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April 19, 1977

Jerome Heckman, Esq.
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Dear Jerry:

Enclosed is a copy of the testimony given by Douglas M. Costle, Administrator of the Environmental Protection Agency, on April 18, 1977, regarding amendments to the Clean Air Act of 1970.

Please note page three, first full paragraph, where Mr. Costle recommends that EPA be allowed to adopt technology-based standards for hazardous pollutants. His last sentence implies that a technology-based standard will be used in cases where the Agency finds it impossible to set a standard which provides an ample margin of safety to protect public health.

Based on this testimony, we suggest the following:

(1) SPI's Legislative Staff should examine the testimony;

(2) consult with the Agency for further elaboration;

(3) determine whether there will be an opportunity to testify before the House Committee or if SPI can submit testimony for the Record;

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(4) consider whether SPI or its individual members should testify regarding Mr. Costle's proposal; and

(5) if the SPI Legislative Staff decides to offer testimony, the lawyers should review it before the presentation. We do not want to say anything which might harm our legal position in the EDF v. Train litigation.

If you have any questions, please advise.

Cordially,

Gary H. Baise

GHB/sm

Enclosure

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