



THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE  
WASHINGTON

SEP 29 1965

Dear Senator Muskie:

The Clean Air Act Amendments and the Solid Waste Disposal Act (S.306) passed the House on Friday, September 24, with amendments.

It is my understanding that you are particularly concerned with an amendment to Sec. 202(b) of the bill, which provides authority for the Secretary to establish regulations prescribing standards applicable to the emission of exhaust fumes from motor vehicles. Your Committee recommended, and the Senate adopted, September 1, 1967 as the effective date by which regulations must be promulgated. The House amendment eliminated this date and left the time of effective regulations to the discretion of the Secretary.

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. 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.

We prefer the flexibility of the House version of Sec. 202, although we are planning to follow the general intent of the Senate version, both with respect to application of standards to the 1968 model automobiles and the further development of standards for emissions from diesel powered vehicles.

The House added to Sec. 209 of the bill a new subsection (e) which provides authority to call conferences with respect to air pollution problems of substantial significance which may occur. This provision was recommended by the President to provide preventive measures in addition to the abatement procedures now contained in the Clean Air Act. We do not intend to administer this provision as a substitute for the abatement provisions of the Clean 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. Conferences on potential air pollution problems would be relatively rare, but they would provide an important and useful tool for the prevention, as well as control, of air pollution. We can assure you that we plan to pursue a vigorous program under the abatement provisions of the Clean Air Act.

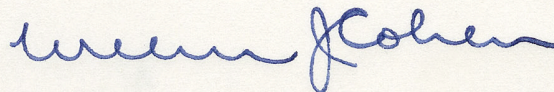


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I hope that you will be able to recommend to your Committee, and to the Senate, that the House-passed S.306 be adopted, and thus permit this important legislation to be enacted into law in this session.

I, or my staff, will be available to discuss these points with you at any time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Allen Cohen". The signature is fluid and cursive, with the first name "Allen" written in a series of connected loops, and the last name "Cohen" written in a more distinct, upright cursive style.

Acting Secretary

Honorable Edmund S. Muskie  
United States Senate  
Washington, D. C.