

The board is the lawful representative of the association, its legal competence being certified to by the supervisory public authority or Ministry, such as the Ministries of Food, Agriculture, and Forestry.

Protests against the decisions of the board of directors can be carried to a board of appeals, on which members of the board of directors may not sit. Nine members compose the board of appeals in the Emscher Association, three appointed by the public authorities and six elected by the assembly. Until the past decade no recourse was available to the courts from the decisions of the board of appeals. All decisions were final. Today, the courts hold that the door should be left open for an appeal to the courts after all other means of adjustment have been exhausted.

Let us look briefly at the results of these administrative instruments and practices. In spite of their current favor in discussions outside of Germany, no significant emulation of these institutions has occurred in the past decades elsewhere within Germany. Since all of the rivers listed in the six districts are small, and the population densities very high, dilution of wastes even after treatment is meager. Many of the stretches of the rivers, therefore, would not meet the quality standards usually acceptable in the United States. In fact, the oldest control system—namely, on the Emscher—has only been able, under most severe loads, to maintain at this time a river which is essentially an open sewer. This situation has forced the association to construct a giant settling plant in which the entire dry-weather flow of the Emscher is clarified. More recently, artificial aeration of the entire river has been undertaken to attempt to alleviate the untoward results of a necessary and inescapable overuse of a stringently limited water resource.

AIR POLLUTION

With air, as with water pollution, the issue posed above all others is whether the real goal is to remove at all times all contaminants at the source. This goal is implied in much official and unofficial discussion. Yet it is obviously untenable. Apart from being impracticable, this uncompromising approach, as in the parallel case of waters receiving wastes, ignores the fact that the atmosphere normally has a great capacity for accepting and dispelling pollutants without causing objectionable conditions. In general, the practical problem of abatement is normally limited to relatively short periods of time and areas of limited extent. In many heavily industrialized regions, however, natural ventilation is so sluggish that objectionable or even critical conditions may be frequent. In a few such areas a more or less permanent pollution problem exists.

To insist on clean air, therefore, has little meaning, unless one defines how clean, at what cost and for what purpose. In the Clean Air Acts of 1963 and 1965 none of these questions are either specifically posed or resolved. It may be assumed that they have been relegated to moving administrative regulations and decisions. If this is so then congressional committees must accept the responsibility of frequent reassessments of both national policy and of fiscal and regulatory implementation.

Implicit in much of the debate is the assumption that conditions in Los Angeles, Donora, and London are characteristic of all the