g) The court shall receive in evidence in any suit brought in a United States court under subsection (f) of this section a transcript of the proceedings before the board and a copy of the board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability of complying with such standards as may be applicable and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

“(h) Members of any hearing board appointed pursuant to subsec-

section (e) who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such board or otherwise engaged on the work of such board, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"(i) (1) In connection with any conference called under this section, the Secretary is authorized to require any person whose activities result in the emission of air pollutants causing or contributing to air pollution to file with him, in such form as he may prescribe, a report, based on existing data, furnishing to the Secretary such information as may reasonably be required as to the character, kind, and quantity of pollutants discharged and the use of devices or other means to

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prevent or reduce the emission of pollutants by the person filing such a report. After a conference has been held with respect to any such pollution the Secretary shall require such reports from the person whose activities result in such pollution only to the extent recommended by such conference. Such report shall be made under oath or otherwise, as the Secretary may prescribe, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe, unless additional time be granted by the Secretary. No person shall be required in such report to divulge trade secrets or secret processes and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

"(2) If any person required to file any report under this subsection shall fail to do so within the time fixed by the Secretary for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business: *Provided*, That the Secretary may upon application therefor remit or mitigate any forfeiture provided for under this subsection and he shall have authority to determine the facts upon all such applications.

"(3) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

"AUTOMOTIVE VEHICLE AND FUEL POLLUTION

"SEC. [6.] *106*. (a) The Secretary shall encourage the continued efforts on the part of the automotive and fuel industries to develop devices and fuels to prevent pollutants from being discharged from the exhaust of automotive vehicles, and to this end shall maintain liaison with automotive vehicle, exhaust control device, and fuel manufacturers. For this purpose, he shall appoint a technical committee, whose membership shall consist of an equal number of representatives of the Department and of automotive vehicle, exhaust control device, and fuel manufacturers. The committee shall meet from time to time at the call of the Secretary to evaluate progress in the development of such devices and fuels and to develop and recommend research programs which could lead to the development of such devices and fuels.

"(b) One year after enactment of this section, and semi-annually thereafter, the Secretary shall report to the Congress on measures taken toward the resolution of the vehicle exhaust pollution problem and efforts to improve fuels including (A) occurrence of pollution as a result of discharge of pollutants from automotive exhaust; (B) progress of research into development of devices and fuels to reduce pollution from exhaust of automotive vehicles; (C) criteria on degree of pollutant matter discharged from automotive exhausts; (D) efforts to improve fuels so as to reduce emission of exhaust pollutants; and (E) his recommendations for additional legislation, if necessary, to regulate the discharge of pollutants from automotive exhausts.

"(c) *The technical committee appointed pursuant to subsection (a) shall recommend standards for the allowable exhaust emissions of pollut-*

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ants from new motor vehicles and new motor vehicle engines to the Secretary not later than January 31, 1966.

"COOPERATION BY FEDERAL AGENCIES TO CONTROL AIR POLLUTION FROM FEDERAL FACILITIES

"SEC. [7.] *107*. (a) It is hereby declared to be the intent of Congress that any Federal department or agency having jurisdiction over any building installation, or other property shall, to the extent practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare and with any air pollution control agency in preventing and controlling the pollution of the air in any area insofar as the discharge of any matter from or by such building, installation, or other property may cause or contribute to pollution of the air in such area.

"(b) In order to control air pollution which may endanger the health or welfare of any persons, the Secretary may establish classes of potential pollution sources for which any Federal department or agency having jurisdiction over any building, installation, or other property shall, before discharging any matter into the air of the United States, obtain a permit from the Secretary for such discharge, such permits to be issued for a specified period of time to be determined by the Secretary and subject to revocation if the Secretary finds pollution is endangering the health and welfare of any persons. In connection with the issuance of such permits, there shall be submitted to the Secretary such plans, specifications, and other information as he deems relevant thereto and under such conditions as he may prescribe. The Secretary shall report each January to the Congress the status of such permits and compliance therewith.

"TITLE II—CONTROL OF AIR POLLUTION FROM MOTOR VEHICLES

"SHORT TITLE

"Sec. 201. This title may be cited as the 'Motor Vehicle Air Pollution Control Act'.

"ESTABLISHMENT OF STANDARDS

"Sec. 202. (a) The Secretary shall be regulation, giving appropriate consideration to technological feasibility and economic costs, prescribe standards, requirements, or limitations applicable to the emission of any kind of substance, from any class or classes of new motor vehicles or new motor vehicle engines, which in his judgment cause or contribute to, or are likely to cause or contribute to, air pollution which endangers the health or welfare of any persons.

"(b) Regulations initially prescribed under this section shall, as soon as practicable, be promulgated by the Secretary, to become effective no later than September 1, 1967.

"(c) The Secretary is authorized to amend such regulations promulgated under this section, to become effective on the date specified in the order promulgating the amendments thereto.

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"DIESEL CRITERIA

Sec. 203. The Secretary shall, as soon as practicable, develop standards for allowable emissions from diesel powered vehicles manufactured and introduced into interstate commerce or imported into the United States. The Secretary shall make recommendations to the Congress for additional

legislation to regulate the discharge of pollutants from diesel powered vehicles by January 31, 1967.

"PROHIBITED ACTS

Sec. 204. (a) The following acts and the causing thereof are prohibited—

"(1) in the case of a manufacturer of new motor vehicles or new motor vehicle engines for distribution in commerce, the manufacture for sale, the sale, or the offering for sale, or the introduction or delivery for introduction into commerce, or the importation into the United States for sale or resale of any new motor vehicle or new motor vehicle engine, manufactured after the effective date of regulations under this title which are applicable to such vehicle or engine unless it is in conformity with such regulations (except as provided in subsection (b));

"(2) for any person to fail or refuse to permit entry or inspection pursuant to section 207, or to permit access to records pursuant to section 207, or to fail to make reports required under section 208; or

"(3) for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this title prior to its sale and delivery to the ultimate purchaser.

"(b)(1) The Secretary may exempt any new motor vehicle or new motor vehicle engine, or class thereof, from subsection (a), upon such terms and conditions as he may find necessary to protect the public health or welfare, for the purpose of research, investigations, studies, demonstrations, or training, or for reasons of national security.

"(2) A new motor vehicle or new motor vehicle engine offered for importation by a manufacturer in violation of subsection (a) shall be refused admission into the United States, but the Secretary of the Treasury and the Secretary of Health, Education, and Welfare may, by joint regulation, provide for authorizing the importation of such a motor vehicle upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such motor vehicle will be brought into conformity with the standards, requirements, and limitations applicable to it under this title.

"(3) A new motor vehicle or motor vehicle engine intended solely for export, and so labeled or tagged on the outside of the container and on the vehicle or engine itself, shall not be subject to the provisions of subsection (a) if it is shown that the failure so to comply would not be in conflict with any standard, requirement, or limitation imposed by the country of designation and such compliance would make the vehicle unacceptable to the purchaser or consignee.

"Injunction Proceedings

"Sec. 205. (a) The district courts of the United States shall have jurisdiction to restrain violations of paragraph (1), (2), or (3) of section 204(a).

"(b) Actions to restrain such violations shall be brought by and in the name of the United States. In any such action, subpenas for witnesses who are required to attend a district court in any district may run into any other district.

"Penalties

"Sec. 206. Any person who violates paragraph (1), (2), or (3) of section 204(a) shall be subject to a fine of not more than $1,000. Such violation with respect to section 204(a)(1) and 204(a)(3) shall constitute a separate offense with respect to each new motor vehicle or new motor vehicle engine.

"Inspections

"Sec. 207. For purposes of enforcement of this title, officers and employees designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized to enter, at reasonable times, any factory, warehouse, or other business establishment or premises where new motor vehicles or new motor vehicle engines are manufactured, assembled, or held prior to their sale or delivery to the ultimate consumer, or are being worked on after such sale or delivery, and to make a reasonable inspection of such vehicles or engines to determine compliance with this title and regulations thereunder.

"Records and Reports

"Sec. 208. (a) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this title and regulations thereunder.

"(b) All information reported shall be considered confidential for the purpose of section 1905 of title 18 of the United States Code, except where such information is related to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act.

"Definitions for Title II

"Sec. 209. As used in this title—

"(a) The term 'manufacturer' means any person engaged in the manufacturing or assembling of new motor vehicles or motor vehicle engines, or importing such vehicles or engines for resale, or who acts for and is under the control of any such person in connection with the distribution of new motor vehicles or motor vehicle engines, but shall not include any dealer with respect to new motor vehicles or motor vehicle engines received by him in commerce.

"(b) The term 'motor vehicle' means any gasoline powered self-propelled vehicle designed for transporting persons or property on a street or highway.

"(c) The term 'new motor vehicle' means a motor vehicle the equitable or legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

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"(d) The term 'dealer' means any person resident or located in any State who is engaged in the sale or the distribution of new motor vehicles or new motor vehicle engines to the ultimate purchaser.

"(e) The term 'ultimate purchaser' means, with respect to any new motor vehicle or new motor vehicle engine, the first person, other than a dealer purchasing in his capacity as a dealer, who in good faith purchases such new motor vehicle or new engine for purposes other than resale.

"(f) The term 'commerce' means (1) commerce between any place in any State and any place outside thereof; and (2) commerce wholly within the District of Columbia.

"TITLE III—GENERAL

"Administration

"SEC. [8.] *301.* (a) The Secretary is authorized to prescribe such regulations as are necessary to carry out his functions under this Act. The Secretary may delegate to any officer or employee of the Department of Health, Education, and Welfare such of his powers and duties under this Act, except the making of regulations, as he may deem necessary or expedient.

"(b) Upon the request of an air pollution control agency, personnel of the Public Health Service may be detailed to such agency

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for the purpose of carrying out the provisions of this Act. The provisions of section 214(d) of the Public Health Service Act shall be applicable with respect to any personnel so detailed to the same extent as if such personnel had been detailed under section 214(b) of that Act.

"(c) Payments under grants made under this Act may be made in installments, and in advance or by way of reimbursement, as may be determined by the Secretary.

"DEFINITIONS

"SEC. [9.] *302.* When used in this Act—

"(a) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(b) The term 'air pollution control agency' means any of the following:

"(1) A single State agency designated by the Governor of that State as the official State air pollution control agency for purposes of this Act:

(2) An agency established by two or more States and having substantial powers or duties pertaining to the prevention and control of air pollution;

"(3) A city, county, or other local government health authority, or, in the case any city, county, or other local government in which there is an agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the prevention and control of air pollution, such other agency; or

"(4) An agency of two or more municipalities located in the same State or in different States and having substantial powers or duties pertaining to the prevention and control of air pollution.

"(c) The term 'interstate air pollution control agency' means

"(1) an air pollution control agency established by two or more States, or

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"(2) an air pollution control agency of two or more municipalities located in different States.

"(d) The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(e) The term 'person' includes an individual, corporation,

partnership, association, State, municipality, and political subdivision of a State.

"(f) The term 'municipality' means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

"(g) All language referring to adverse effects on welfare shall include but not be limited to injury to agricultural crops and livestock, damage to and the deterioration of property, and hazards to transportation.

"OTHER AUTHORITY NOT AFFECTED

"SEC. [10.] *303*. (a) Except as provided in subsection (b) of this section, this Act shall not be construed as superseding or limiting the authorities and responsibilities, under any other provision of law, of the Secretary or any other Federal officer, department, or agency.

"(b) No appropriation shall be authorized or made under section 301, 311, or 314(c) of the Public Health Service Act for any fiscal year after the fiscal year ending June 30, 1964, for any purpose for which appropriations may be made under authority of this Act.

"RECORDS AND AUDIT

"SEC. [11.] *304*. (a) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act.

"SEPARABILITY

"SEC. [12.] *305*. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or cir-

cumstances, and the remainder of this Act, shall not be affected thereby.

"APPROPRIATIONS

"SEC. [13.] *306.* [(a) There is hereby authorized to be appropriated to carry out section 4 of this Act for the fiscal year ending June 30, 1964, not to exceed $5,000,000.]

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["(b)] There is hereby authorized to be appropriated to carry out [this Act] *Title I* not to exceed $25,000,000 for the fiscal year ending June 30, 1965, not to exceed $30,000,000 for the fiscal year ending June 30, 1966, and not to exceed $35,000,000 for the fiscal year ending June 30, 1967.

"SHORT TITLE

"SEC. [*14.*] *307.* This Act may be cited as the 'Clean Air Act'."

SEC. 2. The title of such Act of July 14, 1955, is amended to read "An Act to provide for air pollution prevention and control activities of the Department of Health, Education, and Welfare, and for other purposes".

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1.If(2) HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

H.R. REP. No. 899, 89th Cong., 1st Sess. (1965)

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 306) to amend the Clean Air Act to require standards for controlling the emission of pollutants from gasoline-powered or diesel-powered vehicles, to establish a Federal Air Pollution Control Laboratory, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

PURPOSES OF LEGISLATION

The committee substitute would broaden the present authority of the Department of Health, Education, and Welfare in two areas affecting the public health and welfare: (1) air pollution, and (2) solid waste disposal.

The committee substitute would add a new title II to the Clean

Air Act providing for control of air pollution from motor vehicles. This title would authorize the Secretary to prescribe by regulation as soon as practicable performance standards applicable to new motor vehicles and new motor vehicle engines with regard to air pollution which endangers the health or welfare of any person.

In addition, the committee substitute would amend the Clean Air Act so as to permit a foreign country in the case of air pollution emanating from the United States which endangers the health or welfare of persons in such foreign country to participate in conferences called by the Secretary of HEW and, for the purposes of such conferences and proceedings resulting therefrom, have all the rights of a State air pollution control agency. This privilege is conditioned, however, upon the foreign country granting reciprocal rights to the United States.

Finally, the committee substitute provides for the conduct and acceleration of research programs relating to means of controlling air pollution caused by motor vehicles in two respects, (1) hydrocarbon emissions resulting from the evaporation of gasoline, and (2) emissions of oxides

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of nitrogen and aldehydes. Additionally, such research is to be directed toward the development of improved low cost techniques designed to reduce emissions of oxides of sulfur produced by the combustion of sulfur-containing fuels.

The remainder of the committee substitute is related to a program of research and demonstrations to be carried on by the Secretary of HEW and the Secretary of the Interior with regard to solid waste disposal.

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SULFUR DIOXIDE EMISSION STANDARDS FOR NEW FEDERAL CONSTRUCTION

Before discussing the purposes of the bill, the Committee desires to eliminate any possible misunderstanding concerning a proposed instruction being considered by the Bureau of the Budget, establishing standards for emissions of oxides of sulfur from new Federal installations. During the hearings there was considerable discussion of these proposed standards. It was felt by some that the standards were unnecessarily high, and would, as a practical matter, eliminate the use of coal or imported residual fuel oil in new Federal installations. Fears were expressed that, once

these standards were established for new Federal installations, it was possible that these standards might later be applied to existing Federal installations; and also be applied by States and local communities.

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NEED FOR LEGISLATION

One of the more serious problems facing our society today is the increasing contamination of our environment arising out of our increasingly industrialized and urbanized society. The trends of economic growth, technological progress, and rising urban populations have helped to create environmental contamination particularly in two areas (1) air pollution, especially emanating from motor vehicles, affecting thousands of communities in all parts of the country and imposing a serious threat to public health and national welfare, and (2) difficulties encountered in the efficient and economical disposal of solid waste.

AIR POLLUTION

Air pollution is associated with the occurrence and worsening of such respiratory diseases as asthma, bronchitis, emphysema, and lung cancer, and is responsible for economic losses amounting to several billion dollars annually.

Motor vehicle pollution

The need for a nationwide attack on the motor vehicle pollution problems is beyond question. More than 85 million motor vehicles are now in use in the United States, and their number increases every year. Air sampling studies conducted over the last several years leave

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no doubt that automotive smog is occurring with increasing frequency and severity in urban areas throughout the United States.

Every automobile gives off, in addition to carbon dioxide, numerous unburned hydrocarbons, oxides of nitrogen, and traces of other substances. As these byproducts of the operation of automobiles become concentrated in the atmosphere, they are acted upon by sunlight, leading to the formation of ozone (a highly poi-

sonous variety of oxygen), and automotive smog, which has serious adverse effects upon the health of persons exposed to it.

In a report of the Secretary of HEW to the Congress pursuant to the Clean Air Act submitted December 17, 1964 (S. Doc. No. 7, 89th Cong.), a number of health problems arising out of automotive air pollution were discussed. For example, in one study, 260 mice of a cancer resistant strain were exposed to the atmosphere of the Los Angeles freeways for a 2-year period. Autopsies revealed that 2 percent of these mice developed lung tumors, while 184 control animals developed none. Other studies concerning the effects of ozone on plants and animals showed that damage was done to plants by concentrations as low as 5 parts per 100 million, and that adverse effects on the health of guinea pigs occurred after their exposure to concentrations of ozone as low as 0.34 parts per million. Adverse effects on human beings occurred after 2-hour exposures of from 0.6 to 0.8 parts per million.

Oxides of nitrogen, even in small concentrations, showed adverse effects upon the health of laboratory animals. For example, when rats were exposed for 213 days to concentrations of nitrogen dioxide at 12.5 parts per million, about 10 percent of the rats died of pulmonary complications with strikingly voluminous lungs (emphysema). In addition, carbon monoxide which occurs in automobile exhausts tends to have serious adverse effects upon persons exposed to even low concentrations.

According to the report of the Secretary of HEW referred to above, in large metropolitan communities throughout the United States motor vehicles are responsible for a large percentage of the ingredients in the atmosphere which lead to photochemical smog; about 97 percent of the total olefins, 40 to 80 percent of the total hydrocarbons, and 14 to 67 percent of the oxides of nitrogen. It has been shown that the automobile discharges appreciable quantities of oxides of nitrogen from the exhaust pipe and discharges hydrocarbons from the exhaust pipe, the crankcase, the carburetor and the fuel tank.

The problem of motor vehicle pollution is growing and is destined to continue growing unless steps are taken to bring it under effective control. The country's motor vehicle population is rising and is becoming increasingly concentrated in urban areas, which already bear the major burden of the contemporary air pollution problem. Estimates are that total motor vehicle emissions into the atmosphere will increase by 75 percent in the next 10 years if effective controls are not applied and will more than double by 1985.

The technical knowledge and skills needed to achieve a significant reduction in motor vehicle pollution are now available. The automobile industry has indicated that equipment has been developed for reducing tailpipe emissions, which account for the major share of motor vehicle pollution, and that this equipment will be supplied on cars for distribution

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in California beginning with the 1966 model year, in compliance with the laws of that State. Furthermore, in testimony before the Subcommittee on Public Health and Welfare, representatives of the automobile manufacturers indicated that similar equipment could be supplied on all new cars manufactured in the United States by the 1968 model year, if such measures were mandatory under Federal law.

The committee is convinced that motor vehicle exhaust control standards on a national scale are necessary and would be of benefit to the entire country. Public concern about this problem is clearly increasing, as indicated, for example, by the steps taken or proposed in many States to deal with motor vehicle pollution. While the committee is cognizant of the basic rights and responsibilities of States for control of air pollution, it is apparent that the establishment of Federal standards applicable to motor vehicle emissions is preferable to regulation by individual States. The high rate of mobility of automobiles suggests that anything short of nationwide control would scarcely be adequate to cope with the motor vehicle pollution problem.

In addition, the objective of achieving fully effective control of motor vehicle pollution will not be accomplished overnight. This means, of course, that even after control systems are made mandatory for new vehicles, it will take several years to reach the point at which essentially all automobiles are equipped with such systems. Moreover, the techniques now available provide only a partial reduction in motor vehicle emissions. For the future, better methods of control will clearly be needed; the committee expects that the Department of Health, Education, and Welfare will accelerate its efforts in this area. It is clear, however, that if steps are not taken now to apply existing knowledge and skills, the motor vehicle pollution problem and the hazards it poses to public health and welfare will attain even larger dimensions.

Prevention of new pollution problems

In the context of the total effort to achieve cleaner air in American communities, efforts to prevent new air pollution problems

from arising must be accorded equal priority with efforts to resolve existing problems. Economic growth and technological progress are constantly adding new sources of air pollution to the old. In many instances, preliminary investigations would undoubtedly serve to indicate ways in which to prevent new activities from adding to community air pollution, often at less cost than if action were postponed until a new problem is fullblown.

The adoption of the Clean Air Act has drawn attention to this aspect of the fight against air pollution. The Clean Air Act includes authority for Federal action to secure abatement of existing interstate and certain intrastate problems. In the opinion of the committee, it would be equally desirable to provide means of investigating and finding practical solutions for potential new air pollution problems before they become a reality.

International air pollution problems

Extension of the existing Federal abatement authority to cases of air pollution affecting neighboring countries is a reasonable and desirable step. The boundaries that separate the United States from Canada and Mexico do not block the flow of pollution originating within our borders, nor do they shield persons living in those countries from the adverse effects of

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such pollution. As a member of the North American community, the United States cannot in good conscience decline to protect its neighbors from pollution which is beyond their legal control. Therefore the bill provides remedies for foreign countries adversely affected by air pollution emanating from the United States, if reciprocal rights are granted to the United States.

Research on oxides of sulfur and motor vehicle pollution control

The bill includes provisions relating to activities of the Department of Health, Education, and Welfare in research on various aspects of air pollution control. A pressing need exists for the development of improved, low-cost techniques for reducing sulfur oxide emissions from fuel combustion sources. The oxides of sulfur are one of the most widespread of all classes of air pollutants and they are among the most injurious to human health and the most damaging to property and vegetation. It is essential that control techniques be developed which will safeguard public health and welfare against the hazards of sulfur oxide pollution and which

can be applied without disrupting present patterns of fuel production and consumption in the United States. The Clean Air Act directs the Department of Health, Education, and Welfare to conduct research on the development of low-cost techniques for extracting sulfur from fuels. This approach, as well as other potential solutions, need further exploration. The reported bill provides for acceleration of Federal research on this problem. Also included is provision for accelerated research on certain important aspects of motor vehicle pollution for which practical solutions do not now exist.

The bill also provides authority for establishment, staffing, and equipping of Federal air pollution control facilities to carry out the Secretary's functions. The need for such installations is underlined by the expanding responsibilities of the Department of Health, Education, and Welfare in the field of air pollution control and by the growing magnitude and complexity of the air pollution problem. In years to come, adequate protection of the national air resource will demand increasingly effective and sophisticated techniques for control of air pollution. It is imperative that the Congress take steps to provide facilities appropriate for the major research and development efforts that will be necessary to continue progress in understanding the nature and effects of air pollution and to develop new and improved control methods.

SOLID WASTE DISPOSAL

Title II of the bill deals with the subject of the disposal of solid wastes. This growing public health problem has increasingly been brought to the committee's attention in recent years. This year the following bills have been introduced and are pending before the committee dealing with this subject, in addition to the reported bill: H.R. 890 (Mr. Roosevelt), H.R. 4798 (Mr. Roybal), H.R. 4854 (Mr. Kluczynski), H.R. 4878 (Mr. Hawkins), H.R. 4940 (Mr. Celler), H.R. 5182 (Mr. Van Deerlin), H.R. 5373 (Mr. Corman), H.R. 5560 (Mr. Brown of California), H.R. 5568 (Mr. Dingell), and H.R. 8248 (Mr. Matthews).

Testimony favorable to this legislation was submitted to the committee from the National League of Cities, the National Association of Sanitarians,

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the Conference of State Sanitary Engineers, the American Public Works Association, the American Medical Association, the Massachusetts Department of Public Health, the Arizona State Depart-

ment of Health, the Nevada State Department of Health, the Washington State Department of Health, the cities of New York, Oakland, Calif., Boise, Idaho, East Orange, N.J., Milwaukee, Wis., Seattle, Wash., Philadelphia, Pa., and the Los Angeles County Board of Supervisors, as well as the New Jersey Division of Environmental Health, the Department of Agricultural Engineering of the University of California, the Department of Civil Engineering of the University of Kansas, and the Department of Civil Engineering of West Virginia University.

Solid waste collection and disposal activities create one of the most serious and most neglected aspects of environmental contamination affecting public health and welfare. Solid wastes include a great variety of things that individuals, manufacturers, commercial establishments, and communities discard as no longer usable, such as garbage, rubbish, ashes, street refuse, demolition debris, construction refuse, abandoned automobile hulks, old refrigerators and furniture, and the wastes from slaughterhouses, canneries, manufacturing plants, and hospitals. The dimensions of the problem are staggering. Available data indicate that current production nationally of solid wastes in urban communities amounts to a half billion pounds daily, and it has been estimated that the total will rise to approximately three times that amount by 1980.

The efforts now being made to deal with the problem are clearly inadequate. Less than half of the cities and towns in the United States with populations of more than 2,500 have programs for sanitary disposal of solid wastes. All too often, refuse is disposed of by methods that create unhealthful, insanitary, and unsightly environmental conditions. Such practices contribute to air, water, and soil pollution and create breeding places for disease-carrying insects and rodents. Accumulations of litter, refuse, and junk cause fire hazards, contribute to accidents and destroy the beauty of cities and the countryside.

In the opinion of the committee, immediate action must be taken to initiate a national program directed toward finding and applying new solutions to the waste disposal problem. This is a challenge which State and local governments cannot meet without assistance from the Federal Government. The handling and disposal of solid wastes are costly operations that strain the resources of State and local agencies. Approximately $3 billion a year is being spent today for refuse collection and disposal through services provided by local governments and private entre-

preneurs. In contrast, less than $500,000 annually is being spent to improve methods of solid waste disposal.

The committee takes note of the role being played by the secondary materials industry in reclaiming materials that would otherwise add to the solid waste problem. The committee, therefore, expects that the funds authorized under this act will be used to demonstrate new and improved methods in solid waste disposal and not for facilities that would duplicate those operated by the secondary materials industry.

Commonly used waste disposal practices, such as sanitary landfilling and incineration have many shortcomings. Space for landfills is becoming increasingly scarce in and around urban areas. Municipal incinerators often

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add to community air pollution problems. The difficulties involved in disposing of solid wastes are frequently compounded by interjurisdictional disputes relating to unhealthful conditions and public nuisances.

The current Federal program in this field is conducted under the general authority of the Public Health Service Act and is not sufficiently broad in scope to provide the degree of assistance that State and local governments must have in order to meet their waste disposal problems. Nor is the program adequate to meet pressing needs for research aimed at the development of new and better methods of handling solid wastes.

Few technological advances have been made in this field in recent years, since only a small fraction of the needed technical resources are being devoted to the problem. A primary need is for a national research program that will utilize the competencies of government and a broad spectrum of scientific institutions to develop improved methods of solid waste disposal, particularly methods of reusing materials of potential economic value. The time gap between research and its application must be narrowed. This can best be accomplished by establishing demonstration projects and by training activities to increase the competence of technical personnel in this field.

In addition, Federal financial assistance is needed to encourage and help States and interstate agencies to undertake surveys of solid waste disposal practices and to develop solid waste disposal plans on a statewide or interstate basis.

It is evident that statutory provisions establishing a national program to meet and accomplish these objectives for improved

solid waste handling must include the following basic elements: (1) authority for the conduct and support of research, investigations, experiments, training, demonstrations, surveys, and studies relating to the operation and financing of solid waste disposal programs, the development and application of new and improved methods of solid waste disposal, and the reduction of the amount of unsalvageable waste materials, and for the collection and dissemination of technical information; (2) provision must be made for interstate and interlocal cooperation in the establishment and conduct of solid waste disposal programs; (3) authority for grants to State and interstate agencies of not to exceed 50 percent of the cost of surveys of practices and problems to provide for the development of solid waste disposal plans for areas within their jurisdictions.

The committee is of opinion that the present bill is a logical response to the growing waste disposal problem. The bill provides for the establishment of a national program of assistance to States, communities, and industries for prevention, control, and solution of solid waste problems. It would accelerate the mobilization of resources to attack current solid waste problems and provides the basis for initiation of a long-range program of research and development directed toward discovery and early application of new and improved methods of solid waste disposal.

SECTION-BY-SECTION SUMMARY

The following is a summary of the provisions of the reported bill other than those technical, clerical, and conforming changes necessary to carry out the basic provisions of the bill.

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This bill consists of two titles. Title I comprises a number of amendments to the Clean Air Act. Title II consists of the Solid Waste Disposal Act.

TITLE I OF THE BILL

Section 101 of title I of the bill divides the existing Clean Air Act into two titles. The first seven sections of the Clean Air Act are made title I. The last seven sections of the Clean Air Act are made title III. Section 101 of the bill also inserts in the Clean Air Act a new title II, consisting of nine sections numbered 201 through 209. The following explanation is of these nine sections:

Section 201 provides that title II of the Clean Air Act may be cited as the Motor Vehicle Air Pollution Control Act.

Section 202 requires the Secretary to prescribe as soon as practicable standards applicable to the emission of substances from new motor vehicles or new motor vehicle engines which cause or contribute to, or are likely to cause or contribute to, air pollution endangering the health or welfare of persons. These standards are to apply to motor vehicles and motor vehicle engines whether these vehicles or engines are designed as complete systems or incorporate other devices to prevent or control such pollution. The Secretary is to take into consideration technological feasibility and economic cost in establishing his standards. These standards, and amendments thereto, are to take effect on the date prescribed by the Secretary, but he is required to give consideration in establishing this date to the period reasonably necessary for compliance by industry.

Section 203(a) prohibits the manufacturer of new motor vehicles or new motor vehicle engines to sell, offer for sale, or to introduce or deliver for introduction into commerce, or to import into the United States for sale or resale, any new motor vehicle or new motor vehicle engine which does not comply with the applicable standards prescribed under section 202. Further, it is prohibited for any person to remove or render inoperative any device or element of design installed on or in a vehicle or engine in compliance with regulations prior to its sale and delivery to the ultimate consumer. Finally, it is prohibited for any person to fail or refuse to make reports or to provide information required in section 207, or to fail or refuse access to, or the copying of, records as required by that section.

Section 203(b) permits the Secretary to exempt a new motor vehicle or any motor vehicle engine from this act for the purpose of research, investigation, study, demonstration, or training, or for reasons of national security. This subsection further provides that if a new motor vehicle or new motor vehicle engine is offered for importation into the United States in violation of the applicable standards the Secretary of the Treasury and the Secretary of Health, Education, and Welfare may provide for such importation upon terms and conditions necessary to insure that the vehicle or engine will be brought into conformity to these standards. If the vehicle or engine is finally refused admission into the United States, the Secretary of the Treasury is authorized to dispose of it in accordance with custom laws unless it is exported within a prescribed period, but he may not dispose of any such vehicle or engine in any manner which will result in the sale to the ultimate consumer of a vehicle or engine that does not comply with the ap-

plicable standards. This subsection further provides that a new motor ve-

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hicle or new motor vehicle engine intended solely for export and so designated will not be subject to the standards authorized by this act.

Section 204 authorizes the Federal district courts to restrain violations of section 203(a) (1), (2), or (3).

Section 205 provides that violations of section 203(a) (1), (2), or (3) shall be subject to a fine of not more than $1,000. Each violation of section 203(a) (1) and (3) shall constitute a separate offense with respect to each motor vehicle or motor vehicle engine.

Section 206 provides that if a manufacturer applies, the Secretary shall test or require to be tested any new motor vehicle or engine submitted by the manufacturer to determine whether it conforms with the applicable standards. If such vehicle or engine conforms, the Secretary is required to issue a certificate to that effect which shall be valid for a period set by the Secretary, but for at least 1 year. Any other new motor vehicle or engine sold by that manufacturer which is materially the same as the test vehicle or engine for which a certificate has been issued shall be deemed to be in conformity with the standards applicable to such vehicle or engine.

Section 207(a) requires every manufacturer to maintain records and make reports, and provide information which the Secretary requires to enable him to determine whether the manufacturer is in compliance with this title of the Clean Air Act, and upon request such manufacturer is required to permit an officer or employee of the Department of Health, Education, and Welfare at reasonable times to have access to and to copy these records.

Section 207(b) provides that any information reported or obtained by the Secretary or his representative which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purposes of such section except that such information may be disclosed to other officials and employees concerned in carrying out this act or when relevant to any proceeding under this act. There is also a specific disclaimer that this section is not to be construed to authorize the Secretary or anyone under his control to withhold information from the committees of Congress.

Section 208 contains definitions of the following terms for the

purposes of title II of the Clean Air Act: (1) manufacturer; (2) motor vehicle; (3) new motor vehicle; (4) dealer; (5) ultimate purchaser; and (6) commerce.

Section 209 authorizes appropriations to carry out this title. These appropriations are for the following amounts: $470,000 for fiscal 1966; $845,000 for fiscal 1967; $1,195,000 for fiscal 1968; and $1,470,000 for fiscal 1969.

Section 102 of the bill amends redesignated section 105(c)(1) of the Clean Air Act by adding at the end thereof a new subparagraph (D). This new subparagraph (D) would authorize the Secretary either whenever he receives reports from a duly constituted international agency and has reason to believe that air pollution in this country endangers the health or welfare of persons in a foreign country, or upon request of the Secretary of State, to give formal notification to the air pollution control agency of the municipality where the discharge originates, to that agency for the State in which the municipality is located and to any interstate air pollution control agency, if any, in the jurisdictional area of which such municipality is located, and to call a conference of such agency or agencies. The foreign country adversely affected by pollution is to be invited to participate in the conference

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and in all further proceedings and if it participates, it shall have the rights of a State air pollution control agency. This subparagraph (D) is to apply however only to a foreign country which the Secretary determines has given the United States essentially the same rights with respect to the prevention or control of air pollution which occurs in that country as is given to that country by this provision. A conforming change is made in subsection (f) of redesignated section 105 of the Clean Air Act to authorize a suit to be brought to abate air pollution involving a foreign country which has participated in a conference and other proceedings relating to abatement.

Section 103 of the bill amends redesignated section 103 of the Clean Air Act to specifically provide that as a part of the national research and development program for the prevention and control of air pollution the Secretary is to conduct and accelerate research programs relating to the control of hydrocarbon emissions resulting from gasoline evaporation in carburetors and fuel tanks and the means of controlling emissions of oxides of nitrogen and aldehydes from gasoline-powered or diesel-powered vehicles and to conduct and accelerate research programs directed toward the

development of improved low-cost techniques designed to reduce emission of oxides of sulfur produced by the combustion of sulfur-containing fuels. This section further amends section 103 of the Clean Air Act to authorize the Secretary to construct, staff, and equip necessary facilities to carry out his functions under this act. Finally this section also adds a new subsection (e) to section 103 of the Clean Air Act which would provide that if in the judgment of the Secretary a substantial air pollution problem may result from any discharges in the atmosphere, he may call a conference concerning this potential air pollution problem to be held in or near the place where such discharge is or will occur. All interested parties must be given an opportunity to be heard at the conference. If on the basis of the conference the Secretary finds that the discharge if permitted to take place or to continue is likely to cause or contribute to air pollution subject to abatement under section 105, he is required to send his findings together with his recommendations for preventing the pollution to the offenders, and to the appropriate State, interstate, and local agencies. His findings and recommendations are to be advisory only but are to be admitted together with the record of the conference as part of the record of formal abatement proceedings under section 105 of the Clean Air Act.

TITLE II OF THE BILL

Title II of the bill provides for a national program of research and development for new and improved methods of proper and economic solid waste disposal. This title consists of 10 sections.

Section 201 provides that this title may be cited as the Solid Waste Disposal Act.

Section 202 cites a number of congressional findings relating to the necessity for this legislation and a declaration of the basic purposes of the Act which are (1) to initiate a national research and development program relating to solid waste disposal, including studies directed toward conserving natural resources and recovering and utilizing potential resources in solid wastes and (2) to provide technical and financial assistance to State

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and local governments and interstate agencies in planning, developing, and conducting solid waste disposal programs.

Section 203 defines for the purposes of this title the following terms: (1) Secretary, (2) State, (3) interstate agency, (4) solid

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wastes, (5) solid waste disposal, (6) construction. The term Secretary is so defined that it will mean the Secretary of Health, Education, and Welfare except with respect to problems of solid waste resulting from the extraction, processing, or utilization of minerals or fossil fuels where the generation, production, or reuse of such waste is or may be controlled within the extraction, processing, or utilization facility or facilities and where such control is a feature of the technology or economy of the operation of such facility or facilities in which case the term will mean the Secretary of the Interior. Thus, with respect to most solid waste disposal programs, this act will be administered by the Secretary of Health, Education, and Welfare but with respect to those solid waste disposal programs specified in the definition the act will be administered by the Secretary of the Interior.

Section 204 authorizes the Secretary to conduct and encourage, cooperate with, and render financial and other assistance to appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the operation and financing of solid-waste disposal programs, the development and application of new and improved methods of solid-waste disposal (including devices and facilities therefor), and the reduction of the amount of such waste and unsalvageable waste materials. In carrying out this provision, the Secretary is authorized: (1) To collect and make available publications and other information pertaining to research, including recommendations, (2) to cooperate with public and private agencies and industries in the preparation and conduct of research and other activities, and (3) to make grants-in-aid to public or private agencies, institutions, and individuals for research, training projects, surveys, and demonstrations, including construction of facilities, and in addition to provide for such research, training, surveys, and demonstrations by contract.

Subsection (c) provides that any agreement or contract entered into by the Secretary pursuant to the authority granted by this act shall contain provisions that all information, uses, processes, patents, and other developments resulting from any activity undertaken pursuant to such agreement or contract will be made readily available on fair and equitable terms to industries using solid-waste disposal methods and industries engaging in furnish-

ing devices, facilities, equipment, and supplies to be used in connection with solid-waste disposal.

At the present time there are in existence some Federal statutes applicable to specified agencies relating to patents resulting from research and development activities carried on by private industry pursuant to grants made and contracts entered into by these agencies. There is not in existence, however, a Federal statute setting forth a generally applicable patent policy. Such legislation is now under consideration by the Congress. If and when the Congress enacts such legislation, its provisions may take the place of the instant provision. Until such time, however, the Secretary would be directed to insert in all agreements or contracts entered into pursuant to this legis-

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lation appropriate provisions agreed to between the contracting parties which would be designed to achieve the objective set forth in this provision.

Finally, this section contains a limitation that no grant is to be made which would result in the United States paying more than two-thirds of the construction cost of a facility constructed under this act.

Section 205 provides that the Secretary is to encourage all cooperative activities by the State and local governments in connection with their solid-waste disposal programs, including the planning and conduct thereof and he is required to encourage enactment of improved and, to the extent practicable, uniform State and local laws governing solid-waste disposal.

Section 206 authorizes the Secretary to make grants to State and interstate agencies of up to 50 percent of the cost of making surveys of solid-waste disposal practices and problems within the jurisdictional areas of such States or agencies and of developing solid-waste disposal plans. In order to be eligible for such a grant the applicant must: (1) Designate a sole agency to carry out the purposes of this act, (2) provide for full consideration of all aspects of planning for proper and effective solid-waste disposal consistent with the protection of the public health, (3) set forth plans for expenditure of the grant which provide reasonable assurance of carrying out the purposes of this section, (4) provide for submission of a final report containing necessary information, and (5) provide fiscal control and fund accounting procedures to assure proper disbursement and accounting of funds. The Secretary may make a grant under this section only if he finds that

there is satisfactory assurance that the planning of solid-waste disposal will be coordinated to the extent practicable with all other related planning activities.

Section 207 provides that the Davis-Bacon Act will apply to any grant for a construction project under this act.

Section 208 is a provision designed to insure that no existing authority will be superseded or limited by the provisions of this act.

Section 209 provides that payments of grants may be made in advance or by way of reimbursement and in such installments and on such conditions as the Secretary may prescribe.

Section 210 authorizes appropriations. Subsection (a) authorizes appropriations to the Secretary of Health, Education, and Welfare in the following amounts; $7 million for fiscal 1966, $14 million for fiscal 1967, $19,200,000 for fiscal 1968, and $20 million for fiscal 1969.

Subsection (b) authorizes appropriations to the Secretary of the Interior in the following amounts: $3 million for fiscal 1966, $6 million for fiscal 1967, $10,800,000 for fiscal 1968, and $12,500,000 for fiscal 1969.

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EXPLANATION OF DRAFT BILL: "THE SOLID WASTE DISPOSAL ACT"

A bill "To prevent air, water, and other environmental pollution from solid wastes through strengthening and acceleration of research in, and the development and demonstration of, new and improved methods of proper and economic solid-waste disposal, including reduction of the amount of waste and unsalvageable materials and recovery and utilization of potential resources in solid wastes". This bill may be referred to by the short title "Solid-Waste Disposal Act".

In his recent message to the Congress on natural beauty, the President emphasized the need for proper solid-waste disposal as a vital factor in maintaining and improving the health of our Nation and the beauty of the environment in which we live. He pointed out that:

"Continuing technological progress and improvement in methods of manufacture, packaging, and marketing of consumer products has resulted in an ever-mounting increase of discarded mate-

rial. We need to seek better solutions to the disposal of these wastes."

And he recommended legislation to:

"Assist the States in developing comprehensive programs for some forms of solid waste disposal.

"Provide for research and demonstration projects leading to more effective methods for disposing of or salvaging solid wastes."

The purpose of the present draft bill is to carry out these recommendations.

The problem of solid-waste disposal is all-pervasive and has become national in scope. Its growth is compounded by two factors: first, the increasing per capita refuse production associated with a rising standard

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of living and rapid technological changes, and second, population growth and concentration. Already, as pointed out by the President, we must dispose of half a billion pounds of such wastes every day. The collection and disposal services, with their obvious shortcomings, are now costing the American public $2.8 billion per year. And it is estimated that by 1980 total refuse production in the Nation will reach a level of over 520 billion pounds a year, with further increases in succeeding years.

Improper and inadequate solid-waste handling and disposal practices contribute directly to unhealthful, insanitary, and unsightly environmental conditions. Such practices cause air, water, and land pollution problems, and create breeding places for disease-carrying insects and rodents. Accumulations of litter, refuse, and junk are eyesores, create fire hazards, and cause accidents. In short, the solid-waste problem is a growing menace to the healthfulness and beauty of our cities and countryside.

Handling and disposal of garbage, rubbish, and other solid-waste materials from our communities, businesses, and industries is, as above indicated, a costly operation, and it is too often an ineffectual one. Land for this purpose is becoming scarce in and near urban areas. Interjurisdictional disputes arise because of the health and nuisance conditions associated with improper solid-waste disposal. The problem is one that States and local governments, and the industries whose activities produce solid waste, cannot well solve alone. Vigorous action should and will continue under the Federal Water Pollution Control Act and the Clean Air Act, to control contamination of water and air from solid and other wastes, and the President has recommended amendment of

those acts to stop such pollution at its source. But action under those acts is not enough. Immediate action is needed to start a national program directed toward the solution of problems of solid-waste disposal to stem the health, nuisance, and blight problems caused by improper and inadequate handling and disposal of solid wastes. The attainment of this goal will require the conbined resources of the Federal, State, and local governments as well as industry and research institutions.

What is needed at this point is not a large-scale Federal construction grant program to build more disposal plants of the antiquated types now in use, for these are not the answer to the problem. Very few technological advances have been made in this field in recent years, and only a small fraction of the needed technical brain power is being devoted to the problem. We need a national research program that will utilize the competencies of Government and a broad spectrum of scientific institutions and talent to improve methods of solid-waste disposal. We need to develop new methods of conversion and of safe, healthful, and economic utilization of solid wastes. And we must narrow the time gap between research and its application. This can best be accomplished by establishing demonstration projects on an operating-scale to solve the safety, feasibility, management, and engineering problems and develop basic criteria tailored to fit the operations, and by the training of technicians in the latest methods.

Federal stimulus and financial assistance are needed, moreover, to encourage and help States and interstate agencies to undertake statewide and interstate surveys of solid-waste disposal practices, and to develop solid-waste disposal plans on a statewide or interstate area basis.

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The essential elements of the proposed "Solid-Waste Disposal Act" would confer authority to:

1. Conduct, encourage, and cooperate with—and to provide financial and technical assistance to—public and private agencies, institutions, and individuals in carrying out research, investigations, experiments, demonstrations (including facility construction for that purpose), surveys, training, and other activities directed toward improvement of solid-waste practices. Such activities would be concerned with all aspects of the problem, including development of new and improved methods of disposal and dissemination of research findings to technical and other interested groups.

2. Encourage interstate and interlocal cooperation in establishing and conducting solid-waste disposal programs.

3. Make grants to State and interstate agencies of not to exceed 50 percent of the cost of surveys of disposal practices and of the development of State and interstate plans. The intent of this authorization is to provide for the development of plans which would include consideration of such factors as technical, administrative, inter-governmental, legislative, and economic aspects, and of land-use planning but does not contemplate use of these funds for land-use planning itself.

Thus, the act would authorize a broad national program of research, demonstration, surveys, training, and aid for State and interstate planning and cooperation of solid-waste problems.

This Department would be responsible for administration of the act, except that the Secretary of Interior would be responsible for "solid waste resulting from the extraction, processing, or utilization of minerals and fossil fuels where the generation, production, or reuse of such wastes is or may be controlled within the extraction, processing, or utilization facility or facilities and where such control is a feature of the technology or economy of the operation of such facility or facilities." This arrangement would make the Secretary of Health, Education, and Welfare responsible for administration of the act with respect to solid-waste problems of communities, including those problems which may affect the general environments of communities, and including those solid wastes or solid-waste residues that result from business and industrial activities and become part of the community's solid-waste disposal system. The Department of Interior, as above indicated, would be responsible for solving industrial solid-waste problems within facilities engaged in extraction, processing, or utilization of minerals and fossil fuels in the circumstances above defined. In the latter connection, it should be noted that the disposal, control, and reclamation of waste products resulting from the extraction, processing, and utilization of mineral substances are important technologic and economic factors in the effective conservation of mineral resources as well as the economics of the mineral-based industries. The Department of the Interior, through the Bureau of Mines, has for many years approached the problem of minimizing waste mainly from the standpoint of conserving the resource. Specifically, it has sought instances where improved recovery systems would reduce mineral losses, and incidentally reduce the volume of the products finally discarded. It has concentrated its

attention on those instances where improvements in recovery promised direct economic gains to the industry.

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The proposed legislation would require the Federal Government to emphasize the effects of mineral-industry-based wastes on the total environment and require that more attention be directed to instances where waste disposal practices might be improved for the dual purposes of conserving the resource and of conserving other resource values, including natural beauty. This legislation would enable the Secretary of the Interior to carry out a research and planning program designed to meet the problems of solid-waste disposal resulting from the extraction, processing, or utilization of minerals or fossil fuels where such activities are or could be controlled within the operating or extractive facilities.

In summary, the act would establish a national program of assistance to States, communities, and industries for prevention and control of solid-waste problems. It would mobilize resources to attack current solid-waste problems and would initiate a longer range program of research and development directed toward discovery and application of new and improved methods of solid-waste disposal.

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1.1f(3) CONGRESSIONAL RECORD, VOL. 111 (1965)

1.1f(3)(a) May 18: Considered and passed Senate, pp. 10779–19781

AMENDMENT OF THE CLEAN AIR ACT AND ESTABLISHMENT OF THE FEDERAL AIR POLLUTION CONTROL LABORATORY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 178, S. 306.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 306) to amend the Clean Air Act to require standards for controlling the emission of pollutants from gasoline-powered or diesel-powered vehicles, to establish a Federal Air Pollution Control Laboratory, and for other purposes.

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Mr. MUSKIE. Mr. President, on December 17, 1963, President Johnson signed into law the Clean Air Act which replaced previous Federal legislation in the air pollution field and provided the groundwork for the initiation of a comprehensive national program for the prevention and control of air pollution.

We recognized at the time that the Clean Air Act provided an excellent vehicle for our efforts to control and abate air pollution. We also recognized that further legislative action would probably be necessary to bolster certain portions of the act.

The additional legislative needs were brought into focus during our field and technical hearings which were conducted during the first part of 1964. I believe our subcommittee report, "Steps Toward Clean Air," provides an excellent justification for the legislative proposals contained in S. 306, which is before us today.

On January 7, 1965, 21 Senators introduced S. 306, which was designed to implement the recommendations contained in the subcommittee report. We held hearings in Washington, D.C., on April 6, 8, and 9, and in Detroit, Mich., on April 7. While in Detroit we initiated the research and testing facilities of the major automotive manufacturers to determine the progress being made in the development of techniques to control harmful emissions from gasoline-powered motor vehicles.

On May 14, 1965, S. 306, now sponsored by 24 Senators, was reported with the unanimous approval of the Senate Committee on Public Works. The committee amended the legislation to reflect the findings of the subcommittee in the course of its hearings and field investigation.

We believe S. 306 represents a substantial advance in our efforts to improve the quality of our air. We believe the bill, as reported by the Committee on Public Works, is substantially improved over the version as introduced. It is an effective bill and it is a reasonable bill. We urge its passage by the Senate.

S. 306 represents a broad attack on the problems of air pollution. Its principal objectives are as follows:

The purpose of title I of S. 306 is to:

First. Provide for recommended motor vehicle exhaust emission standards by the Automotive Vehicle and Fuel Pollution Technical Committee and, by regulations, for the establishment of standards, requirements, or limitations on emissions from new motor vehicles or new motor vehicle engines and devices or motor vehicle

design not later than September 1, 1967. Such regulations may be amended and become effective on date to be specified. "Motor vehicle" is defined as any gasoline-powered, self-propelled vehicle designed for transporting persons or property on a street or highway. "New motor vehicle" is defined as a motor vehicle, the equitable or legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

Second. Provide for the prohibition of distribution in commerce the manufacture for sale, the sale, or the offering for sale, introduction, or delivery for introduction into commerce, or the importation into the United States for sale or resale, of any new motor vehicle or new motor vehicle engine manufactured after the effective date of regulation unless it is in conformity with such regulations. It is also required that such vehicles or engines offered for importation must meet prescribed regulations. A procedure is prescribed for inspection of plant and facilities and for records and reports to be maintained by manufacturers. Certain new motor vehicles or new motor vehicle engines may be exempt from prohibitions.

Third. Provide for the development of standards for allowable emissions from diesel-powered vehicles, and for recommendations to be made to Congress by January 31, 1967, for possible legislation to regulate discharge of pollutants.

Fourth. Provide for enforcement procedures for the abatement of air pollution adversely affecting a foreign country.

Fifth. Authorize the conduct and acceleration of research programs relating to means of controlling hydrocarbon emissions resulting from the evaporation of gasoline in carburetors and fuel tanks, and the means of controlling emissions of oxides of nitrogen and aldehydes from gasoline-powered or diesel-powered vehicles and low cost means of reducing sulfur oxide emissions from the burning of fossil fuels. Add representatives of diesel-powered industry to Automotive Vehicle and Fuel Pollution Committee of the Clean Air Act.

Sixth. Authorize the construction of a Federal Air Pollution Control Laboratory.

The purpose of title II of S. 306 is to:

First. Authorize the initiation and acceleration of a national research and development program for new and improved methods of proper and economic solid waste disposal, reducing the amount of waste and unsalvageable materials, and recovering and utilizing potential sources of solid waste, and provide technical and financial assistance to State and local governments, and interstate agencies in planning, developing, construction, and conduct of solid waste disposal programs.

Second. Provide that not to exceed 25 percent of funds appropriated for this purpose may be made for grants-in-aid, or to contract with, public or private agencies and institutions, and to individuals for research and training.

Third. Authorize grants to State, municipality, or intermunicipal, or interstate agency for the purpose of assisting in the development of any project which will demonstrate a new or improved method of disposing of solid waste. Up to two-thirds of the cost of any project approved may be paid from funds appropriated. No more than 12½ percent of appropriations authorized and amended for projects may be made in any one State. Grantee must have appropriate ordinances or regulations prohibiting open burning of solid wastes and provide for enforcement action to insure that beneficial results will occur. Also, assurances must be given that proper and efficient operation and mainte-

nance of facility for which funds have been provided. All of the information, copyrights, uses, processes, patents, and other developments resulting from activity financed with Federal funds will be made available to the general public.

Fourth. Encourage cooperative activities by States and local governments in connection with solid waste disposal programs, encourage planning, and encourage the enactment of improved, and, so far as practicable, uniform State and local laws governing solid waste disposal.

Fifth. Authorize up to 10 percent of funds available for the solid waste disposal program to be used in connection with the grants for support of air pollution control programs of the Clean Air Act. Grants would be made in an amount of up to two-thirds of the cost of making surveys of solid waste disposal practices and problems within the jurisdictional areas of appropriate agencies, and development of solid waste disposal plans. Assurances must be given that the planning of solid waste disposal will be coordinated with other related State, interstate, regional, and local planning activities, including those financed in part with funds pursuant to section 701 of the Housing Act of 1954.

Sixth. Insure compliance with provisions of the Davis-Bacon Act for a project constructed undes this act.

[p. 10782]

Seventh. Authorize to be appropriated $20 million for fiscal year ending June 30, 1966, and fiscal year ending June 30, 1967, for the solid waste disposal program and section 104(d) of the Clean Air Act.

I want to emphasize the importance of the automotive pollution exhaust control provisions of the bill. In all our hearings and investigations of this problem we have been confronted by the fact that 50 percent of our national air pollution problem is attributable to the 84 million automobiles, trucks, and buses on our highways. Each day these vehicles discharge into the air an estimated 250,000 tons of carbon monoxide, 16,500 to 33,000 tons of hydrocarbons and 4,000 to 12,000 tons of nitrogen oxides. We cannot afford to allow this rate of pollution to continue.

There is a demonstrated need for nationwide controls on exhaust emissions. The automotive industry has advised us that they can meet the California standards for nationwide distribution by the fall of 1967 and that the cost of the necessary engine and exhaust system modifications is modest.

The committee considers the problem of diesel exhausts a serious one, but it is clear from the information available to us that it would be impossible for us to establish diesel exhaust emission controls with existing technological knowledge. The legislation directs the Secretary of Health, Education, and Welfare to develop diesel exhaust criteria as a preliminary step to possible controls on these emissions.

Another area where action must be deferred is that involving exhaust emission inspections for private vehicles. The Secretary is directed to report to the Congress on the development of simple and effective test devices which would be adaptable to a State-operated inspection program.

The committee is very much concerned with the magnitude of the solid waste disposal problem. Each day our Nation must dispose of 520 million pounds of refuse which must be removed or disposed of either through burning, burial, or conversion into forms of organic matter for final disposition, or put to useful purposes. The modest research and development program included in S. 306 will enable us to find economic and effective

ways of dealing with these byproducts of our society.

Mr. President, we recognize that we are just beginning in our attack on air pollution. But we can take some comfort that we are moving earlier on this problem than we did on water pollution. I have been encouraged by response to our efforts. I have been pleased by the constructive attitude shown by industrialists. I think Americans are responding to President Johnson's call for an improvement in the quality of American life.

At this time, Mr. President, I want to express my appreciation to the chairman of the Public Works Committee [Mr. McNamara] for his leadership and understanding and to the members of the Subcommittee on Air and Water Pollution and the full committee for their cooperation and assistance. I think we have done a constructive job for the Senate and for the Nation. I urge the passage of S. 306.

* * * * *

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

[p. 10783]

(b) Sept. 23: Considered in House, pp. 24941-24943

AMENDING THE CLEAN AIR ACT

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution, House Resolution 587, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 306) to amend the Clean Air Act to require standards for controlling the emission of pollutants from gasoline-powered or diesel-powered vehicles, to establish a Federal Air Pollution Control Laboratory, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Federal Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the substitute amendment recommended by the Committee on Interstate and Foreign Commerce now in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Indiana [Mr. MADDEN] is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, I yield myself such time as I may require and pending that I yield 30 minutes to the gentleman from California [Mr. SMITH].

Mr. Speaker, House Resolution 587 provides an open rule with 2 hours of general debate on S. 306, a bill to amend the Clean Air Act to require standards for controlling the emission of pollutants from gasoline-powered or diesel-powered vehicles, to establish a Federal Air Pollution Control Laboratory, and for other purposes. The resolution also makes it in order to consider the committee substitute as an original bill for the purpose of amendment.

S. 306, as reported, would broaden the present authority of the Department of Health, Education, and Welfare in two areas affecting the public health and welfare: First, air pollution; and second, solid waste disposal.

The bill would add a new title II to the Clean Air Act providing for control of air pollution from motor vehicles. This title would authorize the Secretary to prescribe by regulation as soon as practicable performance standards applicable to new motor vehicles and new motor vehicle engines with regard to air pollution which endangers the health or welfare of any person.

In addition, the bill would amend the Clean Air Act so as to permit a foreign country in the case of air pollution emanating from the United States which endangers the health or welfare of persons in such foreign country to participate in conferences called by the Secretary of HEW and, for the purposes of such conferences and proceedings resulting therefrom, have all the rights of a State air pollution control agency. This privilege is conditioned, however, upon the foreign country granting reciprocal rights to the United States.

Finally, the bill provides for the conduct and acceleration of research programs relating to means of controlling air pollution caused by motor vehicles in two respects: First, hydrocarbon emissions resulting from the evaporation of gasoline; and second, emissions of oxides of nitrogen and aldehydes. Such research is to be directed toward the development of improved low-cost techniques designed to reduce emissions of oxides of sulfur produced by the combustion of sulfur-containing fuels.

Mr. Speaker, I urge the adoption of House Resolution 587 in order that S. 306 may be considered.

[p. 24941]

Mr. SMITH of California. Mr. Speaker, two new titles are added to the Clean Air Act by S. 306. Title I covers the problem of auto exhaust caused by internal combustion engines. The Secretary of HEW is required to prescribe as soon as possible standards applicable to the emission of pollution from new automobiles which contribute to the endangering of the public health. He is also to set the date when such standards are to take effect. Automobile manufacturers are or will be prohibited from selling or importing for sale any new motor vehicles or engines which do not conform to the standards prescribed. Federal district courts will have jurisdiction of violations and may levy fines of up to $1,000 for each violation. Appropriations authorized are $470,000 for fiscal 1966, $845,000 for 1967, and $1,195,000 for 1968, and $1,470,000 for 1969 or approximately $4 million.

Mr. Speaker, I am in support of this particular title of the bill and, to be perfectly honest, I am not certain just what the legislation can do with regard to this problem, because it is primarily a problem in my area of Los Angeles, Calif., and vicinity. We passed laws in our State legislature there relating to this and we have been investigating this problem. We had a number of tests and examinations made. Cars will have to be provided with certain devices in the near future in order to be sold in California. In any event, I am happy to see the Government come into it if they can be of help. I say that because 2 years ago we had the Clean Air Act, which was first passed on the floor. The biggest problem with regard to this is in California. I supported that act and voted for it and presented the rule. A few days later a few of my conservative constituents said, "If you are going to spend money like this, I am no longer going to support you. Take me off your newsletter list." Politics are sometimes strange indeed.

Now, I am for title I, and I hope that it works out.

Title II is another question, because this provides for a national program of research and development of new and improved methods of waste dis-

posal. The Secretary of Health, Education, and Welfare is authorized to conduct, encourage, and render financial assistance to Federal, State, interstate, and local authorities, private institutions, and individuals who are conducting research or related studies of the problem of disposal. Grants are authorized to such agencies. They may be up to two-thirds of the cost of construction of the facility.

Additionally, grants of up to one-half may be made to State and interstate agencies for surveys of practices and problems with regard to waste disposal. To qualify for such grants the agency must be the sole agency designated by the State or interstate group for the purpose of making such a study and have a program prepared under which the grant will be expended, and have fiscal controls and accounting procedures to assure proper disbursement.

Appropriations are authorized under this in the following amounts: $7 million for fiscal year 1966, $14 million for fiscal year 1967, $19.2 million for 1968, and $20 million for 1969. These are controlled by the Secretary of HEW. The Secretary of the Interior has the following authorizations: $3 million for 1966, $6 million for 1967, $10.8 million for 1968, and $12.5 million for 1969.

This new disposal program added to the clean air bill will cost around $96 million. There are minority views signed by seven Members. Their objection is to the solid waste disposal program as just mentioned in title II. They do not believe that the Federal Government should be involved in the financing of this program. It was not in the bill as passed by the other body but was added in the full committee after hearings were completed at the suggestion of the Department of HEW. Also the minority views object to the solid waste program being tied to a bill to control air pollution.

* * * * *

The resolution was agreed to.

[p. 24943]

1.1f(3)(c) Sept. 24: Considered and passed House, amended, pp. 25049–25059; 25061–25065; 25072

CLEAN AIR AND SOLID WASTE DISPOSAL ACT

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 306) to amend the Clean Air Act to require standards for controlling the emission of pollutants from gasoline-powered or diesel-powered vehicles, to establish a Federal Air Pollution Control Laboratory, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 306, with Mr. FLOOD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas [Mr. HARRIS] will be recognized for 1 hour and the gentleman from Nebraska [Mr. CUNNINGHAM] will be recognized for 1 hour.

The Chair recognizes the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, this is a bill that is

highly important to the health of the Nation. We have just finished, after considerable debate, a bill highly important to the future health of our people. This bill does not appear to be the type of bill that offers the same sentimental attraction, but there is nothing more important to the health of our people than having wholesome, clean air to breathe. That is what this bill is designed to do. It proposes to meet, as far as possible, the problem of pollution of the air in a way that will not interfere with our economy or with our industry, but will continue to serve the needs of the people of our Nation. It does, however, seek to meet what we are going to have to come to a decision on.

We have observed over the years that the problem of air pollution is growing each year.

It will be remembered that in the 88th Congress our committee reported and the Congress passed a bill to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution. That was a very important program. It was something new, something visionary.

It presented a step toward meeting the problems that are absolutely a must insofar as the future of our people are concerned. We tried to meet certain of these problems that we know existed insofar as air pollution is concerned and attempted, in a limited way, to provide for the abatement of this problem.

Now, Mr. Chairman, we have today a bill which deals primarily with two public health problems.

First, air pollution resulting from emissions from automobiles. Now, Mr. Chairman, this is very important I suppose to every family or almost every family in the United States.

Then, second, the problems involved in the disposal of solid waste. Our committee was unanimous in reporting title I of this bill which deals with automotive air pollution.

[p. 25049]

However, I frankly admit, Mr. Chairman, that there was a great deal of controversy in the committee and probably will be here in the Committee of the Whole House on the State of the Union today, over title II of the bill dealing with solid waste disposal.

Mr. Chairman, title I of this bill deals with air pollution resulting from the operation of motor vehicles and provides authority for the Secretary of the Department of Health, Education, and Welfare to establish standards for emission from new gasoline-powered and new diesel-powered motor vehicles. These standards, Mr. Chairman, will apply to the motor vehicles manufactured on and after the date established by the Secretary,

The automotive industry has informed our committee that the industry will be able to meet the nationwide standards by 1968, which means that it is anticipated automobiles sold throughout the United States during the fall of 1967 and thereafter will very likely meet such standards prescribed by the Secretary to meet this problem.

There were many bills introduced and referred to our committee. Under some of them specific standards were established for motor vehicles. We have not adopted specific standards in the legislation for obvious reasons, but have left the criteria flexible so that the Secretary would be able to prescribe feasible and reasonable standards.

We have to recognize that we will have problems in the future that we cannot precisely see today. Ideally, the only type of emissions that would occur from gasoline powered or diesel engines would be carbon dioxide and water. Unfortunately, the process of burning of fuel that takes place inside the engine of a motor vehicle is

not complete enough to lead to this result. This means, then, that the exhaust from the automobile, or from trucks or buses, contain some of the fuel that is not completely burned. It is therefore discharged into the atmosphere as hydrocarbons. Due to incomplete combustion some carbon monoxide is discharged. Oxides of nitrogen are also formed, and when weather conditions are such that the exhaust fumes from the automobiles tend to accumulate, they are acted on by the sunlight, resulting in what is familiarly known as "smog." Due to local geographic and weather conditions, smog exists in Los Angeles to a worse extent than in any other city in the United States.

However, from our hearings we have developed that many of your larger cities are beginning to have problems arising out of air pollution, to which the automobile exhaust is making a significant contribution.

Speaking of Los Angeles, I was in Los Angeles in 1960 during the National Democratic Convention. I had heard a great deal about the smog in Los Angeles. I frankly had some doubts about it myself. I was there about 3 days with no results. My doubts were confirmed, that all of this talk about smog in Los Angeles was a bit of publicity. But about the fourth or fifth day something happened to me. My eyes began to burn. I thought somebody had thrown some dust or something in my face I did not know about, or they had squirted something, and it got in my eyes.

I remember I was driving out of Los Angeles, about 60 miles down toward San Diego. This thing was bothering me no little bit. Then I suddenly came to fully realize that the smog had hit.

I then became thoroughly convinced that all of these reports we had been receiving as to the problem in California were actually not a figment of the imagination.

Polluted air constitutes not only a nuisance—it is a health problem as well. Just recently, a study was conducted of the excess deaths attributable to air pollution in New York City during the period January 29 to February 12, 1963—a period during which weather conditions were such as to lead to concentrations of pollutants in the air at that city.

This study revealed that during that particular 2-week period of unusually high air pollution, over 400 of the 4,596 deaths that occurred in the city were attributable primarily to air pollution. This was not all caused by emissions from automobiles. It was caused from other activities within that great metropolitan city.

So there are many sources of air pollution in addition to automobile exhaust and these other factors contributed significantly to the excess deaths during this episode that occurred in New York City during 1963. It must be realized, however, that air pollution attributable to automobiles played a significant part in this episode.

In addition to dealing with the problems of automotive air pollution, title I of this bill would also provide that the Secretary may call a conference wth respect to air pollution adversely affecting persons in Mexico or Canada. Where such a conference has been called, the representatives of these two nations, Mexico and Canada, would have all the rights of a State air pollution control agency. But this provision contained in the bill as provided by the other body was amended to provide that a foreign country would have such rights as provided in this section only if reciprocal rights are provided for persons in the United States by such foreign countries.

We think that is a reasonable pro-

vision and a reasonable requirement.

In addition, the committee added a section to the bill providing that if the Secretary determines an air pollution problem may result from discharges in the atmosphere, he may call a conference in which all interested persons are to be given an opportunity to be heard. After the conference the Secretary may make findings and recommendations. These recommendations, of course, would be advisory in character but would be admitted together with the record of the conference as a part of any abatement proceedings brought thereafter.

Now the bill, as passed by the Senate, would have authorized the Secretary to construct, staff and equip a Federal air pollution control laboratory. Our committee amended this authority to make it more flexible and to permit the Secretary to establish, equip and staff such facilities as he determines to be necessary to carry out this authority.

We think under the circumstances since we are just entering on this program and there are many problems that are going to develop which we cannot foresee at this time that there should be more flexibility for the Secretary to meet such problems as they develop.

One other feature of the bill relating to air pollution deserves some mention. This is the provision providing for accelerated research programs relating to, first, the control of hydrocarbon emissions from motor vehicles and, secondly, to low-cost techniques to reduce emissions of oxide of sulfur produced by combustion of sulfur-containing fuel.

Let me deviate for just a moment. There was a bill that I introduced in connection with this program that would give the Secretary authority to control the fuel used in any Federal buildings within the United States. That had to do with any expansion or new construction in the future.

Obviously what would have occurred in that regard is that we would have legislated the use of other fuels than coal or fuel oil. The information that we developed during the hearings of the committee provided that if this authority, which is rather general, was given to the Secretary and the Secretary would carry out what was proposed, that, along with a program that had been proposed for adoption by the Bureau of the Budget, it would have meant difficulties for the coal and fuel oil industries.

So, during the course of the hearings, we tried to clarify what was involved. The Bureau of the Budget apparently was not satisfied with what was proposed. Conferences were held, and they did not approve the proposed order. But there was information that came to us that although the Bureau of the Budget had not approved this order, they were going to proceed anyway to put this principle into effect. We were told that it was proposed to inaugurate a program which would virtually say that any new buildings of the Federal Government in the future could not use coal or residual fuel oil substantially because of the sulfur content. The reason for that is that most of the coal and imported residual fuel oil used has such a sulfur content that it would be beyond what the regulation would provide.

This created quite a controversy, and I believe appropriately so. We pursued the subject and sought to make it abundantly clear by getting a letter from the Department, which Members will find incorporated on pages 2 and 3 of the report. In that letter the Department assures the committee and the Congress that it will undertake no further effort to invoke such a broad, general policy merely by regulation. In that way we eliminate the serious objection that was offered by the coal industry and the fuel oil industry.

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I believe it is important to mention that point because of the attitude of some in the Department who had arbitrarily taken it upon themselves to try

[p. 25050]

to bring about, through regulation, such a principle without having it cleared as it should be through the regular, established order, if not by congressional action, then through the Bureau of the Budget.

We would expect—and, of course, I know we can expect—the Department to carry out its policy in that regard.

Mr. Chairman, title II of the bill deals with the problem of the disposal of solid waste. There are those who feel that this is an unnecessary invasion and interference by the Government into a problem that should be primarily local.

If we accepted the viewpoint of those who feel that the Federal Government is going to assume the responsibility and the obligation of disposing of garbage and all solid waste of municipalities all over this country, then they would be right, but I want to make it abundantly clear here and now that that is not the purpose of the program.

The purpose of this program is research, investigations, experiments, training, surveys, studies and demonstrations, relating to the operation of financing and otherwise disposing of this solid waste product. That is what this program involves.

This program was contained in the bill passed by the Senate. It is included in legislation proposed by many of our colleagues. The report mentions the various Members who have introduced legislation along this line, all of which bills were referred to the committee.

Other than the bill to which I referred a moment ago, having to do with Federal facilities, the bill given most consideration was that offered by the distinguished chairman of the House Committee on Public Works, the gentleman from Maryland [Mr. FALLON], and the bill which passed the Senate, being considered today, S. 306.

What we did was along the lines generally proposed in S. 306, which is the bill most acceptable to the Department of Health, Education, and Welfare, to the President and his administration. Many of the provisions of the gentleman's bill are included in this.

This is a highly important title to this bill. Even though it is going to be somewhat controversial, I believe that when we conclude the debate the overwhelming sentiment in the House will be behind it. We should understand what is proposed. We should be farsighted enough to take this advanced step toward doing something about solid waste disposal through incineration and other means which might be developed, some of which are not in existence today. This should be of great interest to the overwhelming majority of the House.

Remember that more than one-half of all the cities in the United States, with populations in excess of 2,500 have inadequate or improper waste disposal practices. Smaller communities in particular have had to resort to open dumps and equally unhealthful and unsanitary methods. Such practices are menaces both to the communities themselves and to the rural countryside.

As a result many communities have been subject to litigation, which has been brought by many people because of highly unsatisfactory conditions caused by mounting volumes of garbage, refuse, and debris which must be disposed of. Fly- and rodent-breeding places, water and air pollution and general nuisances are all directly associated with these situations. More and more, these cities of all sizes are confronted with insoluble problems and are requesting the types of as-

sistance provided by S. 306. Many of the smaller cities are requesting assistance from the Federal Government. If these problems continue to grow unattended, they can only get worse—and costlier—to solve in the long run. For these important reasons, the establishment of a national program of research and demonstration as provided in S. 306 is a vital need to communities, small and large, and to rural residents as well.

I urge Members to get a copy of the report and turn to page 7 and just read the information which we have developed here about the accumulation of litter and refuse and junk which causes fire hazards and contributes to accidents and destroys the beauty of the cities and countryside. What is the use of having a beautification program which is going to be brought to this House in a few days if at the same time we are going to permit a situation to exist where there is no proper method for dealing with such rubbish as demolition debris, construction refuse, or abandoned material, such as old refrigerators, waste from slaughterhouses, canneries, and manufacturing plants, and all of this other stuff that is dumped in this country every day. What we are trying to do here is to develop some method of new techniques whereby these cities can have available methods to use besides taking it out in the countryside and dumping it, which creates a condition that I know the people of this country just do not want. This is highly important and I think it should be seriously considered by this Committee.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I shall be glad to yield to the gentleman from Oklahoma.

Mr. STEED. I thank the gentleman for yielding.

Let me say first a few years ago when I served as a member of the subcommittee which held hearings on the smog situation in Los Angeles I was privileged to hear the scientists from UCLA give a detailed report on the research they had done. After hearing that and ever since I have been a strong advocate of this type of legislation in the field of air pollution.

I would like to address my question to the part of title II of the bill concerning solid waste disposal and to call attention to the second paragraph of your report on page 8 where you make mention of the fact that the committee does not want anything in this legislation to duplicate work being done in this area by the secondary materials industry. I have in my district a company, the International Disposal Corp., which for many years has been spending large sums of money experimenting with a process which is now perfected and which is now in the process of being put into commercial production, which deals with one phase of solid waste disposal. What I would like to know from the chairman is this: Do you think the terms of this bill are broad enough to cover an activity of this sort and protect it from having their activities duplicated by the provisions of this bill? Or does it require additional language in the bill to include this type of activity along with the secondary materials industry?

Mr. HARRIS. The committee thought in its deliberate consideration of this problem that it had sufficiently resolved this question. I would like to quote the sentence following the sentence that the gentleman read in the House report on page 8. I think this explains the attitude of the committee and what we intended, anyway. If we do not do it to the satisfaction of the gentleman and other Members, we will be glad to do so in order to make it clear that that is what we intend. We said there:

The committee, therefore, expects that the funds authorized under this act will be used to demonstrate new and improved methods in solid waste disposal and not for facilities that would duplicate—

And I repeat—

not for facilities that would duplicate those operated by the secondary materials industry.

We did not intend to interfere with the magnificent effort of such companies as the gentleman has referred to in his own State.

Mr. STEED. Mr. Chairman, I appreciate what the chairman has said. I am in hopes that the Department will realize that any activity under this bill, if it becomes law, that duplicates this sort of thing would not be in keeping with the spirit and intent of the committee and the bill and would also be a foolish waste of public funds.

Mr. HARRIS. The gentleman has accurately stated the committee's intention.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman.

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have a constituent who has written me about title II of this legislation. This gentleman appears to be in the scrap iron business and he writes in part as follows:

S. 306 in its present form needs more study and certainly a new definition of "solid waste." Scrap iron that feeds our steel mills and paper stock that conserves our forests and feeds the paper mills certainly is not "waste" or "junk."

The question I have to ask of the gentleman is whether or not the gentleman would consider that scrap iron which is for use in steel mills is to be included within the definition as a solid waste.

Mr. HARRIS. We had some discussion of that particular program. I think it was decided that to single out any one product or commodity might make it necessary to go on ad infinitum and

[p. 25051]

single out others that it would be obvious that scrap iron and even such matters as could be baled and utilized as we do in this country would not be considered as solid waste as we define in this legislation.

Mr. McCLORY. In other words, it is the intention to provide research and studies in cooperation with local and State governments with regard to solid waste that we want to get rid of and not solid waste which we want to sell and utilize in industry in some other way.

Mr. HARRIS. Yes. I might say the kind of solid waste that would be referred to as trash or rubbish or garbage that they get from homes and so forth and which pose a problem to a community, particularly in the metropolitan areas where there are governmental entities all intertwined, represent a different matter. Here you have a governmental entity in this vicinity, and in an adjoining vicinity another one, and the maybe another one. This presents a health problem in solid waste disposal. There is no way in which these governmental entities can deal with this problem as it should be dealt with except by agreement, and that is always difficult.

We had testimony from certain of our cities that have this problem where certain entities of Government felt that another one should assume more responsibility, and that one said, "No, this one should do it," and the first thing you know they go around in circles and nothing is done, which creates these hazardous health problems.

I feel that we can by demonstration and experiment and new techniques deal with those Government entities and come up with new methods of disposal to meet this ever-growing problem in our society.

Mr. McCLORY. That is the way I understand it.

Mr. HARRIS. What the gentleman has referred to is a product that does not come from a municipality as solid waste, as such, but is a product that is utilized in our industrial, private endeavors in this country. We do talk in the record about reclaiming certain solid waste, but that means reclaiming this kind of solid waste that I am talking about and not reclaiming such items as scrap iron, which would, through the processes we know of in this country, be utilized again in our industrial output.

Mr. McCLORY. I thank the gentleman.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I shall be glad to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the chairman, because it has been a distinct pleasure to hear this presentation by the distinguished chairman of the great committee which has brought this bill to the floor of the House. I have had the feeling once again that we are listening to one of the really statesmanlike legislators of this body in the presentation that has been made.

Mr. Chairman, the report of the committee makes reference to a problem which undoubtedly is a growing national problem with reference to the effective control of motor vehicle pollution and it states—and I believe that probably it is going to take several years to get to a point of effective control—but it goes on and states that the techniques now available provide only a partial reduction in motor vehicle emission and for the future better methods of control will clearly be needed.

The question I would like to address to the gentleman is with reference to the letter which is reprinted in the report at pages 38 and the following pages, in which the Secretary of the Department of the Interior points out the program which has been conducted in this field for some time by the Department of the Interior, and points out that the expertise of the Department of the Interior is available to the Secretary of the Department of Health, Education, and Welfare in connection with the solution of this problem.

I would like to make quite certain, based upon a reading of this bill, that the committee does intend that the Secretary of the Department of Health, Education, and Welfare continue to avail himself of the expertise of other departments and to seek their judgment and assistance in connection with this very serious national problem. I believe the Department of the Interior is in a position to make a very distinct contribution in this field. I know that the Bureau of Mines with its facilities in particular have been working on this for a very long time and have come up in my opinion with some outstanding contributions.

It is my hope that when title I is placed completely under the authority of the Secretary of the Department of Health, Education, and Welfare, that it is, nonetheless, the intention of this great committee and its chairman that the Secretary of the Department of Health, Education, and Welfare continue to make full use of the facilities and personnel as well as the expertise of the Department of the Interior in connection with this problem.

Mr. HARRIS. The gentleman is correct, that it is the intention that the Department of Health, Education, and Welfare—the Secretary—utilize the services of any and all of the Government agencies, of industry, local governments, State governments, and any source whatsoever which can be of assistance in this field.

The bill provides that the Secretary must consider these views that will be

submitted from other sources in connection with these air pollution programs.

With respect to solid wastes, I will say further to the gentleman, if he will observe the bill itself, in title II there is $92 million authorized to deal with this problem over a period of 4 years.

Also approximately $60 million of this authorization is made available to the Secretary of Health, Education, and Welfare, and the other $32 million is made available to the Secretary of the Department of the Interior, to carry out work in the field of solid-waste disposal.

Mr. EDMONDSON. If I understand correctly, the effective working relationship between those two departments as they now exist would continue. A good deal of the work of the Department of Interior has been conducted at times with funds made available by the Department of Health, Education, and Welfare to carry out projects of the Department of Health, Education, and Welfare. I was hoping, with some very understandable instances of the role of the Secretaries of Health, Education, and Welfare in this air pollution field, it was still the intention of this committee that effective working relationships of this type would utilize the experts of other departments in the future.

Mr. HARRIS. The gentleman is correct. It was made very clear in the original act passed in the 88th Congress on abatement of air pollution that we intended for that principle to be carried out.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from New York.

Mr. McCARTHY. Mr. Chairman, I am most interested in section 102 providing for the international control of air pollution. Since I come from Buffalo, which is on the United States-Canadian border, with only about a half mile of water separating us, can the gentleman cite a case of how section 102 would work in this instance of pollution emanating from the United States in the Buffalo area and going over to Fort Erie in Ontario, right across the Niagara River?

Mr. HARRIS. There would be a problem from Buffalo into Canada. That problem would be recognized. The people in Canada affected would raise some objection. They would through the regular procedures make a complaint to our country. Before they could proceed to bring about any program to deal with the subject they would have to be in agreement for reciprocal treatment. On the agreement of reciprocity there would be inaugurated a program by the Secretary to deal with that particular problem, and similar to the problem existing in Chicago and other places.

Mr. McCARTHY. The Secretary of HEW upon request of the Secretary of State would convene a conference; is that correct?

Mr. HARRIS. That would be one approach to it. We do not say precisely that is the way it is going to be done, but I am sure our own Government would require any official complaint to be brought through regular channels. It is entirely possible that the municipality across from Buffalo, Fort Erie, Ontario, the municipality itself would make the complaint direct to the Secretary. Then the Secretary would investigate and declare what procedure was necessary to bring about reciprocity. Then after that had been established the program as provided in this bill would come into play, and they would through public hearings and regular procedures develop the problem and see if there were some way it could be reached.

Mr. McCARTHY. I thank the chairman very much.

Mr. HARRIS. Mr. Chairman, I

want to make it clear again that this does not

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mean that the Federal Government is taking over the solid waste disposal problem. To the contrary, the Solid Waste Disposal Act is, I repeat, aimed at mobilization of all levels of government, Federal, State, and local, recruiting the talents of scientists and other specialists in industry to participate in a nationwide program affecting the health and well-being of most of our citizens.

It is traditional in this country for the Federal Government to lend assistance in eliminating a national problem. This is a national problem—do not overlook that. And it is traditional for the Federal Government to aid in meeting problems through supporting research demonstrations and training when local, State and private sources are unable to cope with the magnitude of the problem.

So let me emphasize that the Federal moneys are only a small fraction of the governmental expenditures in this field. But even so they would be directed at across-the-board activities which are intended to be beneficial to all of our great country.

Let us not overlook the fact that solid wastes are related to and contribute to our air and water pollution problems. Certainly if this Congress can provide national programs for action against air and water pollution, we can at least do something about this problem that is as significant as in all respects of the same magnitude as the problem of solid wastes disposal throughout the Nation today.

Our committee by an overwhelming majority commends this legislative program as one of the great forward steps in an attempt to deal with a national problem. We hope that the House will approve this bill in its entirety.

The CHAIRMAN. The gentleman from Arkansas has consumed 50 minutes and has 10 minutes remaining.

The Chair recognizes the gentleman from Nebraska [Mr. CUNNINGHAM] for 1 hour.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend our distinguished chairman who has very carefully and in detail explained this very important piece of legislation. A little while ago we passed a bill on heart, cancer, and stroke—an important piece of legislation I am sure. But to me there is very little legislation that I can think of that is more important than the bill we now have under consideration. Because today we have a polluted atmosphere and this particular bill gets at one of the root causes of certain types of cancer including lung cancer.

We passed a bill not long ago where our committee brought before the House and the House passed the bill, to stamp a cigarette package with a warning saying that smoking is dangerous to your health, and so forth. There is no proof and there was no proof before our committee that we could rely upon, that cigarette smoking causes lung cancer. But there is proof that certain types of noxious fumes from automobiles and diesel trucks and chemical plants, and so forth do cause and are the cause of certain types of lung cancer. So this bill is very important.

What this country needs is good, clean, pure air. I remember when I came here about 10 years ago our distinguished colleague, the gentleman from Minnesota [Mr. BLATNIK], made a statement to this body and said:

> Within 10 years the most important problem this country will face is the problem of having an ample supply of good, clean, pure water.

Through his efforts and the support of this House we have made great

strides, so that today we are on the road to victory in this battle for good, clean, pure, water. So this bill today is beginning that same type of battle so that maybe 10 years hence we will be able to have good, clean, pure air to breathe.

Doctors tell us that the finest form of exercise is just walking around in the out of doors. But how many of us can walk outdoors without inhaling all of these lousy, obnoxious fumes? One cannot walk around the block without breathing them in. So the people are not exercising as they should because so many of them know that this is true.

I wish to speak just a moment on the subject of solid waste disposal. I am favorable that that provision should remain in this bill. I wonder if I could direct a question to the distinguished chairman. I was going to ask if he might answer the following inquiry: Under the definition of "solid waste," would the chairman think that the term would include leaves that fall in the autumn time?

Mr. HARRIS. It is conceivable that it could include refuse that might come from leaves, because they would become a part of waste disposal, which I know the gentleman has experienced in great metropolitan areas. I know at my own home we burn our leaves in a wire basket or similar container in the back yard. It creates certain disposal waste that we must do something with. So in that way leaves could become a solid waste.

Mr. CUNNINGHAM. I appreciate that response. That is the way I read the legislation. I understand that it would be included.

Mr. HARRIS. Mr. Chairman, if the gentleman would yield further, I wish to reiterate that it is not the intention to take over the problem of waste disposal. The program is designed to find new ways, methods, and techniques of disposing of solid wastes in order that we can make those ways, methods, and so forth available to the municipalities and the communities of our country for waste disposal.

Mr. CUNNINGHAM. I thank the chairman. I understand that perfectly. Where I come from, and I am not speaking only of leaf disposal but of the burning of leaves, we are not allowed to burn leaves willy-nilly at any time of the day. They must be burned in a certain type of container, and only during a certain period of the day.

My temporary home here in Arlington County has no such restrictions. Any Member who lives in Arlington County knows what a terrible situation we have over there when everyone is burning their leaves out in the street, on the sidewalk, or in their backyards. Those fumes hang over the neighborhood for hours upon hours.

So I think that is an important point that should be researched because I believe that it, too, has something to do with lung cancer and related diseases.

Mr. Chairman, as I said, our distinguished chairman has amply described this legislation. It is most desirable legislation. If the day ever comes that we can breathe good, pure clean air, then I think we shall really have accomplished a great deal toward the good health of the American people.

Mr. Chairman, I yield as much time as he might consume to the gentleman from Minnesota [Mr. NELSEN].

Mr. NELSEN. Mr. Chairman, I shall not use much time.

I wish to point out that there was complete agreement on most parts of this bill. The automotive industry has been quite concerned, because there are many proposals on legislative fronts dealing with these problems, they fear that we might be running into situations in which many States would come up with regulatory legislation setting up standards for control of exhaust fumes and so forth.

There also seemed to be some need for national standards in this field in other related areas. Of course, by enactment of a law such as this this problem would be eliminated.

We did find in the committee some disagreement as to the part of the bill relating to disposal of solid waste.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Arkansas.

Mr. HARRIS. One matter I overlooked, which I believe ought to be called to the attention of the Members, is the cost to the public of a program dealing with the matter of emissions from automobiles.

Representatives of the automobile industry appeared before the committee, and testified at length on the program, and in support of it. It was their general estimate, as I recall, that this might entail an additional cost of approximately $50 per automobile.

It should be mentioned also that the industry has developed a device for control of emissions from automobiles which is a State requirement in California for 1966 because of conditions in Los Angeles.

There are those who feel perhaps this will entail an increased cost to the consumer in the price of an automobile. It is entirely possible an additional cost may be required. We provide that at the appropriate time, when standards are provided by the Secretary, under the well-established procedures that we develop here, these devices must be included to solve the problem. We provide that it may be a built-in device, ultimately, instead of a different attachment, say a device attached to the carburetor or the crankcase or the engine head, as the case may be. This has to come sooner or later, to take care of the problem with respect to exhaust fumes. This will add some cost.

It may be that as time goes on these built-in devices within motors will take

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care of the problem. How much the increased cost might be at that time we cannot say.

We could very well afford to do without some of the very elaborate things which are included in the automobiles of the country today, in order to take care of this kind of problem which presents a health hazard.

Mr. NELSEN. I thank the gentleman.

I might point out that in the committee the section of the bill dealing with solid waste was the only section which seemed to be in some dispute. We found there were those who had the opinion that it should not be in this bill and should be treated as a separate subject. I believe the Senate took it out of its bill. However, it has been considered in another measure there.

We did feel we should make one suggestion, contained in our minority views. The Department of Health, Education, and Welfare made this statement:

> **The collection and disposal of solid wastes should continue to be primarily the function of State, regional, and local agencies.**

We continued:

> **We do not agree, however, with its final conclusion because it is our position that the Federal Government should not participate in solid waste disposal by providing financial aid including construction money and technical assistance, as the bill provides.**

Now, as the chairman has pointed out, the purpose which he seeks to gain is experimental, to determine ways in which we can handle this solid waste, not primarily to give assistance to communities to eliminate their personal or local problems but more in the direction of finding a method that all communities could finally follow.

However, I might mention the language on page 34 of the bill is rather broad, but I do think that the legislative history will pretty well nail down what the intent of the Congress is. I might say, however, that there is a minority view in the report which I have personally signed. I think there is considerable controversy relative to this particular section and considerable misunderstanding.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I will be happy to yield to the gentleman.

Mr. ROGERS of Florida. I would like to join the gentleman also in establishing the legislative history which the chairman attempted to establish and which he has done so effectively here by saying that the solid waste disposal program is one for research and finding new methods of trying to handle the problem rather than, as you just stated, going out and trying to solve the individual community problems of disposing of solid waste. So I think this is firmly understood in the debate today and there should be no area for misunderstanding what we intend. With this in mind I would very strongly support this proposal as well as this legislation and urge its passage.

Mr. Chairman, only recently in the administration of another President this Congress gave initial recognition to the serious problems which our society must face in regard to the control of the quality of air around us. I speak of the Clean Air Act of 1963 which was one of the last major bills signed into law by President Kennedy. The passage of that legislation firmly established the concern of the Congress and the bill now before this body is a further manifestation and extension of our desire to insure clean air for the generations of Americans yet to come.

This legislation has two primary areas of concern: the abatement of air pollution and the development of a national program of research into new and improved methods of proper and economic solid waste disposal. These two provisions are in a sense interdependent on one another. For if we are to conquer the problems of providing a clean atmosphere we must be prepared to meet the exigencies of all situations which are contributing to the contamination of that atmosphere.

The air pollution title of the bill centers primarily on attacking the problem of motor vehicle pollution. In the next 10 years the amount of pollution emitted in the air will increase by approximately 75 percent. The legislation before us requires the Secretary to prescribe allowable standards of emissions for new motor vehicles. These standards will insure that the minimum amount of pollution is being emitted.

Once these standards have been established it shall then be illegal for any motor vehicles to be manufactured which do not contain the necessary modifications to guarantee that the standards are being complied with. During our hearings on the legislation the automotive industry indicated a willingness to both aid in the determination of what the allowable standards should be and comply with those standards once the Secretary had determined their adequacy. I think this cooperation on the part of the manufacturers is both commendable and indicative of the fact that they too recognize the urgency of the problem.

The committee has recognized that the collection and disposal of solid wastes is, and should remain, primarily a function of State, regional, and local agencies. But our hearings on this matter also brought out the increased need in this area for new methods and processes. It has therefore become necessary to conduct studies on the national level to develop

new and improved methods of proper and economic solid-waste disposal. The bill will also provide assistance to State governments and interstate agencies in planning, developing, and conducting solid-waste disposal programs. These programs are not an encroachment upon the reserve prerogatives of the States, but rather an effort at assisting the States in an area that is fast outgrowing the present methods of treatment. In comparison with the $3 billion figure that is being spent on refuse collection and disposal, the $500,000 being spent on studying advanced methods of disposal is far and away inadequate.

Currently Federal efforts in this field are confined solely to the Public Health Service Act and it is not sufficiently broad in scope to aid the States in providing assistance for their programs. Nor are the current Federal efforts in this field sufficiently adequate to meet the pressing needs for reesarch in this area.

In short, Mr. Chairman, the magnitude of the problem we are attempting to deal with makes this legislation vitally necessary. When we consider the number of motor vehicles on our highways, the vast concentration of people and industry in our urban areas, and the projected increases in both of these factors we can then, and only then, get some idea of the goals of this undertaking. I urge passage of this farsighted measure to insure that the current problems in air pollution and solid-waste disposal are adequately met.

Mr. NELSEN. Mr. Chairman, I would point out that the cost will be $92.5 million for this purpose in the next 3 years. Of course, as I stated earlier in the consideration of other legislation before the committee, I think without question there are many, many things that would have great merit which we could do. However, we do need to proceed with caution wherever possible in the way of the expenditure of taxpayer dollars. Our country continues to go deeper into debt, and we want to be sure every dollar we spend is properly spent.

Mr. Chairman, I have no further requests for time.

Mr. CUNNINGHAM. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. HALPERN].

Mr. HALPERN. Mr. Chairman, I am pleased indeed to lend my support to S. 306, for I believe that this bill represents the first major step toward defeating the menace of air pollution. Coming from a large metropolitan area, I am well aware of the enormity of this problem, and I feel that the Federal Government must join in the efforts already undertaken by State and municipal governments to overcome this situation. The American people want clean, healthful, invigorating air, and it is our responsibility to translate that aspiration into a reality by passing this bill.

I am not a member of the committee which has labored long and effectively for this legislation. I appreciate the privilege of joining in the debate, but I have had a deep concern.

I want to commend the distinguished chairman, the gentleman from Arkansas [Mr. HARRIS] and extend my compliments to the minority spokesman, the gentleman from Nebraska [Mr. CUNNINGHAM] for their enlightened and superb work in this field and I wish to congratulate the committee for bringing before us the legislation we are debating today.

One of the key provisions of this bill is that which authorizes the Secretary of Health, Education, and Welfare to establish safe standards for automobile exhaust, and requires the automobile industry to equip new engines with emission control devices capable of meeting these standards. I am addressing my remarks today to

title I of the bill, since it is similar in earlier in the session to provide

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just this authority and testified on the proposal before this fine committee. I am gratified to see such a provision in the bill before us today. For fully 50 percent of the Nation's air pollution is attributable to the exhaust which pours incessantly from our 84 million vehicles.

All the carbon monoxide and most of the nitrogen dioxide which poisons our air comes from the tailpipes of automobiles, and this has been growing worse every year. The Department of Air Pollution Control in New York City issued a report at the end of 1963 which revealed that the carbon monoxide content of the city's air had increased by 50 percent that year, and the nitrogen dioxide content, by 87.5 percent—and this has been growing steadily worse each year. I have watched and studied the statistics which document the growth of the air pollution problem, and I want to see that trend reversed.

The property damage wrought by air pollution defies credibility. Arthur Benline, the able commissioner of New York City's Department of Air Pollution Control, has estimated that air pollution accounts for an economic loss to New York property owners of over $520 million annually. But the toll this takes in the health of our people is even more serious. This has been carefully studied last year by the New York Academy of Medicine, and before that, at the National Council on Air Pollution. The evidence amassed demonstrates overwhelmingly that air pollution contributes to chronic respiratory disease. Even though no direct causal relationship has been established between automotive exhaust and any particular disease, ample evidence has been accumulated which would link air pollution to various respiratory ailments. For example, a definite relationship has been demonstrated between asthma attacks and the level of sulfur dioxide in urban air, and a similar correlation has been shown to exist between lung cancer and urban air pollution. I think if we can provide for control of the pollution caused by cars, trucks, and buses, we will be taking a giant stride forward in safeguarding the health of all Americans.

There can be no doubt that this is a Federal responsibility. Though traditionally, air pollution control has been within the province of State and local governments, two factors impinge the problem on us. First, if States were left to establish independent standards for automobile exhaust emission, for example, chaos would ensue. Manufacturers would be burdened with producing cars which would have to meet 50 different standards, and if an automobile owner moved from one State to another, his vehicle would have to be overhauled. Second, if one State were to promulgate and enforce effective pollution control regulations, and a neighboring State were lax, the former would still have to contend with the dirt, foreign particles, and noxious fumes carried by the wind from the latter State. Thus, uniformity is absolutely necessary, and the Congress must accept this responsibility, and should welcome the opportunity to help our people purify their air.

Equipping new engines with emission control devices will not be prohibitively expensive. The Chrysler Corp., for example, has produced a clean air kit costing only $13 to $24, which would reduce total emissions by 65 to 70 percent, and spokesmen for the auto industry agree that such a device can be mass-produced in time for the 1968 models. This small addition to the cost of a new car is but a fraction of the savings which result from the repeal of the excise tax on automobiles, and a very modest price indeed for clean air.

Finally, Mr. Chairman, I would like to say that I fully support the other major provision of this bill which provides for fuller Federal participation in research and experimental programs designed to assist the States in developing sound solid waste disposal projects. This Federal help is desperately needed, and I believe that the nature of the assistance provided in this bill is well tailored to meet this pressing need.

Mr. CUNNINGHAM. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. LINDSAY] may extend his remarks at this point in the RECORD and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. LINDSAY. Mr. Chairman, I shall come directly to the point: The bill before us today will not do the job. It approaches the urgent, critical problem of air pollution with hesitation and timidity.

It provides no money whatever to States or cities for a frontal attack on their defiled atmospheres.

Air pollution is a national concern. It affects, in varying degrees, every one of our largest cities. Its resolution demands strong, effective national legislation.

Our fresh air is a precious national resource which, in common with many of our natural resources, has been misused, demeaned and in many instances contaminated. Only 2 years ago, 405 New Yorkers died during a 15-day period of intense air pollution. Most of the victims were aged and ill. But life was as precious to them as to the young.

Hundreds of similar but less severe incidents caused by polluted air have been reported across the country. Bad air not only affects our health, but costs us billions of dollars yearly in cleaning and laundry bills. At best, it is unsightly.

Air pollution is a silent and largely invisible enemy, one we have not even begun to fight. In my judgment, this bill (S. 306) is not much more than a beginning.

My first criticism of the bill is that it establishes no deadline whatever for national control of insidious motor vehicle fumes. These emissions account for about 40 percent of the pollution in New York City's air.

The bill simply directs the Department of Health, Education, and Welfare to prescribe its emission standards "as soon as practicable." The establishment and enforcement of national controls upon pollutants cars and trucks spew into our air forms the heart of any Federal air pollution abatement program. Yet the language of this bill is unhurried and even lackadaisical.

The bill I introduced earlier this year to amend the Clean Air Act would have required the Department of Health, Education, and Welfare to prescribe the California maximum emission standards for all new cars and trucks to take effect 1 year after enactment of the bill. As passed by the Senate, S. 306 directed that national standards be adopted no later than September 1, 1967. The Senate deadline was eliminated.

I appreciate the reluctance of the Committee on Interstate and Foreign Commerce to write into the bill fixed standards of a highly technical nature. I believe, however, that a firm date should be set for the application of antipollution regulations to motor vehicle manufacturers. The Department of Health, Education, and Welfare can be instructed to set standards administratively; they need not be spelled out in the act.

If standards are imposed administratively, I see no reason why maximums cannot be placed on the emission of hydrocarbons and carbon mon-

oxide by cars and trucks manufactured in the United States next year.

A second criticism of this bill is that it contains no followup enforcement period. It provides fines for manufacturers who fail to meet Federal standards on exhaust emission, but it is silenced thereafter. My bill, H.R. 7065, authorizes Federal grants of $15 million a year to States to help them inspect control devices and engine modifications to determine whether vehicles in use actually meet national criteria. Many of the States could perform this duty in conjunction with existing safety inspection programs. I think it regrettable that this provision was not adopted.

Third, the bill virtually ignores one of the most obvious sources of air pollution in our cities: Incinerators. New York City alone has almost 20,000 incinerators, and they contribute enormously to the city's often foul air. Incinerators are responsible for much of the soot afflicting all our major cities. In New York, 60 tons of flyash and other debris falls on every square mile each month.

My bill authorized $100 million a year in grants to assist cities in the acquisition and installation of air pollution control devices to minimize the dirty discharges from solid waste disposal plants.

The committee bill bypasses incinerator smoke and embarks upon a $92.5 million program to develop better methods of disposing of solid wastes, which is largely tangential to our objective of clean air.

The disposal of trash and garbage presents growing difficulties for cities, particularly New York. Almost 520 million pounds of refuse must be collected in our urban areas every day of the year. We must develop efficient low-cost methods of disposing of this gigantic pile of refuse.

While I applaud the assistance the bill provides for waste disposal I lament the failure to attack the immediate source

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of air pollution, which is the smoke produced by incinerators now burning off solid wastes.

Fourth, I strongly object to the retention of the 12½-percent limitation on the amount of grants that may be awarded to any one State under the Clean Air Act of 1963. Congress almost automatically places a State limitation on funds authorized in national legislation, and the unvarying effect is to discriminate against our larger States. More precisely, it is unfair to the Nation's largest cities.

The limitation in this bill is perhaps the most foolish of all. The most acute air pollution problems in the United States are in New York City and Los Angeles. Under the limitation, New York and California can qualify for no more assistance than New Mexico, which has no discernible difficulty with polluted air.

The policy may possess a certain amount of logic in other legislation; but when we are dealing with a problem which manifestly is most serious in our largest cities the formula makes no sense whatever. I do not suggest that the appropriations under this or any other nationwide congressional program be allocated on a first come, first served basis, for it would discriminate against our smaller cities and States. My bill calls for the State limitation to be raised only slightly, from 12½ percent to 20 percent. I am disappointed that the section was discarded.

Fifth, my bill would have awarded business and industry a form of investment credit or an accelerated depreciation schedule on purchases of air pollution control facilities. The objective was to stimulate antipollution efforts by such businesses as Consolidated Edison in New York City. The provision was eliminated, ap-

parently on the recommendation of the Bureau of the Budget, which said:

> We believe that tax measures should generally not be proposed as portions of substantive legislation.

The Bureau's position has merit. Congress should not make piecemeal tax revisions, but should initiate a complete reform of the Nation's tax structure. I should point out, at the same time, that Congress enacted two major amendments to the Internal Revenue Code, both dealing with medical expense deductions, when it passed the Medicare Act earlier this year. The procedure hardly followed the Bureau's stated philosophy.

While I am far from satisfied with the bill as presented to the House, I shall vote for it and I urge my colleagues to do so. I think it ironic, however, that the strongest passage in the bill, the one that will most benefit New York City, concerns solid waste disposal and not air pollution. While the disposal of the city's waste is highly important, I do not believe it should take priority over a meaningful attack on the far more pressing danger of poisoned air.

It is my intention, accordingly, to continue to work for a better bill, one which will recognize the growing peril inherent in defiled air and direct forceful action against it.

Hr. HARRIS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Colorado [Mr. McVICKER].

Mr. McVICKER. Mr. Chairman, I am extremely pleased to join with so many of my colleagues in support of S. 306.

Earlier this year I introduced a bill H.R. 7394, which had a similar purpose. I am gratified that many of the provisions of my bill are incorporated in the measure which we are considering here today.

My interest in this subject extends back many years. In fact I fought for air pollution legislation when I served in the Colorado General Assembly. Any effective action in this area is going to require the energetic effort and close cooperation of government agencies at all levels—Federal, State, and local. This bill will make that kind of cooperation possible.

I am equally concerned with the disposal of solid waste, inasmuch as that is one of the most pressing problems confronting my fast-growing suburban district. In that connection I would like to acquaint my colleagues of the House with the constructive steps taken by one of my progressive communities to cope with this problem.

The discussion thus far clearly demonstrates that the Members of this body are acutely aware of the urgent need to purge our cities of the deadly contaminants which foul their atmosphere. I am confident the Congress will lend concrete support to State and local efforts in this area.

How ridiculous such a problem would have seemed to our forebears. How ridiculous even to the Congress of a decade ago. Clean air? We take it for granted, we could say up until just a few years ago. To think that legislators would have to discuss ways and means of preserving air, the one thing the world is full of.

The very fact that we have come to the point in our civilization where legislators discuss the matter is serious in itself. It is serious, nay perilous, because in the course of the workings of our democracy matters reach the legislation stage only at the last critical moment. That means that experts view a given situation with alarm for years before the public picks up the cry and by the time the cry reaches the legislative halls the situation has reached a point where it may or may not be too late to do something about.

The real question before us is not, or should not be, whether or not to enact legislation to control air pollu-

tion. The question that hangs before our civilization is whether or not it is too late to do anything at all. Think for a moment of the news stories over the last few years about air pollution. The fogs, the smogs, the hazes, the smazes. The increase of respiratory diseases. The decline of vegetation and wildlife in our urban areas due, among other things, to bad air.

My State of Colorado has long been noted for its crystal-pure air. In recent years the air pollution in Denver has become a problem. Denver is a thriving metropolis, but the Denver area does not have nearly the population concentration of some of these eastern megalopolises. So suddenly there is air pollution a mile above sea level in only a moderately large population center. And Boulder, a city of some 50,000 souls 27 miles northwest of Denver, now has an air-pollution problem.

Where does it end? Soon there will be no hamlet safe from the poisonous fumes spewing from our modern industrial civilization. There is no course open to us but to enact legislation. Then we sit back and hope and pray that this legislation does not come too late.

I would like to discuss another aspect of the measure which we are considering here today.

The provisions of title II of S. 306, which is known as the Solid Waste Disposal Act, will be of tremendous benefit to the people of the Second District of Colorado. The four major counties I have the good fortune to represent, once predominantly rural in character, are urbanizing at an extremely rapid rate. With the growth and concentration of population the disposal of solid waste has become one of the area's most critical problems. The municipalities and counties in my district are responsible for providing, at the minimum, safe and sanitary places for the disposal of solid wastes, and many of the cities and towns collect refuse as well. In addition, the modified sanitary landfill operation where the city and county of Denver puts most of its solid waste is located in Adams County, part of the Second District. Thus, the counties within my district are the recipients of the solid waste from another jurisdiction as well as being required to provide disposal facilities for waste material from their own jurisdiction. For many years, Denver's refuse was deposited in an open, burning dump which is surrounded by fine residential areas. Fortunately, the practice of open burning by the city and county of Denver at this site was terminated earlier this year. Consequently, the problem of disposing of solid wastes is serious in my district and has placed an overwhelming burden upon its people and local governments.

The local governments of the Second District are not standing by and waiting for someone to solve this problem for them. Instead they are beginning the long, slow, tedious, and costly process of developing better and less expensive methods of collecting and disposing of garbage and refuse. They look to us today to help them by authorizing a nationwide research and demonstration program in this field, a program which will bring the attention of sanitation experts across the country to bear on a situation which will have all of us inundated with waste materials if more adequate methods are not discovered. I believe the programs which have been started by local governments in my district, when coupled with other local programs around the country, will fulfill the purpose of this important legislation.

With your permission, Mr. Chairman, I would like to take a few moments to

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describe a solid waste disposal program which has just been started

on a cooperative basis by the city of Boulder and the county of Boulder. As you know, Boulder County is one of the most beautiful in our Nation, and the city of Boulder, the county seat and home of the University of Colorado, with a population of approximately 50,000, is located at the foot of the Rocky Mountains below the picturesque red sandstone flatirons about 30 miles northwest of Denver.

As early as 1954, the surrounding property owners sued the city of Boulder and asked that the practice of open burning be stopped. Late in 1962, the city was named defendant in a lawsuit in which the plaintiffs asked $750,000 in property damages. As a result of the program which the city has undertaken to correct the hazardous operation of the modified sanitary landfill, the case was recently settled out of court for only $4,000.

In 1962, the Public Health Service, in conjunction with the Boulder City-County Department of Health, conducted an environmental health survey for Boulder County. PHS reported, at the conclusion of the man survey, that the modified sanitary landfill operated by the city of Boulder in an unincorporated portion of Boulder County posed a serious health hazard for the entire county. The refuse deposited at the site was burned in an open pit before being buried, and rats, other rodents, and insects thrived at the dump. Smoke from the burning dump posed a nuisance to surrounding property owners and residents, and rodents and insects invaded surrounding property and homes.

In an effort to provide a sanitary method of disposing of solid wastes in Boulder County, the city and county jointly undertook a comprehensive study of the matter with the assistance of the Federal Government which was provided through the Housing and Home Finance Agency's 701 planning program. As a result of this study, it was discovered that the soil conditions and high water table in Boulder County prevented the successful use of sanitary landfill methods. The high ground water in almost every area of the county led to the conclusion that landfill operations would result in the serious problem of polluting part of the water supply for the county. The poor soil conditions were brought about by shale beds underlying most of the county at very high levels. Consequently, sufficient quantities of desirable cover materials were not available for successful sanitary landfill operations.

These problems were further magnified by the fact that land, the primary ingredient for a successful sanitary landfill operation, is not available in sufficient quantity on an economical basis. Boulder is a growing community, and land values have soared beyond the point where it is economical for the city or the county to acquire land close to concentrated areas of population to devote to this use. To go farther away from the community where the solid waste is produced, would present other problems. The planning study indicated that the cost of hauling refuse to a sanitary landfill which the city or the county could afford to purchase would range from 25 cents to 40 cents per mile. These hauling costs would unreasonably increase the cost of service for the home and business owner. These facts led city and county officials to search for another, less expensive means of solid waste disposal.

In an effort to overcome the health hazards existing as a result of the several open, burning dumps in the county, the board of county commissioners established minimum standards for sanitary landfill operations, and, to date, all of the cities and private operators have made their disposal facilities conform. The county then entered into a contract with a private firm for the operation of a

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composting facility at the county-designated disposal site. The city of Boulder has designated this disposal site as the only place where the private haulers licensed by the city may deposit refuse they collect. The city of Lafayette has taken similar action, and it is hoped that other cities will also abandon their present dump sites and designate the new county disposal area.

The change in Boulder County's appearance has been dramatic since all of this has taken place. The new county disposal site is operated under the close supervision of the Boulder City-County Department of Health, and is a vast improvement over the old sites in terms of public health standards and esthetics. The county, the cities, and the private operator realize that the value of a composting operation in the field of solid waste disposal lies in finding a market for the finished product. Consequently, they have approached Colorado State University with the idea of developing a research and demonstration project at this site for the purpose of illustrating how new ideas of composting can reduce the cost of the final product. I understand that this is just the sort of thing that this legislation is designed to encourage.

We are not authorizing another Federal-aid program by enacting S. 306. Instead, we are recognizing that our Nation is faced with a very serious problem, a problem which will require the imagination and hard work of people at all levels of government if the solution is to be found in time to save the Nation from its devastating effects. Local governments are simply not equipped financially to find this solution by themselves. But their efforts, based on financial and technical assistance from the Federal Government and coordination on a nationwide basis, will be productive.

Gentlemen, there is no single, simple satisfactory solution to the problem of solid waste disposal, as in indicated by the study which the local governments in my district have undertaken. What may work in Boulder County might not be successful in other areas of the country. But enactment of this legislation will permit the exchange of Boulder's ideas with those from other parts of the country, to the end that all parts of the Nation will receive the benefits of this important legislation. Mayor Paul Crouch; his city council; Boulder County Commissioners Joe Smith, W. D. "Ted" McCaslin, and G. B. Akins, Jr.; Robert Turner and Robert Quinlin, the former and present city managers in Boulder; James Kean, assistant city manager in Boulder; and Archie Twitchel, Boulder's assistant director of planning, should be complimented for their devotion to searching for a solution to the solid waste disposal problems of Boulder County, Colo.

Their research and action demonstrates the importance of this problem to local governments of all sizes, and it illustrates to me the importance of our favorable action on S. 306 today.

Mr. HARRIS. Mr. Chairman, I am pleased to yield to the gentleman from New York [Mr. BINGHAM] such time as he may consume.

Mr. BINGHAM. Mr. Chairman, I rise in support of S. 306, the Clean Air Act of 1965. I know of no piece of legislation which has come before this Congress which has wider support among the people of my district. In June of this year, I polled the voters of the 23d Congressional District of New York and asked them whether they favored requiring devices on automobiles to reduce air pollution, even if it resulted in increase of the retail price of cars. Among the 8,000 who responded, 93 percent were in favor of such action, only 4 percent in opposition, and 3 percent were undecided. This was the greatest degree of una-

nimity expressed on any of the dozen queries in my questionnaire.

Mr. Chairman, I believe this demonstrates the fact that the country, at least as far as my district in New York City is concerned, is enthusiastically behind such legislation as this and I join in complimenting the chairman and the members of the committee for bringing forth this worthwhile legislation.

Our concern about air pollution is based on both the increased poisoning of the very air we breathe and our increased awareness of the dangers posed by air pollution. One prime offender is, of course, the automobile.

An excellent study, "Air Pollution in New York City," was issued on June 22, 1965, based on an investigation led by Councilman Robert A. Low. The study concluded:

There can be no doubt that emissions from automobile engines and diesel engines are a major contributing factor to the increasingly undesirable atmospheric conditions existing in New York City and in every city throughout the country.

It has been estimated that 50 percent of our air pollution is caused by the 85 million motor vehicles now being operated in the United States. In view of predictions made this week that automobile sales next year would exceed sales of the 1965 models and the projection for future sales, we can anticipate that the hazards posed by automobile exhaust fumes will increase markedly unless legislation such as S. 306 is adopted and implemented.

Mr. Chairman, this problem is intense in cities such as New York where we have a high concentration of population and an ever-increasing reliance on automobiles. The problem is especially acute for

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our older citizens who are more prone to respiratory disorders.

Passage of this legislation is vital to the people I am privileged to represent, but I must confess that I am not satisfied that the bill goes far enough, so far as the Federal Government's obligation is concerned.

I think it unfortunate that there is no statutory prohibition against Federal Government purchase of vehicles which do not conform to minimum health standards. There is no provision for controlling pollutants from Federal buildings and installations. There is no provision for changes in the Internal Revenue Code to give tax incentive for expenditures and increased investment for the acquisition, construction, or installation of air pollution devices.

I heartily support the pending bill because I regard it as an excellent start in the effort to reduce and control air pollution, but additional legislation will be needed to accelerate the program.

Mr. CUNNINGHAM. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Chairman, as I have listened, and I might say I listened with great interest, to the extended discussion, explanation, and debate on this so-called Clean Air Act, I have felt impelled to express my appreciation to the committee and its chairman for reporting out this legislation.

I do not believe there is any question about the fact that one of the most serious problems facing our society today is the increasing contamination of our environment and air pollution, especially that emanating from motor vehicles which certainly represents a threat to public health.

Mr. Chairman, I have been particularly interested in the fact that title II was added to this bill, having to do with the disposal of solid waste.

Mr. Chairman, the congressional district which it is my honor to represent, the city of Seattle, has been struggling for months seeking to ar-

rive at the most efficient and effective way to dispose of its garbage and waste.

Mr. Chairman, I was particularly gratified to have the chairman of the committee, the distinguished gentleman from Arkansas [Mr. HARRIS], state that this bill basically was a bill to develop research and help the local communities with this problem, but not tell them what to do.

Mr. Chairman, I realize that this is a very difficult problem and that each community should study different ways of meeting it.

I repeat I am very gratified to have the chairman of the committee state that this is basically a research bill and not one of the Federal Government dictating to local communities as to how best to meet this problem.

Mr. CUNNINGHAM. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS. Mr. Chairman, I think I ought to make the observation I am just as anxious to be home and not in Washington on this Friday afternoon as anyone here. Obviously, most of our colleagues have chosen not to be here. Like the rest of us present, I have canceled various speaking engagements. Yet this bill is a serious one. It involves in part II, $90 million.

Before I go to the critical aspect, let me say I am very much impressed with the work done by the committee, the clean air part of the bill, part I.

I think there have been some difficult problems here, and the committee, along with the other body, has done an excellent job. I say that on the basis of the debate on the bill, and also the hearings on the Clean Air Act amendments. What disturbs me is the statement in the minority report, found on page 66. I presume this is a fair statement:

> **Section 202 of title II—solid waste disposal—is a long introduction which attempts to rationalize and justify the whole scheme. This language was not in the bill passed by the other body or in any House bill, but was suggested to the committee by the Department of Health, Education, and Welfare after the hearings.**

I presume, therefore, that the committee did not hold hearings on section 202 and, looking at the committee hearings, I find about the extent of the comment on the solid waste proposition consists of letters put in the record, but no cross-examination of any of the witnesses which, in my judgment, is required if there is to be a study.

I originally was attracted to the problems by the language on page 7 of the committee report itself, where this statement was made—and I am going to read it. Frankly, I would like to know its verification, referring to the problems of solid waste disposal:

> **This is a challenge which State and local governments cannot meet without assistance from the Federal Government. The handling and disposal of solid wastes are costly operations that strain the resources of State and local agencies.**

That is the issue and there has been no substantiation for the statement. I must say to the Members of the House it is the Federal income tax that is under great pressure as far as strain is concerned. It is the Federal Government that is not meeting its bills, and we have to continue to increase the debt ceiling. There certainly has been a great strain on local and State governments with their resources, but they have been meeting their obligations. I was curious to know how the committee could have reached this conclusion that the State and local governments cannot meet this problem without assistance from the Federal Government.

Then, going on, the following statement is made:

> **Approximately $3 billion a year is being spent today for refuse collection and disposal through services provided by local governments and private entrepreneurs.**

I suspect it is probably about that amount of money.

The next statement is the one I want to point up:

In contrast, less than $500,000 annually is being spent to improve methods of solid waste disposal.

That is something that is surely being pulled out of the air, because there are some companies that spend that amount of money themselves in trying to figure out improved methods of solid waste disposal. I can tell you that the $500,000 figure is inaccurate, that it is closer to hundreds of millions a year spent trying to improve the methods of solid waste disposal.

I have introduced bills to give tax credits to private enterprise that will put money into the kind of capital investment necessary to take care of disposing of waste that goes into streams and I might say the disposition of solid wastes. Although a great deal of money is being spent in this area, a great deal of it I will say is on research and development, but a great deal more needs to be spent. In my judgment it would be spent if we would enact legislation similar to the 1962 tax incentive act to encourage our private corporations to invest in modern machinery and get rid of obsolescence. This act gave them an extra tax credit—a tax credit I might say beyond normal depreciation schedules. If this is a good policy, I argue that it would be a better policy to move forward in this area of solid waste disposal in the same fashion.

I do note in the committee report in the letter of the Department of Health, Education, and Welfare which appears on page 20, there is reference to some bills that have been introduced in the tax incentive area—but they just go ahead and dismiss it by saying:

However, we defer to the views of the Treasury Department as to the consistency of the proposed amendments with national tax policy as well as the technical adequacy of these provisions.

Well, there are many ways to skin a rabbit; if we want to move forward in our society, and we all do, to solve this great problem of solid waste disposal, I think the committee has accurately described it, as an increasingly great problem. This needs to be thought of from many angles. We need to develop what really is being done in the private sector and what is being done by our local and State governments rather than simply beg the question as is done in the committee report by saying this is a challenge which State and local governments cannot meet without assistance from the Federal Government.

I again want to call attention to what is increasingly proving to be true, the Curtis corollary to Gresham's law—Gresham's law saying that bad money draws out good money. The Curtis corollary simply says that Government money drives out private money. It does not have to do this but if we are not careful, and we have not been careful, when we move forward with Federal programs instead of encouraging and benefiting the private sector and local and State governments, we will bring about a situation that will lead to the deterioration of the private sector and local and State governments. There will be a substitution of the Federal Government for the local and State governments and private initiative.

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Mr. HARRIS. Mr. Chairman, I yield myself such time as I may require. I do so because I think it is important to comment on some of the statements made by the gentleman from Missouri.

Let me say I appreciate the gentleman's bringing these points to the attention of the committee. First I would refer to the tax credit matter. It is true that the statement which

was included in the Department's report deferred to the Treasury. I would remind the gentleman that the Treasury has also given us a letter which is included in the report on pages 50 and 51 and I think it would be important to take note of that.

In the second place, with reference to tax credits, that is a matter that is with another committee and with which we cannot deal in connection with this program. Like the Department when it deferred to the Treasury, we of the Interstate and Foreign Commerce Committee, defer to the Committee on Ways and Means that has jurisdiction over these problems.

Next, the gentleman from Missouri, I believe, did give the impression, though not intentionally, in reading the language in the report about the challenge which the State and local governments cannot meet, that this has reference to the entire problem of waste disposal.

The gentleman did not include in the statement the first sentence of the paragraph, occurring immediately prior to the sentence he started off reading. The gentleman referred to the challenge and its importance. The first sentence states:

> In the opinion of the committee, immediate action must be taken to initiate a national program directed toward finding and applying new solutions to the waste disposal problem.

That is the challenge which the State and local governments are unable to meet. It is not the actual disposal program itself. It is finding new methods and techniques dealing with the problem.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Missouri.

Mr. CURTIS. The gentleman is making a proper point. Indeed that is so. But you then go on, in the final sentence, to say:

> In contrast, less than $500,000 annually is being spent to improve methods of solid waste disposal.

That is the point I was contesting.

Mr. HARRIS. The gentleman did make that very appropriate point. We did not intend to convey the impression that that amount was all of the funds being spent in that field. We had in mind that this amount is what the Government is spending in the field.

Mr. CURTIS. I see.

Mr. HARRIS. What we had reference to was that in the 1965 budget the total of all solid waste research would include 12 grants amounting to $393,747. We did not include or attempt to include what was being spent in the private sector.

Mr. CURTIS. Mr. Chairman, will the gentleman yield further?

Mr. HARRIS. I yield.

Mr. CURTIS. I thank the gentleman. In other words, that is what the Federal Government has been spending.

Mr. HARRIS. Yes. That is the information we intended to convey.

Mr. CURTIS. I think the gentleman acted properly in directing attention to that sentence I did not read. I was not trying to confuse the matter. The gentleman has clarified it.

Mr. HARRIS. Yes; I understand thoroughly. I thank the gentleman for calling the point to the attention of Members, particularly the reference to the total amount of the research expenditure, which is included in the report. We intended to mean the amount of Government funds going into that field.

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Mr. KING of Utah. Mr. Chairman, I wish to express my support for S. 306 on behalf of the smaller and medium-sized cities and counties of my district. The municipal and county officials of my district are confronted with the overwhelming problem of disposing of solid wastes, and they are,

therefore, extremely interested in our action on what is known as the Solid Waste Disposal Act portion of this legislation.

During my travels throughout my district, I have noted that there are far too many open, burning dumps scarring the countryside. However, I recognize fully that the local governments of such communities as Provo, Salt Lake City, and Orem lack the financial resources to research the disposal of this waste material by more suitable methods. This legislation, if acted upon favorably, will authorize the expenditure of funds for the development and demonstration of new and less expensive solid waste disposal techniques. Even if the cities and counties of my district do not actively participate in the program, this legislation will help develop and make available new techniques which will be available to all cities. The new techniques should make solid waste disposal less expensive and more effective for all. For these reasons I urge the adoption of S. 306 as reported by the Committee on Interstate and Foreign Commerce.

Mr. HELSTOSKI. Mr. Chairman, the Clean Air Act of 1963, Public Law 206 of the 88th Congress was signed by President Johnson on December 17, 1963, and set into motion a process of stimulating our national efforts to control and abate the pollution of our Nation's air.

Although this act was far reaching in its effects, such as financial aid for control programs, expanded research into the sources and control of air pollution from the gaseous emissions of automobiles and fuel consumption of industrial plants, it was only the beginning of a program which requires the attention of Congress to further enhance the effectiveness of the present law.

The legislation which we have before us today would help meet the objectives as proposed by President Johnson that we end "the poisoning of the air we breathe" and called upon us to "prevent the pollution of our air before it happens."

The millions of motor vehicles which jam the highways and expressways of this country are the main culprits in the pollution of our air and some efforts should be taken to reduce these pollutants.

While our national air pollution, at the present time, is due chiefly to automobile exhausts, smoke discharges from industrial plants, and disposal of solid wastes contribute much to the overall picture of air pollution. Our increasing population, the expansion of urban and suburban areas, the additional consumption of energy-producing fuels and industrial development and expansion have all added to the creation of solid wastes which are disposed of by burning in open dumps or land fills. These methods are a prime factor in creating a polluted atmosphere for miles around such a disposal facility.

With the rise of cities, human beings have been forced to think of air as a resource, for air pollution is a sickness of the cities. It comes about almost entirely through the burning of fuels and wastes. The cure for the worst kinds of air pollution is to prevent noxious combustion products from entering the air. But the laws of physics make it virtually impossible to keep carbon dioxide, which is the principal product of combustion, out of the air.

It has been predicted that by the year 2000, the amount of atmospheric carbon dioxide may have increased by about 50 percent; and many believe that this will have a considerable effect on the world's climate, but nobody has been able to make a convincing guess about just what that effect will be.

The effects of air pollution on the lives and well-being of our pollution are numerous and burdensome. Air

pollution endangers public health, damages and destroys property, offends the senses, and frustrates the universal desire for clean and comfortable surroundings.

The past decade has seen a change in the public's attitude toward air pollution. Formerly the tendency was to deplore the contamination of the air but to regard it as one of the inescapable adjuncts of urban life. Now there is a growing realization that our polluted air is more than a nuisance, and presents hazards to health, and that in any case the pollution of the air will grow worse unless something is done about it.

The legislation before us today will provide for the necessary programs to combat air pollution and aid in the proper disposal of solid wastes, which contribute greatly to contamination of the air.

Another problem which we must face and make every effort to correct is the emission of fumes and smoke from industrial plants. This is a major factor in the pollution of air in the communities in which such industry is located and very costly to the residents of these areas because of the corrosion effect on buildings and paints.

The soot, ash, and chemical components of the smoke and fumes emitted by the smokestacks of industrial concerns cause many respiratory ailments. We must take action to make sure that these industrial concerns will be the beneficiaries of some incentive to install devices which will lessen or completely eliminate this particular source of air pollution.

In my own district, the Ninth of New Jersey, there are 39 separate communities. Each of them has the same common problem of combating air pollution, which constitutes a substantial everyday experience. Any assistance which the Federal Government can give these communities will be a great step forward in the development of systems which will curtail or greatly diminish the air pollution created by harmful emission of various types of pollutants.

Any money which the Government will spend for research of this topic is money well spent and can be justified when the research is for the benefit of all the citizens of this country.

Polluted air combined with stagnant air is not only costly, but hazardous. Such a combination, by reducing visibility, creates a very real danger to air and land transportation.

As an example, the New Jersey Turnpike Authority is compelled to close that superhighway at least 20 times a year when smog aggravates conditions already made bad by weather situations. Where the turnpike continues through

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the highly industrialized northeast section of the State, smog causes many motorists to miss their desired exits.

Last November, a two-car collision on the turnpike was blamed directly on poor visibility because of smog. And, there were many incidents where car pileups occurred because the visibility was reduced to zero. And who was the villain in these accidents? Smog—a combination of smoke and fog.

Aircraft operations out of Newark were also hampered by reduced visibility. As far back as 1946, a survey was conducted on this matter and it showed that smoke, alone or in combination with fog, lowered the visibility to less than 6 miles every second day of the year.

Aggravation of poor weather conditions by pollution results in delays in landings and takeoffs at busy airports. At times entire flights are cancelled because of the difficulty of making a safe takeoff due to poor visibility. This is an inconvenience to the traveler and very costly to the carrier.

The average individual, on the streets of any community in these

United States does not care to take up the fight for the principle of clean air. We are surrounded not only by dirty air but by public apathy. Because of this, we as Members of Congress, representing the people of the entire United States should take the initiative and provide for legislation which will clean up the air we breathe at the rate of 15,000 gallons per day.

For a richer and healthier life, under clean skies, we should take a three-step approach to this problem.

First. Impress upon the automobile manufacturers to install antipollutant devices upon every motor vehicle leaving the factory. If this cannot be done on a voluntary basis then this Congress should enact legislation to make such installations mandatory.

Second. Take steps to find a method to reduce the sulfur content in fuels used by industry which contribute so much to the pollution of the air around these industrial centers.

Third. Waste disposal problems should be solved in such a way so as to end the overburdening of our cities' incinerators and the open burning of rubbish.

If we do anything less than this we are neglect in our duty to the people of our Nation. I am sure that the legislation before us at this time will be far reaching toward finding a solution to this problem to provide a healthier climate around us.

Mr. GIBBONS. Mr. Chairman, today this House has an opportunity to take a significant step forward in the battle to eliminate air pollution.

The great 89th Congress can add another major accomplishment for the good of the American people to its already lengthy list. For today, we deal with the most basic ingredient there is—the very air we breathe and its pollution which causes untold human suffering and the loss of millions of dollars each year in property and crop loss.

Today, we have before us for consideration, S. 306, which would direct the Secretary of Health, Education, and Welfare to prescribe a set of standards requiring all cars manufactured or imported into the United States, to be equipped with exhaust-control devices which will limit the amount of pollutants emitted into the atmosphere.

There is an obvious national need for this legislation. For there is a mountain of scientific evidence linking air pollution to the aggravation of heart conditions, and increases in susceptibility to chronic respiratory diseases, particularly among older persons, eye irritation, and even rickets. More recently, there is growing evidence that air pollution may play an important role in the growth of cancer among the American people.

This bill, reported out by the House Interstate and Foreign Commerce Committee, last month, would empower the Secretary of Health, Education, and Welfare to establish these standards for control of air pollution caused by gasoline and diesel engine exhaust. No time limit was set in the bill reported by the committee, but the standards are to be established as soon as practicable.

After establishment, manufacturers of automobiles must apply to the Secretary of HEW for certification to see if their products conform to the standards. The standards must be met, either by redesign of engines, or application of devices. The bill, as reported, sets penalties if these standards are not met.

Mr. Chairman, air pollution is a major national problem. It is a curse, affecting the lives and the fortunes of untold millions of our fellow Americans. Air knows no State lines or city limits. Economic damage from air pollution amounts to as much as $11 billion annually. That is more than 10 percent of the entire money we spend in 1 year to run the Federal Government.

The State of California, to its great credit, through legislation, has had the foresight to establish such standards for all cars manufactured or imported in that State with the 1966 model year. The question which I should like to pose is this: Why, if the American auto industry is required by one State to implement such standards, should not the entire country have the benefit of them also?

Cars take us everywhere today. They criss-cross State lines in hours or even minutes. Here in the vast complex centered about the Nation's Capital, with the help of our wonderful Federal Interstate System, an individual can cross into three different jurisdictions, Virginia, the District of Columbia, and Maryland in mere seconds.

We have wasted far too much time as it is. I, for one, do not believe we can afford to waste any more. Far too much of far too great a value depends upon this course of action. The American auto industry has the technical know-how to do the job. They have had to do it in the State of California. Why should not all the American people have the benefit of this knowledge?

Earlier this week, this House took action for more effective prevention of pollution of our Nation's waterways. Today, we have a great opportunity to go on record as firmly committed to fighting the pollution of our most precious ingredient for life itself, the very air we breathe.

Mr. Chairman, I look upon this legislation, not as Federal interference. Rather, I look upon it as a sane, national policy approach to a problem of national scope.

As author of legislation similar in nature to S. 306, I strongly urge my colleagues to support this bill's passage. Poisonous air threatens to choke this Nation. Let us fight back. Let us overcome this problem.

Mr. HOWARD. Mr. Chairman, today we are being given the opportunity to pass one of the most important pieces of legislation in the history of this body, the Clean Air and Solid Waste Disposal Act.

This Congress has made great strides in such areas as medical care for the aged, water pollution control, and civil rights. Yet, there can be no pride in our past achievements unless we meet one of the most serious challenges which faces this country today—air pollution.

On June 28 of this year I introduced H.R. 9479 which would make it mandatory that a number of new devices, including an air-pollution control unit, be included on all new cars. Passage of this bill today will not satisfy all of the provisions of my legislation but it will force compliance with the air pollution control section.

I draw upon testimony taken in my own State of New Jersey to show that even the automobile manufacturers favor such Federal legislation as we are to vote on here today.

In May a legislative commission concerned with air pollution control in New Jersey heard testimony from Karl M. Richards of the Automobile Manufacturers Association. Mr. Richards said that chaos would result if the automobile industry had to meet different standards as proposed by different States. Therefore, Mr. Chairman, I think this indicates that we must handle this problem at the Federal level today.

In our society we are always concerned with the living conditions of those in this country and abroad. We commiserate with those less fortunate. And yet, we allow our entire Nation to live in an open-air sewer, with some areas of concentration worse than others.

Today there are more than 85 million motor vehicles in use in the United States and each and every year that figure increases. Pollution-control devices on such vehicles would

not end our air pollution problem but it would go a long way toward easing this problem.

There are those who will not support the bill, claiming they are not against air pollution control but merely want "more study." In my opinion "more study" is an excuse to slow down or to completely postpone the legislation we need today.

Only last month, meteorologist Morris Neiburger, a University of California professor, had some shocking facts about air pollution.

He said:

All civilization will pass away, not from a sudden cataclysm like a nuclear war, but from gradual suffocation in its own wastes.

[P. 25062]

This professor predicted that if mankind continues as it is filling the atmosphere with the poisonous fumes of automobiles, it will make the planet uninhabitable within 100 years.

I do not quote this professor to frighten anyone into voting in favor of this legislation. I quote him and list a number of other reasons to dramatize how serious a problem air pollution is in this great Nation today.

I urge everyone in this House to support this bill today and all other effective antiair pollution measures which come before us in the future.

Mr. ROOSEVELT. Mr. Chairman, I rise in support of the Clean Air and Solid Waste Disposal Acts. As my colleagues know, I am not an engineer, nor am I a specialist in the various ways of disposing of the mountains of solid waste accumulated each day in our country. I became interested in the subject, however, because the problem is daily becoming more acute in California and in other States which are experiencing rapid growth in terms of population, agriculture, industry, and commerce.

In statements presented to the House of Representatives at the time I introduced legislation on solid waste disposal last year and again early in this session, I described the national solid waste situation in some detail, based on information I had received from conversations with, and through reading articles by many people who know most about this problem. I learned that we have within our means the technological resources to grapple with the problem and work toward a solution, and I am very gratified that the bill now under consideration gives recognition to the urgency for immediate attention.

Mr. RYAN. Mr. Chairman, in this country we can no longer afford to exploit our natural environment and waste its resources, whether those resources be our forests, our soil, our water—or our air.

We have known for some time that air pollution is a killer. It is a catalyst for some of our most serious respiratory and other diseases; it is an allergen; it is an irritant. The contaminants which pollute our air are not only dangers to our health; they cause economic losses amounting to nearly $12 billion per year in damaged property and crops. Air pollution affects our weather, our appearance, and even our outlook.

At first air pollution was tolerated out of sheer ignorance. Now it is tolerated out of an unwillingness to spend the money necessary to combat it.

Air pollution shortens our life span, darkens our skies and dims our landscape.

We cannot afford not to combat it.

In New York City there is no such thing as a breath of fresh air. We have the dirtiest air of any major city in America. Sixty tons of large particles fall on every square mile every month in our city. We breathe 50 percent more sulphur dioxide, a potential killer, than residents of any other major city.

Every day 500,000 automobiles come into New York, spewing hydrocarbons, nitrogen oxides, and aldehydes

into our air. These automobiles cause between a third and a half of our air pollution. Many of these automobiles are from out of State, and New York needs help in controlling the exhaust from these motor vehicles.

We are not alone. All major cities have this problem. With a burgeoning and mobile population, air pollution cannot be adequately controlled or finally eliminated by sporadic local action.

Mr. Chairman, the bill before us today to amend the Clean Air Act of 1963 is a necessary adjunct to the program to arrest and eliminate air pollution.

This bill will enable us to begin the elimination of pollution from motor vehicles by the encouragement of research and the establishment of standards for minimum pollution. It will authorize the Secretary of Health, Education, and Welfare to accomplish that task and to assist in the institution and conduct of research toward better methods of disposing of solid wastes from industry and domestic living.

Large metropolitan areas like New York are having increasing difficulty finding ways of disposing of vast quantities of waste materials from home and industry. Our yellow-green rivers and brown skies are adequate testament to that difficulty.

In addition to the ordinary 5 million tons of refuse which New York must dispose of every year, the city has to find ways of disposing of another million tons of construction wastes. Large timbers and concrete blocks, and other materials do not lend themselves to use as land fill. Shredding, breaking and burning, the current methods, add cinders and pulver to the air and refuse to the sea.

There is an urgent need for new solutions.

Earlier this session, the President sent to the Congress a persuasive message on the need for water and air pollution control and other conservation programs. He stated:

> **The increasing tempo of urbanization and growth is already depriving many Americans of the right to live in decent surroundings. The modern technology which has added much to our lives, can also have a darker side. Its uncontrolled waste products are menacing the world we live in, our enjoyment, and our health.**

I have spoken on this subject many times, dealing with the acute problems of New York in particular. It is essential to control pollution from motor vehicles. This bill will help to control it. We need research for good economic methods for effecting that control. This bill will provide assistance for this research.

We need solutions to our solid waste disposal problems. This bill will provide the assistance for that research.

At last Congress has recognized this problem and begun to deal with it. The problem becomes more complex, difficult and expensive with every day that passes. This legislation will begin to cope with the disposal of wastes that cause 50 percent of our air pollution.

Mr. Chairman, it is time we stopped killing ourselves.

Mr. TUPPER. Mr. Chairman, it is most satisfying to have the privilege of voting for legislation that will improve the purity of the air we breathe. For far too long we have allowed our atmosphere to be polluted and the health of our citizens endangered. For too many years we have permitted automobile manufacturers to sell a product that emitted the most harmful agents into the air.

There is no subject that deserves more attention than the matter of environmental pollution. The hour is getting late and Congress must do much more to attack this serious problem. This legislation, S. 306, is desperately needed, and we owe it to those we represent to support it wholeheartedly.

Mr. REUSS. Mr. Chairman, I rise in support of S. 306, the Clean Air and Solid Waste Disposal Acts. I particularly want to stress the importance of those sections of title I of the bill, which amends the Clean Air Act of 1963, authorizing the Secretary of the Department of Health, Education, and Welfare to establish standards for controlling the emission of air polluting substances from the engines of automotive vehicles.

Polluted air in metropolitan areas is a health hazard which cannot be ignored any longer. Most frequently it is the automobile which is the predominant contaminator. As the automobile population grows the problem becomes more acute.

The immediate problem is serious. One substance from automobile exhaust that becomes a part of the air is a hydrocarbon known as benzpyrene, which tends to induce cancer. Carbon monoxide and oxides of nitrogen, both of which have varying degrees of ill effect on health, are also emitted into the air by automobiles. Breathing New York City air, for instance, is like smoking two packs of cigarettes a day. Furthermore, lead poisoning can result from the breathing of air polluted by the exhaust of automobiles burning leaded gasoline.

The long-term consequences could also be serious. Prof. Morris Neiburger, of the University of California, at Los Angeles, an expert on air pollution, has predicted that polluted air could, over a long period of time, smother civilization to death unless the problem is brought under control.

Therefore, the bill before us today is extremely important to the health and welfare of Americans. Air pollution by automobiles needs to be reduced as much as possible. This can only be accomplished if the Federal Government sets standards applicable throughout the country. The bill should be enacted promptly.

PROPOSAL WILL NOT ELIMINATE THE PROBLEM

However, we would be deluding ourselves if we believed that the enactment of this legislation will completely eliminate automotive air pollution. No device is currently available, nor is one anticipated, which will totally eliminate the emission from automobiles of substances which pollute the air.

In a paper presented at a panel discussion on air pollution at the board of directors meeting, National Petroleum

[p. 25063]

Refiners Association, Washington, D.C., on September 20, V. G. MacKenzie, Assistant Surgeon General, Chief of the Division of Air Pollution, Public Health Service, Department of Health, Education, and Welfare, described the problem. He said:

A limited technical capability has been developed for the reduction of certain emissions (hydrocarbons and carbon monoxide) from automobiles but for certain other pollutants no such capability is yet available. As we look into the future two elements of the problem demand action and planning:

(a) As the automobile population rises in the future there is justifiable reason for technical concern that the problems inherent in controlling hydrocarbons and carbon monoxide from the current type of spark ignition engine may necessitate the development of propulsion systems for automobiles radically different from those which are currently in use. Some estimates have been made which show that the application of carbon monoxide and hydrocarbon controls to the type of engine currently may be expected to hold the line until about 1980, after which time the increased number of motor vehicles on our streets and highways would result in a worsening of the situation.

(b) We cannot be complacent either about certain of those pollutants from motor vehicles for which we do not now have technical means of control. Prominent among these are oxides of nitrogen and lead contamination. As the great increase in the use of fossil fuels forecast for the next half century materializes, oxides of nitrogen emissions will have to be controlled; these are ubiquitous pollutants which arise from all combustion processes and

are already of concern in some jurisdictions of this country.

With respect to lead contamination, studies indicate that the margin of safety against physiologic damage among some elements of our population is relatively narrow; indeed, there are those who claim that this margin is already too small. In any event when we consider the increase in the use of motor vehicles forecast for the future, simple arithmetic suggests that if we continue on our present path this margin of safety inevitably will disappear.

Maintenance of emission control devices is an additional problem. Even if the device is 100 percent effective when new, it will, like all other parts of the automobile, deteriorate with use. The device will have to be properly serviced and periodically replaced in order to insure that it is operating to maximum effectiveness. Periodic inspections by local officials could provide some control over this problem, but that would not be sufficient. The truth is that the automotive air pollution problem cannot be eliminated entirely through the approach prescribed in this legislation; it can only be alleviated.

The problem is compounded by the fact that the automobile population is growing at a rapid rate. In 1963 there were 80 million automobiles in the country. By 1980 there will be an estimated 120 million, an increase of 50 percent. The combination of these two factors—the lack of complete effectiveness on the part of the automotive devices and the rapid rise in the number of automobiles—will probably leave us no better off in 1980 than we are today. And the situation today simply is not good enough.

NEW MODES OF URBAN TRANSPORT NEEDED

The major reason that polluted air hangs so heavily over our cities is that the automobile is the principal mode of intraurban transportation. If cities had better systems of public transportation, systems that were more attractive to the urban traveler than the automobile, he would leave his automobile at home and take the public transport system.

Unfortunately, the public transportation systems available today are not more desirable than the automobile because they do not offer the same convenience. What people want in a transport system is an individual vehicle which is ready to leave when they are and will take them directly to their destination without the need of transferring. Until such a system, with vehicles powered other than by the internal combustion engine, is developed, the urban traveler will continue to breathe air that is damaging to our health.

RESEARCH COULD DEVELOP NEW TRANSPORT SYSTEMS

There are on the drawing boards today plans for new modes of urban transport which could meet the problem. The commucar designed by a group at the Massachusetts Institute of Technology, the starrcar proposed by the Alden Self Transit Corp. in Westboro, Mass., and the teletrans system conceived by the Teletrans Corp., of Detroit, could possibly satisfy the requirements for good urban transport. But much more work needs to be done on them before they can be fully developed, or made operational. Because of the expense involved in this undertaking, it is virtually impossible for private corporations to complete this task without financial assistance from the Federal Government, but none is forthcoming under existing programs.

In order to make it possible for the Federal Government to assist in the research and development of these systems, I recently introduced legislation—H.R. 9200—authorizing a 2-year, $20 million program to achieve a technological breakthrough in the development of new modes of urban

transport. The bill would amend the Mass Transportation Act of 1964, the only Federal program directed at alleviating the urban transport problem, and make it mandatory that the research be undertaken. The program contains a mandate to develop new systems which can carry people quickly, safely, and economically from place to place within urban areas, without polluting the air, and in such a way as to meet the needs of the people for individual transport, while at the same time contributing to good city planning.

To date 21 other Members have introduced identical legislation: the gentleman from Ohio [Mr. ASHLEY], the gentleman from Texas [Mr. CABELL], the gentleman from New York [Mr. FARBSTEIN], the gentleman from Minnesota [Mr. FRASER], the gentleman from Ohio [Mr. GILLIGAN], the gentlewoman from Michigan [Mrs. GRIFFITHS], the gentleman from New York [Mr. HALPERN], the gentleman from New Jersey [Mr. JOELSON], the gentleman from Maryland [Mr. LONG], the gentleman from New York [Mr. MCCARTHY], the gentleman from New Jersey [Mr. MINISH], the gentleman from Pennsylvania [Mr. MOORHEAD], the gentleman from New York [Mr. MULTER], the gentleman from Illinois [Mr. RONAN], the gentleman from California [Mr. ROOSEVELT], the gentleman from New York [Mr. ROSENTHAL], the gentleman from Wisconsin [Mr. STALBAUM], the gentlewoman from Missouri [Mrs. SULLIVAN], the gentleman from Ohio [Mr. VANIK], the gentleman from Georgia [Mr. WELTNER], and the gentleman from Illinois [Mr. YATES].

The administration this year has committed itself to the development of new high-speed ground transportation systems for between-city travel at an estimated cost of $90 million over a 3-year period. It has also recently earmarked an additional $140 million in Federal funds for the research and development of a supersonic transport. It is time it took the same initiative in supporting a program for improvement of transportation within cities, the most critical transportation problem that confronts us today.

Mrs. DWYER. Mr. Chairman, there are many and compelling reasons for supporting the pending bill, S. 306, the Clean Air Act amendments.

Air pollution has become in recent years perhaps the most serious threat to the health, welfare, and comfort of the American people which faces us today. The contamination of the atmosphere on which we depend for life-giving air comes from a variety of sources—auto exhaust, waste disposal, industrial powerplants, manufacturing facilities, and many others—and the damage it does to property of all kinds has reached an estimated $18 billion a year. More important, medical authorities now consider air pollution to be a cause or major contributing factor in such killing and crippling diseases as cancer, heart and lung disease, and respiratory problems generally.

In the context of the danger, relatively little has been done to control and eliminate air pollution and to conserve clean, fresh air. Consequently, the problem has greatly outpaced our meager efforts to solve it. Pollution levels, in fact, have exceeded the rate of growth of our population, which means that the average American is putting a greater volume of poisons into his and his neighbor's air than ever before.

The principal means by which this dubious record has been reached has been automotive exhaust—the source, according to almost all authorities, of approximately 50 percent of the national air pollution problem. We have today about 83 million automobiles, trucks and buses in use in the United

States, and the ratio of motor vehicles to human beings has been growing rapidly. Any place inhabited by 50,000 or more people has an automatically serious air pollution problem. And no area of the country, urban, suburban or rural, is free from the hazard.

Close behind the motor vehicle are the powerplants, incinerators, and smoke-

[p. 25064]

stacks of industry which contribute nearly an equal proportion of the fumes and filth which clog our air and choke our throats.

The present bill would deal with both sources of pollution, auto exhaust, and solid waste disposal. It will help bring closer the mandatory installation on new cars of devices to reduce the volume of harmful hydrocarbons and carbon monoxide which have poured unimpeded from the exhausts of tens of millions of cars. It will also help prevent new air pollution before it gets out of hand, improve research and development facilities, and initiate an attempt to find new, safer, and more sanitary ways of disposing of solid wastes like garbage, rubbish, refuse, debris, and so forth, which pollute both the air and water.

This is not a very radical bill, Mr. Chairman, nor does it go as far as many of us—alarmed at the speed with which air pollution is endangering the total environment—believe we should go in simple self-defense. It is a welcome step forward, albeit a modest one, and if it is backed by adequate funds and effective enforcement it can make a substantial difference in the battle against pollution.

We who live in the intensely populated and heavily industrialized areas of the Nation—and New Jersey is first on both counts—are especially sensitive, not to say vulnerable, to air pollution. We produce on a daily basis an enormous volume of pollutants and when air inversions trap the pollutants under layers of warm air, the entire area becomes a vast aerial garbage heap. In New Jersey, this happens about 40 times a year.

The nature of the danger has been dramatically and tragically illustrated in the smog attacks of recent years in Donora, Pa., London, and New York City, where hundreds of people have died and thousands more were seriously ill as a direct result of prolonged exposure to concentrated poisons in the air. Less than 3 years ago, much of our east coast was caught in a giant air inversion situation which, had it lasted just a few more days, would have resulted in mass death and sickness. Older people and those suffering from respiratory weaknesses of one kind or another are the first victims. But air pollution knows no boundaries and its impact on the young and healthy can be just as destructive, just as disabling on a long-term basis even at low concentrations.

Faced with such dangers, Mr. Chairman, our efforts to date have been paltry indeed. Today's legislation will help, but much more needs to be done at all levels of government, Federal, State, and local. The threat is great and it is growing. Air pollution is an enemy to all and it must be fought by all.

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The question was taken; and there were—yeas 294, nays 4, answered "present" 1, not voting 133 * * *.

* * * * *

So the bill was passed.

[p. 25072]

1.1f(3)(d) Oct. 1: Senate concurred in House amendments, pp 25847; 25850–25851

AMENDMENT OF CLEAN AIR ACT

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 306) to amend the Clean Air Act to require standards for controlling the emission of pollutants from gasoline-powered or diesel-powered vehicles, to establish a Federal Air Pollution Control Laboratory, and for other purposes, * * *.

[p. 25847]

Mr. MUSKIE. Mr. President, Mr. Cohen's letter provides answers on three specific questions I raised with Secretary Gardner. I shall refer to these in the course of my remarks.

The first major difference between the two versions of the bill is in the section dealing with restrictions on automotive exhaust emissions from new cars. The bill, as passed by the Senate, required that these restrictions be applied by September 1, 1967—in other words, on the 1968 model year cars. The House version dropped the date, leaving the time of application to the discretion of the Secretary of Health, Education, and Welfare.

I have been assured by Chairman HARRIS that it was not the intention of the House that the application date of the standards for automobiles go beyond the date specified in the Senate bill. Secretary Gardner reassured me on this point. Acting Secretary Cohen's letter says:

Testimony from the automobile industry indicated that control systems could be applied on the 1968 models, and we see no reason to delay the application of standards beyond that period. It is our intention to promulgate our initial regulations in time for application to the 1968 model year.

I have been advised by the Department of Health, Education, and Welfare that the regulations can be promulgated within the next couple of months and that the automobile industry has assured the Department that under those circumstances it can meet the deadline. The members of the Subcommittee on Air and Water Pollution expect that date to be kept and will watch developments under this section closely.

The House version dropped a Senate provision calling for the development of criteria on diesel exhausts and incorporated new diesel engines under the general authority to establish standards on automotive exhausts.

The Senate subcommittee was concerned because, as of the time of our hearings and since, we have received no information to indicate sufficient technological knowledge to control diesel emissions through engine modifications or devices. The Department shares this concern and has advised us in Acting Secretary Cohen's letter that—

Although the House amendment would permit the application of exhaust standards to diesel-powered vehicles as well, we do not intend to apply standards until we are satisfied that the technology of diesel exhaust control is sufficiently developed.

The House made changes in the inspection provisions of S. 306, but the committee is satisfied that the differences will not reduce the effectiveness of the Department's surveillance and control over compliance with standards established under the act.

There is a minor change in the control over cars destined for export. The Sen-

[p. 25850]

ate version required that such cars comply with standards in the country of destination. The House version

leaves such controls to the importing country. We have no objection to this change.

The House places ceilings on the authorizations for administrative funds. We do not consider these as limiting the effectiveness of the program.

Both versions of S. 306 contain amendments to the Clean Air Act authorizing enforcement procedures in cases where pollution from the United States endangers the health or welfare of persons in another country. The House amended the Senate version to make this provision applicable only in those cases where there is a reciprocal agreement with the affected country. The subcommittee does not object to this change.

The House added an amendment to the Clean Air Act which permits the Secretary to call a conference where there is a potential interstate pollution problem of substantial significance. The subcommittee was concerned that this provision not be used as an excuse to avoid enforcement in existing cases and that it not be used to interfere in those States where there are established air pollution control enforcement programs.

The Department has reassured us on both points in Mr. Cohen's letter:

> We do not intend to administer this provision as a substitute for the abatement procedures now contained in the Clear Air Act. Moreover, we do not intend to apply this provision in situations where the affected States have established their own air pollution control enforcement programs.

Mr. President, these are the differences between the two versions of S. 306 which concerned us. We are satisfied that the Senate can accept the House version, knowing that we will have improved the Clean Air Act, taken a major step toward the control of automotive exhausts, and started a new program for the control of solid waste disposal. I urge that the Senate concur in the House amendments.

In closing, Mr. President, I want to express my appreciation to my colleagues on the Subcommittee on Air and Water Pollution and to the staffs of the Public Works Committee and the committee members for their contribution to the bill. I want to commend the members of the House committee, and particularly Chairman HARRIS, for the contribution they have made to the improved Federal program for the control and abatement of air pollution.

Mr. President, I move that the Senate concur in the House amendments.

* * * * *

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

[p. 25851]

1.1g CLEAN AIR ACT AMENDMENTS OF 1966

October 15, 1966, P.L. 89–675, 80 Stat. 954

An Act To amend the Clean Air Act so as ot authorize grants to air pollution control agencies for maintenance of air pollution control programs in addition to present authority for grants to develop, establish, or improve such programs; make the use of appropriations under the Act more flexibel by consolidating the appropriation authorizations under the Act and deleting the provision limiting the total of grants for support of air pollution control programs to 20 per centum of the total appropriation for any year; extend the duration of the programs authorized by the Act; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Clean Air Act Amendments of 1966."

CONSOLIDATION OF APPROPRIATION CEILINGS

SEC. 2. (a) Section 306 of the Clean Air Act is amended to read as follows:

"SEC. 306. There are hereby authorized to be appropriated to carry out this Act, $46,000,000 for the fiscal year ending June 30, 1967, $66,000,000 for the fiscal year ending June 30, 1968, and $74,000,000 for the fiscal year ending June 30, 1969."

(b) Section 209 of such Act is hereby repealed.

AUTHORIZATION OF MAINTENANCE GRANTS FOR AIR POLLUTION CONTROL PROGRAMS AND REMOVAL OF 20 PER CENTUM CEILING

SEC. 3. (a) (1) Subsection (a) of section 104 of the Clean Air Act (42 U.S.C. 1857c(a)) is amended to read as follows:

"SEC. 104. (a) The Secretary is authorized to make grants to air pollution control agencies in an amount up to two-thirds of the cost of developing, establishing, or improving, and grants to such agencies in an amount up to one-half of the cost of maintaining programs for the prevention and control of air pollution: *Provided,* That the Secretary is authorized to make grants to intermunicipal or interstate air pollution control agencies (described in section 302(b)(2) and (4) in an amount up to three-fourths of the cost of developing, establishing, or improving, and up to three-fifths of the cost of maintaining, regional air pollution control programs. As used in this subsection, the term 'regional air pollution control program' means a program for the prevention and control of air

pollution in an area that includes the areas of two or more municipalities, whether in the same or different States."

(2) Subsection (b) of such section 104 is amended by striking out "under" in the first sentence and inserting in lieu thereof "for the purposes of", and in the next to the last sentence by inserting a comma after the word "funds" and adding "for other than non-recurrent expenditures," and in the same sentence after the word "pollution", the word "control." Such next to the last sentence is further amended by inserting immediately before the period at the end thereof the following: "; and no agency shall receive any grant under this section with respect to the maintenance of a program for the prevention and control of air pollution unless the Secretary is satisfied that such grant will be so used as to supplement and, to the extent practicable, increase the level of State, local, and other non-Federal funds that would in the absence of such grant be made available for the maintenance of such program, and will in no event supplant such State, local, and other non-Federal funds".

(b) Subsection (c) of such section 104 is amended to read as follows:

"(c) Not more than 12½ per centum of the total of funds appropri-

[p. 954]

ated or allocated for the purposes of subsection (a) of this section shall be granted for air pollution control programs in any one State. In the case of a grant for a program in an area crossing State boundaries, the Secretary shall determine the portion of such grant that is chargeable to the percentage limitation under this subsection for each State into which such area extends."

Approved October 15, 1966.

[p. 955]

1.1g(1) SENATE COMMITTEE ON PUBLIC WORKS

S. REP. No. 1361, 89th Cong., 2d Sess. (1966)

CLEAN AIR ACT AMENDMENTS

JULY 7, 1966.—Ordered to be printed
Filed under authority of the order of the Senate of June 30, 1966

Mr. MUSKIE, from the Committee on Public Works, submitted the following

REPORT

[To accompany S. 3112]

The Committee on Public Works to which was referred the bill (S. 3112) to amend the Clean Air Act so as to authorize grants to air pollution control agencies for maintenance of air pollution control programs in addition to present authority for grants to develop, establish, or improve such programs; make the use of appropriations under the act more flexible by consolidating the appropriation authorizations under the act and deleting the provision limiting the total of grants for support of air pollution control programs to 20 percent of the total appropriation for any year; extend the duration of the programs authorized by the act; and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

PURPOSE

The purpose of S. 3112 is to—

(1) Consolidate into one section appropriation authorizations to carry out the Clean Air Act, as amended, and to authorize appropriations of $46 million for the fiscal year ending June 30, 1967, $70 million for the fiscal year ending June 30, 1968, and $80 million for the fiscal year ending June 30, 1969.

(2) Authorize the Secretary to make grants to air pollution control agencies in an amount up to one-half of the cost of maintaining programs for the prevention and control of air pollution.

(3) Authorize the Secretary to make grants to intermunicipal or interstate air pollution control agencies in an amount up to

[p. 1]

three-fifths of the cost of maintaining regional air pollution control programs.

(4) Remove the limitation that no more than 20 percent of the sums appropriated annually under the act may be used to make grants for support of air pollution control programs.

(5) Provide that in determining eligibility for a program grant the Secretary shall not consider nonrecurrent expenditures of the participating agency in the preceding year.

(6) Provide that in the case of a grant for a program in an area crossing State boundaries the Secretary will determine the portion of such grant that is chargeable to the 12½-percent limitation imposed by the act for air pollution control program grants in any one State.

HEARINGS

Public hearings on S. 3112, S. 3400, and other matters, were held by the committee on June 7, 8, 9, 14, and 15, 1966. Officials of the Department of Health, Education, and Welfare, the Bureau of Mines, State and local governments, conservation organizations, industry, and other groups testified at these hearings or presented their views for the record.

GENERAL STATEMENT

The Clean Air Act, as amended, now provides for two separate appropriation authorizations. Section 209 authorizes appropriations to carry out the purposes of title II of the act, relating to motor vehicle air pollution control, not to exceed specified amounts for each fiscal year through 1969. Section 306 of the act authorizes annual appropriations to carry out all other purposes of the act as provided in title I in amounts not to be exceeded for each fiscal year through 1967.

The committee amended S. 3112 to provide for specific authorization for fiscal years 1968 and 1969, rather than the "open ended" authorization proposed through 1973. In addition to the $46 million for fiscal year 1967 requested by the administration the committee has authorized $70 million for fiscal year 1968 and $80 million for fiscal year 1969.

The $46 million figure represents an increase of $10 million over existing authorization. This increase is, in part, necessitated by an expanded program of research into control of sulfur emissions and automobile exhaust emissions and the added cost of the maintenance grant program.

The authorizations for 1968 and 1969 represent similar increases in the activities of the Division and $10 and $13 million respectively to carry out the maintenance grant program.

Both Congress and the President have recognized that enactment of the Clean Air Act was not in itself an end, but rather a fresh beginning. President Johnson, in his message, "Preserving Our Natural Heritage," transmitted to Congress on February 23, 1966, referred to the problem of air pollution as follows:

> The Clean Air Act of 1963 and its 1965 amendments have given us new tools to help attack the pollution that fouls the air we breathe.
>
> [p. 2]
>
> We have begun to counter air pollution by increasing the tempo of effort at all levels of government.
>
> In less than 2 years Federal financial assistance has stimulated a 50-percent increase in the air pollution budgets of States and local governments. Federal standards for the control of automobile exhausts will apply to the 1968 models. The Federal interstate abatement program will significantly supplement State and local efforts to deal with air pollution.
>
> I am heartened by the progress we are making. But I am mindful that we have only begun our work. I am forwarding to the Congress proposals to improve and increase Federal research, financing, and technical assistance to help States and local governments take the measures needed to control air pollution.

Conference Report No. 1003 of December 5, 1963, accompanying the bill, H.R. 6518, subsequently enacted as the Clean Air Act (Public Law 88–206), states that "limiting the program to 3 fiscal years will permit legislative committees in both Houses of Congress to reexamine this program within a relatively short period of time and, assuming the expectations for the program are realized, will permit the Congress to provide necessary increases in authorizations for future fiscal years." It was further recognized in this report that "as our population grows and as urbanization expands this may require increased fiscal support of air

pollution programs." The committee concurs with this statement by the House and feels that reexamination of the program should continue on a 3-year basis.

With the signing by President Johnson on October 20, 1965, of Public Law 89–272, the Federal Government assumed major new responsibilities for the prevention and control of air pollution. This legislation amended the Clean Air Act by giving the Secretary authority to control air pollution from new motor vehicles, to take action to abate international air pollution problems caused by sources located in the United States; to hold public conferences directed toward the prevention of new or more aggravated air pollution problems; to accelerate research concerning methods for controlling pollution from motor vehicles and emissions of oxides of sulfur; and to construct, staff, and equip facilities needed by the Department to carry out its responsibilities under the act.

As a byproduct of industrialization, urbanization, and increasing standards of living, air pollution continues to be a widespread and growing hazard to the health and welfare of the United States. Although important progress has been made in the brief period since enactment of the act in 1963, a sustained and accelerated effort is needed if the promise of that act to prevent and control air pollution is to be fulfilled.

In addition to extending the time of the appropriation authority, S. 3112 would consolidate the appropriation authorizations contained in sections 209 and 306 of the Clean Air Act to provide for sustained effort necessary while giving the Division necessary flexibility.

Where activities under title II are provided for in the same authorization as other program activities, any such unexpected increase in cost might be absorbed by appropriate program adjustments. Such flexibility is of considerable importance because the Clean Air Act

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prohibits the sale of vehicles not determined by the Secretary as being in conformance with applicable regulations; any undue delay in testing vehicles for conformance would work an intolerable hardship and dislocation upon the automobile industry and the economy in general.

A further reason for consolidation of the appropriation authority and the flexibility afforded thereby lies in the fact that the Congress, during its consideration last year of the title II legislation, added a provision whereby the Secretary, upon application

from a motor vehicle manufacturer, is required to issue a certificate of compliance, applicable to a production run and valid for not less than 1 year, if after appropriate tests, a vehicle is found to be in conformity with the prescribed standards; at the time this option was added to the legislation, no corresponding change was made in the title II appropriation authorization to reflect the added burden of vehicle or engine testing which would be required thereby.

The proposed revised language consolidates the appropriation authorizations by deleting section 209 of the Clean Air Act which contains the appropriation authorizations to carry out title II of the act.

In enacting the Clean Air Act, the Congress established important policy through its findings, as contained in section 101, "that the prevention and control of air pollution at its source is the primary responsibility of States and local government; and * * * that Federal financial assistance and leadership is essential for the development of cooperative Federal, State, regional, and local programs to prevent and control air pollution."

Section 104 of the act authorizes grants to air pollution control agencies in support of the cost of developing, establishing, or improving programs for the prevention and control of air pollution. The amounts authorized to be allocated for such grants may not exceed 20 percent of the total appropriations for all purposes under the act. Grants are authorized to be made, under such terms and conditions as the Secretary finds necessary, in amounts up to two-thirds of the eligible program costs, except that in the case of grants to intermunicipal or interstate agencies, the grants may be up to three-fourths of eligible program costs. This approach authorizes a Federal role limited to providing an initial stimulation of program improvements and subsequent withdrawal of support on the assumption or hope that non-Federal funds will be available to substitute for the Federal share.

Experience under this provision indicates that certain areas, where strengthened programs are needed, are ineligible for Federal assistance which would otherwise be warranted, because very little or no "new" non-Federal funds were made available in the current fiscal year. Increased local funds and the strengthening of local programs may have occurred in prior fiscal years; as a result, the present provisions tend to penalize those areas which acted on their own initiative to control air pollution prior to the availability of Federal grant funds. The maintenance and continuation of expanded efforts by State and local air pollution con-

trol agencies will require in the future not only stimulatory grant assistance but sustaining grants as well. Sustaining grants will more adequately reflect the strong Federal interest and responsibility in air pollution control and should significantly improve the effectiveness of programs in giving impetus to greater State and local action.

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Although the existing program grants have had a beneficial effect, it is clear that Federal financial assistance, limited to short-term, stimulating grants, is not adequate to meet the need for effective and sustained State and local control efforts necessary to cope with the problem. Therefore, the committee considers the provision of S. 3112 authorizing the Secretary to make grants for maintaining air pollution control programs to be essential.

Subsection (b) of section 104 of the Clean Air Act provides that no agency may receive a grant during any fiscal year if its expenditures of non-Federal funds for air pollution programs will be less than such expenditures in the preceding fiscal year. Such a provision is logical and desirable when applied to the existing grant program whose primary purpose is to stimulate increased program effort through the support of development and improvement projects. The objective of the maintenance grants, however, is to provide a basis for sustained Federal sharing and support, over a period of years, of State and local programs at a level necessary for the prevention and control of air pollution.

Many factors may justifiably cause the level of expenditures necessary to maintain such a program to fluctuate, such as, for example, nonrecurring costs of equipment of facilities acquisition, or the conduct of special studies concerning air quality, special types of sources, or other matters. Where the overall workability of the program is not impaired, fluctuations in expenditures should not make agencies ineligible for Federal matching grant support. The committee therefore recommends that such nonrecurrent expenditures not be considered in determining eligibility for a grant. The committee does not, however, believe that this provision should be misinterpreted or overly used to justify continuation of programs wherein States do not demonstrate intention of continuing a fully adequate program.

Air pollution is increasing and control is just beginning—it is therefore anticipated that State programs, with rare exception, will require increasing funds just for maintenance, nonrecurrent expenditures notwithstanding.

The committee further suggests that the Secretary, at the committee's request, report on such expenditures which are exempted due to their "nonrecurrent" nature.

S. 3112 would also amend section 104 of the Clean Air Act to delete the provision limiting the total for grants in support of air pollution control programs to 20 percent of the total appropriation for any year.

The existing provision imposes a fixed relationship between grant funds to the total appropriations for all Federal air pollution activities. Air pollution and the possibilities for control action are subject to rapid change. Over a period of time, the pattern of needs and desirable program balance with respect to research, technical assistance, training, Federal abatement activities, grants to State and local control agencies, and other activities may vary considerably. The committee believes it would be wise to leave the determination of the relative emphasis to be given to each of these activities to the annual budgetary and appropriation process so that judgments may be based upon the overall requirements existing at the time.

A continuing and growing problem of air pollution which the committee believes has not received adequate attention from the Division

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of Air Pollution of the U.S. Public Health Service, and other officials, is that emanating from uncontrolled apartment house and office building incinerators, especially in the highly urbanized areas. With some 15,000 such incinerators in New York City, the magnitude of their contribution to air pollution is apparent.

The committee is informed that prototype models of a hydroprecipitator with a capacity of 3,000 cubic feet per minute have been developed by a private firm which has been seeking assistance in demonstrating the device in several major cities. According to authoritative information received by the committee, this precipitator offers a significant potential for controlling a substantial source of air pollution and can be manufactured in quantity at a reasonable price. The committee, therefore, urges Federal air pollution control and solid waste disposal officials to exert greater effort to develop a demonstration program of such devices in cooperation with private research and development organizations and interested municipal authorities.

AIR POLLUTION FROM LEAD AND OTHER SUBSTANCES

During the hearings on S. 3112, the subcommittee heard testimony of an exploratory nature on the question of contamination of the atmosphere from lead and other substances. At these hearings information was presented regarding the questions of atmospheric contamination from beryllium and lead.

Dr. Harriet L. Hardy, assistant medical director, Occupational Health Service of the Massachusetts Institute of Technology, an expert on beryllium toxicology, testified that the general population may be in great danger of poisoning from beryllium released by the firing of rockets.

She stated, "The use of beryllium in large quantities in rocket firing is in my opinion unwise. My opinion is based on the impossibility of control of weather and likelihood of technical accident."

Since beryllium has been shown to be incurably damaging to individuals exposed to only small airborne amounts, the Federal Government has a critical responsibility in minimizing exposure to the population from its facilities and programs, including rocket firing. The committee recommends that the Public Health Service consider the standards developed by the National Academy of Sciences, and early adopt and promulgate such guidelines as might be necessary to insure the protection of public health and safety against the adverse effects of beryllium dispersed in the area of rocket firings.

The committee heard a good deal of expert testimony about classical or clinical lead poisoning, derived primarily from occupational experience, and about the safe body levels of lead with respect to concentrations in blood, urine, etc.

The hearings, however, did not provide definite answers to the question of whether present or foreseeable concentrations of lead in the air are dangerous to the general population at levels substantially lower than those associated with clinical lead poisoning.

Representatives of the lead industries and gasoline producers and Dr. Robert A. Kehoe of the Kettering Laboratories contended that levels of lead in the atmosphere have not increased in recent years (from 5 to 30 years); that present or foreseeable levels are not dangerous to the population as a whole, and that workers who are occupationally exposed to lead already receive adequate protection.

Officials of the Public Health Service displayed more concern about the potential dangers of adverse subclinical effects and less certainty about current findings, but were divided as to whether the situation demanded immediate legislative action.

One witness expressed extreme alarm. Dr. Clair C. Patterson, a geophysicist at the California Institute of Technology, suggested that any level of lead in the atmosphere represents an inestimably dangerous increment over values which prevailed during the evolution of the human physiology. Analyses of ice deposits and inference from contemporary data indicate the concentration of lead in the atmosphere has increased tremendously since the introduction of lead antiknock compounds in gasoline in the early 1920's, according to Dr. Patterson. His data indicated that this increase has been a hundredfold.

The Survey of Lead in the Atmosphere of Three Urban Communities (known as the Tri-City study), published by the U.S. Public Health Service and cited by several witnesses, states that concentrations vary in relation to the amount of auto exhausts in the area, a function of volume of traffic and speed of travel. This involves a range from 1 to 3 micrograms of lead per cubic meter of air in rural and residential areas to over 50 micrograms per cubic meter of air near and on Los Angeles freeways.

Dr. Robert A. Kehoe, professor emeritus of occupational medicine, Kettering Laboratory, University of Cincinnati College of Medicine, and others, presented information about various safe levels of lead in the body, gained through long experimentation in occupational health laboratories. Some of these levels have been developed as indicators of danger, so that when a worker has 0.06 mg. of lead per 100 gms. of blood, or 0.10 mg. of lead per liter of urine, he is removed from exposure to lead. These levels are only with respect to the possibility of clinical lead poisoning. Dr. Kehoe had earlier stated at the Lead Symposium sponsored by the Public Health Service in December 1965, that the above levels are the points below which clinical poisoning can safely be assumed not to occur, and do not represent a point above which lead poisoning will necessarily occur.

This knowledge may not be adequate to assess the threat of general atmospheric lead levels to the population as a whole. The population is not faced with the immediate threat of concentrations of lead approaching the levels of industrial exposure which are judged marginal with regard to clinical poisoning, but there is a gap in existing knowledge as to whether clinical lead poisoning is the only manifestation of the deleterious effects of lead and

whether lead's toxicity is a function only of concentrations commonly thought to be associated with classical poisoning.

There is some evidence that pregnant women and younger children retain a proportionately greater amount of lead which they ingest from the environment and are more susceptible to its toxic effects. Also evidence indicates that relatively small (compared to industrial standards) concentrations of lead are capable of producing intellectual disabilities and retardation in children, and that some types of diseases including kidney, liver, blood and bone problems render the body more susceptible to lead toxicity.

This evidence is, at present, only fragmentary and controversial. However, it is important to note that the standards of safety developed for health of male adults working in lead industries are

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not necessarily relevant to problems of long-term, low levels of exposure, particularly for those who retain higher than normal amounts of lead and who are more vulnerable to toxic effects of lead.

The committee notes from other information that there are suggestions in the work of scientists in this country, Russia and Great Britain, that lead in amounts and concentrations much less than levels traditionally connected with lead poisoning are capable to producing serious effects on the central nervous system and particularly the production and maintenance of red blood cells.

Dr. Patterson stated in his article, "Contaminated and Natural Lead Environments of Man" (September 1965, Archives of Environmental Health):

> It has recently been maintained, on the basis of experimental evidence from animals, that pathologic and histologic changes of the brain and spinal cord together with functional shifts in the higher nervous activity are induced by exposures to atmospheric lead concentrations corresponding to those exposures now experienced by dwellers in most large American cities.

Some evidence suggests that lead competes with other metals for positions in the vital enzyme systems, and may either disrupt the systems directly or produce other substances which then have toxic effects. Further, the biochemistry of clinical lead poisoning is not yet known and much research must be done (and supported) on the effects of lead on normal and abnormal cell metabolism and its action in neurochemistry.

Even well-developed industrial safety standards have been unable to prevent an occasional acute overexposure to lead. It may be difficult also to set standards which provide realistic levels and at the same time avoid incidents of overexposure. For example, an individual may be exposed to what has been established as a safe level of atmospheric lead, and then eat apples contaminated with lead insecticide to a high but similarly permissible level, and be poisoned in a clinical sense.

The committee recognizes that conflicts exist as to the scope and extent of the problem. Mr. Felix E. Wormser, consultant and former president, Lead Industries Association, Inc., of New York, and Mr. P. N. Gammelgard, director, Committee for Air and Water Conservation, American Petroleum Institute, stated that in their opinion no danger exists from lead in the atmosphere. Dr. Patterson stated that in his opinion there is extreme danger from present levels. Dr. William H. Stewart, Surgeon General of the United States, Dr. Richard Prindle, Chief of Bureau of State Services, Public Health Service, U.S. Department of Health, Education, and Welfare, and other officials from the Public Health Service suggested that danger is minimal now, but extant, and research and surveillance must expand.

Dr. Patterson contended that levels are increasing at dangerous rates, and noted the differences between concentrations in rural and urban atmosphere and rural and urban dwellers. He cited the Tri-City study statistics. Both Mr. Wormser and Mr. Gammelgard testified that, on the basis of their interpretation of the Tri-City study, they found present levels of lead contamination to be low and not a hazard, and that there is no evidence of an increase of lead in the atmosphere

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in the last 5 years. Mr. Wormser stated under questioning from Senator Muskie that although the Tri-City study did not expressly draw this conclusion, he concluded from its evidence that present levels of lead in the atmosphere did not constitute a hazard to the public health.

In reviewing testimony and material on the problem of lead contamination the committee finds several basic questions which demand answers:

(1) What are the cumulative effects of subclinical exposure over long and short periods of time?

(2) What dangerous effects of abnormal storage in the bones are likely to result from the normal course of events

and from accidents with massive bleeding and dissolution of bone tissues?

(3) What synergistic effects can be anticipated with subclinical concentrations of lead combined with other environmental and somatic agents, either those present in significant quantities now or projected for the future?

(4) Are present levels dangerous either clinically or subclinically in the ways suggested?

(5) Are levels in danger of increasing to hazardous levels?

(6) Are levels unnaturally high (though safe) to the point where unpredictable incidents of a lead or nonlead nature can cause toxicity?

LEADED GASOLINE

An associated problem which the committee feels deserves further investigation is the feasibility or desirability of eliminating lead in gasoline as a means of diminishing environmental lead contamination. There is controversy over the cost and economic effect of elminating lead compounds from gasoline. The majority of atmospheric lead is held to come from lead compounds in auto exhausts. Further hearings should concentrate on this aspect of the problem before any legislative or administrative control action can be taken.

The Surgeon General, Dr. Stewart, said that he would want the lead in gasoline eliminated immediately if there were a nontoxic substitute available, and further, agreed that economic necessity inhibits immediate elimination of lead. Even more, Dr. Prindle said that it is vitally important to hold levels of lead constant until studies have been carried out and hazards are adequately assessed. In fact, he agreed with Senator Muskie that in the face of current evidence regarding the relationship between atmospheric lead and health hazards, a safe substitute for lead in gasoline should be sought as quickly as possible.

Mr. Vernon MacKenzie, Chief of the Division of Air Pollution, Public Health Service, U.S. Department of Health, Education, and Welfare, said in his testimony, "dramatic changes will be needed to effect dramatic improvements in the quality of the air, and present controls are producing only gradual change."

Hearings would be justified to explore further information about subclinical effects of moderate lead concentrations, to evaluate proposals to eliminate lead from gasoline both for technical feasibility and economics, to hear testimony on alternatives to internal combustion and, especially, to determine whether any existing

governmental body presently has the authority, mechanism, and financing to control the lead in the atmosphere from auto exhausts. [p. 9]

SEEKING ALTERNATIVES TO INTERNAL COMBUSTION

New advanced approaches and techniques are required if we are to meet the pollution problems of combustion engine vehicles. With 90 million cars, trucks, and buses operating on the Nation's roads, crossing political boundaries without restriction, and discharging pollutants in all parts of the country, the need for national solutions is self-evident. This was the conclusion of the 1965 report of the Environmental Pollution Panel of the President's Science Advisory Committee, which declared:

> We recommend that the Federal Government exert every effort to stimulate industry to develop and demonstrate means of powering automobiles and trucks that will not produce noxious effluents. Less complete steps to reduce pollution from automobile exhausts will certainly play an important role. We must strive for more acceptable mass transportation. We must follow carefully the results of California's imposition of special regulations, and be prepared to extend those that prove effective to other smog-ridden localities. But we must also be prepared, as soon as reasonably may be, to take more drastic action, if, as, and when necessary. The development of alternative means of mobile energy, conversion, suitable for powering automotive transport of all kinds, is not a matter of 1 year or a few years. Thus, if fuel cells, or rechargeable batteries, or other devices are to be developed in time to meet the increased threat, we need to begin now.

Gasoline and diesel engines of motor vehicles are major contributors to air pollution. Policy decisions on accommodating greater traffic in cities have important impact on the degree of pollution in urban areas. Some estimates have been made which show that the application of carbon monoxide and hydrocarbon controls to the type of engine currently employed may be expected to hold the line until about 1980, after which time the increased number of motor vehicles on our streets and highways will result in a worsening of the situation. Testimony was received suggesting that in Los Angeles the growth of freeways and auto traffic is canceling out gains made in controlling other sources of air pollution.

The Environmental Pollution Panel pointed out that the energy

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loss through incomplete combustion is about 15 percent of the fuel heat value and is equivalent to 1 million gallons of gasoline daily for Los Angeles. For the Nation, this amounts to a loss of energy corresponding to 10 billion gallons of gasoline per year. "Not only air pollution control but also conservation and wise use of our natural resources demand careful attention to the reduction of this detrimental waste," the panel stated.

Gasoline consumption in the United States rose from 40 billion gallons per year in 1950 to an estimated 70 billion in 1964. It is estimated that by 1980 the use of gasoline in the Los Angeles area will have increased by a factor of four since smog was first noticed around 1945. Parallel with the increase of fuel is the emission of pollutants. "The partial control of emission predicted for the coming years cannot keep up with this increase," the panel declared. "Research and development directed toward improvement in combustion and

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greatly reduced emissions should be promoted at universities and government laboratories. These studies should include radical changes in engine design and the development of, for example, the fuel cell for practical use."

In view of the interrelationship between air pollution caused by motor vehicles and overall urban planning, the committee urges that the administration form an interdepartmental task force to investigate means of reducing air pollution by use of new methods of transportation not involving the internal combustion engine.

A variety of projects deserve more detailed security and study. Electrification of mass transit, use of battery-operated delivery vehicles and autos, and prospects for fuel cells to run individual passenger cars, all suggest research possibilities. The Federal Government should insure that research, development, and demonstration work in this area is carried on at maximum levels consistent with orderly progress.

Coordination and interchange of ideas should be encouraged. The subcommittee received testimony that 15 Federal agencies are presently funding a total of 86 projects in battery research; the objectives and results of this work as it relates to transportation should be evaluated and the most efficient method of arriving at desired goals determined. Advisory committees formed from industry and trade groups might assist in this process. Foreign experience should be tapped. (The Electricity Council of Great Britain predicts that within the next 10 years 1 million battery-

driven automobiles will be in operation in Great Britain.)

Urban planning, public works, zoning, and licensing questions are inexorably intertwined with pollution problems. Perhaps nowhere is this more evident than in the area of transportation. The aim should be to combine the best thinking on air pollution, urban development, and transportation to deal with a problem which could literally smother cities in smog and smoke unless new approaches are developed and utilized.

The task force should provide Congress and the country with suggested guidelines for rational planning of future transportation as it relates to air pollution.

Burgeoning population, increasing number of vehicles, growing air pollution—all these factors indicate that to continue to solve this problem with piecemeal measures is unacceptable. Plans for new federally supported freeways should not be allowed to cancel out Federal efforts to halt air pollution. Dumping thousands of cars off the end of an eight-lane highway into an urban complex is not the answer to either transportation or air pollution problems.

The committee therefore recommends that the task force develop a plan for a "model environment" including such proposals as will both meet the economic needs of a rapidly expanding nation and adequately protect the public from the hazards associated with polluted air.

RESEARCH BY BUREAU OF MINES FOR AMERICAN PETROLEUM INSTITUTE

Also during its hearings, the committee heard representatives of the Bureau of Mines, Department of the Interior, and the American Petroleum Institute discuss a contract pursuant to which the Bureau would conduct a research program for API, at API's expense.

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The committee's attention was directed to this subject by a Department of Interior press release which noted that "lead is toxic, and because increasingly large amounts of it are released into the atmosphere from auto exhausts, considerable interest has been aroused in research on possible new types of unleaded motor fuel to reduce air pollution."

The toxicity of lead and the potential poisoning of the atmosphere from lead have been discussed earlier in this report. The fact that an agency of the Federal Government was apparently performing research on this subject for a private group when the

results of the research might have an adverse effect on the sponsoring group concerned the committee.

In testimony from Dr. Walter Hibbard, Director of the Bureau of Mines, the committee learned that "it should be emphasized that the Bureau of Mines neither professes competence nor considers as part of its research mission the health effects of automotive emissions as air pollutants. This properly is a responsibility of the Public Health Service. The Bureau's research on fuels combustion is organized to (1) identify and measure the effluents that are generated in fuel use, and (2) study the interdependence of factors in the vehicle and combustion system."

However, the committee was extremely concerned by a clause in the contract between the Bureau and API which prohibited release of any information prior to the completion of the study "without prior written approval of the other party." The committee feels that in a matter such as the question of lead in gasoline, the primary contributor to lead in the atmosphere; the findings of Federal research should not be bound by potential private economic-based decisions.

The committee does not object to the performance of research by Federal agencies on behalf of private organizations in areas where questions of the general welfare are not involved. However, the potential health hazard from lead in the atmosphere is of sufficient concern that the committee feels this type of research program to be potentially adverse to the public interest.

The committee recommends—

(1) That agreements between Federal agencies and private organizations not include restrictive contractual provisions relating to the release of such information as may be developed during the period of research;

(2) That the research program in this particular instance be constantly reviewed by the Division of Air Pollution in order that that agency may have early access to any information developed relative to public health; and

(3) That in the future, the Bureau of Mines specifically, and other agencies in general, inform the Congress of the purpose, intent, cost, contractual limitation of, and participants in any study by any Federal agency, financed by a private organization, at least 90 days prior to signing any agreement to carry out such a study.

Finally, the committee recommends that Federal agencies not enter into research contracts on behalf of private agencies wherein

a question of private economic interest as versus the general welfare are involved.

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S. 3400

Hearings were also held by the committee on S. 3400, introduced by Senator Paul Douglas of Illinois, which would amend the Solid Waste Disposal Act relative to the disposition of junked automobiles. In addition to hearing Senator Douglas, the committee also heard witnesses from the Division of Solid Waste and the scrap industry.

The committee was impressed by Senator Douglas' proposal and testimony, and believes the purpose of ridding the Nation of the blight created by junked automobiles, while preserving the valuable resources associated with the junked automobile, is a goal worthy of achievement.

However, S. 3400 presents the committee with complex problems and the testimony received emphasized these complexities. In the interest of early reporting of the Clean Air Act amendments, the committee decided to delay action on S. 3400 until further information could be received and the necessary study of the legislation could be performed.

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CHANGES IN EXISTING LAW

In compliance with subsection (4) of the rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PUBLIC LAW 88–206, AS AMENDED BY PUBLIC LAW 89–272

APPROPRIATIONS

SEC. 306. [There is hereby authorized to be appropriated to carry out title I not to exceed $25,000,000 for the fiscal year ending June 30, 1965, not to exceed $30,000,000 for the fiscal year ending June 30, 1966, and not to exceed $35,000,000 for the fiscal year ending June 30, 1967.] *There are hereby authorized to be appropriated to carry out this Act, $46,000,000 for the fiscal year ending June 30, 1967, $70,000,000 for fiscal year ending June 30, 1968, and $80,000,000 for the fiscal year ending June 30, 1969.*"

[APPROPRIATIONS

[SEC. 209. There is hereby authorized to be appropriated to carry out this title II, not to exceed $470,000 for the fiscal year ending June 30, 1966, not to exceed $845,000 for the fiscal year ending June 30, 1967, not to exceed $1,195,000 for the fiscal year ending June 30, 1968, and not to exceed $1,470,000 for the fiscal year ending June 30, 1969.]

GRANTS FOR SUPPORT OF AIR POLLUTION CONTROL PROGRAMS

SEC. 104. (a) [From the sums appropriated annually for the purposes of this Act but not to exceed 20 per centum of any such appropriation, the Secretary is authorized to make grants to air pollution control agencies in an amount up to two-thirds of the cost of developing, establishing, or improving programs for the prevention and control of air pollution: *Provided*, That the Secretary is authorized to make grants to intermunicipal or interstate air pollution control agencies (described in section 302(b)(2) and (4)) in an amount up to three-fourths of the cost of developing, establishing, or improving, regional air pollution programs. As used in this subsection, the term "regional air pollution control program" means a program for the prevention and control of air pollution in an area that includes the areas of two or more municipalities, whether in the same or different States.] *The Secretary is authorized to make grants to air pollution control agencies in an amount up to two-thirds of the cost of developing, establishing, or improving, and grants to such agencies up to one-half of the cost of maintaining, programs for the prevention and control of air pollution: Provided, That the Secretary is authorized to make grants to inter-*

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municipal or interstate air pollution control agencies (described in section 302(b)(2) and (4)) in an amount up to three-fourths of the cost of developing, establishing, or improving, and up to three-fifths of the cost of maintaining, regional air pollution control programs. As used in this subsection, the term "regional air pollution control program" means a program for the prevention and control of air pollution in an area that includes the areas of two or more municipalities, whether in the same or different States.

(b) From the sums available [under] *for the purposes of* subsection (a) of this section for any fiscal year, the Secretary shall

from time to time make grants to air pollution control agencies upon such terms and conditions as the Secretary may find necessary to carry out the purpose of this section. In establishing regulations for the granting of such funds the Secretary shall, so far as practicable, give due consideration to (1) the population, (2) the extent of the actual or potential air pollution problem, and (3) the financial need of the respective agencies. No agency shall receive any grant under this section during any fiscal year when its expenditures of non-Federal [funds] *funds, for other than non-recurrent expenditures,* for air pollution *control* programs will be less than its expenditures were for such programs during the preceding fiscal year. No grant shall be made under this section until the Secretary has consulted with the appropriate official as designated by the Governor or Governors of the State or States affected.

(c) [Not more than 12½ per centum of the grant funds available under subsection (a) of this section shall be expended in any one State.] *Not more than 12½ per centum of the total of funds appropriated or allocated for the purposes of subsection (a) of this section shall be granted for air pollution control programs in any one State. In the case of a grant for a program in an area crossing State boundaries, the Secretary shall determine the portion of such grant that is chargeable to the percentage limitation under this subsection for each State into which such area extends.*

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1.1g(2) HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

H.R. REP. No. 2170, 89th Cong., 2d Sess. (1966)

CLEAN AIR ACT AMENDMENTS OF 1966

OCTOBER 1, 1966.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. STAGGERS, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

[To accompany S. 3112]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 3112) to amend the Clean Air Act so as

to authorize grants to air pollution control agencies for maintenance of air pollution control programs in addition to present authority for grants to develop, establish, or improve such programs; make the use of appropriations under the Act more flexible by consolidating the appropriation authorizations under the Act and delegating the provision limiting the total of grants for support of air pollution control programs to 20 percent of the total appropriation for any year; extend the duration of the programs authorized by the act; and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 2, line 5, strike out "$46,000,000" and insert "$39,000,000".
Page 2, line 6, strike out "$70,000,000" and insert "$62,000,000".
Page 2, line 7, strike out "$80,000,000" and insert "$71,000,000".
Page 2, line 19, immediately after "agencies" insert "in an amount".

Page 3, line 13, after the period insert the following:

> Such next to the last sentence is further amended by inserting immediately before the period at the end thereof the following: "; and no agency shall receive any grant under this section with respect to the maintenance of a program for the prevention and control of air pollution unless the Secretary is satisfied that such grant will be so used as to supplement and, to the extent practicable, increase the level of State, local, and other non-Federal funds that would in the absence of such grant be made available for the mainte-

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> nance of such program, and will in no event supplant such State, local, and other non-Federal funds".

PURPOSES OF LEGISLATION

The amended bill would broaden the present authority of the Department of Health, Education, and Welfare by authorizing grants to air pollution control agencies for program maintenance.

The amended bill would make the use of appropriations more flexible by consolidating the appropriation authorities in the Clean Air Act.

In addition, the amended bill would amend the Clean Air Act to

delete the provision limiting grants for air pollution control programs to 20 percent of total appropriation.

Finally, the amended bill would extend the duration of programs authorized by the Clean Air Act.

APPROPRIATIONS AUTHORIZED

Appropriations for these programs are authorized for the fiscal year ending June 30, 1967, and the 2 succeeding fiscal years in the following amounts:

Appropriations authorized

[In thousands]

Fiscal year:	*Authorization*
1967	$39,000
1968	62,000
1969	71,000

This represents a reduction of $24,000,000 of the authorizations contained in the bill as passed by the Senate.

HEARINGS

Hearings were held on this and related bills on September 20, 1966. In addition to the reported bill S. 3112, there have been referred to the committee the following additional related bills dealing with air pollution which were considered: H.R. 10124 (Mr. Ryan of New York); H.R. 13199 (Mr. Staggers of West Virginia); H.R. 13699 (Mr. Halpern of New York); H.R. 15481 (Mr. Staggers of West Virginia); H.R. 16368 (Mr. Vivian of Michigan); H.R. 16876 (Mr. Murphy of New York); and H.R. 17101 (Mr. Roybal of California).

NEED FOR THE LEGISLATION

In the preamble to the Clean Air Act, as amended, the Congress declared that the prevention and control of air pollution at its source are a primary responsibility of State and local governments. This policy lies at the heart of the Federal Government's efforts to deal with the growing and worsening problem of air pollution; indeed, the central purpose of the Clean Air Act was to make this policy workable—that is, to insure that people in all parts of the country have an opportunity to share in the benefits of improved control of air pollution. To this end, the Congress provided new tools for the Department of Health, Education, and Welfare to employ in exercising

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leadership of the national effort to control air pollution and in assisting local, State, and regional governmental agencies in creating and improving community air pollution control programs.

Among the most important of these new tools was authority for the Department to provide financial assistance for control efforts at the local, State, and regional levels. In particular, this authority was for awarding of grants for any of three purposes—the development of new air pollution control programs, the establishment of programs already authorized by State or local law, or the improvement of existing programs.

The objective of this program of grants-in-aid was not merely to distribute Federal funds among the air pollution control programs then in operation in States and cities. The fact is that at the time the Clean Air Act was adopted, there were relatively few such programs in operation, and not even a handful of those were equipped to deal with community air pollution problems in an effective way. It was precisely this situation that motivated the Congress to adopt the Clean Air Act. The provisions relating to Federal grants-in-aid were designed specifically to make certain that this assistance would stimulate new and increased control activities by local, State, and regional agencies. In short, it was not the intention of the Congress to reward the relatively few agencies that were already carrying on air pollution control programs, but rather to provide an opportunity for all Americans to be served by such programs.

In this connection, section 104(a) of the Clean Air Act, as amended, authorized awarding of grants to air pollution control agencies in an amount up to two-thirds of the cost of developing, establishing, or improving programs for the prevention and control of air pollution, or up to three-fourths of the cost in the case of regional programs. And section 104(b) stipulated that—

> No agency shall receive any grant under this section during any fiscal year when its expenditures of non-Federal funds for air pollution programs will be less than its expenditures were for such programs during the preceding fiscal year.

Thus, the use of Federal grant funds merely to pay a portion of the costs of an ongoing program was ruled out.

The results of this grants-in-aid program have indeed been encouraging. Officials of the Department of Health, Education, and Welfare testified before the Subcommittee on Public Health and Welfare that there has been a substantial expansion of local, State, and regional control efforts since December 1963, when the Clean

Air Act became law. In terms of expenditures, the funds available for State and local air pollution control programs have increased by about 65 percent. A total of 120 awards have been made. Of the agencies to which they were made, 57 are using the funds to develop new programs. Another 23 are establishing programs which had already been legally authorized but had not been activated. Thus, with less than 3 years of Federal grant stimulation, the way has been paved for the creation of as many as 80 new air pollution control programs. In addition, 40 agencies have received grants to assist in the improvement of existing programs.

In short, a remarkable and very heartening improvement seems to be taking place in local, State, and regional efforts to deal with air

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pollution. But there can be no doubt that an even greater improvement is still needed. A great many cities and States are still without the services of truly effective control programs. And even where there are programs in existence, many of them are still a long way from being adequately equipped to enforce regulations for the prevention and control of air pollution. In view of these facts, a continuation of the present program of Federal grants-in-aid to stimulate greater efforts at the local, State, and regional levels is clearly needed.

But it is important to recognize that such grants provide what is essentially short-term assistance for specific projects. This is not enough. A problem of such magnitude and complexity cannot be solved overnight. Air pollution is a serious problem now; moreover, it threatens to grow and worsen in direct proportion to upward trends of urban and economic growth and technological progress. To deal with it in a truly effective way will require sustained and comprehensive efforts at all levels of government. For most State and local governments, the burden of sustaining such efforts will be too great for them to carry without assistance from the Federal Government. The pending legislation is designed to meet this need by authorizing the Department of Health, Education, and Welfare to award grants to local, State, and regional agencies to assist them in *maintaining* effective control programs.

In its consideration of the bill, the committee has taken steps to rule out the use of Federal maintenance grant funds as a substitute for investment of State and local funds. It is not the intent of the committee to encourage or sanction the use of Federal funds in

this way. This matter was explored at some length during the hearing held on September 20, 1966. The bill being reported includes language to insure that awarding of maintenance grants by the Federal Government will not result in a lessening of expenditures by State and local governments.

A second major purpose of the legislation is to extend the authorization for air pollution activities by the Department of Health, Education, and Welfare, revise the ceiling on authorized appropriations for the 1967 fiscal year, and set ceilings for the succeeding 2 fiscal years. The need for continuation and expansion of the Federal effort is quite apparent. In years to come, needs for Federal support of control activity at State and local levels will be even greater than they are now. Also, many aspects of the air pollution problem are—and will remain—inherently beyond the reach of State and local agencies. Under the provisions of the Clean Air Act, as amended, the Federal Government already has a substantial responsibility for dealing with such problems. Among them are interstate air pollution and motor vehicle pollution, as well as the various research and development problems that still remain to be solved. The Federal Government must be prepared to meet these increasing needs for assistance to State and local governments and action at the Federal level. Enactment of the pending legislation, as reported by the committee, is a necessary step toward equipping the Department of Health, Education, and Welfare to provide the leadership that the Congress and the American people have a right to expect from it.

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SECTION-BY-SECTION SUMMARY

Section 1 of the bill provides that this act may be cited as the "Clean Air Act Amendments of 1966."

Section 2 of the bill amends section 306 of the Clean Air Act to authorize appropriations to carry out the purposes of the act. The bill authorizes $39 million for fiscal year 1967, $62 million for fiscal year 1968 and $71 million for fiscal year 1969. In addition section 2 repeals section 209 of the Clean Air Act which provides separate appropriation authority for title II concerning motor vehicle pollution control activities.

Section 3(a) of the bill amends section 104(a) of the Clean Air Act to delete the provision limiting program grants to 20 percent of the annual appropriation. This section also amends the Clean Air Act to authorize the Secretary to make grants to air pollution control agencies in an amount up to one-half of the cost of

maintaining programs for the provision and control of air pollution and in any amount up to three-fifths of the cost of maintaining regional air pollution control programs.

The provision in section 104(b) of the Clean Air Act that "no agency shall receive any grant under this section during any fiscal year when its expenditures of non-Federal funds for air pollution programs will be less than its expenditures were for such programs during the preceding fiscal year" is amended to permit a grantee to reduce annual expenditures to the extent that nonrecurrent costs are involved. The committee has further amended this subsection by adding language which will insure that Federal funds will in no event be used to supplant State or local government funds in maintaining air pollution control programs.

Section 3(b) of the bill amends section 104(c) of the Clean Air Act to authorize the Secretary to determine the portion of grants to interstate agencies to be charged against the 12½-percent limitation of grant funds to any one State.

AGENCY REPORTS

The reported bill, as initially introduced in the Senate, was identical to H.R. 13199, introduced by the chairman of the committee at the request of the administration. The reports of the Department on H.R. 13199 are set forth below; it will be noted that the reports of the Department of Health, Education, and Welfare and the Bureau of the Budget are directed to both H.R. 13199 and the bill reported herewith, and express a preference for the Senate-passed bill.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
September 27, 1966

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request for a report on H.R. 13199, to amend the Clean Air Act so as to authorize grants to air pollution control agencies for maintenance of air pollution control programs in addition to present authority for grants to develop, establish, or improve such programs; make

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the use of appropriations under the act more flexible by consolidating the appropriation authorizations under the act and delet-

ing the provision limiting the total of grants for support of air pollution control programs to 20 percent of the total appropriation for any year; extend the duration of the programs authorized by the act; and for other purposes. The bill would carry the short title "Clean Air Act Amendments of 1966".

This report is also addressed to a similar companion bill, S. 3112, which (as amended in the Senate) is pending before your committee.

These bills are intended to carry out proposals announced by the President in his message of February 23, 1966, on "Preserving Our Natural Heritage."

We strongly recommend the enactment of this legislation. For the reasons stated below, we recommend that this be done in the version passed by the Senate, with one additional amendment.

1. *Consolidation, extension, and increase of appropriation authorization.*—The Clean Air Act now authorizes appropriations, except for title II, only through the current fiscal year (1967) for which it authorizes $35 million; for carrying out title II relating to control of air pollution from motor vehicles, enacted last year, it authorizes appropriations through fiscal year 1969 for which $1,470,000 is authorized. H.R. 13199 is designed to amend section 306 of the Clean Air Act to consolidate the appropriation authorizations for the entire act and extend them through fiscal year 1972. To this end, the bill would authorize for such purposes appropriations of $46 million for the fiscal year 1967 and such sums as may be necessary for each of the 5 succeeding fiscal years. Through inadvertence, the repeal of the separate authorizations (in sec. 209 of the act) was omitted from the House bill; the omission is supplied in the Senate version. In the Senate-passed bill, the appropriation authorization has been amended to extend only through fiscal year 1969, and the Senate bill authorizes $70 million for fiscal year 1968 and $80 million for fiscal year 1969 in place of open-end authorizations.

The figures contained in the Senate bill are based on estimates furnished by this Department at the request of the Public Works Committee. However, neither the estimates underlying the appropriation ceiling in section 306 of the present act nor the estimates furnished to the Senate committee in connection with S. 3112 include any amounts for construction (and initial equipment) of facilities for which authority was conferred on us by section 103(d) of the act enacted last year, nor would the inclusion of this item in annual appropriation ceilings be a suitable approach. We therefore recommend that the following sentence be added at the end of

the proposed revision of section 306 of the act: "The foregoing limitations shall be exclusive of such sums as may be required for construction (including initial equipment) of facilities pursuant to section 103(d)."

As a byproduct of industrialization and urbanization, air pollution continues to be a widespread and growing hazard to the health and welfare of the United States. Although important progress has been made in the brief period since enactment of the act in 1963, a sustained and accelerated effort is needed if the promise of that act to prevent and control air pollution is to be fulfilled. We therefore urge favorable consideration of the proposed extension and consolidation of,

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and increase in, appropriation authorization, with the modification as to construction above recommended.

In our judgment such consolidation is highly desirable in order to insure that the administration of the regulatory program to control pollution from motor vehicles, required under title II of the act, will not be impaired by circumstances that could not be anticipated nor provided for under the present separate authorization. If activities under title II were provided for in the same authorization as other program activities, any unexpected increase or decrease in cost might be absorbed by appropriate program adjustments. Such flexibility is of considerable importance, especially because title II of the Clean Air Act prohibits the sale of motor vehicles not in conformance with applicable regulations and the industry will of necessity, in order to protect itself, need a certificate of conformity from the Secretary with respect to a representative test vehicle before marketing vehicles of that class; an undue delay on our part in testing vehicles for conformance, caused by lack of leeway to adjust funds, would work an intolerable hardship and dislocation upon the automobile industry and the economy generally.

Another example which points out the need for consolidation of appropriation authority to achieve flexibility arises from the action of Congress during its consideration last year of the title II legislation. A provision was added in committee whereby the Secretary, upon application from a motor vehicle manufacturer, is required to issue a certificate of compliance, applicable to a production run, if after appropriate tests a new vehicle is found to meet the prescribed standards. But our cost estimates were furnished to the committee before this provision was added, yet no corre-

sponding change was made in the title II appropriation authorization to reflect the added cost of vehicle or engine testing which would be required under this provision. Consolidation of appropriation authorization would permit such problems to be dealt with administratively within the scope of the whole act.

2. *Grants for maintenance of air pollution control programs.*—The bills would amend section 104(a) of the Clean Air Act to add —to the present authority for grants to develop, establish, or improve air pollution control programs—an authorization for the Secretary to make grants to air pollution control agencies in an amount up to one-half of the cost of maintaining programs for the prevention and control of air pollution, and to make grants to intermunicipal or interstate air pollution control agencies in an amount up to three-fifths of the cost of maintaining regional air pollution control programs. (The United States Code citation for sec. 104 of the act should be 42 U.S.C. 1857c(a), as in the Senate bill, rather than 33 U.S.C. 1857c(a).) The bills would also change section 104(a) of the act to remove the limitation that no more than 20 percent of the sums appropriated annually under the act may be used to make grants under that section. The bills would also provide technical amendments to section 104(b) of the Clean Air Act for clarification purposes. The Senate bill (as passed by the Senate) would in addition amend section 104(b) by providing that in order to maintain eligibility for grants an agency need no longer meet its total level of expenditures of non-Federal funds for the prior fiscal year for air pollution control; the agency would only have to match its level of recurrent expenditures.

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Additionally, both bills would amend section 104(c) of the Clean Air Act to provide that in the case of a grant for a program in an area crossing State boundaries, the Secretary would determine the portion of such grant that is chargeable to the 12½-percent limitation imposed by the act for air pollution control program grants in any one State.

Section 104 of the act at present authorizes grants to air pollution control agencies only in support of the cost of developing, establishing, or improving programs for the prevention and control of air pollution. This approach authorizes a Federal role limited to providing an initial stimulation of program improvement and subsequent withdrawal of support on the assumption or hope that non-Federal funds will be available to substitute for the Federal share. We believe that this limited role is not adequate for deal-

ing with the problem nationally, nor appropriate for full implementation of the declared Federal policy. In enacting the Clean Air Act, the Congress established this policy through its finding, as contained in section 101, "that the prevention and control of air pollution at its source is the primary responsibility of States and local government; and * * * that Federal financial assistance and leadership is essential for the development of cooperative Federal, State, regional, and local programs to prevent and control air pollution." The maintenance and continuation of expanded efforts by State and local air pollution control agencies will require in the future not only stimulatory grant assistance but sustaining grants as well. Sustaining grants, as proposed by these bills, will more adequately reflect the strong Federal interest and responsibility in air pollution control and should significantly improve the effectiveness of programs in giving impetus to greater State and local action.

The above-mentioned modification, contained in the Senate bill, of the maintenance-of-effort requirement of section 104(b) of the Clean Air Act—which would apply to both the new maintenance grants and the establishment and improvement grants under existing law—is substantially as suggested by us in testimony before the Senate committee. The present law (the third sentence of sec. 104(b)) provides that no agency may receive a grant during any fiscal year if its expenditures of non-Federal funds for air pollution programs will be less than such expenditures in the preceding fiscal year. Over a period of years, many factors may justifiably cause the level of expenditures necessary to maintain an effective program to fluctuate, such as, for example, nonrecurring costs of equipment or facilities acquisition, or the conduct of special studies concerning air quality, special types of sources, or other matters. S. 3112 was therefore amended to modify section 104 of the act by excluding nonrecurring expenditures from the requirement of matching the prior year's expenditures. This is practical. Where the overall workability of the program is not impaired, fluctuations in expenditures resulting from changes in nonrecurring costs should not make agencies ineligible for Federal matching grant support.

The bills, as above stated, would also amend section 104 of the Clean Air Act to delete the provision limiting the total for grants in support of air pollution control programs to 20 percent of the total appropriation under the act for any year. The existing limitation is undesirable, we believe, in imposing a fixed relationship

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between such grant funds and the total appropriations for all Federal air pollution

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activities. Air pollution and the possibilities for control action are subject to rapid change. Over a period of time, the pattern of needs and desirable program balance with respect to research, technical assistance, training, Federal abatement activities, grants to State and local control agencies, and other activities may vary considerably. We therefore believe it would be wise to leave the determination of the relative emphasis to be given to each of these activities to judgments based upon overall requirements existing at any given time.

In conclusion, for the reasons stated above, we urge the prompt enactment of this legislation, with the improvements and corrections contained in the Senate-passed version and the additional amendment (relating to construction and initial equipment) above recommended.

We are advised by the Bureau of the Budget that the enactment of legislation as above proposed would be in accord with the program of the President.

Sincerely,

JOHN W. GARDNER,
Secretary

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., September 27, 1966.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of March 7, 1966, requested the views of the Bureau of the Budget on H.R. 13199, to amend the Clean Air Act so as to authorize grants in air pollution control agencies for maintenance of grants to develop, establish or improve such programs; make the use of appropriations under the act more flexible by consolidating the appropriation authorizations under the act and deleting the provision limiting the total of grants for support of air pollution control programs to 20 percent of the total appropriation for any year; extend the duration of the programs authorized by the act; and for other purposes.

This bill carries out proposals contained in the President's Message of February 23, 1966, "Preserving Our Natural Heritage."

We are therefore in full accord with the intent of the legislation. However, for the technical reasons outlined in the report of the Department of Health, Education, and Welfare on H.R. 13199 and S. 3112, we prefer enactment of the Senate version of the bill (S. 3112) with the amendment noted in the report of the Department of Health, Education, and Welfare.

The HEW amendment concerns the need to provide for the construction of facilities within the authorization ceilings proposed in the Senate version of the bill. HEW has suggested language to deal with this matter. We would suggest that the committee consider as a possible alternative to the HEW language the language contained in section 2 of H.R. 13199 authorizing "such sums as may be necessary."

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Subject to the above comment, we favor the enactment of the Senate version of H.R. 13199 (S. 3112) as being part of the President's legislative program.

Sincerely yours,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference

FEDERAL POWER COMMISSION,
Washington, D.C., August 26, 1966.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request of March 7, 1966, we enclose three copies of the report of the Federal Power Commission on the subject bill.

We contemplate release of this report by the Commission to the public within 3 working days from the date of this letter unless there is a request that its release be withheld.

The Bureau of the Budget advises us that there would be no objection to the presentation of this report from the standpoint of the program of the President.

Sincerely,

LEE C. WHITE, *Chairman*

REPORT ON H.R. 13199, 89TH CONGRESS

A BILL To amend the Clean Air Act so as to authorize grants to air pollution control agencies for maintenance of air pollution control programs in addition to present authority for grants to develop, establish, or improve

such programs: make the use of appropriations under the act more flexible by consolidating the appropriation authorizations under the act and deleting the provision limiting the total of grants for support of air pollution control programs to 20 percent of the total appropriation for any year; extend the duration of the programs authorized by the act; and for other purposes

The proposed amendments in this bill, which relate principally to the authorization and financing of Federal grants, would extend the duration of the air pollution control programs under the Clean Air Act (42 U.S.C. 1857–1857*l*) until July 1, 1973; authorize grants for maintenance as well as development, establishment, or improvement of such programs; and make the use of appropriations for direct research and abatement activities under the act more flexible by consolidating the appropriation authorizations, increased to $46 million for fiscal 1966–67, and by deleting the provision which limited the total of grants for the support of air pollution control programs to 20 percent of the total appropriation for any year.

The congressional concern for control of air pollution is manifested in ways which affect the electric utility industry by the Clean Air Act of 1963; the Clean Air Act Amendments of 1965; and the further amendments now pending to expand the existing program. The act now provides Federal grants of technical and financial assistance to State and local agencies to help them develop air pollution control and prevention programs. Thus Congress is encouraging local regulation of stack emissions and other pollution sources. It is now proposed also to provide grants toward maintenance of these

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regulatory programs once initiated. The Clean Air Act also provides for Federal regulation of automotive pollutants and for Federal contribution for research and development.

The Federal Power Commission does not administer research programs or pollution control and abatement programs under the Clean Air Act, nor is it responsible for any grants or financial assistance programs thereunder. This Commission's interest in air pollution problems stems from the use of fossil fuels in the generation of electric energy. The Commission's National Power Survey Report, issued in 1964, gives prominent recognition to the problems of air and water pollution and their significance in relation to the design, location, and operation of large thermal-electric plants and the report points up the possibilities for combating air

pollution through mine-mouth generation and greater interconnection of utility systems. The air pollution issue has been presented to us in a number of gas certificate matters under the Natural Gas Act involving boiler fuel uses of gas in metropolitan areas. Increasing use of large nuclear plants for baseloading also will alleviate air pollution in many areas. Unlike plants operated with fossil fuels, nuclear plants do not emit organic wastes or carbon dioxide.

Because it is more difficult to control emissions from multiple sources like automobiles than to control single sources like powerplants, the possibility of electric-powered cars is of particular interest to air pollution officials, as well as the electric power industry. The automobile is the chief source of the air pollution problems plaguing a number of large metropolitan areas. Some engineering research has been going on with respect to such matters as the amount, character, and control of automotive exhaust and crankcase emissions, but with less than complete success, so far as we are able to determine. We believe that a balanced research program will continue to devote funds to such conventional research.

In order to maintain a balanced research program with respect to auto exhaust emissions, substantial funds should be provided for research and development of cleaner burning fuels, and reduction or elimination of pollutants emitted from conventional internal combustion engines. We believe such research will have an immediate as well as significant long-term effect on the air pollution problem without producing the corresponding adverse financial impact on State and Federal tax revenues.

Electric-powered automobiles, however, are a new way of attacking the air pollution problem and if successful, could contribute greatly to its solution. Although there has been a revival of interest and some progress in vehicles of this type in recent years, some important technological breakthroughs are still required before they can compete successfully with the gasoline-powered automobile. Presently available battery-operated vehicles have a maximum range of approximately 75 miles between charges. If such cars can be produced and operated at sufficiently low cost and the range limitation overcome, they might achieve considerable popularity as the second or third car in a household, to be used for relatively short errands. Much progress remains to be made in this field, as well as in the development of the fuel cell as a practical and economical source of power for this purpose. (See

Report of the Surgeon General, "Motor Vehicles, Air Pollution, and Health," H. Doc. 489, 87th Cong., 2d sess., p. 29.)

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The Federal air pollution program offers great opportunity for the electric utility industry, particularly in the research sphere. In commenting last year to the Senate Public Works Committee on the clean air amendment bill (S. 3112, 89th Cong.), the Federal Power Commission urged that Federal air pollution control research be directed in part to revolutionary advancements, such as rechargeable batteries for motor vehicles and electrified mass transportation, to handle at least part of the traffic now driven by internal combustion engines. The Commission noted that energy conversions in modern electric powerplants are far more efficient than those in internal combustion auto engines, so that the total pollutant potential would decrease, and the combustion refuse would be concentrated where it could be better controlled. The batteries would normally be charged during the night, when power system loads are at a minimum, thus further improving the efficiencies of the electric power system operations. The Commission recognized the electric battery research support by Edison Electric Institute, but concluded that the present scale of the effort is not likely to result in rapid progress. Since enactment of the 1965 clean air amendment (Public Law 89–272, 79 Stat. 992), the administration has proposed a modest initial appropriation for 1967 to the Department of Health, Education, and Welfare of $100,000 for planning research to explore alternatives to the internal combustion gasoline engine, particularly in the area of fuel cells and battery-operated vehicles. See the President's 1967 budget message (H. Doc. No. 335), volume 112, Congressional Record (January 24, 1966), pages 857, 862; House Appropriations Subcommittee Hearings, 89th Congress, 2d Session, part 3, pages 559–560. We strongly urge that any further plans for undertaking and financing air pollution research programs provide for intensified research and development of rechargeable storage batteries and fuel cells suitable for widespread use in motor vehicles as an appropriate measure for aiding in the solution of the acute automotive air pollution problems now confronting our large metropolitan areas. More active Federal support and leadership in this important field, in our opinion, would tend to stimulate nongovernmental research efforts and give added incentive to the industries concerned to carry forward developmental work along these lines.

While the Commission recognizes the importance of appropri-

ate measures to further air pollution control, we offer no comments on the merits of the amendments proposed in H.R. 13199 and their fiscal aspects, except to suggest that serious consideration be given to the adequacy of authorizations for research and development of electrified mass transportation media and of rechargeable storage batteries and fuel cells for motor vehicular use, in addition to the funding of traditional air pollution research areas.

FEDERAL POWER COMMISSION,
LEE C. WHITE, *Chairman*

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DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 27, 1966.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.

DEAR MR. STAGGERS: Your committee has requested this Department's report on H.R. 13199, a bill to amend the Clean Air Act so as to authorize grants to air pollution control agencies for maintenance of air pollution control programs in addition to present authority for grants to develop, establish, or improve such programs; make the use of appropriations under the act more flexible by consolidating the appropriation authorizations under the act and deleting the provision limiting the total of grants for support of air pollution control programs to 20 percent of the total appropriation for any year; extend the duration of the programs authorized by the act; and for other purposes.

The bill is intended to extend and increase the appropriation authorization for title I of the Clean Air Act, as amended. It extends the program to June 30, 1973, and authorizes an annual appropriation of $46 million for the fiscal years beginning June 30, 1967, through June 30, 1973. It also removes the percentage limitation on the amount of appropriations available for grants for air pollution control programs.

This program is administered by the Department of Health, Education, and Welfare, and we defer to its views.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

CHARLES F. LUCE,
Acting Secretary of the Interior

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., April 16, 1966.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of March 7, 1966, requested such comments as the General Services Administration may desire to make on H.R. 13199, 89th Congress, a bill to amend the Clean Air Act so as to authorize grants to air pollution control agencies for maintenance of air pollution control programs in addition to present authority for grants to develop, establish, or improve such programs; make the use of appropriations under the act more flexible by consolidating the appropriation authorizations under the act and deleting the provision limiting the total of grants for support of air pollution control programs to 20 percent of the total appropriation for any year; extend the duration of the programs authorized by the act; and for other purposes.

The purpose of the bill is stated in the title.

Inasmuch as the proposed legislation would not affect the functions and responsibilities of GSA, we have no comment to make as to the desirability of the enactment of H.R. 13199.

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The Bureau of the Budget has advised that, from the standpoint of the administration's program, there is no objection to the submission of this report to your committee.

Sincerely yours,

LAWSON B. KNOTT, Jr.,
Administrator

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., April 5, 1966.

B–135945.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives.

DEAR MR. CHAIRMAN: This is in reference to your letter of March 7, 1966, requesting our comments on H.R. 13199, a bill to amend the Clean Air Act.

We have no special information concerning the subject matter of the bill and therefore have no recommendations as to the merits of the proposal.

It is noted that section 3(a)(1) of the bill has an erroneous citation. The reference to "33 U.S.C. 1857c(a)" should be "42 U.S.C. 1857c(a)."

Sincerely yours,

FRANK H. WEITZEL,
Assistant Comptroller General of the United States

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CLEAN AIR ACT

* * * * * * *

GRANTS FOR SUPPORT OF AIR POLLUTION CONTROL PROGRAMS

[SEC. 104. (a) From the sums appropriated annually for the purposes of this Act but not to exceed 20 per centum of any such appropriation, the Secretary is authorized to make grants to air pollution control agencies in an amount up to two-thirds of the cost of developing, establishing, or improving programs for the prevention and control of air pollution: *Provided,* That the Secretary is authorized to make grants to intermunicipal or interstate air pollution control agencies (described in section 302(b) (2) and (4)) in an amount up to three-fourths of the cost of developing, establishing, or improving, regional air pollution programs. As used in this subsection, the term 'regional air pollution con-

trol program' means a program for the prevention and control of air pollution in an area that includes the areas of two or more municipalities, whether in the same or different States.]

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Sec. 104. (a) The Secretary is authorized to make grants to air pollution control agencies in an amount up to two-thirds of the cost of developing, establishing, or improving, and grants to such agencies in an amount up to one-half of the cost of maintaining, programs for the prevention and control of air pollution: Provided, That the Secretary is authorized to make grants to intermunicipal or interstate air pollution control agencies (described in section 302(b) (2) and (4)) in an amount up to three-fourths of the cost of developing, establishing, or improving, and up to three-fifths of the cost of maintaining, regional air pollution control programs. As used in this subsection, the term "regional air pollution control program" means a program for the prevention and control of air pollution in an area that includes the areas of two or more municipalities, whether in the same or different States.

(b) From the sums available [under] *for the purposes of* subsection (a) of this section for any fiscal year, the Secretary shall from time to time make grants to air pollution control agencies upon such terms and conditions as the Secretary may find necessary to carry out the purpose of this section. In establishing regulations for the granting of such funds the Secretary shall, so far as practicable, give due consideration to (1) the population, (2) the extent of the actual or potential air pollution problem, and (3) the financial need of the respective agencies. No agency shall receive any grant under this section during any fiscal year when its expenditures of non-Federal funds, *for other than non-recurrent expenditures,* for air pollution *control* programs will be less than its expenditures were for such programs during the preceding fiscal year. No grant shall be made under this section until the Secretary has consulted with the appropriate official as designated by the Governor or Governors of the State or States affected; *and no agency shall receive any grant under this section with respect to the maintenance of a program for the prevention and control of air pollution unless the Secretary is satisfied that such grant will be so used as to supplement and, to the extent practicable, increase the level of State, local, and other non-Federal funds that would in the absence of such grant be made available for the maintenance*

of such program, and will in no event supplant such State, local, and other non-Federal funds.

[(c) Not more than 12½ per centum of the grant funds available under subsection (a) of this section shall be expended in any one State.]

(c) Not more than 12½ per centum of the total of funds appropriated or allocated for the purposes of subsection (a) of this section shall be granted for air pollution control programs in any one State. In the case of a grant for a program in an area crossing State boundaries, the Secretary shall determine the portion of such grant that is chargeable to the percentage limitation under this subsection for each State into which such area extends.

* * * * * * *

APPROPRIATIONS

[SEC. 209. There is hereby authorized to be appropriated to carry out this title II, not to exceed $470,000 for the fiscal year ending June 30, 1966, not to exceed $845,000 for the fiscal year ending June 30, 1967, not to exceed $1,195,000 for the fiscal year ending June 30, 1968, and not to exceed $1,470,000 for the fiscal year ending June 30, 1969.]

* * * * * * *

[p. 15]

[APPROPRIATIONS

[SEC. 306. There is hereby authorized to be appropriated to carry out title I not to exceed $25,000,000 for the fiscal year ending June 30, 1965, not to exceed $30,000,000 for the fiscal year ending June 30, 1966, and not to exceed $35,000,000 for the fiscal year ending June 30, 1967.]

Sec. 306. There are hereby authorized to be appropriated to carry out this Act, $39,000,000 for the fiscal year ending June 30, 1967, $62,000,000 for the fiscal year ending June 30, 1968, and $71,000,000 for the fiscal year ending June 30, 1969.

* * * * * * *

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1.1g(3) COMMITTEE OF CONFERENCE

H.R. REP. No. 2256, 89th Cong., 2d Sess. (1966)

CLEAN AIR ACT AMENDMENTS OF 1966

OCTOBER 12, 1966.—Ordered to be printed

Mr. STAGGERS, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. 3112]

The committee of conference on the disagreeing votes of the two houses on the amendment of the House to the bill (S. 3112) to amend the Clean Air Act so as to authorize grants to air pollution control agencies for maintenance of air pollution control programs in addition to present authority for grants to develop, establish, or improve such programs; make the use of appropriations under the act more flexible by consolidating the appropriation authorizations under the act and deleting the provision limiting the total of grants for support of air pollution control programs to 20 percent of the total appropriation for any year; extend the duration of the programs authorized by the act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendments of the House numbered 4 and 5, and agree to the same.

Amendment numbered 2:

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out by the House amendment, and in lieu of the matter proposed to be inserted by the House amendment insert the following: *$66,000,000*

Amendment numbered 3:

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out by the House amendment, and in lieu of the matter proposed to be inserted by the House amendment insert the following: *$74,000,000*

And the House agree to the same.

HARLEY O. STAGGERS,
JOHN JARMAN,
LEO W. O'BRIEN,
PAUL G. ROGERS,
WILLIAM L. SPRINGER,
ANCHER NELSEN,
Managers on the Part of the House.
JENNINGS RANDOLPH,
EDMUND S. MUSKIE,
FRANK E. MOSS,
FRED R. HARRIS,
J. CALEB BOGGS,
GEORGE L. MURPHY,
Managers on the Part of the Senate.

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STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3112) to amend the Clean Air Act so as to authorize grants to air pollution control agencies for maintenance of air pollution control programs in addition to present authority for grants to develop, establish, or improve such programs; make the use of appropriations under the act more flexible by consolidating the appropriation authorizations under the act and deleting the provision limiting the total of grants for support of air pollution control programs to 20 percent of the total appropriation for any year; extend the duration of the programs authorized by the act, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: Section 2 of the Senate bill amends section 306 of the Clean Air Act to authorize $46,000,000 for fiscal year

1967. The House amendments reduce that authorization to $39,000,000.

The House recedes.

Amendment No. 2: Section 2 of the Senate bill amends section 306 of the Clean Air Act to authorize $70,000,000 for fiscal year 1968. The House amendments reduce this authorization to $62,000,000.

The Senate recedes with amendments which provide an authorization of $66,000,000 for fiscal year 1968.

Amendment No. 3: Section 2 of the Senate bill amends section 306 of the Clean Air Act to authorize $80,000,000 for fiscal year 1969. The House amendments reduce this amount to $71,000,000.

The Senate recedes with amendments which authorize $74,000,000 for fiscal year 1969.

Amendment No. 4: This is a clarifying amendment. The Senate recedes.

Amendment No. 5: Section 3(a)(2) of the Senate bill amends section 104(b) of the Clean Air Act which provides that "no agency shall receive any grant under this section during any fiscal year when its expenditures of non-Federal funds for air pollution programs will be less than its expenditures were for such programs during the preceding fiscal year" to permit a grantee to reduce annual expenditures to the extent that nonrecurrent costs are involved. The House amendments provide that no grant shall be made for maintenance of an air pollution program unless the Secretary is satisfied that it will not be used to supplant non-Federal funds, and to the extent practicable, will be

[p. 3]

used to increase the level of State, local, and other non-Federal funds available for the maintenance of such program.

The Senate recedes.

HARLEY O. STAGGERS,
JOHN JARMAN,
LEO W. O'BRIEN,
PAUL G. ROGERS,
WILLIAM L. SPRINGER,
ANCHER NELSEN,
Managers on the Part of the House.

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1.1g(4) CONGRESSIONAL RECORD, VOL. 112 (1966)

(a) July 11: Considered in Senate, p. 15169

CLEAN AIR ACT AMENDMENTS OF 1966

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1326, S. 3112. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be read by title.

The LEGISLATIVE CLERK. A bill (S. 3112) to amend the Clean Air Act so as to authorize grants to air pollution control agencies for maintenance of air pollution control programs in addition to present authority for grants to develop, establish, or improve such programs; make the use of appropriations under the act more flexible by consolidating the appropriations under the act and deleting the provision limiting the total of grants for support of air pollution control programs to 20 percent of the total appropriation for any year; extend the duration of the programs authorized by the act; and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works, with amendments on page 2, line 8, after "1967", to strike out "and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1973" and insert "$70,000,000 for the fiscal year ending June 30, 1968, and $80,000,000 for the fiscal year ending June 30, 1969", and on page 3, line 13, after the word "and", to strike out "by inserting in the third sentence the word 'control' after 'air pollution'" and insert "in the next to the last sentence by inserting a comma after the word 'funds' and adding 'for other than nonrecurrent expenditures,' and in the same sentence after the word 'pollution', the word 'control'"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Clean Air Act Amendments of 1966".

CONSOLIDATION OF APPROPRIATION CEILINGS

SEC. 2. (a) Section 306 of the Clean Air Act is amended to read as follows:

"SEC. 306. There are hereby authorized to be appropriated to carry out this Act, $46,000,000 for the fiscal year ending June 30, 1967, $70,000,000 for the fiscal year ending June 30, 1968, and $80,000,000 for the fiscal year ending June 30, 1969."

(b) Section 209 of such Act is hereby repealed.

AUTHORIZATION OF MAINTENANCE GRANTS FOR AIR POLLUTION CONTROL PROGRAMS AND REMOVAL OF 20 PER CENTUM CEILING

SEC. 3. (a)(1) Subsection (a) of section 104 of the Clean Air Act (42 U.S.C. 1857c(a)) is amended to read as follows:

"SEC. 104 (a) The Secretary is authorized to make grants to air pollution control agencies in an amount up to two-thirds of the cost of developing, establishing, or improving, and grants to such agencies up to one-half of the cost of maintaining, programs for the prevention and control of air pollution: *Provided,* That the Secretary is authorized to make grants to intermunicipal or interstate air pollution control agencies (described in section 302(b) (2) and (4)) in an amount up to three-fourths of the cost of developing, establishing, or improving, and up to three-fifths of the cost of maintaining, regional air pollution control programs. As used in this subsection, the term 'regional air pollution control program' means a program for the prevention and control of air pollution in an area that includes the areas of two or more municipalities, whether in the same or different States."

(2) Subsection (b) of such section 104 is amended by striking out "under" in the first sentence and inserting in lieu thereof "for the purposes of", and in the next to the last sentence by inserting a comma after the word

"funds" and adding "for other than nonrecurrent expenditures," and in the same sentence after the word "pollution", the word "control".

(b) Subsection (c) of such section 10 is amended to read as follows:

"(c) Not more than 12½ per centum the total funds appropriated or allocated for the purposes of subsection (a) of this section shall be granted for air pollution control programs in any one State. In the case of a grant for a program in an area crossing State boundaries, the Secretary shall determine the portion of such grant that is chargeable to the percentage limitation under this subsection for each State into which such area extends."

[P. 15169]

1.1g(4)(b) July 12: Considered and passed Senate, pp. 15248–15262

CLEAN AIR ACT AMENDMENT OF 1966

Mr. MANSFIELD. I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. Calendar No. 1326 (S. 3112) a bill to amend the Clean Air Act so as to authorize grants to air pollution control agencies for maintenance of air pollution control programs in addition to present authority for grants to develop, establish, or improve such programs; make the use of appropriations under the act more flexible by consolidating the appropriation authorizations under the act and deleting the provision limiting the total of grants for support of air pollution control programs to 20 percent of the total appropriation for any year; extend the duration of the programs authorized by the act; and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from West Virginia [Mr. BYRD] may have 15 minutes to speak, regardless of the rule of germaneness.

The PRESIDING OFFICER. Without objection, it is so ordered.

[P. 15248]

CLEAN AIR ACT AMENDMENTS OF 1966

The Senate resumed the consideration of the bill (S. 3112) to amend the Clean Air Act so as to authorize grants to air pollution control agencies for maintenance of air pollution control programs in addition to present authority for grants to develop, establish, or improve such programs; make the use of appropriations under the act more flexible by consolidating the appropriation authorizations under the act and deleting the provision limiting the total of grants for support of air pollution control programs to 20 percent of the total appropriation for any year; extend the duration of the programs authorized by the act; and for other purposes.

Mr. KUCHEL. Mr. President, sometime shortly before 2 o'clock p.m., I hope to suggest the absence of a quorum so that members of the Public Works Committee may proceed to request a yea-and-nay vote on Calendar No. 1326, S. 3112, the pending business. It has been agreed with the leader of the majority that at 2 o'clock p.m. we will proceed to vote, on the assumption that a yea-and-nay vote will be ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent, therefore, that the Senate proceed to vote at 2 o'clock p.m. on the pending business.

The PRESIDING OFFICER. Is

there objection? The Chair hears none, and it is so ordered.

Does the Senator from California ask also that rule XII be waived?

Mr. KUCHEL. Mr. President, I ask unanimous consent that rule XII be waived in connection with my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KUCHEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, a little less than 3½ years ago, the late Senator McNamara, of Michigan, then chairman of the Senate Committee on Public Works, created the Special Subcommittee on Air and Water Pollution. Our first major legislation from that subcommittee was the Clean Air Act of 1963. That legislation launched a vigorous Federal program to aid the States and local governments to combat the ever-increasing threat of polluted air. Last year, we amended the Clean Air Act to initiate controls on harmful automobile exhaust emissions, and we added the Solid Waste Disposal Act to our arsenal of weapons in the fight for an improved environment.

Today, we bring to the Senate additional amendments to the Clean Air Act. These amendments have the vigorous backing of the members of the Public Works Committee, on both sides of the aisle. They are evidence of the continued concern of our committee with the problems of air pollution and of the determination of our chairman, the distinguished Senator from West Virginia [Mr. RANDOLPH], to maintain our search for improved ways of reducing the hazards of air pollution.

Today's legislation is a step forward, but it is not the end of our efforts. We cannot rest until we have removed the threats to man's health, well-being and economic advancement which man himself creates in a modern, technological society.

S. 3112 amends the Clean Air Act in order to provide for a stronger, more effective air pollution control effort at the Federal, State, and local level.

S. 3112, as reported, is based on legislation proposed by the administration. The primary purposes of the bill are to consolidate appropriation authorizations in the Clean Air Act and to authorize funds to continue the program through 1969.

S. 3112 institutes a new grant program to allow air pollution control agencies up to one-half of the cost of maintaining programs for the prevention and control of air pollution, and authorizes the Secretary to make grants to intermunicipal or interstate air pollution control agencies in an amount up to three-fifths of the cost of maintaining regional air pollution control programs.

S. 3112 removes the limitation in existing law that no more than 20 percent of the sums appropriated annually under the act may be used for support of air pollution control programs, and provides that in determining the eligibility for a program grant nonrecurrent expenditures of the participating agencies in the preceding year shall not be considered.

Finally, S. 3112 provides that grants for interstate programs, subject to the 12½-percent limitation, shall be allocated by the Secretary according to the portion of such grant that is chargeable to any one State.

Mr. President, last year the Congress enacted major legislation dealing with the specific problem of pollution emanating from automobiles. That legislation has resulted in promulgation, by the Secretary of Health, Education, and Welfare, of regula-

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tions relating to the control of harmful motor vehicle exhausts. Those regulations will require installation of automobile exhaust control devices on all 1968 model automobiles.

Last year's amendments also provided a mechanism for abatement of international air pollution; for acceleration of research concerning methods of control of pollution from motor vehicles and the emission of oxides of sulfur; for public conferences directed toward the prevention of new or more aggravated interstate air pollution problems; and for construction, staffing, and equipping facilities needed by the Department to carry out its responsibilities under the act.

The additional requirements imposed by last year's legislative action require additional funds if the programs authorized are to be adequately and effectively pursued.

The committee bill has, therefore, authorized the requested $46 million for 1967 and provided $70 million for 1968, and $80 million for 1969. These authorizations will provide adequate funds to carry out the new maintenance grant program authorized by this act and give the Division of Air Pollution sufficient funds to support essential research programs. The $46 million authorized for 1967 represents a $10 million increase over existing authorization. This increase is, in part, required by the expanded program of research into the control of sulfur emissions and automobile emissions and includes $7 million as the added cost of maintenance grant program.

The authorizations for 1968 and 1969 represent similar increases in the activities of the division and $10 and $13 million, respectively, to carry out the maintenance grant program.

On the latter point, the committee is convinced of the desirability of providing Federal aid to continuation of air pollution control programs. Existing program grants have stimulated State and local activity by providing Federal matching funds for new or improved programs. They were not designed for sustained State and local control efforts necessary to cope with a continuing air pollution problem. This has discriminated against States and localities who initiated their own excellent programs prior to the Clean Air Act and it has worked a hardship on other States and localities.

Therefore, the committee considers the provision of S. 3112, authorizing the Secretary to make grants for maintaining air pollution control programs, to be essential. The 50-percent matching grant program to state and local agencies and the three-fifths matching grant program to regional agencies should

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provide adequate incentive for maintenance of this effort.

The committee has further provided that nonrecurrent expenditures of pollution control agencies will not be considered in determining the eligibility for a grant. Many factors may justifiably cause the level of expenditures by a pollution control agency to fluctuate, including, for example, nonrecurrent costs of equipment, of facilities, acquisition of property, or the initiation of studies concerning air quality or other matters. Where the overall workability of the air pollution control program is not impaired, fluctuations in expenditures should not make local agencies ineligible for Federal matching grants support.

S. 3112 deletes the provision in the Clean Air Act which limits the total for grants in support of air pollution control programs to 20 percent of the total appropriation for any fiscal year.

The existing act imposes a fixed relationship between grant funds to the total appropriations for all Federal air pollution activities. Air pollution

and the possibilities for control action are subject to rapid change. Over a period of time, the pattern of needs and desirable program balance with respect to research, technical assistance, training, Federal abatement activities, grants to State and local control agencies, and other activities may vary considerably. The committee believes it would be wise to leave the determination of the relative emphasis to be given to each of these activities to the annual budgetary and appropriation process so that judgments may be based upon the overall requirements existing at the time.

Mr. President, these are the major provisions of the legislation pending before the Senate. However, there are two other matters which the committee examined during its hearings on S. 3112 which I would like to bring to the attention of my colleagues.

Mr. President, it is the philosophy of the Subcommittee on Air and Water Pollution and its chairman that discussions limited to pending legislation are not sufficient when dealing with pollution of our air and water environment. The subcommittee has tried to develop as much information as is available on potential problems in order to inform the public of existing or potential threats to our environment which may require additional administrative or legislative action.

An example of this is the question of contamination of the atmosphere from lead and beryllium. The subcommittee learned in its hearings that there is a potential danger to the public health from the use of beryllium in large quantities in rocket firing. On the basis of the information received relative to this subject, the committee, in its report, has recommended that the Public Health Service develop such guidelines as may be necessary to insure the protection of public health and safety against the adverse effects of beryllium dispersed into the atmosphere by rocket firings.

The subcommittee's hearings on environmental lead contamination raised many unanswered questions. It is well known that lead is a toxic substance; that it is an element not natural to the human body, and that, absorbed in large quantities, it can have toxic results. These facts have been common knowledge in lead industries for many years and have resulted in strict procedures for the protection of workers in those industries. The results of that program have been impressive.

However, the problem of adverse effects of lead contamination goes far beyond the clinical injuries of workers in lead using industries. We are concerned with the subclinical effects of long-term low levels of exposure.

Lead in the atmosphere, attributable to automobile exhaust emissions, has greatly increased over the past three decades. There is no unanimity among the experts as to the danger or lack of danger from this increase.

There is some evidence that pregnant women and younger children retain a proportionately greater amount of lead which they ingest from the environment and are more susceptible to its toxic effects. Other evidence indicates that relatively small—compared with industrial standards—concentrations of lead are capable of producing intellectual disabilities and retardation in children, and that some types of diseases including kidney, liver, blood, and bone problems, render the body more susceptible to lead toxicity.

The committee notes suggestions in the work of scientists in this country, Russia and Great Britain, the lead in amounts and concentrations much less than levels traditionally connected with lead poisoning are capable of producing serious effects on the central nervous system and particularly the production and maintenance of red blood cells.

This evidence is, at present, only

fragmentary and controversial. However, it is important to note that the standards of safety developed for health of male adults working in lead industries are not necessarily relevant to problems of long-term, low levels of exposure, particularly for those who retain higher than normal amounts of lead and who are more vulnerable to toxic effects of lead.

This information, developed during the course of the hearings, suggests that both the committee and those agencies charged with protection of the public health should further investigate the following questions regarding lead in the atmosphere:

First. What are the cumulative effects of subclinical exposure over long and short periods of time?

Second. What dangerous effects of abnormal storage in the bones are likely to result from the normal course of events and from accidents resulting in massive bleeding and dissolution of bone tissues?

Third. What synergistic effects can be anticipated with subclinical concentrations of lead combined with other environmental and somatic agents, either those present in significant quantities now or projected for the future?

Fourth. Are present levels dangerous either clinically or subclinically in the ways suggested?

Fifth. Are levels in danger of increasing to hazardous levels?

Sixth. Are levels reaching a point where unpredictable incidents of a lead or nonlead nature can cause toxicity?

Because the majority of atmospheric lead is held to come from lead compounds in auto exhaust, there is a need to concentrate on this aspect of the problem—to develop further information about subclinical effects of moderate lead concentrations — to evaluate proposals to eliminate lead from gasoline both from technical feasibility as well as the economic aspect—to hear testimony on alternatives to internal combustion—and especially to determine whether any existing governmental body presently has the authority, mechanism, and financing to control the lead in the atmosphere from auto exhausts.

Mr. President, it is not enough that the Federal Government should stimulate industry to develop and demonstrate means of control from automobile exhausts.

Because competition is the watchword of American enterprise, the Federal Government should stimulate reasonable alternatives to internal combustion. Predictable increases in urban air pollution may one day dictate elimination of presently conceived modes of transportation from that urban environment. Alternatively, the automobile industry must be encouraged to develop its combustion processes so as to limit, to the maximum extent economically feasible, emissions of air pollutants.

The committee report recommends an interdepartmental task force to investigate means of reducing air pollution by use of new methods of transportation not involving internal combustion engines. Such a task force should consider advanced methods of electrified rapid transit, battery operated vehicles, and the prospects of developing the fuel cell for commercial use.

Urbanization is not reversible. Though many of us from nonurban areas would like to believe that clean air and open space are available to all the people, this is not the case.

If we are to live in an urban society, then efforts must be made to adequately protect the public from the hazard associated with polluted air. This cannot be a secondary goal nor can it be an effort which will take place sometime in the future.

The problem confronts us now and must be dealt with now. The Federal Government has the opportunity and

the obligation to provide the leadership in this effort. Should we fail, another Donora, Pa., is not unlikely.

There rests on the shoulders of those of us who legislate today the responsibility to provide a healthy environment for those who will grow up in our cities tomorrow. This will be the pattern of future legislation and will direct the efforts which I, as chairman of the Subcommittee on Air and Water Pollution will make.

Mr. President, I wish to discuss another matter which came to the attention of the subcommittee, raising serious question of public policy.

[p. 15250]

The subcommittee heard representatives of the Bureau of Mines, Department of the Interior, and the American Petroleum Institute, discuss a contract pursuant to which the Bureau would conduct a research program for API at API's expense.

The committee's attention was directed to this subject by a Department of Interior press release which noted:

Lead is toxic, and because increasingly large amounts of it are released into the atmosphere from auto exhausts, considerable interest has been aroused in research on possible new types of unleaded motor fuel to reduce air pollution.

The toxicity of lead and the potential poisoning of the atmosphere from lead have been discussed earlier in this report. The fact that an agency of the Federal Government was apparently performing research on this subject for a private group when the results of the research might have an adverse effect on the sponsoring group concerned the committee.

In testimony from Dr. Walter Hibbard, Director of the Bureau of Mines, the committee learned:

It should be emphasized that the Bureau of Mines neither professes competence nor considers as part of its research mission the health effects of automotive emissions as air pollutants. This properly is a responsibility of the Public Health Service. The Bureau's research on fuels combustion is organized to (1) identify and measure the effluents that are generated in fuel use, and (2) study the interdependence of factors in the vehicle and combustion system.

However, the committee was extremely concerned by a clause in the contract between the Bureau and API which prohibited release of any information prior to the completion of the study "without prior written approval of the other party." The committee feels that in a matter such as the question of lead in gasoline, the primary contributor to lead in the atmosphere; the findings of Federal research should not be bound by potential private economic-based decisions.

The committee does not object to the performance of research by Federal agencies on behalf of private organizations in areas where questions of the general welfare are not involved. However, the potential health hazard from lead in the atmosphere is of sufficient concern that the committee feels this type of research program to be potentially adverse to the public interest.

Mr. President, the fact that a Federal agency performs research on behalf of a private organization is not, by definition, contrary to public policy. However, in this particular instance, the potential health hazard from lead in the atmosphere is of sufficient concern that I feel this type of research program to be potentially adverse to the public interest. In the report, the committee recommended:

First, that agreements between Federal agencies and private organizations not include restrictive contracual provisions relating to the release of such information as may be developed during the period of research;

Second, that the research program in this particular instance be constantly reviewed by the division of air

pollution in order that that agency may have early access to any information developed relative to public health; and

Third. That in the future, the Bureau of Mines specifically, and other agencies in general, inform the Congress of the purpose, intent, cost, contractual limitation of, and participants in any study by any Federal agency, financed by a private organization, at least 90 days prior to signing any agreement to carry out such a study.

If the Bureau of the Budget does not approve a Federal research program and if the Congress is not given an opportunity to authorize such a research program, it seems to me that a Federal agency is going beyond its legislative limitations in seeking out private financing to perform any research activity. Therefore, the committee has recommended that Federal agencies not enter into research contracts on behalf of private agencies wherein a question of private economic interest as versus the general welfare are involved.

In closing, Mr. President, I wish to take note of another important issue.

Hearings were held by the committee on S. 3400, introduced by Senator PAUL DOUGLAS, of Illinois, which would amend the solid waste disposal act relative to the disposition of junked automobiles. In addition to hearing Senator DOUGLAS, the committee also heard witnesses from the division of solid waste and the scrap industry.

The committee was impressed by Senator DOUGLAS' proposal and testimony, and believes the purpose of ridding the Nation of the blight created by junked automobiles, while preserving the valuable resources associated with the junked automobile, is a goal worthy of achievement.

However, S. 3400 presents the committee with complex problems and the testimony received emphasized these complexities. In the interest of early reporting of the Clean Air Act amendments, the committee decided to delay action on S. 3400 until further information could be received and the necessary study of the legislation could be performed.

Mr. President, I ask for the yeas and nays on the pending legislation.

The yeas and nays were ordered.

Mr. MUSKIE. Mr. President, I wish at this point to express my appreciation to the distinguished chairman of the full Committee on Public Works [Mr. RANDOLPH], to the distinguished ranking member of the subcommittee, the Senator from Delaware [Mr. BOGGS], and to all members of the subcommittee and the full committee for the dedicated cooperation and participation which they have given, over a period of 3 years, to the consideration of the problems of air and water pollution. I think it is not inappropriate for me to say that much creative legislation in these fields has come out of the subcommittee and the full committee, which would not have been possible without the contributions of my dedicated colleagues on the subcommittee and the staffs of the committee. I take this opportunity to express my appreciation to them.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD that portion of the committee report (No. 1361) which relates to the lead problem.

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

AIR POLLUTION FROM LEAD AND OTHER SUBSTANCES

During the hearings on S. 3112, the subcommittee heard testimony of an exploratory nature on the question of contamination of the atmosphere from lead and other substances. At these hearings information was presented regarding the questions of atmospheric contamination from beryllium and lead.

Dr. Harriet L. Hardy, assistant medical director, Occupational Health Service of the Massachusetts Institute of Technology, an expert on beryllium toxicology, testified that the

general population may be in great danger of poisoning from beryllium released by the firing of rockets.

She stated, "The use of beryllium in large quantities in rocket firing is in my opinion unwise. My opinion is based on the impossibility of control of weather and likelihood of technical accident."

Since beryllium has been shown to be incurably damaging to individuals exposed to only small airborne amounts, the Federal Government has a critical responsibility in minimizing exposure to the population from its facilities and programs, including rocket firing. The committee recommends that the Public Health Service consider the standards developed by the National Academy of Sciences, and early adopt and promulgate such guidelines as might be necessary to insure the protection of public health and safety against the adverse effects of beryllium dispersed in the area of rocket firings.

The committee heard a good deal of expert testimony about classical or clinical lead poisoning, derived primarily from occupational experience, and about the safe body levels of lead with respect to concentrations in blood, urine, etc.

The hearings, however, did not provide definite answers to the question of whether present or foreseeable concentrations of lead in the air are dangerous to the general population at levels substantially lower than those associated with clinical lead poisoning.

Representatives of the lead industries and gasoline producers and Dr. Robert A. Kehoe of the Kettering Laboratories contended that levels of lead in the atmosphere have not increased in recent years (from 5 to 30 years); that present or foreseeable levels are not dangerous to the population as a whole; and that workers who are occupationally exposed to lead already receive adequate protection.

Officials of the Public Health Service displayed more concern about the potential dangers of adverse subclinical effects and less certainty about current findings, but were divided as to whether the situation demanded immediate legislative action.

One witness expressed extreme alarm. Dr. Clair C. Patterson, a geophysicist at the California Institute of Technology, suggested that any level of lead in the atmosphere represents an inestimably dangerous increment over values which prevailed during the evolution of the human physiology. Analyses of ice deposits and inference from contemporary data indicate the concentration of lead in the atmosphere has increased tremendously since the introduction of lead antiknock compounds in gasoline in the early 1920's, according to Dr. Patterson. His data indicated that this increase has been a hundredfold.

The Survey of Lead in the Atmosphere of Three Urban Communities (known as the

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Tri-City study), published by the U.S. Public Health Service and cited by several witnesses, states that concentrations vary in relation to the amount of auto exhausts in the area, a function of volume of traffic and speed of travel. This involves a range from 1 to 3 micrograms of lead per cubic meter of air in rural and residential areas to over 50 micrograms per cubic meter of air near and on Los Angeles freeways.

Dr. Robert A. Kehoe, professor emeritus of occupational medicine, Kettering Laboratory, University of Cincinnati College of Medicine, and others, presented information about various safe levels of lead in the body, gained through long experimentation in occupational health laboratories. Some of these levels have been developed as indicators of danger, so that when a worker has 0.06 mg. of lead per 100 gms. of blood, or 0.10 mg. of lead per liter of urine, he is removed from exposure to lead. These levels are only with respect to the possibility of clinical lead poisoning. Dr. Kehoe had earlier stated at the Lead Symposium sponsored by the Public Health Service in December 1965, that the above levels are the points below which clinical poisoning can safely be assumed not to occur, and do not represent a point above which lead poisoning will necessarily occur.

This knowledge may not be adequate to assess the threat of general atmospheric lead levels to the population as a whole. The population is not faced with the immediate threat of concentrations of lead approaching the levels of industrial exposure which are judged marginal with regard to clinical poisoning, but there is a gap in existing knowledge as to whether clinical lead poisoning is the only manifestation of the deleterious effects of lead and whether lead's toxicity is a function only of concentrations commonly thought to be associated with classical poisoning.

There is some evidence that pregnant women and younger children retain a proportionately greater amount of lead which they ingest from the environment and are more susceptible to its toxic effects. Also evidence indicates that relatively small (compared to industrial standards) concentrations of lead are capable of producing intellectual disabilities and retardation in children, and that some types of diseases including kidney, liver, blood and bone problems render the body more susceptible to lead toxicity.

This evidence is, at present, only fragmentary and controversial. However, it is important to note that the standards of safety de-

veloped for health of male adults working in lead industries are not necessarily relevant to problems of long-term, low levels of exposure, particularly for those who retain higher than normal amounts of lead and who are more vulnerable to toxic effects of lead.

The committee notes from other information that there are suggestions in the work of scientists in this country, Russia and Great Britain, that lead in amounts and concentrations much less than levels traditionally connected with lead poisoning are capable of producing serious effects on the central nervous system and particularly the production and maintenance of red blood cells.

Dr. Patterson stated in his article, "Contaminated and Natural Lead Environments of Man" (September 1965, Archives of Environmental Health):

"It has recently been maintained, on the basis of experimental evidence from animals that pathologic and histologic changes of the brain and spinal cord together with functional shifts in the higher nervous activity are induced by exposures to atmospheric lead concentrations corresponding to those exposures now experienced by dwellers in most large American cities."

Some evidence suggests that lead competes with other metals for positions in the vital enzyme systems, and may either disrupt the systems directly or produce other substances which then have toxic effects. Further, the biochemistry of clinical lead poisoning is not yet known and much research must be done (and supported) on the effects of lead on normal and abnormal cell metabolism and its action in neurochemistry.

Even well-developed industrial safety standards have been unable to prevent an occasional acute overexposure to lead. It may be difficult also to set standards which provide realistic levels and at the same time avoid incidents of overexposure. For example, an individual may be exposed to what has been established as a safe level of atmospheric lead, and then eat apples contaminated with lead insecticide to a high but similarly permissible level, and be poisoned in a clinical sense.

The committee recognizes that conflicts exist as to the scope and extent of the problem. Mr. Felix E. Wormser, consultant and former president, Lead Industries Association, Inc., of New York, and Mr. P. N. Gammelgard, director, Committee for Air and Water Conservation, American Petroleum Institute, stated that in their opinion no danger exists from lead in the atmosphere. Dr. Patterson stated that in his opinion there is extreme danger from present levels. Dr. William H. Stewart, Surgeon General of the United States, Dr. Richard Prindle, Chief of Bureau of State Services, Public Health Service, U.S. Department of Health, Education, and Welfare, and other officials from the Public Health Service suggested that danger is minimal now, but extant, and research and surveillance must expand.

Dr. Patterson contended that levels are increasing at dangerous rates, and noted the differences between concentrations in rural and urban dwellers. He cited the Tri-City study statistics. Both Mr. Wormser and Mr. Gammelgard testified that, on the basis of their interpretation of the Tri-City study, they found present levels of lead contamination to be low and not a hazard, and that there is no evidence of an increase of lead in the atmosphere in the last 5 years. Mr. Wormser stated under questioning from Senator MUSKIE that although the Tri-City study did not expressly draw this conclusion, he concluded from its evidence that present levels of lead in the atmosphere did not constitute a hazard to the public health.

In reviewing testimony and material on the problem of lead contamination the committee finds several basic questions which demand answers:

(1) What are the cumulative effects of subclinical exposure over long and short periods of time?

(2) What dangerous effects of abnormal storage in the bones are likely to result from the normal course of events and from accidents with massive bleeding and dissolution of bone tissues?

(3) What synergistic effects can be anticipated with subclinical concentrations of lead combined with other environmental and somatic agents, either those present in significant quantities now or projected for the future?

(4) Are present levels dangerous either clinically or subclinically in the ways suggested?

(5) Are levels in danger of increasing to hazardous levels?

(6) Are levels unnaturally high (though safe) to the point where unpredictable incidents of a lead or nonlead nature can cause toxicity?

LEADED GASOLINE

An associated problem which the committee feels deserves further investigation is the feasibility or desirability of eliminating lead in gasoline as a means of diminishing environmental lead contamination. There is controversy over the cost and economic effect of eliminating lead compounds from gasoline. The majority of atmospheric lead is held to come from lead compounds in auto exhausts. Further hearings should concentrate on this aspect of the problem before any legislative or administrative control action can be taken.

The Surgeon General, Dr. Stewart, said that he would want the lead in gasoline eliminated

immediately if there were a nontoxic substitute available, and further agreed that economic necessity inhibits immediate elimination of lead. Even more, Dr. Prindle said that it is vitally important to hold levels of lead constant until studies have been carried out and hazards are adequately assessed. In fact, he agreed with Senator MUSKIE that in the face of current evidence regarding the relationship between atmospheric lead and health hazards, a safe substitute for lead in gasoline should be sought as quickly as possible.

Mr. Vernon MacKenzie, Chief of the Division of Air Pollution, Public Health Service, U.S. Department of Health, Education, and Welfare, said in his testimony, "dramatic change will be needed to effect dramatic improvements in the quality of the air, and present controls are producing only gradual change."

Hearings would be justified to explore further information about subclinical effects of moderate lead concentrations, to evaluate proposals to eliminate lead from gasoline both for technical feasibility and economics, to hear testimony on alternatives to internal combustion and, especially, to determine whether any existing governmental body presently has the authority, mechanism, and financing to control the lead in the atmosphere from auto exhausts.

SEEKING ALTERNATIVES TO INTERNAL COMBUSTION

New advanced approaches and techniques are required if we are to meet the pollution problems of combustion engine vehicles. With 90 million cars, trucks, and buses operating on the Nation's roads, crossing political boundaries without restriction, and discharging pollutants in all parts of the country, the need for national solutions is self-evident. This was the conclusion of the 1965 report of the Environmental Pollution Panel of the President's Science Advisory Committee, which declared:

"We recommend that the Federal Government exert every effort to stimulate industry to develop and demonstrate means of powering automobiles and trucks that will not produce noxious effluents. Less complete steps to reduce pollution from automobile exhausts will certainly play an important role. We must strive for more acceptable mass transportation. We must follow carefully the results of California's imposition of special regulations, and be prepared to extend those that prove effective to other smog-ridden localities. But we must also be prepared, as soon as reasonably may be, to take more drastic action, if, as, and when necessary. The development of alternative means of mobile energy conversion, suitable for powering automotive transport of all kinds, is not a matter of 1 year or a few years. Thus, if fuel cells, or rechargeable batteries, or other devices are to be developed in time to meet the increased threat, we need to begin now."

Gasoline and diesel engines of motor vehicles are major contributors to air pollution. Policy decisions on accommodating greater traffic in cities have important impact on the degree of pollution in urban areas. Some estimates have been made which show that the application of carbon monoxide and hydrocarbon controls to the type of engine currently employed may be expected to hold the line until about 1980, after which time the increased number of motor vehicles on our streets and highways will result in a

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worsening of the situation. Testimony was received suggesting that in Los Angeles the growth of freeways and auto traffic is canceling out gains made in controlling other sources of air pollution.

The Environmental Pollution Panel pointed out that the energy loss through incomplete combustion is about 15 percent of the fuel heat value and is equivalent to 1 million gallons of gasoline daily for Los Angeles. For the Nation, this amounts to a loss of energy corresponding to 10 billion gallons of gasoline per year. "Not only air pollution control but also conservation and wise use of our natural resources demand careful attention to the reduction of this detrimental waste," the panel stated.

Gasoline consumption in the United States rose from 40 billion gallons per year in 1950 to an estimated 70 billion in 1964. It is estimated that by 1980 the use of gasoline in the Los Angeles area will have increased by a factor of four since smog was first noticed around 1945. Parallel with the increase of fuel is the emission of pollutants. "The partial control of emission predicted for the coming years cannot keep up with this increase," the panel declared. "Research and development directed toward improvement in combustion and greatly reduced emissions should be promoted at universities and government laboratories. These studies should include radical changes in engine design and the development of, for example, the fuel cell for practical use."

In view of the interrelationship between air pollution caused by motor vehicles and overall urban planning, the committee urges that the administration form an interdepartmental task force to investigate means of reducing air pollution by use of new methods of transportation not involving the internal combustion engine.

A variety of projects deserve more detailed scrutiny and study. Electrification of mass transit, use of battery-operated delivery vehicles and autos, and prospects for fuel cells to run individual passenger cars, all suggest

research possibilities. The Federal Government should insure that research, development, and demonstration work in this area is carried on at maximum levels consistent with orderly progress.

Coordination and interchange of ideas should be encouraged. The subcommittee received testimony that 15 Federal agencies are presently funding a total of 86 projects in battery research; the objectives and results of this work as it relates to transportation should be evaluated and the most efficient method of arriving at desired goals determined. Advisory committees formed from industry and trade groups might assist in this process. Foreign experience should be tapped. (The Electricity Council of Great Britain predicts that within the next 10 years 1 million battery-driven automobiles will be in operation in Great Britain.)

Urban planning, public works, zoning, and licensing questions are inexorably intertwined with pollution problems. Perhaps nowhere is this more evident than in the area of transportation. The aim should be to combine the best thinking on air pollution, urban development, and transportation to deal with a problem which could literally smother cities in smog and smoke unless new approaches are developed and utilized.

The task force should provide Congress and the country with suggested guidelines for rational planning of future transportation as it relates to air pollution.

Burgeoning population, increasing number of vehicles, growing air pollution—all these factors indicate that to continue to solve this problem with piecemeal measures is unacceptable. Plans for new federally supported freeways should not be allowed to cancel out Federal efforts to halt air pollution. Dumping thousands of cars off the end of an eight-lane highway into an urban complex is not the answer to either transportation or air pollution problems.

The committee therefore recommends that the task force develop a plan for a "model environment" including such proposals as will both meet the economic needs of a rapidly expanding nation and adequately protect the public from the hazards associated with polluted air.

Mr. MUSKIE. Mr. President, I am happy to yield to the distinguished Senator from Delaware [Mr. BOGGS].

Mr. BOGGS. Mr. President, I thank the distinguished floor manager of the bill for yielding to me.

Mr. President, I wish to add a few comments to the concise report on the pending legislation which has just been made by the junior Senator from Maine.

His words reflect his thorough understanding of the legislation as well as his belief in the urgent need for all levels of government to attack the air pollution problem.

I know that as a result of his able chairmanship of the Subcommittee on Air and Water Pollution over the past 3 years, the public is now much more aware of the seriousness of the air pollution menace.

Yet the peril continues. Air pollution is still a widespread and growing hazard to the health and welfare of our citizens.

State and local governments, in cooperation with the Federal Government, have stepped up air pollution control programs.

But our increasing industrialization, urbanization, and improved standards of living, as well as our expanding population, have combined to offset these advances. The battle is far from won.

The bill we are considering today was introduced by the junior Senator from Maine, and I am happy to count myself among the 15 Senators of both parties who cosponsored it.

It does not establish new policies in the fight against air pollution. Its effect, however, is to reemphasize the intent of the basic 1963 Clean Air Act by increasing the amount of money available for grants to air pollution control agencies. Also, in light of experience gained since the act has been in force, it improves standards and procedures involved in extending grants.

We hope these grants will be well used. We hope they will spur quicker and more effective action against air pollution.

In this effort it is well to recall the policy established by Congress in enacting the Clean Air Act, namely that—

The prevention and control of air pollution at its source is the primary responsibility of States and local government, and * * * that Federal financial assistance and leadership is essential for the development of cooperative Federal, State, regional, and local programs to prevent and control air pollution.

The Federal Government is in the role of a partner in combating this nationwide peril. It must team up with all levels of government to get the job done.

Also involved in this effort are the industries who, as good citizens, strive to control air pollution. And we also look to our universities for additional research to help identify and control possible new air pollutants.

We all look to a better tomorrow. Certainly this does not include a world of thin haze which menaces the health of our children.

Civilization cannot advance in a murky, unhealthy atmosphere.

The bill we are considering today will help clear the air.

I thank the Chairman for yielding to me.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. JAVITS. A number of us are very much interested in both air and water pollution and the process of using some form of tax abatement to accelerate the normal process of research and development and the use of new facilities.

I note with great interest that the committee in its report recommends a possible hydroprecipitator as a suitable subject to study.

Would the Senator tell us something about the committee's thinking on that subject.

Mr. MUSKIE. I think it is accurate to say that all members of the subcommittee, and I suppose all members of the full committee, are wholly in accord with the idea of tax incentive for purchase of water and air pollution control equipment. Indeed, the ranking minority member, the Senator from Kentucky [Mr. COOPER], has introduced legislation to that effect.

If this committee had jurisdiction over that subject, that kind of legislation would be on the floor. Unfortunately we did not have such jurisdiction, but we are wholly in accord with the position of those Senators sponsoring tax-incentive legislation.

Mr. JAVITS. Mr. President, amendments could be offered to the legislation. I realize that it is probably not as choate in this bill as it would be in water pollution control legislation. However, the committee has not evaluated the consideration of what might be done in this field because the subject was not within its jurisdiction.

Mr. MUSKIE. There was a great deal of testimony in relation to this matter even though it was realized that the committee did not have jurisdiction. The subject was discussed among ourselves. I believe that we have a rather firm and well-defined position on the subject and that we may take the opportunity, in some fashion, to communicate our position to the appropriate committee.

Mr. COOPER. Mr. President, I

Mr. COOPER. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

agree with the distinguished Senator from Maine. While I did not serve on the subcommittee which considered the bill, I attended some of the hearings and I attended a good many hearings on the water pollution control bill.

Many witnesses spoke on the necessity of providing tax incentive to private industry to construct antipollution facilities. The Senator from Connecticut [Mr. RIBICOFF] when testifying before the committee made as one of the main

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points of his testimony that the problem is two pronged.

The Senator from Connecticut pointed out correctly that assistance by the Federal Government to communities is required. But he also emphasized, and I concur, that tax incentives to industry are required, for the problem of pollution control cannot be met without a massive and expensive effort by private industry. The facilities required of them do not contribute to their earnings, but serve a social purpose. Many are assuming the responsibility and they should be encouraged.

The Senator from Connecticut has introduced a bill which would give a faster tax writeoff for pollution control facilities constructed by industry. I have introduced, with the chairman of the committee, Senator RANDOLPH, a bill which would provide an investment tax credit. In the discussion in committee all the members of the committee, including the chairman and the ranking minority member of the subcommittee, voiced their belief that tax legislation should be enacted to provide incentive to industry. Before closing I would like to add my congratulations to the Senator from Maine, and his committee for developing the reported bill. I am glad that our full Committee on Public Works supports the bill.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. CARLSON. Mr. President, I introduced a bill, S. 3598, yesterday. My bill would provide tax treatment for expenditures incurred in the construction of facilities to abate air and water pollution.

The bill has been referred to the Committee on Finance, and it is lying on the desk this week for the benefit of Senators who may wish to cosponsor the bill. A number of Senators have already done so.

I assure the distinguished Senator from Maine that we shall press for early action in the committee, as I am a member of the committee.

Mr. MUSKIE. I am delighted to have my colleague on the committee.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. RIBICOFF. Mr. President, I arrived in the Chamber during the statement of the distinguished Senator from Kentucky.

The Senator may recall that, approximately 2 years ago, I offered an amendment to the tax bill. My amendment provided for a rapid tax writeoff for air and water pollution devices. The Senate agreed to the amendment overwhelmingly. However, the amendment was deleted in conference.

The executive branch has not yet favored the proposal that there be a fast tax writeoff for air and water pollution devices. I think that they are very shortsighted to this extent. It seems to me that, despite all the money we are spending for air and water pollution control at the governmental level, we will never solve the problem of air and water pollution unless we have the complete cooperation of industry.

Our problem in this connection is that throughout the country there are many old plants. Many of these plants are unproductive.

Air and water pollution control devices are expensive. And thus the State authorities are faced with a great dilemma when they ask industry to stop polluting the air and water immediately.

The Governor of the State and the State authorities find themselves under great pressure. The town fathers, the labor unions, and the chambers of commerce are not willing to force an old industry to make expenditures, because they might mean the loss of an industry that has been established in the State for many years.

I have noted a great advance in the

interest of industry in its responsibility to eliminate air and water pollution. If we are to achieve our goal and eliminate air and water pollution, we should encourage industry to install air and water pollution control devices. There is a general public interest that goes beyond that of the individual manufacturer who has an old antiquated plant. The public has a definite interest. The way in which that interest can be shown is by giving a fast tax writeoff to industry for the installation of air and water pollution control devices.

The cost to the Federal Government, depending on what might be contained in the bill, could range from $25 million to $200 million a year. When we consider that this committee under the leadership of the senior Senator from West Virginia [Mr. RANDOLPH], the Senator from Maine [Mr. MUSKIE], and the Senator from Kentucky [Mr. COOPER] will soon bring in a $6 billion water pollution control bill, the small sum of money that would be lost in tax revenue is infinitesimal. We will never achieve real and effective air and water pollution control in America until we have the complete cooperation of American industry. It is most essential, as I testified before the committee.

I introduced a bill some 2 years ago as a result of my experience as a Governor, as a member of the Cabinet working in this field, and as a U.S. Senator.

I note with great interest the bill introduced by the distinguished Senator from Kansas, who is a member of the Committee on Finance. I believe that if the administration still persists in opposing proposals such as this, those interested in the proposal should introduce this kind of a bill as an amendment to some tax legislation and have the Senate vote on this matter again.

I am sure that the Senate will repeat its approval of some 2 to 3 years ago. I have a very high regard for the distinguished Senator from Kansas. I am sure that there may be variations between his bill and the bill of the Senator from Kentucky. However, I am equally sure we will be able to work out a satisfactory bill and have effective air and water pollution control.

Air pollution, as a byproduct of our increasingly industrialized and urbanized Nation, is a growing threat to the health and welfare of the American people. Research and study of air pollution continues to provide evidence of the insidious effects of increasing contamination of the air we breathe and in which all human activities take place. We know that air pollution can build up to high levels which can cause acute illness and death. Of even greater concern, perhaps, is the long-range and subtle effect on human health of the lower levels of pollution found in most of our cities when breathed daily over a period of months and years. Among the diseases which have been associated with air pollution conditions found today in many urban areas of our country are lung cancer, emphysema, chronic bronchitis, asthma, and even the "common cold."

In addition to these threats to human health, air pollution causes billions of dollars of losses resulting from the soiling, corrosion, and deterioration of buildings, clothing, rubber, stonework, and other materials. Even our precious and irreplaceable art treasures are now recognized as subject to destruction by this menace. Air pollution reduces visibility and is, thereby, a factor in ground and air transport accidents. Recent research has now indicated that air pollution can even have an adverse effect on our weather, particularly in urban areas.

That is why the first bill I intro-

duced as a Senator was the Clean Air Act of 1963.

In the brief period since the passage of the Clean Air Act late in 1963, considerable progress has been made in mounting a national program for the control of air pollution involving the efforts of all levels of government, public and private, research organizations, and others, under the leadership of the Federal air pollution program.

The Clean Air Act substantially modified the role of the Federal Government in air pollution control as contrasted with its role under prior legislation. New mechanisms within the Federal Government for participation in, and stimulation of, the national effort to abate and control air pollution, were provided. Its provisions are broad and they range into fields which the Federal effort had not previously entered. Briefly, the Clean Air Act authorizes continuation and substantial augmentation of the research, technical assistance, and training activities of the Federal air pollution program carried on by the Department of Health, Education, and Welfare since 1955. The act, however, went far beyond prior legislative authority by assigning to the Department several new responsibilities in the area of air pollution control. It established, for the first time, a program of grant assistance to State, regional, and municipal air pollution control agencies to stimulate and assist State and municipal governments to develop and improve control programs. It also authorizes Federal action to secure abatement of interstate problems, thereby providing some recourse for relief from air pollution which may be endangering the health and welfare of a population in one State but for which, no effective legal remedies to correct the

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alteration are otherwise available. Other provisions of the Clean Air Act direct the Secretary of Health, Education, and Welfare to develop and promulgate criteria of air quality for the guidance of control agencies and other governmental bodies desiring to establish enforceable standards of air quality, to conduct studies and investigations leading to the development of practical low-cost methods of removing sulfur from fuels in order to reduce the amount of atmospheric sulfurous pollution caused by the burning of sulfur-containing coal and oil, to develop prototype devices and procedures of air pollution control and to establish a procedure for the regulation of air pollution discharged from buildings and other facilities under Federal jurisdiction. I was proud to have been the coauthor of that landmark legislation.

Last year, the Clean Air Act was amended and strengthened by Public Law 89-272 to add major new responsibilities for the prevention and control of air pollution. Perhaps the most significant aspect of these amendments was reflected in the decision that the Federal Government must take action to control the present and increasingly growing problem of air pollution from motor vehicles. Under this legislation and the regulations promulgated by the Secretary of Health, Education, and Welfare, beginning with the 1968 model year, all new foreign and domestic motor vehicles and engines introduced into commerce in the United States must conform to usual standards governing the emissions of air pollutants. Although this measure represents an important step in the control of air pollution from motor vehicles it is widely recognized that it is far from a complete solution of the problem since the percentage reductions in emissions from the internal combustion engine which can be achieved will, in time, be overcome by the increasing number of motor vehicles which will be traveling on our high-

ways and streets. The act will, however, prevent aggravation of the problem and provide some time during which more radical and permanent solutions to the problem can be developed.

Other provisions of the amendments enacted last year include authority to the Secretary to take action to abate international air pollution problems caused by sources located in the United States; to hold public conferences directed toward the prevention of new or more aggravated air pollution problems; to accelerate research concerning methods for controlling pollution from motor vehicles and emissions of oxides of sulfur; and to construct, staff, and equip facilities needed by the Department to carry out its responsibilities under the act.

In enacting the Clean Air Act, the Congress authorized appropriations for a 3-year period ending fiscal year 1967. In providing this time cutoff, it was fully recognized that our air pollution problems will not have been solved in that time. It was the intent of Congress, however, to provide an opportunity to evaluate and assess progress made, to determine what modifications in the Federal program might be needed, and the necessary financial resources which must be made available if the objectives of the act are to be achieved.

Within this framework, therefore, S. 3112 extends and substantially increases the appropriation authorizations for the Federal program through fiscal year 1969. The increases provided in S. 3112 are clearly necessary if the wide range of responsibilities of the Federal Government with respect to the control of air pollution is to be carried out in an adequate manner and if the progress and momentum gained under the first several years of the Federal program is to be sustained.

In addition to extending the appropriation authorizations under the act, S. 3112 would authorize the initiation of a new grant program which will properly reflect the Federal interest in providing financial support to State and local governments in exercising their primary responsibility for controlling air pollution at its sources. Under the existing provisions of the Clean Air Act, Federal grant support is limited to short-term stimulatory grants for projects directed toward the development, establishment, and improvement of programs. Although this limited grant program has been highly successful in stimulating greatly increased efforts at the State and local level, it is clear that sustained efforts by State and local governments over a long period of years is necessary if adequate control of air pollution is to be effected. S. 3112 would meet this need by authorizing Federal grants for the maintenance of State and local air pollution programs in an amount up to one-half of the total cost of such programs. Incentives for the conduct of regional or interjurisdictional programs are incorporated in S. 3112 by the provision authorizing Federal grants up to 60 percent of the cost of such programs.

In summary, in extending the Federal air pollution control program, in increasing the amounts of Federal financial resources committed to this serious environmental problem, and in providing a basis for strengthening the abilities of State and local governments to cope with their air pollution problems, S. 3112 should command the support of all who are concerned with this growing threat to the Nation's health and welfare.

Mr. MUSKIE. Mr. President, I ask unanimous consent that notwithstanding the previous order, the time for the vote be extended 5 minutes, so that I may yield to the chairman of the Committee on Public Works, the Senator from West Virginia [Mr. RANDOLPH], and that rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I believe it is important for the record of this debate to indicate the general agreement of the chairman of the Committee on Public Works with the proposals which have been advanced by the Senator from Kansas [Mr. CARLSON], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Kentucky [Mr. COOPER]. The Senator from Kentucky is the ranking minority member of the Committee on Public Works.

I have joined in at least two of these approaches, because I believe it is important that industry have not only the opportunity but also the incentive, through one or more methods, whereby the financial burden of air and water pollution control systems will be lessened. In other words, give industry the incentive to do the job.

It is popular for people to speak in vigorous terms against private industry in matters of air and water pollution abatement. We must be careful in attacking private industry in this instance, because in the State of West Virginia, as in many other States, private industry has gone forward in this respect at considerable expense, involving millions of dollars in nonrevenue-producing facilities. The increased costs to the companies should be borne at least in part by the people of the United States, as a whole.

As the Senator from Connecticut has said—we know the viewpoints of the Senator from Kansas [Mr. CARLSON] and the Senator from Kentucky [Mr. COOPER]—Congress has the responsibility, through incentives to private industry, to bring industry into this effort to a greater degree. In other words, the programs and the progress should not be stimulated by the Government alone. The need prevails for the cooperation and coordinated understanding of industry and Government. The need is for a partnership.

I speak strongly about this matter, as chairman of the Committee on Public Works, not only aware of my responsibility but also realizing that within the committee there is strong sentiment—almost a unanimity—that although we do not have the jurisdiction for tax incentive legislation we realize that the Congress has a responsibility in this matter.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. RIBICOFF. I wish to ask the Senator from West Virginia this question: From his experience as chairman of the great committee that has done much in the field of air and water pollution, is there any question in his mind that unless the complete cooperation of American industry is obtained, effective air and water pollution control cannot be achieved purely on a governmental level?

Mr. RANDOLPH. I am in complete agreement with the Senator from Connecticut.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the time of the Senator from West Virginia be extended 5 minutes, and that rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, the concentrations of population together with the technological and economic development of our country caused those of us within the committee to realize that we must not disparage what has been

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done, but that we must attack this problem in an all-out effort. We shall approach it in less than a forthright manner if we attempt to make it only

a Government-sponsored program, without providing industry with an incentive to move as a partner in the program of progress.

Mr. RIBICOFF. Does the Senator from West Virginia have in his mind the same question that the Senator from Connecticut has in his concerning the advisability of the Government operating in separate compartments? One part of the executive branch wants to clean the air and the water and recommends substantial sums, running into hundreds of millions of dollars, to do so, while yet another branch of the Government demurs, when a really effective job could be done by providing tax incentives that would be only a fraction of what the Government could expend.

Mr. RANDOLPH. I agree with the Senator from Connecticut. I agree with him on the proposal for a tax incentive for the parents of the country to offset the cost of tuition for their sons and daughters at the college level. Our philosophy is the same on this subject.

I shall yield further, if the Senator desires, but I think we have a concept of our responsibility which causes us to believe that private industry will cooperate. Let us not believe that private industry is reluctant or is holding back. Private industry is ready to move in this area, and, in fact, has already moved.

I know of a steel company in West Virginia which has expended $2 million for air pollution abatement and air control facilities. That company actually made an expenditure which was difficult to justify, but in a desire to move forward and to indicate its cooperation and its leadership, it made that commitment of the sum which I have mentioned.

The limitation of time causes the chairman of the committee not to speak longer; but I wish to express certain conclusions which I have reached, so that I want those conclusions to be a matter of record.

As chairman of the Committee on Public Works, I am gratified to be a cosponsor of S. 3112. This legislation, while it may not be the type of congressional activity which receives great public or media recognition, is a significant step toward control of the critical air pollution confronting our Nation.

S. 3112 provides a needed further stimulant to State pollution control agencies which, having been stimulated into action by previous legislation providing Federal grant funds, need continued aid to maintain these programs.

This is particularly significant in my State of West Virginia, where pollution of the atmosphere is a difficult problem, but where the State, accepting its primary responsibility in this area, has attempted to cope with the situation. Without continued Federal support it is highly unlikely that West Virginia or, for that matter, most of the 33 States with pollution control programs will be able to continue their commitments to protection of the public health and welfare from contamination of our air environment.

I should like to call the attention of the Senate to the recently released regulations covering air pollution from Federal facilities. I ask unanimous consent to have these regulations printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RANDOLPH. Mr. President, the order, issued on June 3 requires that plans for new Federal facilities and buildings in the United States include provisions for air pollution control measures necessary to comply with the standards issued by the Department of Health, Education, and Welfare.

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In addition, the President has directed the head of each agency to examine installations and to present to the Bureau of the Budget by July 1, 1967, an orderly schedule for bringing all such installations to the required standards.

The President has noted that a major difficulty in writing the order was the lack of an economically feasible technology for controlling emissions of sulfur. The Congress called attention to the problem in last year's amendments to the Clean Air Act.

The President has directed the Secretary of the Interior and the Secretary of Health, Education, and Welfare to explore with the Bureau of the Budget the feasibility of increasing still further the Federal effort to determine a solution of the sulfur emission problem.

However, as President Johnson also has pointed out a major part of the responsibility for sulfur research rests with the utilities, the coal and oil industries, and other groups which feel the economic efforts of the more stringent air pollution regulations.

Mr. President, during the hearings on S. 3112 I specifically requested Vernon Mackenzie, Chief, Division of Air Pollution, to comment on this order as it relates to the sulfur emission problem.

Mr. Mackenzie's comments to the committee were of considerable significance to those of us who represent areas where coal performs a major role in the economy. I ask unanimous consent that his comments be printed at this point in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

The sulfur pollution problem in some sections of the country in our opinion has reached virtually a critical stage.

In my view, there are areas in the country in which I believe the sulfur pollution is actually dangerous to human health. On this account we have given the control of sulfurous pollution a high priority in our overall program, both with respect to research undertakings, and also an evaluation of the various steps that can be taken on an interim basis until we have better technical answers to deal with the problems.

There are a number of these things that can be done now, such as substitution of fuels having lower sulfur content, the use of very tall stacks to improve dilution and dispersion of the combustion gases from large sources, and by planning new installations in areas where the pollution problem is not as critical as in some others.

These things we regard, however, only as temporary expedients. We do not know currently the most effective way in which to deal with this problem on a long-range basis.

There are attempts going forward through research to develop procedures by which sulfur can be removed from the fuels. Some of these are technically feasible at the present time, particularly with respect to petroleum fuels, but at a cost which has not been acceptable to many users, particularly in industry and elsewhere.

With respect to coal, the situation is less promising with regard to removal of the sulfur from the fuel. We do not have a good technology developed for this purpose as is the case with respect to oil, although work is still proceeding on this aspect of the problem, also.

Perhaps the most promising technical area for further development, particularly as related to the emission of sulfurous compounds by large fuel users, is concerned with the technology of removing sulfur compounds from the combustion gases. Here there have been developed on a laboratory scale and on a small pilot plant scale a number of processes that we think have real technical promise of application for removal of sulfur from the stack gases. This development work is being prosecuted both by public agencies and by private organizations. I am hopeful that, within perhaps the next 5 years, there will be improved tools that we will have available to deal with the problem by this route.

Mr. RANDOLPH. Mr. President, the committee report indicates that a major part of the research effort of the division of air pollution is devoted to the question of sulfur emissions. This is gratifying to me and to the people of West Virginia. I sincerely hope that this research is intensified and will soon result in economically feasible methods of control.

Mr. President, the problem of air pollution is one of the most critical in

the Nation. Though not absolutely demonstrated, it is difficult to believe that there is no relationship between polluted air and the increase in such respiratory illness as emphysema and chronic bronchitis.

The obligation of the Congress to meet this problem with all the facilities of the Federal Government, providing maximum aid to the States, is obvious.

Mr. President, I assure you and my colleagues that the Committee on Public Works, through its Subcommittee on Air and Water Pollution, chaired by the knowledgeable Senator [Mr. MUSKIE], is going into these problems in a depth and scope as we have never done before. I do not disparage what we have already achieved, but all that any American citizen has to do is to travel throughout this country and to see and sense and feel what is happening and know that we must purify our air and clean our water. This is a challenge which we legislatively here must accept.

In conclusion, I wish to express not merely a gracious pleasantry, but genuine appreciation to the chairman of the Subcommittee on Air and Water Pollution for the diligence with which he has continued the hearings, week in and week out, month in and month out, over a period of years.

It is important for us in Congress to express our thanks to persons who are knowledgeable in subjects of this type. This is a new area in which Congress

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has responsibility. I feel certain that the knowledgeable leadership of the distinguished Senator from Maine [Mr. MUSKIE] will be called on in the months and years ahead. The Committee on Public Works shall attempt to move vigorously into this area, not bypassing industry, but with the support of industry, so far as that is possible, with cooperative, coordinated efforts, we believe that such efforts will be successful.

EXHIBIT 1

EXECUTIVE ORDER 11282—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION BY FEDERAL ACTIVITIES

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the Clean Air Act, as amended (42 U.S.C. 1857), it is ordered as follows:

SECTION 1. *Policy.*—The heads of the departments, agencies, and establishments of the Executive Branch of the Government shall provide leadership in the nationwide effort to improve the quality of our air through the prevention, control, and abatement of air pollution from Federal Government activities in the United States. In order to achieve these objectives—

(1) Emissions to the atmosphere from Federal facilities and buildings shall not be permitted if such emissions endanger health or welfare, and emissions which are likely to be injurious or hazardous to people, animals, vegetation, or property, shall be minimized. The procedures established in section 3 of this Order shall be followed in minimizing pollution from existing facilities and buildings.

(2) New Federal facilities and building will be constructed so as to meet the objectives prescribed by this Order and the standards established pursuant to section 5 of this Order.

(3) The Secretary of Health, Education, and Welfare shall, in administering the Clean Air Act, as amended, provide technical advice and assistance to the heads of other departments, agencies, and establishments in connection with their duties and responsibilities under this Order. The head of each department, agency, and establishment shall establish appropriate procedures for securing advice from, and consulting with, the Secretary of Health, Education, and Welfare.

(4) The head of each department, agency, and establishment shall ensure compliance with section 107(a) of the Clean Air Act, as amended (42 U.S.C. 1857f(a)), which declares it to be the intent of Congress that Federal departments and agencies shall, to the extent practicable and consistent with the interests of the United States and within available appropriations, cooperate with the Department of Health, Education, and Welfare and with any air pollution control agency in preventing and controlling pollution of the air.

SEC. 2. *Procedures for new Federal facilities and buildings.*—A request for funds to defray the cost of designing and constructing new facilities and buildings in the United

States shall be included in the annual budget estimates of a department, agency, or establishment only if such request includes means to defray the costs of such measures as may be necessary to assure that the new facility or building will meet the objectives prescribed by this Order and the standards established pursuant to section 5 of this Order. Air pollution control needs shall be considered in the initial stages of planning of each new installation.

SEC. 3. *Procedures for existing Federal facilities and buildings.* (a) In order to facilitate budgeting for corrective and preventive measures, the head of each department, agency, and establishment shall provide for an examination of all existing facilities and buildings under his jurisdiction in the United States and shall develop and present to the Director of the Bureau of the Budget, by July 1, 1967, a phased and orderly plan for installing such improvements as may be needed to prevent air pollution, or abate such air pollution as may exist, with respect to such buildings and facilities. Subsequent revisions needed to keep any such plan up to date shall be submitted to the Director of the Bureau of the Budget with the annual report required by paragraph (b) of this section. Future construction work at each such facility and the expected future use of the facility shall be considered in developing such a plan. Each such plan, and any revision therein, shall be developed in consultation with the Secretary of Health, Education, and Welfare in order to ensure that adoption of the measures proposed thereby will result in the prevention or abatement of air pollution in conformity with the objectives prescribed by this Order and the standards prescribed pursuant to section 5 of this Order.

(b) The head of each department, agency, and establishment who has existing facilities and buildings under his jurisdiction in the United States shall present to the Director of the Bureau of the Budget, by July 1, 1968, and by the first of each fiscal year thereafter, an annual report describing progress of his department, agency, or establishment in accomplishing the objectives of its air pollution abatement plan.

SEC. 4. *Objectives for Federal facilities and buildings.* (a) Except for discharges of radioactive emissions which are regulated by the Atomic Energy Commission, Federal facilities buildings shall conform to the air pollution standards prescribed by the State or community in which they are located. If State or local standards are not prescribed for a particular location, or if the State or local standards are less stringent than the standards established pursuant to this Order, the standards prescribed pursuant to section 5 of this Order shall be followed.

(b) The emission of flyash and other particulate matter shall be kept to a minimum.

(c) Emission of sulfur oxides shall be minimized to the extent practicable.

(d) Wherever appropriate, tall chimneys shall be installed in order to reduce the adverse effects of pollution. The determination of chimney height shall be based on air quality criteria, land use, and meteorological, topographical, aesthetic, and operating factors.

(e) Solid fuels and ash shall be stored and handled so as not to release to the atmosphere dust in significant quantities. Gasoline or any volatile petroleum distillate or organic liquid shall be stored and handled so as not to release to the atmosphere vapor emissions in significant quantities.

(f) In urban areas refuse shall not be burned in open fires and in rural areas it shall be disposed of in such a manner as to reasonably minimize pollution. Refuse shall not be left in dumps without being covered with inert matter within a reasonably short time. Whenever incinerators are used they shall be of such design as will minimize emission of pollutant dusts, fumes, or gases.

(g) Pollutant dusts, fumes, or gases (other than those for which provision is made above) shall not be discharged to the atmosphere in quantities which will endanger health or welfare.

(h) The head of each department, agency, and establishment shall, with respect to each installation in the United States under his jurisdiction, take, or cause to be taken, such action as may be necessary to ensure that discharges of radioactive emissions to the atmosphere are in accord with the rules, regulations, or requirements of the Atomic Energy Commission and the policies and guidance of the Federal Radiation Council as published in the Federal Register.

(i) In extraordinary cases where it may be required in the public interest, the Secretary of Health, Education, and Welfare may exempt any Federal facility or building from the objectives of paragraphs (a) through (g) of this section.

SEC. 5. *Standards.* (a) The Secretary of Health, Education, and Welfare shall prescribe standards to implement the objectives prescribed by paragraphs (a) through (g) of section 4 of this Order. Such standards may modify these objectives whenever the Secretary of Health, Education, and Welfare shall determine that such modifications are necessary in the public interest and will not significantly conflict with the intent of this Order. Prior to issuing any changes in such standards, the Secretary of Health, Education, and Welfare shall consult with appropriate Federal agencies and shall publish the proposed changes in the Federal Register thirty days prior to their issuance. All such standards prescribed

by the Secretary shall be published in the Federal Register.

(b) The permits authorized by section 107(b) of the Clean Air Act, as amended (42 U.S.C. 1857f(b)), may be used to carry out the purposes of this Order as the Secretary of Health, Education, and Welfare may deem appropriate.

SEC. 6. *Prior Executive Order superseded.* Executive Order No. 10779 of August 20, 1958, is hereby superseded.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 26, 1966.*

Mr. MUSKIE. I thank the distinguished chairman of the Committee on Public Works for his remarks and for the wholehearted cooperation and dedicated contribution he has made to this effort during my association with him on the subcommittee.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. MILLER. Mr. President, the colloquy which has just been going on points up a question that I would like to ask the distinguished chairman of the subcommittee.

The PRESIDING OFFICER. All time has expired.

Mr. MUSKIE. Mr. President, I ask unanimous consent to extend the time for 2 additional minutes, and to waive rule XII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. I had the privilege of serving with the Senator on his subcommittee a couple of years ago and we discussed the matter of the need for private industry to join in such a program and the need for tax incentives.

I joined the Senator from Connecticut [Mr. RIBICOFF] in the sponsorship of his bill. I hope that that matter will be pursued.

However, the language of this bill leaves open a possibility for interpretation. I wish to direct to the attention of the manager of the bill section 104(a), line 20, page 2 of the bill which says:

SEC. 104. (a) The Secretary is authorized to make grants to air pollution control agencies in an amount up to two-thirds of the cost of developing, establishing, or improving, and grants to such agencies up to one-half of the cost of maintaining programs for the prevention and control of air pollution:

Suppose a program by one of the agencies includes the reimbursement in whole or in part to private industry for

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installing air pollution control equipment. Would it be the interpretation of the Senator that the pending bill would permit the use of Federal funds to go to that agency for the purpose, in turn, of reimbursing private industry under those circumstances?

Mr. MUSKIE. With respect to the question of the Senator, I have my own thoughts. This is a question which he addressed to me earlier in private.

I would say it is clearly not the intent of the act to make that possible and I do not think the effect of the language would make it possible.

I refer to the attention of the Senator the statement made by Mr. Vernon G. Mackenzie, Assistant Surgeon General, Chief, Division of Air Pollution, Public Health Service, in which he says:

As you know, Mr. Chairman, these grants are intended to stimulate new or increased control activity on the part of State and local agencies. To this end, grants are made only to agencies which increase their own contributions to their budgets for control activities.

The program grant provision is not intended to underwrite or assist industrial installation of air pollution control facilities. That is the objective of the tax features we talked about earlier today.

The PRESIDING OFFICER. All time has expired.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. MUSKIE. Mr. President, I ask

unanimous consent that the time be extended for 3 additional minutes, and that rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, I said a while ago that I did not sit on the subcommittee, although I am the ranking member of the full committee.

Great tribute has been paid and rightfully so to the distinguished chairman of the subcommittee, the Senator from Maine [Mr. MUSKIE]. He has shown exceptional leadership and initiative.

I wish to say that the distinguished Senator from Delaware [Mr. BOGGS], as the ranking Republican of that subcommittee, assiduously attended all meetings, devoted himself to the great problems of air pollution, and worked with the distinguished chairman of the committee to be able to develop a bill which will be of great value today and in the future of our country.

I congratulate both of the Senators for the work which they have done.

Mr. MUSKIE. I thank the Senator. I associate myself with the remarks that the Senator has made with reference to the Senator from Delaware [Mr. BOGGS].

Mr. NELSON. Mr. President, I had the privilege of serving 2 years on the Committee on Public Works and the Subcommittee on Air and Water Pollution under the chairmanship of the distinguished Senator from Maine [Mr. MUSKIE].

I wish to join the chairman of the committee [Mr. RANDOLPH] in endorsing the remarks he made with respect to the chairman of the Committee on Air and Water Pollution.

I wish to say on this issue, which is of great concern to me, that the Senator from Maine [Mr. MUSKIE] is providing more distinguished and thoughtful leadership than any other man in Congress, or anywhere in the United States.

I join the Senators in congratulating him for his thoughtful and fruitful work.

Mr. MUSKIE. I thank the Senator.

Mr. President, I ask unanimous consent that the committee amendments be considered en bloc and that the reading of the amendments be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to en bloc.

Mr. YARBOROUGH. Mr. President, I urge the immediate passage of S. 3112, the Clean Air Act Amendments of 1966. The Senate and the entire country are deeply indebted to the junior Senator from Maine [Mr. MUSKIE] for his outstanding leadership in the field of air pollution control. It is in large measure due to his untiring efforts that the Nation finally is recognizing the significance of this problem. The importance of the legislation before us now cannot be overestimated. Air pollution poses a real threat to our national health and welfare. This bill is the next step in the Federal program to control air pollution. It is an effective means to combat that problem.

In 1963, Congress passed the Clean Air Act which created within the Federal Government a mechanism to increase the national effort to abate and control air pollution. The act authorized substantial augmentation of the Federal pollution program carried on by the Department of Health, Education, and Welfare since 1955. It also established a program of grant assistance to State, regional, and municipal air pollution control agencies.

Again, in 1965, Congress, acting in the national interest and recognizing the increasing gravity of the air pollution problem, passed S. 306 which established a Federal Air Pollution Control Laboratory and amended the Clean Air Act to require standards for controlling the emission of pollut-

ants from gasoline-powered or diesel-powered vehicles.

It is our duty to strike the next blow in the battle against air pollution; S. 3112 offers us this opportunity by making the use of appropriations under the Clean Air Act more flexible and authorizing grants to air pollution control agencies.

More than 60 percent of the population of the United States is confronted by the problem of air pollution. The movement of an ever-larger percentage of population into urban areas has concentrated the discharge of waste products from combustion into a very small proportion of the atmosphere. A consistent relationship between air pollution and population has been determined. At the present time 53 percent of our citizens live on less than 1 percent of our land area. As urbanization increases, the problem of air pollution is intensified. It is imperative that we meet the challenge of air pollution now before it becomes uncontrollable.

Air pollution has many insidious effects. It harms health, reduces our crop yield, damages property, and offends our senses. There is strong evidence that air pollution is associated with a number of respiratory ailments. The cost of illness, of decreased strength, and of shortened lifespan is incalculable. Human suffering bears no price tag. Property damages attributed to air pollution are currently $65 per capita per year. Air pollution causes accelerated deterioration of materials and structures and increases maintenance and replacement expenditures.

Clean, pure air is a part of our national heritage. What more valuable gift can we leave to our descendants than an atmosphere freed from offensive and noxious gases? We must control air pollution now while we are able. S. 3112 will be indispensable in combating the menace of air pollution. The bill increases the annual authorization for air pollution control and abatement programs to $46 million a year for this fiscal year, $70 million for fiscal 1967–68, and $80 million for 1968–69. The legislation would permit 50–50 matching grants to air pollution control agencies and three-fourths matching grants to intermunicipal and interstate agencies for maintaining control and abatement programs. It provides three-fifths matching grants for regional air control programs. These new grants are in addition to the existing matching grants to air pollution control agencies and matching grants to intermunicipal and interstate agencies for developing, establishing, or improving such programs.

Clean air is the most vital of our national resoures. I urge the immediate passage of S. 3112 to further combat the air pollution problem.

Mr. TOWER. Mr. President, without question, control of air quality and pollution reduction is a great problem, and it is a problem for which solutions are within our power.

The technological solution to air pollution has proved a thorny problem for engineers, but methods are being developed to solve the problems of air pollution. Legislation passed in the 88th Congress and amendments made in the 1st session of the 89th Congress have provided considerable impetus for those already working on the problem.

The legislation passed in the 88th Congress provided for a 3-year program so that Congress could review the progress made as a result of Federal activity. I concur with the committee that such review procedures should remain in effect, as is provided in the present legislation.

I was pleased to note in the report the progress which has been made in the development, by a private concern, of apparatus which promises to control incinerator waste and which could be used to reduce air contamination

from incinerator waste emanating from large apartment or office building complexes in cities.

The present bill, S. 3112, would provide for continuation of Government assistance to State and local officials to deal with this problem. Progress has

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been made in controlling air quality, but additional financial resources are necessary if we are to realize our objectives in this area. S. 3112 has my complete support.

Mr. MURPHY. Mr. President, I want to again congratulate the distinguished chairman for his vision and for the leadership he has given this Nation in the fields of air and water pollution.

In my judgment, the pollution problem is one of the most serious domestic problems facing our country today. But time is not on our side. It's running out. Delay will not only be costly in terms of dollars, but even more important, will be the possible detriment to human health and the interference with the general well-being of our society.

Damage resulting from air pollution in this country has been estimated at $11 billion a year. Economic losses alone indicate the need for action. It has been estimated that agricultural losses in California alone total approximately $132 million annually. Pollution contributes to the deterioration and corrosion of our physical structures. The consumer may see effects of pollution by the need for more frequent trips to the laundry. Even more important are the adverse effects that pollution may have on human health. Evidence grows associating air pollution with certain respiratory disorders, such as asthma, bronchitis, emphysema, and lung cancer. While the evidence is not conclusive, a strong suspicion is present, and one thing is certain, air pollution does not do us any good.

Although there has been a great deal of activity lately in the air pollution field, probably due in no small part to the Clean Air Act, it appears to me that the Nation has not fully grasped the seriousness of the air pollution problem. This is true despite the fact that polluted air is daily gasped by all too many Americans.

For some reason the American public has the impression that the air pollution problem only exists in Los Angeles and a handful of other cities. Over the years, I have had the pleasure of flying across this Nation and seeing much of the country. In so doing, I can say that contrary to this popular notion, Los Angeles is not the only area with a major pollution problem. While it may have been true at one time that Los Angeles alone had a pollution problem, one can clearly see that today air pollution is a national problem and a growing one.

Take the Nation's Capital, Washington, D.C., for example. Our Capital City truly is a beautiful one. The millions of tourists who flock to Washington yearly cannot help but return to their respective States with a better understanding and a better appreciation of what America is all about. Washington continues to be a great source of inspiration to me personally. This is why I view with great concern the inadequate pollution programs in the District of Columbia area. For Washington, although a great inspirational and beautiful city, is also from an air pollution standpoint, a dirty city. Experts say, it is many times dirtier than the city of Los Angeles. That such is the case saddens me as it should all Americans, for it should not be. For Washington has no substantial industry and far better meteorological conditions than Los Angeles. Such pollution is also inexcusable because modern technology has advanced to such a state that most of the pollutants from stationary sources can, and should be,

reduced or eliminated. In Los Angeles County a vigorous and effective program to abate air pollution from stationary sources is paying off. Aimed at reducing air pollution levels from stationary sources to those existing in 1940, the goal has almost been reached. Los Angeles County's control program for stationary sources has kept more than 5,000 tons of contaminants out of the air daily. The District of Columbia area could also achieve similar results by eliminating or reducing pollutants from stationary sources. It can and should be done.

Under the Clean Air Act, Federal action is authorized to abate interstate air pollution problems. The Secretary of Health, Education, and Welfare may take such action on his own initiative or after consultation with the officials of the States involved or at the request of the States. It is my understanding to date Federal authority has been invoked in eight interstate areas. Certainly the Federal Government has a particular responsibility in the Nation's Capital. It is for that reason that I urge the Secretary to initiate the necessary actions to stop the unnecessary pollution of the air in the Nation's Capital. The Federal City, pollutionwise, should be a model city of clean air.

I only wish, Mr. Chairman, that the State of California was making as rapid progress in controlling the pollution from the automobile as we have made in controlling pollution from stationary sources. Unfortunately, such is not the case. Although we are making progress, the truth of the matter is that we have to run as fast as we can to stand still. This is so because of our rapidly growing population which is expected to double by the end of this century, and the increasing number of autos.

On May 27, the Air Pollution Control District of the County of Los Angeles issued its report to the Board of Supervisors of the County of Los Angeles regarding the status of air pollution control in Los Angeles County and the prospects of success of the current control programs. Their conclusions were: one, current motor vehicle control programs will not achieve acceptable air quality in Los Angeles in the next decade, and two, control of motor vehicle emissions must be intensified and accelerated if Los Angeles County is to have acceptable air quality by 1980.

Since it has been estimated that emissions from the motor vehicle are responsible for about 80 percent of the Los Angeles problem, and a substantial contribution elsewhere, we must do better. In California all 1966 and later model cars must meet California standards that limit the amount of hydrocarbons to 275 parts per million and carbon monoxide to 1.5 percent. Standards have been adopted to further reduce these exhaust emissions in the case of hydrocarbons from 275 parts per million to 180 parts per million, and carbon monoxide from 1.5 percent to 1 percent in 1970.

Mr. President, I would also urge that the automobile industry of this country give the problem of air pollution the top priority to which it is entitled. I feel very confident that the industry if it focuses the skills and abilities of its personnel will find solutions to the pollution problem. In any event, the industry should move and move quickly, for I can say that the public is demanding answers to the problem of air pollution.

Also, Mr. President, I believe it imperative that the Federal, State, and local governments undertake educational programs designed to make the public aware of the air pollution problem. In this effect, I would hope that such voluntary groups as the tuberculosis association might join in such a campaign in view of the increasing statistical evidence showing some relationship between respiratory problems and pollution.

Finally, although I understand this lies outside the jurisdiction of this Public Works Committee, I believe the Federal Government should provide a tax incentive to private industry to anyone who acquires, constructs, or installs air pollution devices that have been certified.

In conclusion, I believe that the work of this Air Pollution Subcommittee is as important as that carried on anywhere in the Congress. Indeed, if we are to pass only the benefits of our great civilization and unsurpassed technology to future generations without eliminating or at least controlling some of its undesirable byproducts, such as pollution, we may be cursed rather than praised. We in this country must learn to conserve our air and water resources, just as we learned to conserve other natural resources. We have already been given a glimpse of the folly of the failure to do otherwise.

In closing, I again congratulate the chairman and my colleagues for their work in keeping the air pollution problem before our people and for their efforts in bringing S. 3112 before the Senate. I feel confident that the enactment of S. 3112, which establishes maintenance grants and increases the authorization by $9 million during fiscal year 1967, will help us to continue the battle against air pollution.

Mr. TYDINGS. Mr. President, the bill we are about to pass today is an important addition to the Clean Air Act. The increase in annual authorization for air pollution control and abatement programs to $46 million per year and the establishment of 50–50 matching grants for maintenance of these programs reflects the determination of the Senate to eliminate pollution in the atmosphere.

The death in 1962 of 340 people in London due to smog is a bitter reminder that the pollution of the air we breathe is a serious problem. Air affects our health. There is strong evidence that chronic bronchitis and lung cancer are associated with contaminated air. Air

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affects property. Approximately $11 billion is lost per year through the accelerated deterioration of materials. Air affects agriculture. Grapes, tobacco, barley, and broccoli are but a few of the crops that have been harmed in at least 19 States. Polluted air affects our esthetic sense. Flowers have trouble growing in smog-covered cities, buildings and statues are eroded, and blue skies are turned grey and ugly. The overall harm to our environment and our people caused by air pollution is a shocking indictment of the entire Nation. Only a massive cooperative effort on the part of Federal, State, and local governments, coupled with ordinary citizens, can lick the problem. I believe we have begun this effort.

The bill does not affect any essential change in the Clean Air Act. Rather it supplements this act and is a good example of the ability of the Senate to respond quickly to new problems as they arise. Over the passage of time, it is inevitable that some legislation must be improved. This improvement should be done with both speed and wisdom.

Under the effective leadership of the Senator from Maine [Mr. MUSKIE] and the Senator from West Virginia [Mr. RANDOLPH] the Public Works Committee acted with dispatch and with great wisdom in recommending this bill to the Senate. I am proud to have cosponsored this bill and to have worked under Senators MUSKIE and RANDOLPH for its enactment.

Mr. KENNEDY of New York subsequently said: Mr. President, I welcome this opportunity to support S. 3112, a bill improving the Clean Air Act. This legislation will authorize the Federal Government to pay for

the operation of municipal, intermunicipal and interstate air pollution control programs. It will also remove a restriction on the use of appropriated funds for this purpose, until this time a limit of 20 percent.

This bill authorizes a total of $46 million in 1967, $70 million in 1968, and $80 million in 1969 for Federal air pollution activities. And with this legislation, the Secretary of Health, Education, and Welfare can pay up to half the expenses of a municipal pollution control program and three-fifths of the costs of an intermunicipal or interstate program.

This additional authority and these funds are needed to help expand the air pollution programs that have been started during the last few years. We have used Federal funds to help stimulate local and State activities and these units of government have increased their expenditures by 50 percent in the last 2 years. Most municipalities, however, are hard pressed to meet the many financial challenges of growth and renewal and badly need assistance in meeting this new threat.

New York City, for example, spent $1,347,000 for its air pollution control program in 1965–66. The Federal Government contributed $190,173 or 14 percent of this total. Most of New York City's money is used to pay the personnel of the department of air pollution control, with less than one-fourth of its funds available to purchase new equipment. This means that a city of 7 million operates only four sampling stations that continuously monitor at least 4 of the major pollutants. It means that a country that prides itself on its technology capabilities does not arm its air pollution control officers with anything approaching the types of equipment needed to meet this threat.

The additional support made available for pollution control programs by this bill will make it possible to expand New York City's program and to begin the purchase of data collection systems that will provide full information on air pollution.

In a larger sense, however, we have only begun to come to grips with this threat to our environment. Our pollution experts point out that with the expected growth in the number of cars on our streets and highways, and the expected increase in electrical power production, the level of pollution in our communities will increase rather than decrease. Even the expected gains from the automobile exhaust control devices that are required by the Motor Vehicle Air Pollution Control Act of 1965 will be lost by the late 1980's. The increase in cars, more than 130 million by 1985, will bring the level of carbon monoxide and hydrocarbon pollution back up to the level that exists today. And, although we will reduce the level of these two pollutants with the new control devices, the device has no effect whatsoever on the nitric oxides produced by the gasoline engine. There are even some indications that the new device will increase the amount of nitric oxides produced by a car.

Similarly, although our electrical power needs are expected to increase threefold by 1980, only nuclear power eliminates air pollution. We do not yet have an economic way to remove sulfur from coal or fuel oil, a necessary step if we are to lower the amount of sulfur dioxide in our atmosphere.

The major danger from air pollution is one of health. Most of us know that carbon monoxide in a closed garage can kill us, but fewer know of the indirect dangers. For air pollution affects the health of millions who are unaware of its threat.

In the absence of precise and overwhelming medical findings, there has been a reluctance to state that air pollution is a cause of lung and circulation diseases or cancer. Medical experts point out that on the basis of

current information, they cannot tell whether a pollutant causes a disease. They do, however, admit that air pollution places an additional load on those suffering from other diseases. And they agree that many pollutants severely restrict the oxygen-carrying qualities of our blood, reducing our ability to fight other diseases.

Yet, as early as 1932, the U.S. Public Health Service surveyed American cities to find out whether there was any connection between air pollution and disease. They found that the four most polluted cities at the time—Pittsburgh, Boston, Baltimore, and St. Louis—also had the highest proportion of pneumonia deaths in the country.

Again, in 1957, the Canadian Select Committee on Air Pollution and Smoke Control stated that—

> Although scientific evidence about the effects of air pollution on human health is far from complete, enough proof exists to make it abundantly and increasingly clear that air pollution is injurious to both physical and mental health. Under certain combinations of circumstances it can be fatal. It fosters disease, and is very probably a major cause of lung cancer, if not of other forms of malignancy.

Within the last several years, medical investigations in Buffalo found that air pollution may double our chances of dying from lung diseases. The health records of people living in the path of Buffalo's industrial smoke was compared with those of people living outside the smoke path. The records showed that twice as many—6 percent—people between 50 and 70 in the polluted area died from lung diseases as those who lived elsewhere—3 percent.

In 1949, only 915 deaths in the United States were attributed to emphysema. By 1961, this figure had climbed to 10,269. Last year, emphysema killed an estimated 60,000 Americans according to Dr. John H. McClement, chief of the chest service at New York's Bellevue Hospital. Emphysema also disables 1 out of every 14 of our workers over 45, according to the Social Security Administration.

Emphysema does not strike with the suddenness of a heart attack or pneumonia. Many victims are unaware of its presence until more than 50 percent of their lung capacity is destroyed. And once this destruction takes place, it cannot be reversed. The victim only receives half as much oxygen as before and is limited in what he can do. And the extra burden placed on his blood system bring a host of heart and circulation problems.

The significance of this increase in the number of emphysema cases is that it has been linked to air pollution. British medical investigators have found a close correlation between this disease and the amount of fuel burned and the amount of sulfur dioxide and soot in the air. Our National Institutes of Health state that:

> It is probable that air pollution also contributes to the emphysema problem in the United States cities with smog problems; but the extent of that contribution remains to be accurately assessed.

Most recently, the National Academy of Sciences has reported that, although there is a lack of precise information, "there is undoubtedly a major health hazard under certain atmospheric conditions in larger cities."

I do not think that we can ask our medical and scientific experts to be more precise at this time. They have established the relationship between pollution and disease. It is up to us to reduce the level of pollution.

We do not even have agreement today on the levels of air pollution that are considered uncomfortable or unhealthy for the individual on the street. Congress has asked the Department of Health, Education, and Welfare to de-

velop criteria for this purpose, but to date they are not available.

California, for example, has established a set of standards classifying the amount of pollution found in the air at any one time. This standard has three categories; an adverse level at which the pollutant is irritating to the nose and eyes of an individual and can damage plant life and property; a serious level where exposure to the pollutant is likely to lead to chronic disease and a change in the functions of an individual who is sensitive to pollution although it may not affect a strong healthy person, and an emergency level, where a pollutant will lead to acute sickness or death in a sensitive group of persons.

California then goes on to state that 1 part per million of sulfur dioxide for 1 hour or 0.3 part per million for 8 hours is an adverse level. Five parts per million of sulphur dioxide for 1 hour is considered a serious level. And 10 parts per million is considered an emergency level.

When we compare California's standard for sulfur dioxide with average conditions in New York City during January 1965, we find that the adverse level was exceeded on more than half of the days of that month. The adverse level was exceeded for a 24-hour period on 17 days of the month.

The adverse level of sulfur dioxide has also been exceeded in a number of other cities. In February 1963, the average level of sulfur dioxide in Washington, D.C., exceeded the adverse level as defined by California. Yet no public warning was given because Washington, D.C., does not yet have a standard for pollution.

Similarly, in February 1965, Chicago registered an average sulfur dioxide level of 0.27 for the month, a level of 0.55 for a 24-hour period, and a level of 1.14 for an hour. And Cleveland experienced 2 hours in January 1965 when the sulfur dioxide level reached 0.54 and 0.55, respectively.

In view of the expected growth in electrical power generation, there is no question that many of our cities will have sulfur dioxide concentrations in excess of the adverse level as established by California. This level is already being exceeded in a number of cities. We have only touched on the regulations and practices that must be established if the sulfur dioxide content of our air is to be lowered.

California has also established standards for carbon monoxide. No adverse level has been set. A total of 30 parts per million for 8 hours or 120 parts per million for 1 hour is considered a serious level. And the emergency level is considered to be somewhere between 120 and 240 parts per million.

New York City also considers 30 parts per million of carbon monoxide for a 24-hour period to be dangerous. Yet New Yorkers and commuters from surrounding communities have been exposed to carbon monoxide concentrations ranging from 100 to 200 parts per million.

During the recent transit strike in New York City, carbon monoxide measurements were taken in the Lincoln, Battery, and Holland Tunnels. The average concentrations taken from the entrance to the exit of these tunnels were 44, 54, and 34 parts per million, respectively. And at a number of spots in these tunnels, levels of 100 to 200 parts per million were recorded.

Although many pollution experts discount carbon monoxide levels near major highways, these levels are of significance to those who drive continually in heavy traffic or have jobs that constantly expose them to carbon monoxide. It is no wonder that several blood samples taken from taxicab drivers in one of our cities showed a carbon monoxide level between 8 and

20 percent, considered enough by the Public Health Service to affect their driving.

Unfortunately, this picture of tentative pollution safety levels set by some States and communities with little agreement between them is repeated for other pollutants. The result has been one of confusion and discouragement for those who have attempted to clean up our air.

We can make more progress in our efforts to control air pollution if we establish a Federal safety code for the major pollutants. This code, establishing an adverse and a serious level for each of the significant pollutants, could be used as a guideline by communities concerned with this problem. This code should set a level for a pollutant that will protect all members of the community, the very young and the old and those most sensitive to the effects of this pollutant as well as those more able to withstand the effects of pollution. For these groups suffer most when pollution levels rise. There is no doubt in the minds of our doctors that pollution takes a toll of these groups—a toll that is reflected in the death records of most major cities.

In looking toward future legislation, I believe that major emphasis must be given to air pollution research and development. For this is an area where a major investment will pay dividends.

We need to experiment with new processes for removing sulfur from coal and fuel oil. In much the same way that we have built experimental desalinization plants, we should build sulfur extractors. It should be possible to develop an economic way of doing this.

We also need a major investment in power transmission technology so that we can carry electric power from powerplants located near our coal mines to our cities. Significant decreases in the cost of this form of power transmission can make it possible to build our new powerplants away from the cities.

And we also must continue our development of economical nuclear power to provide pollution-free generators in our cities.

We also need to explore ways to eliminate pollution from automobile engines. A method of reducing the amount of nitric oxide in engine exhausts is essential and ways of further reducing the carbon monoxide and hydrocarbon exhausts are needed. The Public Health Service should establish a broad development program to reduce pollution from the gasoline engine.

We also need to explore the possibilities of electric cars. Recent advances made with electrical batteries in space craft and submarines are providing us with the technology for battery driven cars. The British are already moving forward on plans to develop an effective electric car which will aid materially in reducing air pollution. Mr. A. N. Irens of the British Electricity Council has suggested that Britain may have over a million electric cars within the next 10 years. He stated that, "the era of the battery-driven car need not be far away. Given enterprise, courage, and swift action, the battery-driven car will be the town car of the future."

The battery-driven car can be a practical vehicle for suburban and city driving. Although it will not provide the same acceleration or high speeds that present cars have, it will provide any power required for local streets and roads.

An effective air pollution control program also requires coordination with other major Federal programs. Our national fuel policies, affecting the availability of better grade fuel oil, the development of natural gas, and the utilization of coal, need to be related to our air pollution problems. Our transportation programs, aimed at reducing the number of cars on our

highways and the stop and go driving in our cities, also bear a direct relation to our air pollution problem.

I do not think that the Department of Health, Education, and Welfare now has the authority to effect this coordination. Perhaps what we need is a Federal Council on Air Pollution with the Department of Health, Education, and Welfare acting as the lead agency to handle these problems.

I have mentioned these air pollution problems and suggested some approaches not so much as a comment on this bill as a comment on the nature of the problem and the direction in which we must move. And although there may be differences of opinion about what we must do, there can be no disagreement on the need to solve this problem.

In discussing another health problem, cigarette smoking, it was pointed out that the individual had a choice as to whether he would smoke. There was no choice, however, for the 360 people in New York City who died in 1963 in one incident because of an increase in the pollution of the air. And there is no choice for the millions who will have their lives shortened because our air is contaminated. It is our responsibility to reduce the level of pollution to a point where no individual's health is threatened.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

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[p. 15261]

The result was announced—yeas 80, nays 0 * * *. So the bill (S. 3112) was passed.

[p. 15262]

1.1g(4)(c) Oct. 3: Considered and passed House, amended, pp. 24853–24855

CLEAN AIR AMENDMENTS OF 1966

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3112) to amend the Clean Air Act so as to authorize grants to air pollution control agencies for maintenance of air pollution control programs in addition to present authority for grants to develop, establish, or improve such programs; make the use of appropriations under the act more flexible by consolidating the appropriation authorizations under the act and deleting the provision limiting the total of grants for support of air pollution control programs to 20 percent of the total appropriation for any year; extend the duration of the programs authorized by the act; and for other purposes; as amended.

* * * * *

Mr. STAGGERS. Mr. Speaker, this bill merely represents a simple extension for a period of 3 years of the Clean Air Act. It was reported out of the subcommittee unanimously and out of the full committee by a unanimous vote.

Mr. Speaker, I shall call upon the distinguished chairman of the subcommittee, the gentleman from Oklahoma [Mr. JARMAN], to give a brief explanation of the bill after my few brief remarks.

Mr. Speaker, this bill is a 3-year extension of the Clean Air Act currently slated to expire June 30, 1967. The bill increases authorizations for

the current fiscal year by $4 million, and authorizes $62 million and $71 million for 1968 and 1969, respectively.

The bill also permits grants to interstate, State, and local air pollution control agencies of up to one-half the cost—three-fifths in the case of intermunicipal or interstate agencies—of maintaining new programs where the Federal funds involved will not be substituted for State funds, thereby reducing State and local expenditures.

The bill makes several other amendments to the act. The existing limitation of 20 percent of total appropriations which may be used for support of interstate, State, and local air pollution control programs is removed; the bill provides that in determining eligibility for program grants. Nonrecurrent expenditures—such as construction—shall not be considered; and the bill provides for allocation of expenditures between States where programs cross State boundaries for purposes of determining the 12½-percent limitation on total appropriated funds that may be spent in any single State.

The bill is an amended version of an administration proposal and passed the Senate unanimously. The committee was also unanimous.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Oklahoma [Mr. JARMAN].

Mr. JARMAN. Mr. Speaker, this bill amends the Clean Air Act to extend that act for an additional 3 years and authorize appropriations for this 3-year period. The bill also authorizes grants to State, local, and interstate air pollution control agencies to assist in the cost of maintaining new or additional programs of those agencies. The committee amended the bill to insure that in no instance will Federal funds be used to replace State or local funds available for air pollution programs, but will be limited to new and increases in old programs.

The problem of air pollution which is already serious in the United States is steadily growing and worsening. It is ironic that our high level of prosperity is contributing directly to this problem, because as our economy expands, we consume more, which means we dispose of more and the byproducts have only three places to go, into the soil, into our rivers and lakes, and into the air. The pollutants that daily flow into the atmosphere from millions of automobiles and from our industrial plants are causing steadily increasing health hazards in the States.

Specific diseases associated in one degree or another with air pollution are emphysema, chronic bronchitis, asthma, lung cancer, and other respiratory infections. There is no reason, however, why our society should permit this problem to grow worse. Instead, we should be improving the quality of our air as well as our rivers and lakes and it is possible to accomplish this result. It cannot be done overnight, but it can be done, and the programs carried out under the Clean Air Act are directed to accomplishing that objective.

This bill reflects the experience that has been gained in the 3 years since the Clean Air Act was enacted in 1963.

Last year, the Congress established a new program authorizing standards for automobile exhausts, and those standards have been issued by the Secretary of Health, Education, and Welfare, effective with respect to 1968 and later new passenger automobiles. This bill will provide added flexibility in the financing of that program through consolidating all appropriation authorizations under the Clean Air Act into one place, so that unanticipated contingencies which may arise may more adequately be

met within the limits of appropriations made.

Under existing law, not more than 20 percent of the funds authorized to be appropriated may be used for grants for air pollution control programs.

Experience has indicated that this limitation should be removed. We want

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to encourage the establishment of more programs and it is feared that the 20-percent limitation might interfere with the attainment of that objective.

There were extensive hearings on this legislation before the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works, and our committee held hearings on bills dealing with this subject. The bill was amended so as to insure that no Federal funds could be used to replace State funds, and on that basis we reduced appropriation authorizations contained in the bill as passed by the other body by a total of $24 million.

The subcommittee and the full committee were unanimous in reporting the bill to the House and we recommend its passage.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I shall be glad to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman from Oklahoma yielding and I want to say initially that I certainly am in favor of clean air.

But, Mr. Speaker, on Friday last, this body passed a $1.2 billion, plus, bill for antiair and antiwater pollution. We well realize that this is just an amendment to an existing Clean Air Act, and that it was reported unanimously out of the Committee on Interstate and Foreign Commerce.

But, Mr. Speaker, it does set up, for several sessions of Congress yet to come, increasing amounts in millions of dollars to be expended on the part of the Federal Government for these purposes.

Mr. Speaker, why do we need both bills? I believe that is the question to which the Members of the House need an answer. There might well be the question of majority duplicity and/or overlap of surveillance in this area. However, I am simply wondering and I believe, first of all, we need explanation as to why we need these amendments, in addition to the bill that was passed last Friday, and where does the jurisdiction lie among our House of Representatives committees in the bill which was passed on last Friday?

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, if I may answer that interrogation, I believe the gentleman from Missouri is referring to the bill from Ways and Means in which certain interests were given a tax credit for investments helping to abate water pollution and air pollution.

Mr. HALL. No, Mr. Speaker, we did both on Friday last. In the Investments Credit Act of 1966 we exempted air and water pollution devices from the repeal of the 7-percent exemption. Then, later on, we had a clean air and clean water pollution bill which involved the sum of over $1 billion.

My question is simply this:

As strong as I am for cleaning up our air and eliminating smog from our major municipalities and, certainly, cleaning up our streams, why do we need both competing amendments? Is this not a responsibility of local communities and their ordinances properly indicting auto exhausts or manufacturers when appropriate?

Mr. STAGGERS. I may answer the

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gentleman from Missouri in this fashion:

I believe the gentleman was talking about simply a clean water bill, whereas this bill deals with air pollution.

The other bill was a tax amendment providing a tax credit to those in industry in order to promote anti-air-pollution and anti-water-pollution activities by private industry.

Mr. HALL. Mr. Speaker, while there is some reasonable doubt in my mind, I appreciate the gentleman's answer, but in the report under the purposes of the legislation, paragraph 3, it removes the 20 percent of the total appropriation from the remaining grants for the air pollution control program.

Will the gentleman advise the House whether this simply leaves the percent of participation of the total appropriation open ended—in other words, could it be on a matching basis with the States up to 90 percent, or even 99.44 percent, or is there still a ceiling or a limitation in this bill?

Mr. STAGGERS. I might say to the gentleman that this allows more flexibility. The law specifies the amounts that can be expended for these purposes, and the percentage for each purpose. This would just simply give more flexibility in the total amounts that may be used for grants for State, interstate, and local air pollution control programs.

Mr. SPRINGER. Mr. Speaker, I think this is what the gentleman wants to know. To the local air pollution agencies, two-thirds for the development or improvement of a program, that is one, and second, one-half of the operating expenses.

Under grants to intermunicipal or interstate air pollution agencies and programs, three-fourths for development or improvement, and three-fifths of the operating expenses.

Mr. HALL. In other words, "flexibility" like "commonalty" is an administration byword and we are going from 20 percent to 66⅔ percent in one instance, and 75 percent in the other, as far as the Federal largesse to these matching programs, where clean air is concerned?

Mr. SPRINGER. Not exactly. The 20 percent applies to overall amounts available; the 66⅔ and 60 percent apply to individual projects.

Mr. HALL. There would be an increase.

Mr. SPRINGER. In percentages.

I do not want the gentleman to think our bill is larger in dollars than the Senate's bill. Our bill is less than the Senate version.

Mr. HALL. I understand that there is a reduction of $24 million over the other bill, but we are increasing percentages allowable from Federal matching funds in this bill.

Mr. SPRINGER. That is correct in this piece of legislation.

Mr. HALL. I thank the gentleman.

Mr. SPRINGER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. COLLIER].

Mr. COLLIER. Mr. Speaker, I wonder if someone can tell me how much of the additional sums or funds here appropriated will be used specifically for research? In other words—and I know I am not alone in this feeling—I get the impression that as we deal with the very serious problem of air and water pollution by repeatedly expanding research and studies. Certainly I do not question that some of them are necessary, but I wonder at what point we should concentrate more attention to the solution of the problem, and direct measures to dealing with the problem and a little less perhaps, to studying and restudying the problem as we have done for so many years. Specifically, in the area of presenting reports as a result of investigation where determinations have been made, develop

in a concrete way what steps should be taken to cope with the problem.

Mr. SPRINGER. May I say to the gentleman that one reason we have not had a uniform solution to the problem is because in the various parts of our country the problem is different.

For instance, in the Los Angeles area—and I do not know which of my colleagues are here today from that area but there is a very intensive problem which has existed for a number of years. The State of California had been working on this problem long before we came into the picture. If you want to take the city of Chicago, you have a different problem there. The same with Pittsburgh, you have a different problem there.

May I say that this takes into consideration not only what municipal agencies can do, but also the encouragement of much of the private business operations, especially as we see it in the Pittsburgh area. Most of it was caused in that area by private operation of business alone. They did get the kind of reduction there that they had to have. In fact, Pittsburgh is a pretty well controlled area at the present time.

But I say to the gentleman that the solution of this problem to a large extent depends upon local conditions and what you can do to remedy it in that particular area.

Mr. COLLIER. May I say merely to illustrate my point, and getting into the area of water pollution, we have as my good friend, the gentleman from Illinois knows, expended substantial sums of money in research.

Recognizing that some of these are unique to certain areas, yet those same problems of water pollution even after findings have been made, remain with us.

I can cite specific instances in my own district where such reports were made and where a determination was made as to the cause, and the need for abating the problem. Yet, as of today, after millions and millions of dollars have been expended in researching, to secure at least what was presumed to be an answer to the problem or a solution of the problem, the conditions are no better, and

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in some instances worse than they were before we studied it to death.

Mr. SPRINGER. May I say to the distinguished gentleman, in the latter part of his comment he is dealing with water pollution which is an entirely different problem that is solved in an entirely different way from air pollution. I should want to say to the gentleman that we on this committee would not hope to be responsible for anything happening in the area of water pollution. First in the matter of air pollution, we have found from our committee hearings that this is indeed a complex problem, and that the best thing is to make the grants to the local communities to assist them to work out the individual problems as it affects their particular community.

I think that you will find even in the city of Chicago that they have been working on this for years and they have not been able to come up as yet with an answer.

We hope that with these grants, which are quite small, because they will only be $39 million, $62 million, and $71 million in the next 3-year period—that is spread around among the cities in this country—that they have more money to help them and it will be an incentive.

Mr. COLLIER. Let me say that I qualified my remarks earlier by using the water pollution situation as an example of my concern with the approach to the problem. But if we must be specific and deal with air pollution, I will be delighted to do that by suggesting that the situation is entirely the same in our own area, where for many years, going back to the time

when I was the president of the local health board and we were studying the problem of air pollution in our city. After determinations were made as to the cause, particularly with a southeasterly wind blowing, I have to tell you, and I can assure you that as of today, some 12 years later, the conditions persist. Thus, I merely say that I would hope that we can devote a greater part of these funds to something that will accomplish a solution of the problem which I am sure we are all interested in solving. But one becomes a little skeptical after awhile when we continue to expand funds for research while seeming to really getting the job done.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of S. 3112, a bill which is of grave concern to every American today and to all future generations of Americans.

We are faced today with a vexing question which had developed from a problem into a crisis. Even our action here today will not terminate this crisis. Even our action here today will not terminate this crisis overnight. But it is a matter which must be attacked today if we hope to find a solution for tomorrow.

As it has been stated, the problem of clean air—or more aptly put, dirty air—is not one limited to the big cities of our Nation. Nor of suburban America. It is a problem in every corner of the Nation. For there is little way of escaping the filth and poison in the air around us. This air that has polluted every area of the Nation is only getting worse. It has killed directly in some cities and it has caused injury to persons and property all across the country.

We must stop this killer. We have waited all too long to begin the fight. We cannot afford to tarry longer. What we offer here is truly a meager addition to what we have already done, considering the enormity of the problem. And I hope that we will be able to expand, with the help and cooperation of industry, State, and local authority, our knowledge of air pollution through programs such as this rapidly. Then it will be a problem of applying what we have gathered so that the people of all cities can again see the sun, breathe fresh air, and fear no more of the menace of air pollution.

Mr. RYAN. Mr. Speaker, it is heartening to see that the concern over problems of air pollution is steadily growing. Hopefully, it will grow faster than the dimensions of the problem itself.

People were concerned about air pollution in Donora, Pa., on the day in 1948 when 43 percent of the population was sickened by the polluted air. They were concerned about it for 4 days in London in 1952, when 4,000 people were killed by polluted air. We in New York City were concerned about it for 15 days during 1963, when 400 people were killed by polluted air.

But air pollution causes more than physical damage. As the New York Times pointed out last week:

> The more obvious damage to materials and crops has been estimated nationally at $65 per person a year—$11 billion in all.

Mr. Speaker, we cannot afford to skimp in our spending for a problem which causes such great human and property damage.

We in Congress, and the Committee on Interstate and Foreign Commerce, have good reason to be proud of the role which the Federal Government has played in attacking air pollution since the inception of the Federal program in 1955, and especially since we first passed the Clean Air Act in 1963. The Government has encouraged the States to begin air pollution programs and has helped the States to assess the exact nature of their problems. It has expanded research and magnified the public concern.

Yet we have not done enough. The

problem of air pollution continues to spread. Fewer than one-half of the States have air pollution programs—despite the fact that the problem plagues all 50. We will spend only $30 million on pollution control this year, despite the fact that, according to the National Association of Manufacturers, industry spends $500 million a year on air pollution.

Mr. Speaker, our antipollution efforts are hardly cost effective. Pollution costs the Nation $65 per person per year, yet the expenditures of Government and industry combined do not exceed $10 per person per year.

I am pleased, therefore, to support these amendments to the Clean Air Act. They do not go far enough, but at least they permit us to proceed. They authorize the Federal Government to double its expenditures to $71 million by 1969.

The bill removes the limitation that no more than 20 percent of the total amount appropriated under the act each year can be used for grants to support State, local, and regional programs. It permits those grants to be used to maintain—as well as to initiate and to improve—those programs.

Unfortunately, the bill retains the 12½-percent limitation upon the funds which may be granted to any one State. I have opposed these arbitrary limitations in the past, pointing out how they discriminate against urban areas. I have introduced H.R. 10124 to repeal the 12½-percent limitation. I regret that this bill has been brought to the floor under the suspension of the rules procedure which does not permit a bill to be amended. Otherwise, I would offer an amendment to strike subsection (c) of section 104 of the Clean Air Act.

Nevertheless, this is an area where more must be done. More must be done by local communities, by the States, by industry, by a concerned public, and by the Federal Government. The alternative is death by breathing.

The SPEAKER. The question is, Shall the House suspend the rules and pass the bill S. 3112 with amendments?

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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1.1g(4)(d) Oct. 13: House agreed to conference report, p. 26596

CLEAN AIR ACT AMENDMENTS OF 1966

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (S. 3112) to amend the Clean Air Act so as to authorize grants to air pollution control agencies for maintenance of air pollution control programs in addition to present authority for grants to develop, establish, or improve such programs; make the use of appropriations under the act more flexible by consolidating the appropriation authorizations under the act and deleting the provision limiting the total of grants for support of air pollution control programs to 20 percent of the total appropriation for any year; extend the duration of the programs authorized by the act; and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia [Mr. STAGGERS]?

There was no objection.

The Clerk read the statement.

The conference report and statement follow:

CONFERENCE REPORT (H. REPT. No. 2256)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3112) to amend the Clean Air Act so as to authorize grants to air pollution control agencies for maintenance of air pollution control programs in addition to present authority for grants to develop, establish, or improve such programs; make the use of appropriations under the Act more flexible by consolidating the appropriation authorizations under the Act and deleting the provision limiting the total of grants for support of air pollution control programs to 20 per centum of the total appropriation for any year; extend the duration of the programs authorized by the Act; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement of the amendments of the House numbered 4 and 5, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2 and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out by the House amendment and in lieu of the matter proposed to be inserted by the House amendment insert the following: "$66,000,000".

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3 and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out by the House amendment and in lieu of the matter proposed to be inserted by the House amendment, insert the following: "$74,000,000"; and the House agree to the same.

HARLEY O. STAGGERS,
JOHN JARMAN,
LEO W. O'BRIEN,
PAUL G. ROGERS,
WILLIAM L. SPRINGER,
ANCHOR NELSEN,
Managers on the Part of the House.
JENNINGS RANDOLPH,
EDMUND S. MUSKIE,
FRANK E. MOSS,
FRED R. HARRIS,
J. CALEB BOGGS,
GEORGE L. MURPHY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3112) to amend the Clean Air Act so as to authorize grants to air pollution control agencies for maintenance of air pollution control programs in addition to present authority for grants to develop, establish, or improve such programs; make the use of appropriations under the act more flexible by consolidating the appropriation authorizations under the act and deleting the provision limiting the total of grants for support of air pollution control programs to 20 per centum of the total appropriation for any year; extend the duration of the programs authorized by the act; and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: Section 2 of the Senate bill amends section 306 of the Clean Air Act to authorize $46,000,000 for fiscal year 1968. The House amendments reduce this authorization to $39,000,000.

The House recedes.

Amendment No. 2: Section 2 of the Senate bill amends section 306 of the Clean Air Act to authorize $70,000,000 for fiscal year 1968. The House amendments reduce the authorization to $62,000,000.

The Senate recedes with amendments which provide an authorization of $66,000,000 for fiscal year 1968.

Amendment No. 3: Section 2 of the Senate bill amends section 306 of the Clean Air Act to authorize $80,000,000 for fiscal year 1969. The House amendments reduce this amount to $71,000,000.

The Senate recedes with amendments which authorize $74,000,000 for fiscal year 1969.

Amendment No. 4: This is a clarifying amendment; the Senate recedes.

Amendment No. 5: Section 3(a)(2) of the Senate bill amends section 104(b) of the Clean Air Act which provides that "no agency shall receive any grant under this section during any fiscal year when its expenditures of non-Federal funds for air pollution programs will be less than its expenditures were for such programs during the preceding fiscal year" to permit a grantee to reduce annual expenditures to the extent that nonrecurrent costs are involved. The House amendments provide that no grant shall be made for maintenance of an air pollution program unless the Secre-

tary is satisfied that it will not be used to supplant non-Federal funds and to the extent practicable, will be used to increase the level of State, local, and other non-Federal funds available for the maintenance of such program.

The Senate recedes.

HARLEY O. STAGGERS,
JOHN JARMAN,
LEO W. O'BRIEN,
PAUL G. ROGERS,
WILLIAM L. SPRINGER,
ANCHER NELSEN,
Managers on the Part of the House.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

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1.lg(4)(e) Oct. 14: Senate agreed to conference report, p. 26808–26809

CLEAN AIR ACT AMENDMENTS OF 1966—CONFERENCE REPORT

Mr. MUSKIE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3112) to amend the Clean Air Act so as to authorize grants to air pollution control programs in addition to present authority for grants to develop, establish, or improve such programs; make the use of appropriations under the act more flexible by consolidating the appropriation authorizations under the act and deleting the provision limiting the total of grants for support of air pollution control programs to 20 percent of the total appropriation for any year; extend the duration of the programs authorized by the act; and for other purposes. I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of Oct 13, 1966, p. 26596, CONGRESSIONAL RECORD.)

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MUSKIE. Mr. President, today we bring to the Senate additional amendments to the Clean Air Act. These amendments have the vigorous backing of the Members of both Houses. There has been no opposition to this bill at any point in the legislative process. This is significant. It is evidence of the continued concern of the Congress with the problems of air pollution and of the determination of our chairman, Mr. RANDOLPH, and the House Interstate and Foreign Commerce Committee chairman, Mr. STAGGERS, to maintain our search for improved ways of reducing the hazards of air pollution.

Today's legislation is a step forward, but it is not the end of our efforts. We cannot rest until we have removed the threats to man's health, well-being, and economic advancement which man himself creates in a modern, technological society.

S. 3112 amends the Clean Air Act in order to provide for a stronger, more effective air pollution control effort at the Federal, State, and local level.

S. 3112 is based on legislation proposed by the administration. The primary purposes of the bill are to consolidate appropriation authorizations

in the Clean Air Act and to authorize funds to continue the program through 1969.

S. 3112 institutes a new grant program to allow the air pollution control agencies up to one-half of the cost of maintaining programs for the prevention and control of air pollution, and authorizes the Secretary to make grants to intermunicipal or interstate air pollution control agencies in an amount up to three-fifths of the cost of maintaining regional air pollution control programs.

S. 3112 removes the limitation in existing law that no more than 20 percent of the sums appropriated annually under the act may be used for support of air pollution control programs, and provides that in determining the eligibility for a program grant nonrecurrent expenditures of the participating agencies in the preceeding year shall not be considered.

Finally, S. 3112 provides that grants for interstate programs, subject to the 12½-percent limitation, shall be allocated by the Secretary according to the portion of such grant that is chargeable to any one State.

The conferees have, therefore, agreed to authorize the requested $46 million for 1967 and provided $66 million for 1968, and $74 million for 1969. These authorizations will provide adequate funds to carry out the new maintenance grant program authorized by this act and give the division of air pollution sufficient funds to support essential research programs—research on sulfur and automobile emission control. The $46 million authorized for 1967 represents a $10-million increase over existing authorization. This increase is, in part, required by the expanded program of research into the control of sulfur emissions and automobile emissions and includes $7 million as the added cost of maintenance grant program.

The authorizations for 1968 and 1969 represent similar increases in the activities of the division and $10 and $13 million, respectively, to carry out the maintenance grant program.

On the latter point, the desirability of providing Federal aid to continuation of air pollution control programs is without question. Existing program grants have stimulated State and local activity by providing Federal matching funds for new or improved programs. They were not designed for sustained State and local efforts necessary to cope with a continuing air pollution problem. This has discriminated against States and localities who initiated their own excellent programs prior to the Clean Air Act, and it has worked a hardship on other States and localities.

Therefore, the provisions of S. 3112 authorizing the Secretary to make grants for maintaining air pollution control programs are essential. The 50-percent matching grant program to State and local agencies and the three-fifths matching grant program to regional agencies should provide adequate incentive for maintenance of this effort.

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Nonrecurrent expenditures of pollution control agencies will not be considered in determining the eligibility for a grant. Many factors may justifiably cause the level of expenditures of a pollution control agency to fluctuate, including, for example, nonrecurrent costs of equipment, of facilities, acquisition of property, or the initiation of studies concerning air quality or other matters. Where the overall workability of the air pollution control program is not impaired, fluctuations in expenditures should not make local agencies ineligible for the Federal matching grants support.

S. 3112 deletes the provision in the Clean Air Act which limits the total for grants in support of air pollution control programs to 20 percent of the total appropriation for any fiscal year.

The existing act imposes a fixed relationship between grant funds to the total appropriations for all Federal air pollution activities. Air pollution and the possibilities for control action are subject to rapid change. Over a period of time, the pattern of needs and desirable program balance with respect to research, technical assistance, training, Federal abatement activities, grants to State and local control agencies, and other activities may vary considerably. The committee believes it would be wise to leave the determination of the relative emphasis to be given to each of these activities to the annual budgetary and appropriation process so that judgments may be based upon the overall requirements existing at the time.

Mr. President, these are the major provisions of the legislation as agreed upon by the Senate-House conference committee. I am sure the Senate will join the other body in unanimously approving this step forward.

Mr. BOGGS. I ask unanimous consent to have printed in the RECORD at this point a statement prepared by the senior Senator from Kentucky [Mr. COOPER].

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

STATEMENT BY SENATOR COOPER

I support the Conference Report on S. 3112 and urge its adoption by the Senate.

The bill would broaden the present authority of the Department of Health, Education, and Welfare by authorizing grants to air pollution control agencies for program maintenance. It would make the use of appropriations more flexible by consolidating the appropriate authorities of the Clean Air Act. In addition, the bill would amend the Clean Air Act to delete the provision limiting grants for air pollution control programs.

Finally, and most important, the bill would extend the duration of programs authorized by the Clean Air Act of 1969.

I believe that this bill is another demonstration of the determined effort of the Congress to advance solutions to the most challenging problem facing our country today—pollution in the air and in the water.

Extensive hearings were conducted by the Subcommittee on Air and Water Pollution in June of this year which resulted in a thorough and well documented hearing record. I should like to say as a member of the Committee on Public Works that the Subcommittee, headed by the distinguished Senator from Maine [Mr. MUSKIE], with the able assistance of the Ranking Republican Member on the Committee, the Senator from Delaware [Mr. BOGGS], and the entire Committee has worked hard and conscientiously in developing the bill before us.

I would like to make two observations in connection with this bill. The bill makes no provision for grants to industry for research into the problems of air pollution. The bill amending the Federal Water Pollution Control Act, which has just been recommended by the Conferees, including a provision authorizing for the first time the Secretary of the Interior to make grants to industry for research in the prevention and treatment of water pollution.

I believe it is important that we enlist the initiative and energy of industry in this effort. In this connection, I shall urge the Public Works Committee at a future date when further amendments are being considered to the Clean Air Act to recommend an amendment making industry eligible to receive research grants for experimentation in the field of air pollution controls in the manner that Congress has provided in the field of water pollution.

I also note by the statement of the Chairman of the Subcommittee [Mr. MUSKIE] that the $46 million authorized for 1967 includes a $10 million increase beyond the existing authorization and that this increase will be used for an expanded program of research into sulphur emissions and automobile emissions. The testimony taken by the Subcommittee establishes the need for this additional research.

I support and urge the adoption of the Conference Report.

Mr. MUSKIE. Mr. President, I move that the conference report be adopted.

THE ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

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1.1h AIR QUALITY ACT OF 1967

November 21, 1967, P.L. 90–148, 81 Stat. 485

AN ACT To amend the Clean Air Act to authorize planning grants to air pollution control agencies; expand research provisions relating to fuels and vehicles; provide for interstate air pollution control agencies or commission; authorize the establishment of air quality standards, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Air Quality Act of 1967".

SEC. 2. The Clean Air Act, as amended (42 U.S.C. 1857–1857l), is hereby amended to read as follows:

"TITLE I—AIR POLLUTION PREVENTION AND CONTROL

"FINDINGS AND PURPOSES

"SEC. 101. (a) The Congress finds—

"(1) that the predominant part of the Nation's population is located in its rapidly expanding metropolitan and other urban areas, which generally cross the boundary lines of local jurisdictions and often extend into two or more States;

"(2) that the growth in the amount and complexity of air pollution brought about by urbanization, industrial development, and the increasing use of motor vehicles, has resulted in mounting dangers to the public health and welfare, including injury to agricultural crops and livestock, damage to and the deterioration of property, and hazards to air and ground transportation;

"(3) that the prevention and control of air pollution at its source is the primary responsibility of States and local governments; and

"(4) that Federal financial assistance and leadership is essential for the development of cooperative Federal, State, regional, and local programs to prevent and control air pollution.

"(b) The purposes of this title are—

"(1) to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population;

"(2) to initiate and accelerate a national research and development program to achieve the prevention and control of air pollution;

"(3) to provide technical and financial assistance to State

and local governments in connection with the development and execution of their air pollution prevention and control programs; and

"(4) to encourage and assist the development and operation of regional air pollution control programs.

"COOPERATIVE ACTIVITIES AND UNIFORM LAWS

"SEC. 102. (a) The Secretary shall encourage cooperative activities by the States and local governments for the prevention and control of air pollution; encourage the enactment of improved and, so far as practicable in the light of varying conditions and needs, uniform State and local laws relating to the prevention and control of air pollution; and encourage the making of agreements and compacts between States for the prevention and control of air pollution.

"(b) The Secretary shall cooperate with and encourage cooperative activities by all Federal departments and agencies having functions relating to the prevention and control of air pollution, so as to assure

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the utilization in the Federal air pollution control program of all appropriate and available facilities and resources within the Federal Government.

"(c) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of air pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements or compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by Congress. It is the intent of Congress that no agreement or compact entered into between States after the date of enactment of the Air Quality Act of 1967, which relates to the control and abatement of air pollution in an air quality control region, shall provide for participation by a State which is not included (in whole or in part) in such air quality control region.

"RESEARCH, INVESTIGATIONS, TRAINING, AND OTHER ACTIVITIES

"SEC. 103. (a) The Secretary shall establish a national research

and development program for the prevention and control of air pollution and as part of such program shall—

"(1) conduct, and promote the coordination and acceleration of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, and control of air pollution;

"(2) encourage, cooperate with, and render technical services and provide financial assistance to air pollution control agencies and other appropriate public or private agencies, institutions, and organizations, and individuals in the conduct of such activities;

"(3) conduct investigations and research and make surveys concerning any specific problem of air pollution in cooperation with any air pollution control agency with a view to recommending a solution of such problem, if he is requested to do so by such agency or if, in his judgment, such problem may affect any community or communities in a State other than that in which the source of the matter causing or contributing to the pollution is located;

"(4) establish technical advisory committees composed of recognized experts in various aspects of air pollution to assist in the examination and evaluation of research progress and proposals and to avoid duplication of research.

"(b) In carrying out the provisions of the preceding subsection the Secretary is authorized to—

"(1) collect and make available, through publications and other appropriate means, the results of and other information, including appropriate recommendations by him in connection therewith, pertaining to such research and other activities;

"(2) cooperate with other Federal departments and agencies, with air pollution control agencies, with other public and private agencies, institutions, and organizations, and with any industries involved, in the preparation and conduct of such research and other activities;

"(3) make grants to air pollution control agencies, to other public or nonprofit private agencies, institutions, and organizations, and to individuals, for purposes stated in subsection (a)(1) of this section;

"(4) contract with public or private agencies, institutions, and organizations, and with individuals, without regard to sections

3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5);

"(5) provide training for, and make training grants to, personnel of air pollution control agencies and other persons with suitable qualifications;

"(6) establish and maintain research fellowships, in the Department of Health, Education, and Welfare and at public or nonprofit private educational institutions or research organizations;

"(7) collect and disseminate, in cooperation with other Federal departments and agencies, and with other public or private agencies, institutions, and organizations having related responsibilities, basic data on chemical, physical, and biological effects of varying air quality and other information pertaining to air pollution and the prevention and control thereof; and

"(8) develop effective and practical processes, methods, and prototype devices for the prevention or control of air pollution.

"(c) In carrying out the provisions of subsection (a) of this section the Secretary shall conduct research on, and survey the results of other scientific studies on, the harmful effects on the health or welfare of persons by the various known air pollution agents (or combinations of agents).

"(d) The Secretary is authorized to construct such facilities and staff and equip them as he determines to be necessary to carry out his functions under this Act.

"(e) If, in the judgment of the Secretary, an air pollution problem of substantial significance may result from discharge or discharges into the atmosphere, he may call a conference concerning this potential air pollution problem to be held in or near one or more of the places where such discharge or discharges are occurring or will occur. All interested persons shall be given an opportunity to be heard at such conference, either orally or in writing, and shall be permitted to appear in person or by representative in accordance with procedures prescribed by the Secretary. If the Secretary finds, on the basis of the evidence presented at such conference, that the discharge or discharges if permitted to take place or continue are likely to cause or contribute to air pollution subject to abatement under section 108(a), he shall send such findings, together with recommendations concerning the measures which he finds reasonable and suitable to prevent such pollution, to the person or persons whose actions will result in the discharge

or discharges involved; to air pollution agencies of the State or States and of the municipality or municipalities where such discharge or discharges will originate; and to the interstate air pollution control agency, if any, in the jurisdictional area of which any such municipality is located. Such findings and recommendations shall be advisory only, but shall be admitted together with the record of the conference, as part of the proceedings under subsections (d), (e), and (f) of section 108.

"RESEARCH RELATING TO FUELS AND VEHICLES

"SEC. 104. (a) The Secretary shall give special emphasis to research and development into new and improved methods, having industrywide application, for the prevention and control of air pollution resulting from the combustion of fuels. In furtherance of such research and development he shall—

"(1) conduct and accelerate research programs directed toward development of improved, low-cost techniques for control of com-

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bustion byproducts of fuels, for removal of potential pollutants from fuels, and for control of emissions from evaporation of fuels;

"(2) provide for Federal grants to public or nonprofit agencies, institutions, and organizations and to individuals, and contracts with public or private agencies, institutions, or persons, for payment of (A) part of the cost of acquiring, constructing, or otherwise securing for research and development purposes, new or improved devices or methods having industrywide application of preventing or controlling discharges into the air of various types of pollutants; and (B) carrying out the other provisions of this section, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5): *Provided,* That research or demonstration contracts awarded pursuant to this subsection (including contracts for construction) may be made in accordance with, and subject to the limitations provided with respect to research contracts of the military departments in, section 2353 of title 10, United States Code, except that the determination, approval, and certification required thereby shall be made by the Secretary: *Provided further,* That no grant may be made under this paragraph in excess of $1,500,000;

"(3) determine, by laboratory and pilot plant testing, the

results of air pollution research and studies in order to develop new or improved processes and plant designs to the point where they can be demonstrated on a large and practical scale;

"(4) construct, operate, and maintain, or assist in meeting the cost of the construction, operation, and maintenance of new or improved demonstration plants or processes which have promise of accomplishing the purposes of this Act;

"(5) study new or improved methods for the recovery and marketing of commercially valuable byproducts resulting from the removal of pollutants.

"(b) In carrying out the provisions of this section, the Secretary may—

"(1) conduct and accelerate research and development of low-cost instrumentation techniques to facilitate determination of quantity and quality of air pollutant emissions, including, but not limited to, automotive emissions;

"(2) utilize, on a reimbursable basis, the facilities of existing Federal scientific laboratories;

"(3) establish and operate necessary facilities and test sites at which to carry on the research, testing, development, and programing necessary to effectuate the purposes of this section;

"(4) acquire secret processes, technical data, inventions, patent applications, patents, licenses, and an interest in lands, plants, and facilities, and other property or rights by purchase, license, lease, or donation; and

"(5) cause on-site inspections to be made of promising domestic and foreign projects, and cooperate and participate in their development in instances in which the purposes of the Act will be served thereby.

"(c) For the purposes of this section there are authorized to be appropriated for the fiscal year ending June 30, 1968, $35,000,000, and for the fiscal year ending June 30, 1969, $90,000,000. Amounts appropriated pursuant to this subsection shall remain available until expended.

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"GRANTS FOR SUPPORT OF AIR POLLUTION PLANNING AND CONTROL PROGRAMS

"SEC. 105. (a) (1) The Secretary is authorized to make grants to air pollution control agencies in an amount up to two-thirds of the cost of planning, developing, establishing, or improving,

and grants to such agencies in an amount up to one-half of the cost of maintaining, programs for the prevention and control of air pollution and programs for the implementation of air quality standards authorized by this Act: *Provided*, That the Secretary is authorized to make grants to air pollution control agencies within the meaning of sections 302(b)(2) and 302(b)(4) in an amount up to three-fourths of the cost of planning, developing, establishing, or improving and up to three-fifths of the cost of maintaining, regional air quality control programs. As used in this subsection the term 'regional air quality control program' means a program for the prevention and control of air pollution or the implementation of air quality standards programs as authorized by this Act, in an area that includes the areas of two or more municipalities whether in the same or different States.

"(2) Before approving any grant under this subsection to any air pollution control agency within the meaning of sections 302(b)(2) and 302(b)(4), the Secretary shall receive assurances that such agency provides for adequate representation of appropriate State, interstate, local, and (when appropriate) international, interests in the air quality control region.

"(3) Before approving any planning grant under this subsection to any air pollution control agency within the meaning of sections 302(b)(2) and 302(b)(4), the Secretary shall receive assurances that such agency has the capability of developing a comprehensive air quality plan for the air quality control region, which plan shall include (when appropriate) a recommended system of alerts to avert and reduce the risk of situations in which there may be imminent and serious danger to the public health or welfare from air pollutants and the various aspects relevant to the establishment of air quality standards for such air quality control region, including the concentration of industries, other commercial establishments, population and naturally occurring factors which shall affect such standards.

"(b) From the sums available for the purposes of subsection (a) of this section for any fiscal year, the Secretary shall from time to time make grants to air pollution control agencies upon such terms and conditions as the Secretary may find necessary to carry out the purpose of this section. In establishing regulations for the granting of such funds the Secretary shall, so far as practicable, give due consideration to (1) the population, (2) the extent of the actual or potential air pollution problem, and (3) the financial need of the respective agencies. No agency shall receive any grant under this section during any fiscal year when

its expenditures of non-Federal funds for other than nonrecurrent expenditures for air pollution control programs will be less than its expenditures were for such programs during the preceding fiscal year; and no agency shall receive any grant under this section with respect to the maintenance of a program for the prevention and control of air pollution unless the Secretary is satisfied that such grant will be so used as to supplement and, to the extent practicable, increase the level of State, local, or other non-Federal funds that would in the absence of such grant be made available for the maintenance of such program, and will in no event supplant such State, local, or other non-Federal funds. No grant shall be made under this section until the Secretary has consulted with the appropriate official as designated by the Governor or Governors of the State or States affected.

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"(c) Not more than 10 per centum of the total of funds appropriated or allocated for the purposes of subsection (a) of this section shall be granted for air pollution control programs in any one State. In the case of a grant for a program in an area crossing State boundaries, the Secretary shall determine the portion of such grant that is chargeable to the percentage limitation under this subsection for each State into which such area extends.

"INTERSTATE AIR QUALITY AGENCIES OR COMMISSIONS

"SEC. 106. (a) For the purpose of expediting the establishment of air quality standards in an interstate air quality control region designated pursuant to section 107(a)(2), the Secretary is authorized to pay, for two years, up to 100 per centum of the air quality planning program costs of any agency designated by the Governors of the affected States, which agency shall be capable of recommending to the Governors standards of air quality and plans for implementation thereof and shall include representation from the States and appropriate political subdivisions within the air quality control region. After the initial two-year period the Secretary is authorized to make grants to such agency in an amount up to three-fourths of the air quality planning program costs of such agency.

"(b)(1) Whenever the Secretary deems it necessary to expedite the establishment of standards for an interstate air quality control region designated pursuant to section 107(a)(2) he may, after consultation with the Governors of the affected States, designate or establish an air quality planning commission for the

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purpose of developing recommended regulations setting forth standards of air quality to be applicable to such air quality control region.

"(2) Such Commission shall consist of the Secretary or his designee who shall serve as Chairman, and adequate representation of appropriate State, interstate, local and (when appropriate), international, interests in the designated air quality control region.

"(3) The Secretary shall, within available funds, provide such staff for such Commission as may be necessary to enable it to carry out its functions effectively, and shall pay the other expenses of the Commission; and may also accept for the use by such Commission, funds, property, or services contributed by the State involved or political subdivisions thereof.

"(4) Each appointee from a State, other than an official or employee thereof, or of any political subdivision thereof, shall, while engaged in the work of the Commission, receive compensation at a rate fixed by the Secretary, but not in excess of $100 per diem, including traveltime, and while away from his home or regular place of business, he may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 3109) for persons in the Government service employed intermittently.

"AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

"SEC. 107. (a) (1) The Secretary shall, as soon as practicable, but not later than one year after the date of enactment of the Air Quality Act of 1967, define for the purposes of this Act, atmospheric areas of the Nation on the basis of those conditions, including, but not limited to, climate, meteorology, and topography, which affect the interchange and diffusion of pollutants in the atmosphere.

"(2) For the purpose of establishing ambient air quality standards pursuant to section 108, and for administrative and other purposes, the Secretary, after consultation with appropriate State and local authorities shall, to the extent feasible, within 18 months after the date of

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enactment of the Air Quality Act of 1967 designate air quality control regions based on jurisdictional boundaries, urban-industrial concentrations, and other factors including atmospheric

areas necessary to provide adequate implementation of air quality standards. The Secretary may from time to time thereafter, as he determines necessary to protect the public health and welfare and after consultation with appropriate State and local authorities, revise the designation of such regions and designate additional air quality control regions. The Secretary shall immediately notify the Governor or Governors of the affected State or States of such designation.

"(b) (1) The Secretary shall, after consultation with appropriate advisory committees and Federal departments and agencies, from time to time, but as soon as practicable, develop and issue to the States such criteria of air quality as in his judgment may be requisite for the protection of the public health and welfare: *Provided*, That any criteria issued prior to enactment of this section shall be reevaluated in accordance with the consultation procedure and other provisions of this section and, if necessary, modified and reissued. Such issuance shall be announced in the Federal Register and copies shall be made available to the general public.

"(2) Such criteria shall accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on health and welfare which may be expected from the presence of an air pollution agent, or combination of agents in the ambient air, in varying quantities.

"(3) Such criteria shall include those variable factors which of themselves or in combination with other factors may alter the effects on public health and welfare of any subject agent or combination of agents, including, but not limited to, atmospheric conditions, and the types of air pollution agent or agents which, when present in the atmosphere, may interact with such subject agent or agents, to produce an adverse effect on public health and welfare.

"(c) The Secretary shall, after consultation with appropriate advisory committees and Federal departments and agencies, issue to the States and appropriate air pollution control agencies information on those recommended pollution control techniques the application of which is necessary to achieve levels of air quality set forth in criteria issued pursuant to subsection (b), including those criteria subject to the proviso in subsection (b) (1), which information shall include technical data relating to the technology and costs of emission control. Such recommendations shall include such data as are available on the latest available technology and economic feasibility of alternative methods of prevention and

control of air contamination including cost-effectiveness analyses. Such issuance shall be announced in the Federal Register and copies shall be made available to the general public.

"(d) The Secretary shall, from time to time, revise and reissue material issued pursuant to subsections (b) and (c) in accordance with procedures established in such subsections.

"AIR QUALITY STANDARDS AND ABATEMENT OF AIR POLLUTION

"SEC. 108. (a) The pollution of the air in any State or States which endangers the health or welfare of any persons, shall be subject to abatement as provided in this section.

"(b) Consistent with the policy declaration of this title, municipal, State, and interstate action to abate air pollution shall be encouraged and shall not be displaced by Federal enforcement action except as otherwise provided by or pursuant to a court order under subsection (c), (h), or (k).

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"(c) (1) If, after receiving any air quality criteria and recommended control techniques issued pursuant to section 107, the Governor of a State, within ninety days of such receipt, files a letter of intent that such State will within one hundred and eighty days, and from time to time thereafter, adopt, after public hearings, ambient air quality standards applicable to any designated air quality control region or portions thereof within such State and within one hundred and eighty days thereafter, and from time to time as may be necessary, adopts a plan for the implementation, maintenance, and enforcement of such standards of air quality adopted, and if such standards and plan are established in accordance with the letter of intent and if the Secretary determines that such State standards are consistent with the air quality criteria and recommended control techniques issued pursuant to section 107; that the plan is consistent with the purposes of the Act insofar as it assures achieving such standards of air quality within a reasonable time; and that a means of enforcement by State action, including authority comparable to that in subsection (k) of this section, is provided, such State standards and plan shall be the air quality standards applicable to such State. If the Secretary determines that any revised State standards and plan are consistent with the purposes of this Act and this subsection, such standards and plan shall be the air quality standards applicable to such State.

"(2) If a State does not (A) file a letter of intent or (B)

establish air quality standards in accordance with paragraph (1) of this subsection with respect to any air quality control region or portion thereof and if the Secretary finds it necessary to achieve the purpose of this Act, or the Governor of any State affected by air quality standards established pursuant to this subsection petitions for a revision in such standards, the Secretary may after reasonable notice and a conference of representatives of appropriate Federal departments and agencies, interstate agencies, States, municipalities, and industries involved, prepare regulations setting forth standards of air quality consistent with the air quality criteria and recommended control, techniques issued pursuant to section 107 to be applicable to such air quality control region or portions thereof. If, within six months from the date the Secretary publishes such regulations, the State has not adopted air quality standards found by the Secretary to be consistent with the purposes of this Act, or a petition for public hearing has not been filed under paragraph (3) of this subsection, the Secretary shall promulgate such standards.

"(3) If at any time prior to thirty days after standards have been promulgated under paragraph (2) of this subsection, the Governor of any State affected by such standards petitions the Secretary for a hearing, the Secretary shall call a public hearing for the purpose of receiving testimony from State and local pollution control agencies and other interested parties affected by the proposed standards, to be held in or near one or more of the places where the air quality standards will take effect, before a hearing board of five or more persons appointed by the Secretary. Each State which would be affected by such standards shall be given an opportunity to select a member of the hearing board. Each Federal department, agency, or instrumentality having a substantial interest in the subject matter as determined by the Secretary shall be given an opportunity to select one member of the hearing board and not less than a majority of the hearing board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. The members of the board who are not officers or employees of the United States, while participating in the hearing conducted by such hearing board or otherwise engaged in the work of such hearing board, shall be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem,

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including traveltime, and while away from their homes or regular

places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703, title 5, of the United State Code for persons in the Government service employed intermittently. At least thirty days prior to the date of such hearing notice of such hearing shall be published in the Federal Register and given to parties notified of the conference required in paragraph (2) of this subsection. On the basis of the evidence presented at such hearing, the hearing board shall within ninety days unless the Secretary determines a longer period is necessary, but in no event longer than one hundred and eighty days, make findings as to whether the standards published or promulgated by the Secretary should be approved or modified and transmit its findings to the Secretary. If the hearing board approves the standards as published or promulgated by the Secretary, the standards shall take effect on receipt by the Secretary of the hearing board's recommendations. If the hearing board recommends modifications in the standards as published or promulgated by the Secretary, the Secretary shall promulgate revised regulations setting forth standards of air quality in accordance with the hearing board's recommendations which will become effective immediately upon promulgation.

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"(4) Whenever, on the basis of surveys, studies and reports, the Secretary finds that the ambient air quality of any air quality control region or portion thereof is below the air quality standards established under this subsection, and he finds that such lowered air quality results from the failure of a State to take reasonable action to enforce such standards, the Secretary shall notify the affected State or States, persons contributing to the alleged violation, and other interested parties of the violation of such standards. If such failure does not cease within one hundred and eighty days from the date of the Secretary's notification, the Secretary—

"(i) in the case of pollution of air which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to secure abatement of the pollution.

"(ii) in the case of pollution of air which is endangering the health or welfare of persons only in the State in which

the discharge or discharges (causing or contributing to such pollution) originate, at the request of the Governor of such State, shall provide such technical and other assistance as in his judgment is necessary to assist the State in judicial proceedings to secure abatement of the pollution under State or local law, or, at the request of the Governor of such State, shall request the Attorney General to bring suit on behalf of the United States in the appropriate United States district court to secure abatement of the pollution.

In any suit brought under the provisions of this subsection the court shall receive in evidence a transcript of the proceedings of the hearing provided for in this subsection, together with the recommendations of the hearing board and the recommendations and standards promulgated by the Secretary, and such additional evidence, including that relating to the alleged violation of the standards, as it deems necessary to complete review of the standards and to determination of all other issues relating to the alleged violation. The court, giving due consideration to the practicability and to the technological and economic feasibility of complying with such standards, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require.

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"(5) In connection with any hearings under this section no witness or any other person shall be required to divulge trade secrets or secret processes.

"(6) Nothing in this subsection shall prevent the application of this section to any case to which subsection (a) of this section would be otherwise applicable.

"(d) (1) (A) Whenever requested by the Governor of any State, a State air pollution control agency, or (with the concurrence of the Governor and the State air pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to air pollution which is alleged to endanger the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the air pollution control agency of the municipality where such discharge or discharges originate, to the air pollution control agency of the State in which such municipality is located, and to the interstate air pollution control agency, if any, in whose jurisdictional area such municipality is

located, and shall call promptly a conference of such agency or agencies and of the air pollution control agencies of the municipalities which may be adversely affected by such pollution, and the air pollution control agency, if any, of each State, or for each area, in which any such municipality is located.

"(B) Whenever requested by the Governor of any State, a State air pollution control agency, or (with the concurrence of the Governor and the State air pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to alleged air pollution which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate and if a municipality affected by such air pollution, or the municipality in which such pollution originates, has either made or concurred in such request, give formal notification thereof to the State air pollution control agency, to the air pollution control agencies of the municipality where such discharge or discharges originate, and of the municipality or municipalities alleged to be adversely affected thereby, and to any interstate air pollution control agency, whose jurisdictional area includes any such municipality and shall promptly call a conference of such agency or agencies, unless in the judgment of the Secretary, the effect of such pollution is not of such significance as to warrant exercise of Federal jurisdiction under this section.

"(C) The Secretary may, after consultation with State officials of all affected States, also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) is occurring and is endangering the health and welfare of persons in a State other than that in which the discharge or discharges originate. The Secretary shall invite the cooperation of any municipal, State, or interstate air pollution control agencies having jurisdiction in the affected area on any surveys or studies forming the basis of conference action.

"(D) Whenever the Secretary, upon receipt of reports, surveys, or studies from any duly constituted international agency, has reason to believe that any pollution referred to in subsection (a) which endangers the health or welfare of persons in a foreign country is occurring, or whenever the Secretary of State requests him to do so with respect to such pollution which the Secretary of State alleges is of such a nature, the Secretary of Health,

Education, and Welfare shall give formal notification thereof to the air pollution control

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agency of the municipality where such discharge or discharges originate, to the air pollution control agency of the State in which such municipality is located, and to the interstate air pollution control agency, if any, in the jurisdictional area of which such municipality is located, and shall call promptly a conference of such agency or agencies. The Secretary shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the conference, and the representative of such country shall, for the purpose of the conference and any further proceeding resulting from such conference, have all the rights of a State air pollution control agency. This subparagraph shall apply only to a foreign country which the Secretary determines has given the United States essentially the same rights with respect to the prevention or control of air pollution occurring in that country as is given that country by this subparagraph.

"(2) The agencies called to attend such conference may bring such persons as they desire to the conference. The Secretary shall deliver to such agencies and make available to other interested parties, at least thirty days prior to any such conference, a Federal report with respect to the matters before the conference, including data and conclusions or findings (if any); and shall give at least thirty days' prior notice of the conference date to any such agency, and to the public by publication on at least three different days in a newspaper or newspapers of general circulation in the area. The chairman of the conference shall give interested parties an opportunity to present their views to the conference with respect to such Federal report, conclusions or findings (if any), and other pertinent information. The Secretary shall provide that a transcript be maintained of the proceedings of the conference and that a copy of such transcript be made available on request of any participant in the conference at the expense of such participant.

"(3) Following this conference, the Secretary shall prepare and forward to all air pollution control agencies attending the conference a summary of conference discussions including (A) occurrence of air pollution subject to abatement under this Act; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

"(e) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the appropriate State, interstate, or municipal air pollution control agency (or to all such agencies) that the necessary remedial action be taken. The Secretary shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

"(f) (1) If, at the conclusion of the period so allowed, such remedial action or other action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution has not been taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a hearing board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of such hearing board and each Federal department, agency, or instrumentality having a substantial interest in the subject matter as determined by the Secretary shall be given an opportunity to select one member of such hearing board, and one member shall be a representative of the appropriate interstate air pollution agency if one exists, and not less

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than a majority of such hearing board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of such hearing shall be given to the State, interstate, and municipal air pollution control agencies called to attend such hearing and to not less than a majority of such hearing board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of such hearing shall be given to the State, interstate, and municipal air pollution control agencies called to attend such hearing and to the alleged polluter or polluters. All interested parties shall be given a reasonable opportunity to present evidence to such hearing board.

"(2) On the basis of evidence presented at such hearing, the hearing board shall make findings as to whether pollution referred

to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the hearing board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and suitable to secure abatement of such pollution.

"(3) The Secretary shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution; to air pollution control agencies of the State or States and of the municipality or municipalities where such discharge or discharges originate; and to any interstate air pollution control agency whose jurisdictional area includes any such municipality, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution.

"(g) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

"(1) in the case of pollution of air which is endangering the health or welfare of persons (A) in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, or (B) in a foreign country which has participated in a conference called under subparagraph (D) of subsection (d) of this section and in all proceedings under this section resulting from such conference, may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to secure abatement of the pollution.

"(2) in the case of pollution of air which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, at the request of the Governor of such State, shall provide such technical and other assistance as in his judgment is necessary to assist the State in judicial proceedings to secure abatement of the pollution under State or local law or, at the request of the Governor of such State, shall request the Attorney General to bring suit on behalf of the United States in the appropriate United States district court to secure abatement of the pollution.

"(h) The court shall receive in evidence in any suit brought in a United States court under subsection (g) of this section a transcript of the proceedings before the board and a copy of the

board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability of complying with such standards as may be applicable and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

"(i) Members of any hearing board appointed pursuant to subsection (f) who are not regular full-time officers or employees of the

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United States shall, while participating in the hearing conducted by such board or otherwise engaged on the work of such board, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"(j) (1) In connection with any conference called under this section, the Secretary is authorized to require any person whose activities result in the emission of air pollutants causing or contributing to air pollution to file with him, in such form as he may prescribe, a report, based on existing data, furnishing to the Secretary such information as may reasonably be required as to the character, kind, and quantity of pollutants discharged and the use of devices or other means to prevent or reduce the emission of pollutants by the person filing such a report. After a conference has been held with respect to any such pollution the Secretary shall require such reports from the person whose activities result in such pollution only to the extent recommended by such conference. Such report shall be made under oath or otherwise, as the Secretary may prescribe, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe, unless additional time be granted by the Secretary. No person shall be required in such report to divulge trade secrets or secret processes and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

"(2) If any person required to file any report under this subsection shall fail to do so within the time fixed by the Secretary

for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business: *Provided*, That the Secretary may upon application therefor remit or mitigate any forfeiture provided for under this subsection and he shall have authority to determine the facts upon all such applications.

"(3) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

"(k) Notwithstanding any other provision of this section, the Secretary, upon receipt of evidence that a particular pollution source or combination of sources (including moving sources) is presenting an imminent and substantial endangerment to the health of persons, and finding that appropriate State or local authorities have not acted to abate such sources, may request the Attorney General to bring suit on behalf of the United States in the appropriate United States district court to immediately enjoin any contributor to the alleged pollution to stop the emission of contaminants causing such pollution or to take such other action as may be necessary.

"STANDARDS TO ACHIEVE HIGHER LEVEL OF AIR QUALITY

"SEC. 109. Nothing in this title shall prevent a State, political standards and plans to implement an air quality program which standards and plans to implement an air quality programs which will achieve a higher level of ambient air quality than approved by the Secretary.

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"PRESIDENT'S AIR QUALITY ADVISORY BOARD AND ADVISORY COMMITTEES

"SEC. 110. (a) (1) There is hereby established in the Department of Health, Education, and Welfare an Air Quality Advisory Board, composed of the Secretary or his designee, who shall be Chairman, and fifteen members appointed by the President, none of whom shall be Federal officers or employees. The appointed

members, having due regard for the purposes of this Act, shall be selected from among representatives of various State, interstate, and local governmental agencies, of public or private interests contributing to, affected by, or concerned with air pollution, and of other public and private agencies, organizations, or groups demonstrating an active interest in the field of air pollution prevention and control, as well as other individuals who are expert in this field.

"(2) Each member appointed by the President shall hold office for a term of three years, except that (A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (B) the terms of office of the members first taking office pursuant to this subsection shall expire as follows: five at the end of one year after the date of appointment, five at the end of two years after such date, and five at the end of three years after such date, as designated by the President at the time of appointment, and (C) the term of any member under the preceding provisions shall be extended until the date on which his successor's appointment is effective. None of the members shall be eligible for reappointment within one year after the end of his preceding term, unless such term was for less than three years.

"(b) The Board shall advise and consult with the Secretary on matters of policy relating to the activities and functions of the Secretary under this Act and make such recommendations as it deems necessary to the President.

"(c) Such clerical and technical assistance as may be necessary to discharge the duties of the Board and such other advisory committees as hereinafter authorized shall be provided from the personnel of the Department of Health, Education, and Welfare.

"(d) In order to obtain assistance in the development and implementation of the purposes of this Act including air quality criteria, recommended control techniques, standards, research and development, and to encourage the continued efforts on the part of industry to improve air quality and to develop economically feasible methods for the control and abatement of air pollution, the Secretary shall from time to time establish advisory committees. Committee members shall include, but not be limited to, persons who are knowledgeable concerning air quality from the standpoint of health, welfare, economics, or technology.

"(e) The members of the Board and other advisory committees appointed pursuant to this Act who are not officers or employees

of the United States while attending conferences or meetings of the Board or while otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

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"COOPERATION BY FEDERAL AGENCIES TO CONTROL AIR POLLUTION FROM FEDERAL FACILITIES

"SEC. 111. (a) It is hereby declared to be the intent of Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, to the extent practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare and with any air pollution control agency in preventing and controlling the pollution of the air in any area insofar as the discharge of any matter from or by such building, installation, or other property may cause or contribute to pollution of the air in such area.

"(b) In order to control air pollution which may endanger the health or welfare of any persons, the Secretary may establish classes of potential pollution sources for which any Federal department or agency having jurisdiction over any building, installation, or other property shall, before discharging any matter into the air of the United States, obtain a permit from the Secretary for such discharge, such permits to be issued for a specified period of time to be determined by the Secretary and subject to revocation if the Secretary finds pollution is endangering the health and welfare of any persons. In connection with the issuance of such permits, there shall be submitted to the Secretary such plans, specifications, and other information as he deems relevant thereto and under such conditions as he may prescribe. The Secretary shall report each January to the Congress the status of such permits and compliance therewith.

"TITLE II—NATIONAL EMISSION STANDARDS ACT

"SHORT TITLE

"SEC. 201. This title may be cited as the 'National Emission Standards Act'.

"ESTABLISHMENT OF STANDARDS

"SEC. 202. (a) The Secretary shall by regulation, giving appropriate consideration to technological feasibility and economic costs, prescribe as soon as practicable standards, applicable to the emission of any kind of substance, from any class or classes of new motor vehicles or new motor vehicle engines, which in his judgment cause or contribute to, or are likely to cause or to contribute to, air pollution which endangers the health or welfare of any persons, and such standards shall apply to such vehicles or engines whether they are designed as complete systems or incorporate other devices to prevent or control such pollution.

"(b) Any regulations initially prescribed under this section, and amendments thereto, with respect to any class of new motor vehicles or new motor vehicle engines shall become effective on the effective date specified in the order promulgating such regulations which date shall be determined by the Secretary after consideration of the period reasonably necessary for industry compliance.

"PROHIBITED ACTS

"SEC. 203. (a) The following acts and the causing thereof are prohibited—

"(1) in the case of a manufacturer of new motor vehicles or new motor vehicle engines for distribution in commerce, the manufacture for sale, the sale, or the offering for sale, or the introduction or delivery for introduction into commerce, or the importation into the United States for sale or resale, of any new motor

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vehicle or new motor vehicle engine, manufactured after the effective date of regulations under this title which are applicable to such vehicle or engine unless it is in conformity with regulations prescribed under this title (except as provided in subsection (b));

"(2) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information, required under section 207; or

"(3) for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this title prior to its sale and delivery to the ultimate purchaser.

"(b) (1) The Secretary may exempt any new motor vehicle or new motor vehicle engine, or class thereof, from subsection (a), upon such terms and conditions as he may find necessary to protect the public health or welfare, for the purpose of research investigations, studies, demonstrations, or training, or for reasons of national security.

"(2) A new motor vehicle or new motor vehicle engine offered for importation by a manufacturer in violation of subsection (a) shall be refused admission into the United States, but the Secretary of the Treasury and the Secretary of Health, Education, and Welfare may, by joint regulation, provide for deferring final determination as to admission and authorizing the delivery of such a motor vehicle or engine offered for import to the owner or consignee thereof upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such motor vehicle or engine will be brought into conformity with the standards, requirements, and limitations applicable to it under this title. The Secretary of the Treasury shall, if a motor vehicle or engine is finally refused admission under this paragraph, cause disposition thereof in accordance with the customs laws unless it is exported under regulations prescribed by such Secretary, within ninety days of the date of notice of such refusal or such additional time as may be permitted pursuant to such regulations, except that disposition in accordance with the customs laws may not be made in such manner as may result, directly or indirectly, in the sale, to the ultimate consumer, of a new motor vehicle or new motor vehicle engine that fails to comply with applicable standards of the Secretary of Health, Education, and Welfare under this title.

"(3) A new motor vehicle or new motor vehicle engine intended solely for export, and so labeled or tagged on the outside of the container and on the vehicle or engine itself, shall not be subject to the provisions of subsection (a).

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"INJUNCTION PROCEEDINGS

"SEC. 204. (a) The district courts of the United States shall have jurisdiction to restrain violations of paragraph (1), (2), or (3) of section 203(a).

"(b) Actions to restrain such violations shall be brought by and in the name of the United States. In any such action, subpenas for witnesses who are required to attend a district court in any district may run into any other district.

"PENALTIES

"SEC. 205. Any person who violates paragraph (1), (2), or (3) of section 203(a) shall be subject to a fine of not more than $1,000. Such violation with respect to sections 203(a)(1) and 203(a)(3) shall constitute a separate offense with respect to each new motor vehicle or new motor vehicle engine.

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"CERTIFICATION

"SEC. 206. (a) Upon application of the manufacturer, the Secretary shall test, or require to be tested, in such manner as he deems appropriate, any new motor vehicle or new motor vehicle engine submitted by such manufacturer to determine whether such vehicle or engine conforms with the regulations prescribed under section 202 of this title. If such vehicle or engine conforms to such regulations the Secretary shall issue a certificate of conformity, upon such terms, and for such period not less than one year, as he may prescribe.

"(b) Any new motor vehicle or any motor vehicle engine sold by such manufacturer which is in all material respects substantially the same construction as the test vehicle or engine for which a certificate has been issued under subsection (a), shall for the purposes of this Act be deemed to be in conformity with the regulations issued under section 202 of this title.

"RECORDS AND REPORTS

"SEC. 207. (a) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this title and regulations thereunder and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee at reasonable times to have access to and copy such records.

"(b) All information reported or otherwise obtained by the Secretary or his representative pursuant to subsection (a), which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of such section 1905, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. Nothing in this section shall authorize the withholding of information by the Secretary or any officer or employee under his control, from the duly authorized committees of the Congress.

"STATE STANDARDS

"SEC. 208. (a) No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this title. No State shall require certification, inspection, or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment.

"(b) The Secretary shall, after notice and opportunity for public hearing, waive application of this section to any State which has adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, unless he finds that such State does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of this title.

"(c) Nothing in this title shall preclude or deny to any State or political subdivision thereof the right otherwise to control, regulate, or restrict the use, operation, or movement of registered or licensed motor vehicles.

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"FEDERAL ASSISTANCE IN DEVELOPING VEHICLE INSPECTION PROGRAMS

"SEC. 209. The Secretary is authorized to make grants to appropriate State air pollution control agencies in an amount up to two-

thirds of the cost of developing meaningful uniform motor vehicle emission device inspection and emission testing programs except that (1) no grant shall be made for any part of any State vehicle inspection program which does not directly relate to the cost of the air pollution control aspects of such a program; and (2) no such grant shall be made unless the Secretary of Transportation has certified to the Secretary that such program is consistent with any highway safety program developed pursuant to section 402 of title 23 of the United States Code.

"REGISTRATION OF FUEL ADDITIVES

"SEC. 210. (a) The Secretary may by regulation designate any fuel or fuels (including fuels used for purposes other than motor vehicles), and after such date or dates as may be prescribed by him, no manufacturer or processor of any such fuel may deliver any such fuel for introduction into interstate commerce or to another person who, it can reasonably be expected, will deliver such fuel for such introduction unless the manufacturer of such fuel has provided the Secretary with the information required under subsection (b) (1) of this section and unless any additive contained in such fuel has been registered with the Secretary in accordance with subsection (b) (2) of this section.

"(b) For the purposes of this section the Secretary shall require (1) the manufacturer of such fuel to notify him as to the commercial identifying name and manufacturer of any additive contained in such fuel; the range of concentration of such additive or additives in the fuel; and the purpose in the use of such additive; and (2) the manufacturer of any such additive to notify him as to the chemical composition of such additive or additives as indicated by compliance with clause (1) above, the recommended range of concentration of such additive, if any, the recommended purpose in the use of such additive, and to the extent such information is available or becomes available, the chemical structure of such additive or additives. Upon compliance with clauses (1) and (2), including assurances that any change in the above information will be provided to the Secretary, the Secretary shall register such fuel additive.

"(c) All information reported or otherwise obtained by the Secretary or his representative pursuant to subsection (b), which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of such section 1905, except that such information may be disclosed to other offi-

cers or employees of the United States concerned with carrying out this Act or when relevant in any proceeding under this title. Nothing in this section shall authorize the withholding of information by the Secretary or any officer or employee under his control, from the duly authorized committees of the Congress.

"(d) Any person who violates subsection (a) shall forfeit and pay to the United States a civil penalty of $1,000 for each and every day of the continuance of such violation, which shall accrue to the United States and be recovered in a civil suit in the name of the United States, brought in the district where such person has his principal office or in any district in which he does business. The Secretary may, upon application therefor, remit or mitigate any forfeiture provided for in this subsection, and he shall have authority to determine the facts upon all such applications.

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"(e) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

"NATIONAL EMISSIONS STANDARDS STUDY

"SEC. 211. (a) The Secretary shall submit to the Congress, no later than two years after the effective date of this section, a comprehensive report on the need for and effect of national emission standards for stationary sources. Such report shall include: (A) information regarding identifiable health and welfare effects from single emission sources; (B) examples of specific plants, their location, and the contaminant or contaminants which, due to the amount or nature of emissions from such facilities, constitute a danger to public health or welfare; (C) an up-to-date list of those industries and the contaminant or contaminants which, in his opinion, should be subject to such national standards; (D) the relationship of such national emission standards to ambient air quality, including a comparison of situations wherein several plants emit the same contaminants in an air region with those in which only one such plant exists; (E) an analysis of the cost of applying such standards; and (F) such other information as may be appropriate.

"(b) The Secretary shall conduct a full and complete investigation and study of the feasibility and practicability of controlling emissions from jet and piston aircraft engines and of establishing national emission standards with respect thereto, and report to Congress the results of such study and investigation within one

year from the date of enactment of the Air Quality Act of 1967, together with his recommendations.

"DEFINITIONS FOR TITLE II

"SEC. 212. As used in this title—

"(1) The term 'manufacturer' as used in sections 203, 206, 207, and 208 means any person engaged in the manufacturing or assembling of new motor vehicles or new motor vehicle engines, or importing such vehicles or engines for resale, or who acts for and is under the control of any such person in connection with the distribution of new motor vehicles or new motor vehicle engines, but shall not include any dealer with respect to new motor vehicles or new motor vehicle engines received by him in commerce.

"(2) The term 'motor vehicle' means any self-propelled vehicle designed for transporting persons or property on a street or highway.

"(3) The term 'new motor vehicle' means a motor vehicle the equitable or legal title to which has never been transferred to an ultimate purchaser; and the term 'new vehicle engine' means an engine in a new motor vehicle or a motor vehicle engine the equitable or legal title to which has never been transferred to the ultimate purchaser.

"(4) The term 'dealer' means any person who is engaged in the sale or the distribution of new motor vehicles or new motor vehicle engines to the ultimate purchaser.

"(5) The term 'ultimate purchaser' means, with respect to any new motor vehicle or new motor vehicle engine, the first person who in good faith purchases such new motor vehicle or new engine for purposes other than resale.

"(6) The term 'commerce' means (A) commerce between any place in any State and any place outside thereof; and (B) commerce wholly within the District of Columbia.

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"TITLE III—GENERAL

"ADMINISTRATION

"SEC. 301. (a) The Secretary is authorized to prescribe such regulations as are necessary to carry out his functions under this Act. The Secretary may delegate to any officer or employee of the Department of Health, Education, and Welfare such of his powers and duties under this Act, except the making of regulations, as he may deem necessary or expedient.

"(b) Upon the request of an air pollution control agency, personnel of the Public Health Service may be detailed to such agency for the purpose of carrying out the provisions of this Act. The provisions of section 214(d) of the Public Health Service Act shall be applicable with respect to any personnel so detailed to the same extent as if such personnel had been detailed under section 214(b) of that Act.

"(c) Payments under grants made under this Act may be made in installments, and in advance or by way of reimbursement, as may be determined by the Secretary.

"DEFINITIONS

"SEC. 302. When used in this Act—

"(a) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(b) The term 'air pollution control agency' means any of the following:

"(1) A single State agency designated by the Governor of that State as the official State air pollution control agency for purposes of this Act;

"(2) An agency established by two or more States and having substantial powers or duties pertaining to the prevention and control of air pollution;

"(3) A city, county, or other local government health authority, or, in the case of any city, county, or other local government in which there is an agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the prevention and control of air pollution, such other agency; or

"(4) An agency of two or more municipalities located in the same State or in different States and having substantial powers or duties pertaining to the prevention and control of air pollution.

"(c) The term 'interstate air pollution control agency' means—

"(1) an air pollution control agency established by two or more States, or

"(2) an air pollution control agency of two or more municipalities located in different States.

"(d) The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(e) The term 'person' includes an individual, corporation, part-

nership, association, State, municipality, and political subdivision of a State.

"(f) The term 'municipality' means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

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"(g) All language referring to adverse effects on welfare shall include but not be limited to injury to agricultural crops and livestock, damage to and the deterioration of property, and hazards to transportation.

"OTHER AUTHORITY NOT AFFECTED

"SEC. 303. (a) Except as provided in subsection (b) of this section, this Act shall not be construed as superseding or limiting the authorities and responsibilities, under any other provision of law, of the Secretary or any other Federal officer, department, or agency.

"(b) No appropriation shall be authorized or made under section 301, 311, or 314 of the Public Health Service Act for any fiscal year after the fiscal year ending June 30, 1964, for any purpose for which appropriations may be made under authority of this Act.

"RECORDS AND AUDIT

"SEC. 304. (a) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act.

"COMPREHENSIVE ECONOMIC COST STUDIES

"SEC. 305. (a) In order to provide the basis for evaluating programs authorized by this Act and the development of new pro-

grams and to furnish the Congress with the information necessary for authorization of appropriations by fiscal years beginning after June 30, 1969, the Secretary, in cooperation with State, interstate, and local air pollution control agencies, shall make a detailed estimate of the cost of carrying out the provisions of this Act; a comprehensive study of the cost of program implementation by affected units of government; and a comprehensive study of the economic impact of air quality standards on the Nation's industries, communities, and other contributing sources of pollution, including an analysis of the national requirements for and the cost of controlling emissions to attain such standards of air quality as may be established pursuant to this Act or applicable State law. The Secretary shall submit such detailed estimate and the results of such comprehensive study of cost for the five-year period beginning July 1, 1969, and the results of such other studies, to the Congress not later than January 10, 1969, and shall submit a reevaluation of such estimate and studies annually thereafter.

"(b) The Secretary shall also make a complete investigation and study to determine (1) the need for additional trained State and local personnel to carry out programs assisted pursuant to this Act

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and other programs for the same purpose as this Act; (2) means of using existing Federal training programs to train such personnel; and (3) the need for additional trained personnel to develop, operate and maintain those pollution control facilities designed and installed to implement air quality standards. He shall report the results of such investigation and study to the President and the Congress not later than July 1, 1969.

"ADDITIONAL REPORTS TO CONGRESS

"SEC. 306. Not later than six months after the effective date of this section and not later than January 10 of each calendar year beginning after such date, the Secretary shall report to the Congress on measures taken toward implementing the purpose and intent of this Act including, but not limited to, (1) the progress and problems associated with control of automotive exhaust emissions and the research efforts related thereto; (2) the development of air quality criteria and recommended emission control requirements; (3) the status of enforcement actions taken pursuant to this Act; (4) the status of State ambient air standards setting, including such plans for implementation and enforcement as have been developed; (5) the extent of development and expansion of

air pollution monitoring systems; (6) progress and problems related to development of new and improved control techniques; (7) the development of quantitative and qualitative instrumentation to monitor emisions and air quality; (8) standards set or under consideration pursuant to title II of this Act; (9) the status of State, interstate, and local pollution control programs established pursuant to and assisted by this Act; and (10) the reports and recommendations made by the President's Air Quality Advisory Board.

"LABOR STANDARDS

"SEC. 307. The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects assisted under this Act shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the locality as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C. 276a—276a-5). The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

"SEPARABILITY

"SEC. 308. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

"APPROPRIATIONS

"SEC. 309. There are hereby authorized to be appropriated to carry out this Act, other than sections 103(d) and 104, $74,000,000 for the fiscal year ending June 30, 1968, $95,000,000 for the fiscal year ending

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June 30, 1969, and $134,300,000 for the fiscal year ending June 30, 1970.

"SHORT TITLE

"SEC. 310. This Act may be cited as the 'Clean Air Act'."

Approved November 21, 1967.

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