

In addition, the Air Quality Act provides new authority for court action to curtail pollutant emissions in emergency situations—that is, when adverse meteorological conditions threaten to produce an episode of extraordinarily high air pollution levels in any place in the country.

Mr. DADDARIO. What criteria have you established to come to this conclusion so that the Secretary may take steps? What forces him to make a determination that there is going to be an episode of extraordinarily high air pollution? How can he forecast it early enough and move quickly enough in the courts. What criteria will the judge have before him in order to come to a conclusion since you have already said that the establishment of this criteria is presently too tenuous?

Dr. MIDDLETON. I don't believe I suggested the establishment of criteria as tenuous. I think the relationship of criteria to standards, and the fact that air pollution control is the responsibility of State and local governments is the thrust I have been trying to present to you and the role of the Federal Government in being certain that the information that is available is categorized and cataloged so that it can be properly used.

In the event it is not used or, in the event it fails to work, then there are other courses of action. It is to this point I now speak in the case of emergency actions.

Mr. DADDARIO. I understand that and I am not trying to get into any argument with you, Dr. Middleton. What we are trying to do here is to see how this works. We know we must come to some judgment sooner or later on criteria and this has to be based on better information than we presently have available. Therefore, there needs to be a lot of work done. We are trying to arrive at a judgment; how long it will take us to get to the point where we do have criteria. I wonder, since you bring up this episodic situation, and because there is uncertainty, what is the emergency control which the Secretary can put into effect under these circumstances?

How do we know there will be such an episode? What criteria presently exist which will establish a set of facts early enough for us to say that 5 days or 10 days from now this will happen? How do you then get into court in order to get a judge to know enough about this so that you can explain it to him in such a way that he can recognize what the criteria are?

Dr. MIDDLETON. If it is your pleasure to have this subject discussed at this time I will be glad to do so. Since we are dealing with emergency actions, which is a specific part of the law; namely, section 108(k), I would like to call on Dr. Ludwig to answer the first part of your question which relates to the prediction systems developed and how they are employed.

Mr. DADDARIO. Is that section 108(k) or 208(k)?

Dr. MIDDLETON. I will give the exact citation.

Mr. DADDARIO. Just so the record will be straight.

Dr. MIDDLETON. If you have a copy of the law before you, you will find it on page 13. It is section 108(k) and it relates in its entirety to your particular question of air pollution episodes.

Mr. DADDARIO. I think it would be fine if Dr. Ludwig can go ahead and go into this at this time.