

automotive emissions by 1975, which is approximately the feasible limit of the internal combustion engine.

A PLAN FOR CLEAN AIR

. . . (Our current pollution problems) must be rectified as follows:

1. *Declare that, by 1975, the Secretary of Health, Education and Welfare shall set automotive emission standards which are as stringent as the emission characteristics of the Rankine Cycle Engine* (sometimes called the steam car). This engine is presently feasible and has emission characteristics which are much lower than the internal combustion engine can ever hope to achieve.
2. *Require the Secretary to set oxides of nitrogen standards for 1973, instead of 1975 as now planned.* Oxides of nitrogen contain the catalytic agent which interacts with sunlight to produce hazardous photochemical smog. The smog problem cannot be solved without early control of oxides of nitrogen. Control devices for this pollutant can be made available for 1973 model year cars.
3. *Require the Secretary to establish procedures for testing production line cars to ascertain that these cars comply with the emission characteristics of their prototypes.* (At present the National Air Pollution Control Administration tests only prototypes on a systematic basis.) A 10 percent failure rate of the production line cars would trigger a decertification of the automobiles in question so that they could not be sold in the United States.
4. *Require that the Secretary test large numbers of cars actually in use at various mileage intervals.* A 10 percent failure rate would require the manufacturer to recall and repair the defective control systems. This provision is needed to assure that cars in use do not exceed federal standards after 10,000 or 15,000 miles of operation, as has been the case.
5. A provision such as number 4 should be supplemented by a requirement that automobile manufacturers warrant the proper operation of air pollution control devices for a minimum of 50,000 miles. *A warranty provision would give automobile owners themselves legal*

standing to bring suit in the event that their devices did not operate properly and the Secretary fails to take action.

6. *Require that the Secretary's test procedures for prototypes, production line vehicles and automobiles in use be geared to differing driving and weather patterns throughout the nation.* The present test patterns are based on conditions in Los Angeles and are totally inappropriate for stop-and-start patterns in other climates.
7. *Empower the Secretary to regulate the composition of all fuels without meeting the cumbersome burden provided in the House version of the law.* HEW takes the position that it does not presently have the authority to ban lead from gasoline, despite the fact that lead is clearly a toxic and dangerous material.
8. *Empower the Secretary to permit states with special air pollution problems to set automotive emission standards for new cars where these standards are more stringent than the federal regulations.* California was granted such an exemption and experience has shown that other states have problems as unique as those of California. Those states which show an inclination to develop stronger controls should be encouraged to do so. Giving the Secretary the power to review a state's standard before it would be able to embark on its own program would avoid regulations which disrupt any national programs.
9. *Fleet vehicles such as taxicab fleets, vehicles owned by states and the federal government should be required to purchase automobiles which operate on lead-free, 91-octane gasoline beginning with model year 1971.* Detroit has announced that it will begin to build such cars in 1971 and large fleets should be required to use them.
10. *The Secretary should be required, within two years, to set emissions levels for all pollutants from all industrial sources over a certain size.* This should be done by a series of public hearings throughout the country, with an opportunity for all sides to present evidence. The standards would be based on the findings of the Secretary resulting from these hearings. These standards would apply to all sources covered by the law and would not depend upon the publication of the detailed reports

now required by law. States should have three months after the promulgation of a standard to develop implementation and enforcement plans which required that the sources applied the most effective control techniques or switched to low polluting fuels.

11. *Industrial facilities which failed to meet those standards or comply with implementation and enforcement plans should be subject to heavy daily fines and criminal sanctions.*

12. *Polluters, at their own cost and in accordance with guidelines established by the Secretary, should monitor their emissions and report them at frequent intervals to the Secretary.*

13. *The Secretary should be required to commence an immediate investigation into the availability of low polluting fuels. Given full subpoena powers, powers to inspect sites and records, the Secretary should be required, within one year, to report to Congress on the availability of low sulfur coal and oil, natural gas and other low polluting fuels. The fuels industry has almost total control over this information and loosens its grip only when its own economic interest is served. To a large extent air pollution policy is fuels policy. The Secretary and the Congress cannot be expected to plan for clean air without total access to information concerning the availability of low polluting fuels.*

14. *The Secretary must be given full power to inspect facilities, records and full powers to subpoena records and witnesses.*

15. *The term "economic and technological feasibility" must be expunged from the air pollution laws. This term has prevented the Secretary from setting standards ahead of technology in order to spur innovation in control by the polluters themselves. Instead, the federal government has in effect been forced by this phrase to subsidize industry research through grants to develop controls which are "economically and technologically feasible."*

16. *Citizens must be given standing to bring suits in federal court—either as individuals or as a class—to redress any rights given them under the new air pollution laws. No administrative agency can ever hope to deal with every aspect of this problem and citizen interest*

should be marshaled as an important supplement to administrative action. The citizen suit provision should provide for injunctive relief, damages and court costs.

17. *The annual budget of the National Air Pollution Control Administration should be raised from its present level of slightly over \$100 million to \$500 million annually. Enforcement powers become hypothetical if the agency lacks the resources to use them.*

18. *Court review of any administrative determinations made under the new law should not be de novo (i.e., shall not permit the introduction of new evidence into court, thus permitting the court to judge the case a second time). Standard administrative law requires only that the court review the administrative record. This is a much more expeditious approach and would abort the polluters' standard policy ploy of delaying final action by protracted litigation.*

In August, 1970, the Subcommittee of Air and Water Pollution and its chairman, Senator Edmund Muskie, reported out the proposed National Air Quality Standards Act of 1970 which contained most points outlined in the Plan for Clean Air with the glaring exception of the tenth. How did a group of environmental lobbyists who two months ago could not achieve an amendment to one bill manage to accomplish this?

First of all, the coalition which had been so unsuccessful in the House of Representatives did not collapse in the face of defeat. In fact, it became immeasurably stronger as a diversity of new groups swelled its ranks—the International Conference of Police Associations, the International Brotherhood of Pulp, Paper and Sulphite Workers, National Audubon Society, United Automobile Workers, National Farmer's Union and the Wilderness Society. Endorsements and valuable help were also received from the United Steelworkers of America, National Tuberculosis and Respiratory Diseases Association, New York's Mayor John Lindsay, the AFL-CIO, and the National League of Cities and U. S. Conference of Mayors. Finally America had rallied behind the cry of Clean Air, and this coalition was unparalleled in the history of U. S. environmental politics. The total membership of these organizations numbers in the millions.

Of course, coalitions do not just "happen." The coordina-