

AUTOMOBILE MANUFACTURERS ASSOCIATION

AUTOMOBILE MANUFACTURERS ASSOCIATION, INC.,
Washington, D.C., August 27, 1970.

HON. EDMUND S. MUSKIE,
U.S. Senate, Washington, D.C.

DEAR SENATOR MUSKIE: We have as you suggested, expressed our point of view to HEW. Enclosed is a copy of my letter to Secretary Richardson. I am taking the liberty of giving copies to members of the Public Works Committee.

Again I want to thank you for taking time from your busy schedule to hear our story.

With respect and good wishes,
Sincerely,

Tom
THOMAS C. MANN.

AUTOMOBILE MANUFACTURERS ASSOCIATION, INC.,
Washington, D.C., August 27, 1970.

HON. ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: As you know, proposed amendments to the Senate Clean Air Act are about to be reported out of committee. This bill in its present form proposes drastic reduction in auto emission levels for 1975 as compared with the already stringent HEW goals for 1975. Automobile manufacturers have clearly stated to Senator Muskie that, based on current technology and foreseeable advances, they cannot achieve the levels proposed in the bill by that date.

In Senator Muskie's meeting with presidents and other officials of automobile companies on August 25, 1970, it became apparent that the proposed reduction of 1970 emission levels by 90% on 1975 model vehicles is primarily based on the attached document, a copy of which was supplied by the Senator's staff.

It is our understanding that the information from HEW contained in this document was reported in a paper entitled "Federal Motor Vehicle Emission Goals for CO, HC and NOx based on Desired Air Quality Levels", which I understand was used in a presentation by Dr. S. Barth, J. C. Romanovsky and E. A. Schuck of your Durham office at a June 16, 1970 annual meeting in St. Louis of the Air Pollution Control Association. It was made manifestly clear in the paper that the measurements, math models, data analysis and conclusions are of a developmental or a preliminary nature and not intended to be construed as final or adequate for establishing legal standards.

It is also our understanding that the information supplied by HEW staff is currently being evaluated by NAPCA and should not be considered definitive or official until after review and the required publications in the Federal Register.

We are concerned that major legislative proposals concerning emissions standards embodying serious social and economic consequences are based on technical information supplied by HEW staff which has not received the rigorous technical scrutiny customary in HEW. We respectfully request that you personally review the material supplied by your department to Senate staff and, if you share our views concerning the nature of the data, that you promptly inform Senator Muskie.

Sincerely,

THOMAS C. MANN.

[Enclosure]

JUNE 11, 1970.

From: Staff.

Subject: Automobile Emissions Control and Achievement of the Ambient Air Standard necessary to protect health.

Communications were held with the National Air Pollution Control Administration for the purpose of determining how long it would take to achieve a national ambient air standard related to health, with particular emphasis on the relation-

ship of automobile emissions to the achievement of such standard. Automobiles contribute three particular pollutants in great quantities: (a) carbon monoxide, (b) photochemical oxidants (hydrocarbons), and (c) oxides of nitrogen.

A. The *ambient standard* necessary to protect the public health from carbon monoxide is 8-10 ppm. This compares to *existing ambient air in Chicago, for instance, of 44 ppm*. The 1970 Federal emission standard for automobiles for carbon monoxide is 23 gm/mile. To achieve the public health ambient standard would require emission controls placed on automobiles permitting emissions of only 5 grams per mile; a figure that represents the 1980 emission requirement as proposed by the Administration. In order to achieve sufficient replacement of automobiles with autos having the emission controls meeting 1980 standards it will take an estimated ten years. Therefore on assumptions of present programs it will be 1990 before carbon monoxide levels will be brought down to the public health ambient standard. This is premised, it must be emphasized, on reliance exclusively on automobile emission controls and reliance upon proposed levels of controls and their rate of application.

B. The ambient air health standard for photochemical oxidants (hydrocarbons) is 0.06 ppm. To achieve such ambient standard would require a reduction of hydrocarbon emissions from automobiles from the 1970 standard of 2.2 gm/mile to an emission level of 0.2 gm/mile. This last figure is the approximate equivalent of the proposed 1980 emission standard. With the replacement factor and again relying exclusively on emission control it would be 1990 before the ambient health standard could be achieved.

C. The ambient health standard for NOx is anticipated to be about 0.10 ppm. This compares with an ambient condition found in most metropolitan of 50.0 to 60.0 ppm. To achieve the health standard would require a reduction from the proposed 1973 emission standard of 3.0 grams per mile to an emissions requirement for automobiles of 0.45 grams per mile, or approximately the proposed 1980 standard. The replacement factor would again, if reliance is placed only upon emission control of this character, result in ambient health standards not being met until 1990.

[Response to preceding letter appears on p. 1596.]

AUGUST 27, 1970.

MEMORANDUM

Subject: Committee Print No. 1, dated August 25, 1970—A Bill to Amend the Clean Air Act.

In view of time schedules which did not permit open hearings on new and important provisions in Committee Print No. 1, I am enclosing, for your consideration, memoranda covering a number of points in the subject bill which are of concern to the Automobile Manufacturers Association. Also enclosed is language which we believe would incorporate the points of view contained in these memoranda.

This material was delivered to the staff of the Senate Committee on Public Works yesterday.

At the request of Chrysler Corporation, I am also enclosing a paper which describes its views on the preemption provisions of the subject bill. Other companies presumably will present their views on this particular provision separately.

THOMAS C. MANN,
President, Automobile Manufacturers Association.

AUGUST 29, 1970.

CHECK LIST

- Section 202 (e) (1)—Standards.
- Section 203 (b) (3)—Export Label.
- Section 206 (a) (4)—Certificate of Conformity.
- Section 207 (c)—Sticker Announcement of Actual Cost of Emission Control System.
- Section 207 (d) (2)—Defect Notification.
- Section 207 (e) (1)—Defect Notification by Manufacturer.
- Section 207 (e) (3)—Defect Description in Notification.
- Section 214—Effective Dates.
- Section 304—Citizen Suits.

Proposed Revised SECTION 202(e)(1) [FIRST VERSION]

(e)(1) On or before January 1, 1972, if the Secretary determines that in order to meet national air quality standards previously established under Section 110 of this Act it is necessary to promulgate more stringent performance levels for any new light duty motor vehicle or any new light duty motor vehicle engine than those previously established by him to become effective for the model year 1975, and that it is technologically feasible to do so, the Secretary shall establish more stringent standards for such model year.

Note: If adopted, the first clause of Section 202(a) * * * should be modified to read: "(a) * * * Subject to the provisions of subsection (e)" etc.

Proposed Revised SECTION 202(e)(1) [SECOND VERSION]

(e)(1) On or before January 1, 1972, if the Secretary determines that in order to meet national ambient air quality standards previously established under Section 110 of this Act it is necessary to promulgate more stringent performance levels for any new light duty motor vehicle or any new light duty motor vehicle engine than those previously established by him to become effective for the model year 1975, and that it is achievable through application of the latest available technology, the Secretary shall establish more stringent standards for such model year.

In making his findings the Secretary shall evaluate the anticipated performance of such vehicle or engine over its lifetime and other alternatives available to attain and maintain the national ambient air quality standards established under this Act.

Note: If adopted, the first clause of Section 202(a) * * * should be modified to read: "(a) * * * Subject to the provisions of subsection (e)" etc.

[Memorandum]

1. SECTION 202(e)(1) *Legislative Acceleration of HEW 1980 Standards to become effective in 1975 model year* HEW has proposed but has not yet finally adopted emission standards for the 1975 model year. Goals for the 1980 model year have been announced, but HEW is far from adopting final standards for that year. Nevertheless, Section 202(e)(1) requires in effect that levels even below the 1980 goals be achieved in the 1975 model year despite the lack of any final administrative determination that either the 1975 or 1980 goals are technologically feasible or required to meet national air quality standards (which themselves have not yet been promulgated).

It seems doubtful legislative policy for Congress to set mandatory emission control standards by specific deadlines regardless of whether they can in fact be met or need to be met and without considering the complex technological and scientific data necessary to make these decisions.

It presently appears that it will simply not be possible for vehicle manufacturers to achieve the control levels specified in the bill with any fossil fuel-burning engine—including steam, gas turbines, etc., as well as internal combustion engines. All technology known to the automobile industry indicates this to be the fact. In view of this, manufacturers unable to meet the control levels specified in the bill would be forced to shut down, unless provided with emergency standards relaxation by Congress. Limited utility electric vehicles, which would shift the problem to stationary power-generating sources, would not be any solution.

Moreover, the desired air quality objectives expressed by the bill could be achieved by the 1975 and 1980 goals already announced by the government. The reductions from 1960 uncontrolled levels that would be achieved by the 1975 and 1980 federal goals and the levels specified in the bill compare as follows:

[In percent]

	Hydrocarbon	Carbon monoxide	Oxides of nitrogen	Particulates
1975 proposed Federal.....	95	86.0	83	67
1975 committee bill.....	98	97.5	90	90
1980 Federal goals.....	97	94.0	93	90

The constitutionality of any such provisions would be in serious doubt. On policy and legal grounds it would seem wiser for the Congress to emphasize its desire to have the Secretary set more stringent standards as soon as feasible by a provision along the lines of the attached substitute for Section 202. It provides that if the Secretary determines that in order to meet national air quality standards it is necessary to promulgate more stringent performance levels than those he may previously establish for the model year 1975, and that it is technologically feasible to do so, he may establish more stringent standards on or before January 1972—the minimum lead time necessary to provide manufacturers with an opportunity to attempt to comply.

PROPOSED REVISED SECTION 203(b)(3)

"(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).

PROPOSED NEW SECTION 206(a)(4)

Any new vessel, vehicle, or aircraft, or new vessel, vehicle, or aircraft engine sold by such manufacturer which is in all material respects substantially the same construction as the test vessel, vehicle, or aircraft, or new vessel, vehicle, or aircraft engine for which a certificate has been issued under subsection (1) and is in effect, shall for the purposes of this Act be deemed to be in conformity with the regulations issued under section 202 of this title.

[Memorandum]

SECTION 206 Certification

Under Section 206 (b) of the Clean Air Act any new motor vehicle or engine which is in all material respects substantially the same construction as a test vehicle or engine certified by the Secretary is deemed to be in conformity with emission standard regulations issued under Section 202. This provision has been deleted from the new bill, leaving in doubt the significance of a certification by the Secretary.

The House bill, which also deleted the existing Section 206 (b), avoided this serious ambiguity by defining as a prohibited act under Section 203 (a)(1) the sale of a motor vehicle or engine not covered by a certificate. (Each certificate covers a specific classification of vehicle or engine.) The present Senate bill, however, makes it a prohibited act to sell a vehicle or engine which is not in conformity with the standards issued under Section 202. No reference is made to the Secretary's certificate. Thus, even though each individual vehicle or engine sold by the manufacturer falls within a specific classification previously certified by the Secretary, the manufacturer is left in doubt whether this is sufficient to establish compliance with the law. Read literally, the language of Section 203 in the present bill would make it impossible for a manufacturer to determine whether each vehicle sold violated the act unless before sale each vehicle was successfully tested in the same manner as the certified prototype and met the applicable standards in all respects. Individual testing of each vehicle or engine to this extent (including 4,000 miles of actual operation) would be an obvious impracticability. To correct this deficiency Section 206 (b) of the present act should be restored.

Amend SECTION 207(c) to read as follows:

"(c) Every new vehicle or new vehicle engine of a manufacturer introduced in commerce for sale or resale shall be warranted to have installed and in operation systems or devices for the control or reduction of air pollution agents or combinations of such agents emitted from such vehicle or engine, in conformance with applicable regulations issued under this title * * * that are substantially of the same construction as systems or devices on test vehicles or test engines for which a certificate has been issued to the manufacturer under this title. The manufacturer shall furnish with each vehicle or engine written instructions for necessary maintenance by the ultimate purchaser. Such warranty shall apply to the ultimate purchaser and subsequent purchasers thereof. In addition, the manufacturer shall include on a label or tag permanently affixed to such vehicle or engine such information relating to control of vehicle emissions and compliance with this Act as the Secretary shall prescribe by regulation.

SECTION 207 Warranty of Lifetime Performance and Recall and Replacement for Failure of Lifetime Performance

This section imposes an impossible burden on manufacturers. With respect to any hardware which might be invented to meet the 1975 proposed standards, the statute requires manufacturers to develop and install such new devices and

systems which by definition have never been through the experience of lifetime performance. Any such devices and systems can only be built and warranted to meet specifications related to predicted performance tests which can be and are made before the devices and systems are manufactured and sold.

If it should develop that the pre-certification and pre-sale tests do not correctly predict lifetime performance, the only practicable remedy is to devise more accurate pre-production and pre-sale tests for future models. It is not reasonable and may well be unconstitutional to require a manufacturer to warrant and replace that which he has no present method of predicting and covering in his prices.

In any event, and this applies particularly to the systems which will be used between now and 1975, the circumstances of maintenance and use of individual vehicles over their lifetimes vary enormously, and in the case of individual failures there is no conceivable way for a manufacturer or a court to determine whether the failure resulted because of the subsequent acts or omissions of its operators.

Manufacturers cannot prescribe a maintenance system at this time with any assurance that it would be effective to prevent *some* deterioration of performance on all cars. Even assuming an owner faithfully followed all maintenance instructions, there would still be some vehicles which, with deterioration, would test outside applicable standards. However, the difference between the standards and actual performance probably would not be great enough to have any real effect on ambient air.

Accordingly, Section 207 should be confined to the warranty set forth in Subsection 1 (page 57, line 6).

Section 207 (d), relating to recall and replacement of nonconforming vehicles, should be limited to defects, such as failure to be of substantially the same construction as test vehicles, and should exclude lifetime performance.

SECTION 207(c) *Sticker Announcement of Actual Cost of Emission Control System.* The last sentence of this section requires that the actual cost to the manufacturer of emission control systems and devices, their installation and the required warranty be disclosed in accordance with the provisions of the 1958 price sticker law.

This provision misconceives the purpose of the 1958 law and would impose unreasonable burdens on the manufacturer without benefit to the public. The 1958 law requires disclosure of the manufacturer's suggested retail price for the basic vehicle and for each optional accessory, so as to clearly inform the customer of the suggested prices for optional items and the basic vehicle. It deals with suggested prices, not with actual costs. It also serves the purpose of informing the customer how much he can save by not ordering an optional item that he does not need to serve his personal transportation desires. For this reason it does not require separate pricing of components of the basic vehicle, none of which can be optionally eliminated by either the manufacturer or retail purchaser.

Moreover, the calculation of "actual cost" of the numerous items, designs and other features built into the engine, power train and exhaust system for the purpose of reducing emissions is impossible. For emission control and other reasons, the gas tank and the entire fuel system, the entire carburetor, cylinder block and head and distributor, which actually are multiple-purpose components, have been redesigned in recent years.

This also has involved many related components, including the transmission. Everything having to do with the propulsion of the car is affected—from the storage of the fuel to the intake of air to the combustion process and the release of the products of combustion. There is no identifiable and separate component of the car that controls emissions. The redesign and modifications required vary from make to make and even from model to model within a make depending principally upon the nature of the specific engine-transmission package.

In summary, all of the components which are changed for emission control purposes serve other essential functions in the automobile. In fact, the other functions are the primary functions for which they are included on the car—the propulsion of the vehicle. There is no one particular way of deciding how much of a given change in an engine or carburetor represents the "actual cost" of emission control and how much was undertaken for other purposes. As a result, any cost figures computed would necessarily be highly arbitrary—depending upon individual judgments and the particular cost allocation procedures of the individual manufacturer.

It would be equally impossible to determine the cost of warranty applied to particular components (e.g. engines or exhaust systems) attributable to emission

control problems. This would be true even after the fact, and the suggestion that this could be done before any warranty expenditures had been made indicates a total lack of understanding of the automobile itself, and the problem of emission control.

[FIRST VERSION]

Amend Section 207 (d) (2) to read as follows:

"(2) If through testing, inspection, studies, or other investigation of statistically representative samples of any class or category of vehicles or vehicle engines, or by other means, the Secretary *has reason to believe* * * * that such class or category of new vehicles or new vehicle engines, *is not substantially of the same construction as systems or devices on test vehicles or test engines for which a certificate has been issued to the manufacturer under this title or otherwise contains a manufacturing defect, with the effect of causing such class or category of new vehicles or new vehicle engines to be in substantial nonconformity with applicable standards.* * * * he shall immediately notify the manufacturer thereof of such determination of a defect and furnish the manufacturer with all information on which such preliminary finding is based. * * * The Secretary shall within thirty days after such notice is issued afford the manufacturer and other interested persons an opportunity to present their views and evidence in support thereof at a public hearing or in writing, with regard to such *preliminary finding of a defect.* * * * The Secretary shall, within a reasonable time, but in no event more than sixty days from the date of notice of a defect, * * * order the manufacturer to provide prompt notification of such defect * * * to the ultimate purchaser and, if known, subsequent purchasers of all such vehicles or vehicle engines included within the class or category unless the Secretary, on the basis of all the facts and evidence in the public record of such proceedings, shall conclude that the class or category of new vehicles or new vehicle engines is *not defective so as to be in substantial nonconformity* * * *.

[SECOND VERSION]

Amend Section 207(d) (2) to read as follows:

"(2) If through testing, inspection, studies, or other investigation of statistically representative samples of any class or category of vehicles or vehicle engines, or by other means, the Secretary has reason to believe that such class or category of new vehicles or new vehicle engines is ~~not substantially~~ of the same construction as systems or devices on test vehicles or test engines for which a certificate has been issued to the manufacturer under this title or otherwise contains an identifiable defect in design or manufacture, with the effect of causing the average of emissions from such class or category of new vehicles or new vehicle engines to be in substantial nonconformity with standards applicable to new vehicles or engines of that class or category, he shall immediately notify the manufacturer thereof of such determination of a defect and furnish the manufacturer with all information on which such preliminary finding is based. The Secretary shall within thirty days after such notice is issued afford the manufacturer and other interested persons an opportunity to present their views and evidence in support thereof at a public hearing or in writing, with regard to such preliminary finding of a defect. The Secretary shall, within a reasonable time, but in no event more than sixty days from the date of notice of a defect, order the manufacturer to provide prompt notification of such defect to the ultimate purchaser and, if known, subsequent purchasers of all such vehicles or vehicle engines included within the class or category unless the Secretary, on the basis of all the facts and evidence in the public record of such proceedings, shall conclude either that the class or category of new vehicles or new vehicle engines is not defective so as to be in substantial nonconformity or that there is no appropriate remedy for such defect.

[FIRST VERSION]

Amend section 207 (e) (1) and (3) to read as follows:

"(e) (1) Every manufacturer of new vehicles or new vehicle engines shall furnish notification of any *manufacturing* defect in such vehicle or engine produced by him, which he discovers during the term of any warranty required by this title, and which he determines, in good faith, causes or will cause such vehicle or engine to be in *substantial* nonconformity with such certification * * * to the ultimate purchaser or subsequent purchaser thereof (where known to the manufacturer) within a reasonable time *after such determination.* * * *

3) The notification to such purchasers provided for in this subsection shall contain a clear description of the defect * * * a statement of measures to be taken to remedy such defect * * *, and a commitment of the manufacturer to cause such defect * * * to be remedied at no cost to the owner.

[SECOND VERSION]

207 (c) (1) Whenever any manufacturer of new vehicles or new vehicle engines determines in good faith that any class or category of new vehicles or new vehicle engines is not substantially of the same construction as systems or devices on test vehicles or test engines for which a certificate has been issued to the manufacturer under this title or otherwise contains an identifiable defect in design or manufacture, with the effect of causing the average of emissions from such class or category of new vehicles or new vehicle engines to be in substantial nonconformity with standards applicable to new vehicles or engines of that class or category, he shall furnish notice thereof, within a reasonable time after such determination, to the ultimate purchaser or subsequent purchasers thereof (where known to the manufacturer) whenever there is an appropriate remedy for such defect.

Amend Section 207(e)(3) to read as follows:

"(3) The notification to such purchasers provided for in this subsection shall contain a clear description of the defect, a statement of measures to be taken to remedy such defect, and a commitment of the manufacturer to cause such defect to be remedied at the expense of the manufacturer.

New Section 214:

The amendments made by sections 206(b)(4)(F), 207(c), 207(d) and 207(e) shall apply in the case of motor vehicles and motor vehicle engines manufactured after the nintieth day after the enactment of this Act.

[Memorandum]

Effective Dates. Most of the provisions of Title II do not become effective until HEW issues some form of regulation and those regulations will include a provision as to when they become effective. However, several requirements in Title II do not depend upon any intervening action by HEW and thus presumably would require action by vehicle manufacturers as soon as the bill is enacted. This is the case with respect to the certification by manufacturers of compliance to standards under Section 206(b)(4)(F), warranty under Section 207(c), disclosure of cost on the price sticker under Section 207(e). The bill should include a provision making those requirements effective 90 days after enactment of the bill in order to provide manufacturers with sufficient time to take the necessary internal steps and prepare documents to comply with those requirements.

Citizens Suits

Delete all of Section 304 or in the alternative amend Section 304 (a) (1) by adding "Title I of" in line 9 on page 76 so that line 9 will read as follows:
"require the enforcement of the provisions of *Title I of this act include—*".

[Memorandum]

Section 304 Citizens Suits

This section, authorizing citizens to bring suits to enforce any standard issued under the Act or to compel the Secretary to perform any duty created by the Act, will make efficient and certain administration of automotive emissions regulations virtually impossible.

To provide any reasonable possibility of compliance, automotive emissions standards establishing more stringent levels must be finally fixed in all respects including test procedures at least two years before the production run of the applicable model year begins. If during this essential two year lead time period the standards are placed in doubt by a citizens suit against the Secretary claiming that he failed to set sufficiently stringent standards, manufacturers will be left in doubt as to what their course of conduct should be. If they prepared for compliance and the citizen suit succeeds, their efforts will be wasted. If they await the outcome of the citizen suit and the suit fails, the Secretary will necessarily have to delay the effective date of his proposed standard, to the injury of the public.

Equally serious problems are raised by the possibility of citizens suits to punish or enjoin alleged violations of existing standards. In the administration of new, highly technical regulatory statutes, manufacturers must necessarily work out

with the agency technical interpretations of what the regulations mean, how they are to be enforced and what the applicable test and inspection procedures are to be. If manufacturers cannot rely on interpretations made and practices followed by the agency - if such reliance can be upset after the fact by a citizens enforcement suit, effective day to day compliance with the agency's regulations will be made infinitely more difficult.

No reason has been suggested why, in the absence of citizens suits, the Secretary would fail to perform his duties under the Act, or why in the event of a violation the Secretary and attorney general would fail to take the necessary enforcement measure. Citizen complaints to the regulatory authorities may be helpful, a multitude of citizens attorneys general bringing enforcement suits in the courts are more likely to be harmful. No other federal regulatory statute is enforced in such a helter-skelter manner. The effective regulation of air pollution is too critical for such an experiment. If the Section is not deleted, it should at the very least be limited to violations of Title I relating to national air quality standards and stationary sources, as to which the complex lead time and enforcement problems described above may be less serious.

Federal Preemption

The reasons that led Congress in 1967 to provide for federal preemption in the Air Quality Act are still valid today.

The specific exception granted to California was because of its pioneering efforts in this area and may be viewed as similar to other "Grandfather clauses." In addition, California was in the unique position of having a great deal of experience and technical know-how in this area as well as having some very special problems which were not then, and are not now prevalent throughout the country, due to atmospheric and geographic conditions. We anticipate that as the federal government moves more into the automobile emissions field and develops more expertise, the predominance of California in automotive emission controls will diminish. We think this trend may already be evidenced by HEW's denial of California's most recent waiver request in anticipation that the 1975 federal standards would be at least as stringent as California's.

AMA believes that the automotive air pollution problem can best be handled on a national basis, because of the great mobility of the automobile and the mass-production problems associated with the automotive industry. Although the Clean Air Act designates air quality regions, it must be emphasized that these regions relate to stationary as opposed to mobile emissions sources. In addition, these regions may extend across state boundaries.

Controls of stationary sources of pollution are inherently more amenable to regional regulation. On the other hand, motor vehicles in most cases will not be manufactured in the state purporting to regulate them. In the recent debate on the 1970 Clean Air Act Amendments, Representative Rogers, in advancing federal preemption of regulation by states, said: "Automobiles are moving emission sources. In other words, they go from one state to another. That is why we are approaching it in this manner and not allowing one state to set a high standard and another not to do likewise . . . We want the Secretary to impose those strict standards all over the nation. We give him this authority in the bill." (Congressional Record, 91st Congress, 2d session, June 10, 1970, p. H. 5380, H. 5379.)

Some of the potential cost penalties to purchasers of cars in states that might have their own standards—in the absence of federal preemption—were noted in the debate on the 1967 Clean Air Act by Representative Springer, who stated: "It is not possible from an economic point of view to build automobiles to 50 different standards. Even if this were so, it is very unrealistic since automobiles necessarily travel from state to state. It is only sensible to have one national standard." (Congressional Record, Vol 113, part 23, 90th Congress, 1st session, November 2, 1967 p. 30950.)

Clearly, the logic of Representative Springer's remarks is even more persuasive should air quality regions or major cities, as well as the individual states, be allowed to adopt more stringent emission standards. The possibility of hundreds of different standards would be wholly unrealistic from an economic standpoint.

If the various states, cities, or air quality regions of the U.S. were authorized to establish their own emission standards applicable to new motor vehicles, a myriad of problems will necessarily arise. For instance, one automobile manufacturer indicates that on 1970 models it had 67 different models of carburetors and 60 different models of distributors exclusive of those required to meet California air pollution control standards. Should another state adopt pollution control standards, the number of carburetor models would be approximately doubled

and the number of distributors increased by one-half. Without knowing the precise emission standards each state might adopt, it is difficult to pinpoint the exact magnitude of this problem. However, it is clear that the problem would be critical and of immense proportions.

It should be recognized that the existing preemption provisions are quite narrow and of limited applicability. Section 208 of the Clean Air Act of 1967 only preempts the power of the states to establish emission standards for *new* motor vehicles or *new* motor vehicle engines. Section 208(c) reserves for the states the right to regulate motor vehicles in all other respects including emission standards for vehicles in *use*.

The federal government is living up to its responsibilities to regulate automobile emissions on a national basis. Recent HEW proposals cover new emission requirements for 1972 and goals through 1975. According to HEW, such action will sufficiently control the problem of vehicle emissions even in those most populous states or areas where vehicle emissions are claimed to be the most severe.