The classification procedures appear in this report's Full Text section. Comments on the proposals will be accepted for 30 days after publication in the Federal Register.

Legislation

AIR ACT INCLUDES PROVISIONS FOR CARCINOGEN REGULATION, RESEARCH

Authority to regulate radioactive materials, arsenic, cadmium, and polycyclic organic matter as air pollutants is contained in one of the provisions of Clean Air Act amendments signed by President Carter August 7.

The amendments, which were the result of a House-Senate conference committee agreement August 3, also provide for further study of the stratospheric ozone layer and of the relationship between environmental pollution and cancer and other diseases, and establish interagency committees to coordinate research in these areas.

Unregulated Pollutants

The amendments classify radioactive substances, including, but not limited to, naturally occurring radioactive materials, accelerator-produced isotopes, source material, special nuclear material, and byproduct material, as air pollutants — bringing the substances under the various regulatory provisions of the Act.

The Environmental Protection Agency is directed to list such radioactive substances as criteria pollutants under ambient air-quality standards (Section 108), or under hazardous-emission standards (Section 112) or new-source performance standards (Section 111) within two years unless the agency determines that the material does not contribute to air pollution that endangers public health.

EPA also is directed to take similar action against arsenic, cadmium, and polycyclic material within one year after enactment.

Before listing any radioactive pollutants under the Act, EPA must consult with the Nuclear Regulatory Commission and enter into an interagency agreement with the commission to minimize duplication of effort in the establishment and enforcement of emission limitations, standards of performance, and other requirements under the Act.

NRC could pre-empt an EPA or state or local emission standard if it finds after notice and public hearing that the standard would have an adverse effect on matters where NRC has jurisdiction to protect health and safety. The President then would have 90 days to overturn the NRC pre-emption.

Ozone Protection

The amendments direct EPA to conduct a continuing study of the stratospheric ozone layer and to provide Congress with an interim report by January 1, 1978, a final report within two years of enactment, and annual followup reports thereafter. The agency is required to contract with the National Academy of Sciences for a followup of its 1976 study on the depletion of the ozone layer.

EPA also is directed to chair an interagency committee to coordinate research on the protection of the ozone layer. Other members of the committee are to be representatives of the National Oceanic and Atmospheric Administration, National Aeronautics and Space Administration, Federal Aviation Administration, Department of Agriculture, National Science Foundation, National Cancer Institute and the National Institute of Environmental Health Sciences.

The amendments also include regulatory provisions directing EPA to promulgate regulations to protect the ozone layer if the agency finds that public health or welfare may be endangered. Such regulations are to fill in regulatory gaps, however, and are not to supersede any existing authority of other agencies.

The amendments provide also that any rulemaking begun by EPA under the Toxic Substances Control Act in this area should proceed as though the Air Act amendments were not enacted. EPA currently is receiving public comments on its proposed regulations for banning all nonessential uses of chlorofluorocarbons as aerosol propellants under Section 6 of TSCA (Current Report, August 5, p. 735).

Chemical Contaminants

The amendments require EPA to publish within a year of enactment a list of all known chemical contaminants in the U.S. resulting from environmental pollution which have been found in blood, urine, milk, and in other human tissue or body fluids. The list is to indicate approximate number of cases, range of levels found, and mean levels found. The agency then is to publish within 18 months of enactment an explanation of what is known about the manner in which the chemicals on the list entered the environment and human tissue.

EPA also is directed, in consultation with the National Institutes of Health, National Center for Health Statistics, and the National Center for Health Services Research, "if feasible," to conduct an epidemiological study to show the relationship between levels of chemicals in the environment and in human tissue. The study is to be made in the "appropriate areas" of the U.S. in order to determine any different results in such regions. Results of the study are to be reported to Congress "as soon as practicable."

The amendments additionally call for the establishment within three months of enactment of an interagency task force on environmental cancer and heart and lung disease. The task force is to be chaired by EPA and to include representatives of NCI, National Heart, Lung, and Blood Institute, National Institute for Occupational Safety and Health, and NIEHS.

The task force is directed to recommend a comprehensive research program to determine the relationship between environmental pollution and human cancer and heart and lung disease; recommend comprehensive strategies to reduce or eliminate the risks of such disease; recommend research and other measures for preventing or reducing the incidence of environmentally related diseases; and coordinate research and stimulate cooperation between EPA, the Department of Health, Education, and Welfare, and other agencies in this area.

The task force is to report to Congress one year after enactment of the amendments and annually thereafter on the problems and progress in this area.

Hazardous Design Standard

The amendments also revise Section 112 of the existing law to specify design, equipment or operational standards for the control of a source of hazardous emissions. This provision is applicable when an emission limitation is not possible or feasible to measure hazardous emissions or to control them through appropriate control devices.

Testing

AGENCIES HOPE TO DEVELOP ONE SET OF TESTING CRITERIA, BINGHAM SAYS

One area in which federal regulatory agencies are attempting to encourage cooperation and eliminate duplication of effort is in the development of a single set of testing stan-