

to adopt air pollution controls substantially similar to those prescribed in H.R. 6981. To some extent, the Commissioners already have authority to control air pollution, and significant steps have been taken over the years under such authority. Presently in force in the District, for example, are regulations controlling fuel burning equipment under provisions of the Fuel Burning Equipment Regulations, motor vehicle exhaust system emissions under the Traffic Regulations, and the burning of open fires under the Police Regulations. District officials presently have under study and consideration additional regulatory provisions that could be promulgated by the Commissioners under their existing authority, with a view to developing a comprehensive and coordinated program to deal with the problem of air pollution in the District, similar to that contemplated by the provisions of H.R. 6981. Further, the Commissioners are currently considering internal organizational changes within their present authority which would establish a framework for high level program planning for air pollution control and other major programs.

The Commissioners believe that legislation providing them with full authority to develop standards and programs for air pollution control will better enable the District to cope with the involved problem, and allow a degree of flexibility in dealing with it. The present stage of technological development in this field indicates that constant redetermination of standards and approaches to the problem will be necessary. The establishment of these standards and approaches by statute would, in the view of the Commissioners, introduce an element of inflexibility that would seriously hamper the development of any program. Indeed, the regional model can be expected to be modified by those jurisdictions which have already adopted it, or will adopt it. With more flexible regulatory authority, the Commissioners could more readily meet new situations and undertake whatever further steps may be called for in the event technological advances or research findings are made. At the same time, the flexibility that this approach would afford the Commissioners would enable them to meet the realistic problems of air pollution control, particularly by allowing them to develop a timetable for compliance that would phase the necessary renovations in equipment, fuel, or other facilities that would be required by the establishment of higher standards. In this connection, the Commissioners note that the bill, in section 11(c), presently recognizes this problem insofar as motor vehicles are concerned, by providing that motor vehicle equipment standards shall not become effective until July 1, 1970.

For the reasons set forth above, the Commissioners recommend that H.R. 6981 be amended so that the bill would accomplish its highly desirable objectives and at the same time provide the flexibility necessary in dealing with the increasingly serious problem of air pollution. Accordingly, the Commissioners recommend that the following language be substituted for that which appears after the first section of the bill:

DECLARATION OF POLICY

Sec. 2. It is the policy of this Act to authorize and direct the Commissioners of the District of Columbia to make and promulgate reasonable classifications and regulations in order to preserve, protect, and improve the air resources of the community so as to promote the health, safety, and welfare of the people of the District of Columbia and the metropolitan region; to prevent injury to human health, plant, and animal life; to prevent harm of property; to foster the comfort and convenience of its inhabitants; and, to the greatest degree practicable, to facilitate the enjoyment by the citizens of the Nation of the attractions of the Nation's Capital.

AUTHORITY OF THE COMMISSIONERS

Sec. 3. (a) The Commissioners of the District of Columbia are hereby authorized and directed to make and promulgate such reasonable classifications and regulations as they in their discretion deem necessary to prevent, abate, and control air pollution in the District of Columbia.

(b) Such regulations as may be adopted pursuant to this Act may provide for the control of (1) the emission of pollutants into the outdoor atmosphere from any source; (2) the burning of open fires in any public or private place outside of any structure; (3) the operation and maintenance of any equipment, vehicle, or mechanical device which may discharge pollutants into the atmosphere; and (4) the use of any fuel, substance, or product which may result in air pollution.

(c) Such regulations as may be adopted pursuant to this Act may provide for exemptions, enforcement, administrative hearing, and review procedures,