SUMMARY OF THE AIR QUALITY ACT OF 1967*

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The Air Quality Act of 1967 for the first time gives the nation the opportunity to control air pollution on the basis of scientific knowledge, and at the same time provides a means by which this knowledge can be translated into effective social and political action. The Act is a comprehensive plan which will enable all levels of governments, as well as the private sector, to discharge their respective responsibilities for controlling pollution, on a regional basis, in a logical and orderly way.

The steps by which air pollution control will be effected under the Air Quality Act are briefly described below and graphically indicated in the chart which follows this article.

Define Atmospheric Areas

First, the Department of Health, Education, and Welfare is given the responsibility of defining the broad *atmospheric areas* of the nation.[1] This step was essentially accomplished on January 16 when we marked out eight atmospheric areas covering the forty-eight contiguous states. Areas covering Alaska and Hawaii will be defined later. Each atmospheric area represents a segment of the country in which climate, meteorology, and topography — all of which influence the capacity of air to dilute and disperse pollution — are generally homogeneous.

Designate Control Regions

Second, the Act requires the Department to designate *specific air quality control regions.*[2] These regions will be designated on the basis of factors which suggest that a group of communities should be treated as a unit for the purpose of setting and implementing *air quality standards.* Factors to be considered in making these determinations include meteorological, topographical, social, and political considerations, and the nature and location of air pollution sources. It is expected that several of the more important control regions will be designated by July 1.

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[1] Air Quality Act 1967 § 107(a)(1), 42 U.S.C.A. § 1857c—2(a)(1) (Supp. Feb. 1968).

[2] Air Quality Act of 1967 § 107(a)(2), 42 U.S.C.A. § 1857c—2(a)(2) (Supp. Feb. 1968).

Develop Air Quality Criteria

At the same time, the Department is required to develop and publish *air quality criteria* for a pollutant or group of pollutants, together with information on available control techniques applicable to the various sources of that pollutant or group of pollutants.[3] Air quality criteria are derived from the best available scientific knowledge of the effects of air pollutants on health and welfare. The information to be published on control techniques will identify the best methods available for reducing pollutant emissions at their various sources and the costs thereof — whether these techniques involve the application of control equipment, changes in fuel use or industrial processes, or any other practical approach. It is expected that one or more criteria and the related information on control techniques will be published by July 1.

As soon as a criterion and the related information on control techniques is published, the Act begins to have a direct effect on those states responsible for the air quality control regions that have been designated.

Timetable For Action

The Act sets up a timetable which states must follow in developing air quality standards and implementation plans for the designated regions. When air quality criteria and data on control technology are made available for a pollutant or class of pollutants, the states will have 90 days to submit a letter indicating that they intend to set standards, 180 days in which to set the standards, and a further 180 days to develop plans for implementing them.[4] If the Secretary of Health, Education, and Welfare finds that the air quality standards and plans for their implementation are consistent with criteria and related control technology information, then those standards and plans will take effect.[5] If a state fails to establish standards, or if the Secretary finds that the standards are not consistent with the criteria, he can initiate action to insure that appropriate standards are set.[6] States may request a public hearing on any standards developed by the Secretary; in such cases the hearing board's decision will be binding.[7] *States will be expected to assume the primary responsibility for application of the air quality standards.* If a state's efforts prove inadequate, the Secretary is empowered to initiate abatement action.[8]

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[3] Air Quality Act of 1967 §§ 107(b), (c), 42 U.S.C.A. §§ 1857c—2(b), (c) (Supp. Feb. 1968).

[4] Air Quality Act of 1967 § 108(c)(1), 42 U.S.C.A. § 1857d(c)(1) (Supp. Feb. 1968).

[5] *Id.*

[6] Air Quality Act of 1967 § 108(c)(2), 42 U.S.C.A. § 1857d(c)(2) (Supp. Feb. 1968).

[7] Air Quality Act of 1967 § 108(c)(3), 42 U.S.C.A. § 1857d(c)(3) (Supp. Feb. 1968).

[8] Air Quality Act of 1967 § 108(c)(4), 42 U.S.C.A. § 1857d(c)(4) (Supp. Feb. 1968).

Research and Development Stimulated

Under the Air Quality Act, the federal funds authorized for research and development are vastly expanded — with a total of $125 million earmarked for this purpose over the next two years.[9]

The Act requires that special emphasis be given 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."[10] Major emphasis, for example, will be placed on the problem of sulfur oxides, which represent one of the most ubiquitous and harmful of the pollutants in our atmosphere today. Ways of dealing with this important phase of the total problem are in the early stages of development, chiefly because of the slow start in the past by both government and industry in applying the required funds and effort to the development of solutions.

The Act also specifies that emphasis will be placed on research into automotive pollution.[11]

In carrying out research, the Act gives us statutory authority to help finance cooperative industry-government research and development projects to bring about new and improved control technology. Thus, with industry's cooperation, the $125 million federal research expenditure authorized by the Act can generate the massive application of money, talents, and resources necessary to close the technological gaps which hinder our struggle to achieve effective controls nationally.

Additional Provisions

The new Air Quality Act contains many other provisions intended to accelerate the fight against air pollution. A number of activities initiated by the Department of Health, Education, and Welfare under previous legislation will be continued under the new law. There will be an expansion of research and development activities, with special emphasis on the search for practical ways to prevent and control air pollution from fuel combustion. Federal grants and technical assistance will still be available to local, state, and regional air pollution control agencies to help them set up, improve, and maintain effective programs.[12] The national attack on motor vehicle pollution will continue through the adoption and enforcement of national standards applicable to new motor vehicles,[13] and the awarding of grants to states to assist them in developing programs for inspection of motor vehicle pollution control

[9] Air Quality Act of 1967 § 104(c), 42 U.S.C.A. § 1857b—1(c) (Supp. Feb. 1968).
[10] Air Quality Act of 1967 § 104(a), 42 U.S.C.A. § 1857b—1(a) (Supp. Feb. 1968).
[11] Air Quality Act of 1967 § 104(b)(1), 42 U.S.C.A. § 1857b—1(b)(1) (Supp. Feb. 1968).
[12] Air Quality Act of 1967 § 105, 42 U.S.C.A. § 1857c (Supp. Feb. 1968).
[13] Air Quality Act of 1967 §§ 201-12, 42 U.S.C.A. §§ 1857f—1 through -7 (Supp. Feb. 1968).

systems.[14] The Department of Health, Education, and Welfare still has authority to take action to abate interstate air pollution problems, and, on official request from states, intrastate problems, as well.[15] In addition, the Secretary is given power to seek a court order enjoining the emission of contaminants upon receipt of evidence that pollution is presenting an "imminent and substantial endangerment to the health of persons."[16]

A number of new activities are authorized by the 1967 legislation. To encourage states to work together in developing air quality standards and implementation plans for air quality control regions consisting of parts of two or more states, federal funds will be available to support interstate air quality planning activities.[17] To provide data that can be used in evaluating the health and welfare hazards arising from the use of fuel additives, registration of such additives will be required.[18] A study of the need for national emission standards for industrial air pollution sources will be made.[19] An investigation will be made of manpower and training needs in the air pollution field.[20] A study will be made of ways to control air pollution from aircraft.[21] Comprehensive studies will be made of the costs of dealing with total problem of air pollution.[22] Several different advisory groups will be created to assist the Department in implementing the Act.[23]

Finally, in this abbreviated look at the legislation, greatly increased funds are authorized. For the current fiscal year, $66 million dollars have been appropriated to the Department of Health, Education, and Welfare for air pollution activities, including planning and design of new facilities for the National Center for Air Pollution Control. This was the full amount authorized by previous legislation. The new law raises the ceiling for the current year to $109 million and authorizes $185 million for the following year.[24]

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[14] Air Quality Act of 1967 § 209, 42 U.S.C.A. § 1857f—6b (Supp. Feb. 1968).
[15] Air Quality Act of 1967 § 108(c)(4), 42 U.S.C.A. § 1857d(c)(4) (Supp. Feb. 1968).
[16] Air Quality Act of 1967 § 108(k), 42 U.S.C.A. § 1857d(k) (Supp. Feb. 1968).
[17] Air Quality Act of 1967 § 106, 42 U.S.C.A. § 1857c—1 (Supp. Feb. 1968).
[18] Air Quality Act of 1967 § 210, 42 U.S.C.A. § 1857f—6c (Supp. Feb. 1968).
[19] Air Quality Act of 1967 § 211(a), 42 U.S.C.A. § 1857f—6d(a) (Supp. Feb. 1968).
[20] Air Quality Act of 1967 § 305(b), 42 U.S.C.A. § 1857j—1(b) (Supp. Feb. 1968).
[21] Air Quality Act of 1967 § 211(b), 42 U.S.C.A. § 1857f—6d(b) (Supp. Feb. 1968).
[22] Air Quality Act of 1967 § 305, 42 U.S.C.A. § 1857j—1 (Supp. Feb. 1968).
[23] Air Quality Act of 1967 § 110(d), 42 U.S.C.A. § 1857e(d) (Supp. Feb. 1968).
[24] Air Quality Act of 1967 §§ 104(c), 309, 42 U.S.C.A. §§ 1857b—1(c), 1857l (Supp. Feb. 1968).

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