Comments

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The Clean Air Act—An Overview

The new year brings with it major developments in the continuing efforts to conserve the nation’s air resources. Existing clean air programs are under attack from many directions. Claiming that automotive emission standards cannot be met, automakers are calling for postponement of vehicular emission controls. Congress has responded to the oil shortage by postponing attainment of standards for certain coal-burning power plants in an effort to decrease oil use. Environmental Protection Agency regulations designed to decrease automobile use through limited land use planning have been at least temporarily blocked by Congress. Recently promulgated regulations allow increased contamination of the air in places now enjoying high levels of air quality. The President has proposed deferral of clean air objectives.

Many environmentalists have responded to this broad attack with what amount to allegations of conspiracy: that industry has understated the availability of control technology and overstated its cost in an effort to exert economic leverage on the public at large through threats of loss of jobs and income, that automakers were at the least unimaginative and at worst intentionally uncooperative in proceeding with add-on control development while largely ignoring alternative engines, and that a disproportionate share of the blame for economic downturn and

oil shortages has been laid to clean air efforts. Industry has responded by describing air programs as ill-conceived, counterproductive, as producing unnecessary fuel consumption, and as placing a heavy burden on an already troubled economy. There appears to be little likelihood that this debate will result in a general consensus favoring either position.

But a set of answerable questions has been posed. In a practical sense, this country must ask itself how much clean air it can afford to buy and how fast it can afford to buy it. Our society has limited resources and an almost limitless list of desirable social goals. Some balance between all these objectives must be struck. In such a weighing process, however, all responsible parties should bear in mind what some have apparently failed to learn: contaminated air is more than an esthetic problem concerning a few suburban liberals. It is the cause of thousands of deaths, millions of illnesses, and billions of dollars of property damage, all of which probably fall disproportionately on the poor and blue collar urban residents on whose behalf so many are now urging relaxation of pollution controls.

It may be that some of the goals of the Clean Air Amendments of 1970 have proved in light of five years' experience to be unrealistic; indeed it would be surprising if this were not so. But these imperfections should not serve as an excuse for a wholesale abandonment of air programs. Many air quality measures work in harmony with energy conservation goals. For example, measures which discourage automobile use serve both to conserve fuel and improve air quality. Cities designed with energy conservation in mind will also be cities with clean air. Waste of fuels is also a waste of air resources. Programs which serve this dual function seem so clearly in the public interest at this point that it would seem unnecessary to defend them. Yet such pro-

8. One example of what may prove to be a counterproductive strategy is the disclosure that catalytic converters, designed to reduce automotive emissions, may actually increase sulfuric acid emissions. See S.F. Chronicle, Sept. 3, 1974 at 1, col. 3.

9. See Wall St. J., Jan. 23, 1975 at 9, col. 1. But see S.F. Chronicle, Jan. 22, 1975 at 9, col. 1. For a thorough discussion of gasoline mileage problems, which concludes that measures such as improved transmissions and accessories, reduced weight and air resistance, and smaller, improved engines may make possible a forty percent increase in automobile fuel economy by 1980, see Pierce, The Fuel Consumption of Automobiles, SCIENTIFIC AM., Jan., 1975 at 34.

10. EPA has estimated that automobile pollution alone is responsible for 4000 deaths and four million sick days per year. Wall St. J., Jan. 22, 1975 at 6, col. 2. See also Zerbe, Optimal Environmental Jurisdictions, 4 ECOLOGY L.Q. 193 (1974). See also Ayres, Enforcement of Air Pollution Controls on Stationary Sources under the Clean Air Amendments of 1970, 4 ECOLOGY L.Q. 441 (1975) at 442, n.3.

grams have been among the first to fall. A realistic assessment of present conditions and the formulation of a workable set of goals is needed.

This issue is dedicated to a study of the Clean Air Amendments of 1970 in the hope that it may aid concerned persons and decision-makers in the assessment of present and future actions necessary to maintain and improve a vital natural resource: clean air.

The Editors

12. Congress has overturned all major EPA steps toward land use or transportation controls. Parking management regulations were severely limited by the Energy Supply and Environmental Coordination Act of 1974, P.L. 93-319, 88 Stat. 246 (1974), while EPA indirect source controls were suspended when Congress denied funds for enforcement. See Comment, V: Control of Complex Emission Sources—A Step Toward Land Use Planning, 4 ECOLOGY L.Q. 693, 737 n.222 (1975).