

January 2, 1973

G. I. MULHOLLAND

QUARTERLY LETTER
4TH QUARTER 1972

Chief Justice Burger Stays Lower Court Ruling Prohibiting
Degradation of Air Quality

The effect of a lower court ruling that prohibited Environmental Protection Agency Administrator William D. Ruckelshaus from approving any state air plans that would permit degradation of existing air quality was stayed November 30 by Chief Justice Warren E. Burger.

The stay is effective until the entire Court acts on the Government's petition to review the case. The Justice Department filed its petition asking the Court to review the case December 1.

The U.S. District Court for the District of Columbia ruled June 2 that the Clean Air Act barred EPA from approving any state implementation plan that would allow degradation of existing air quality, even if that air quality remained superior to federal standards.

Lead in Paints

On December 5, the FDA published for comment a proposed amendment to its order limiting lead in paints used in and around the household. If adopted, the amendment would exempt automotive, refinish, industrial, and certain other finishes.

N38338

- 2 -

The NPCA has awarded a contract to the Midwest Research Institute (Kansas City) to conduct a 90 day lead feeding study (with rats). The primary purpose of the test is to determine what level of lead in paint may be harmful if ingested by children. The test is scheduled for completion by August 1973.

E. E. SWAIN, JR.

EES:ps