

# Burger Snags Clean Air Act

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The government won a reprieve yesterday from a deadline for ordering the states to deterioration of clean air anywhere in the nation.

Chief Justice Warren E. Burger, responding to a last-minute plea from the Environmental Protection Agency, stayed lower-court decisions instructing EPA to impose new rules requiring that states hold the line on air quality even if their air is above federal standards.

The stay, Burger said in a brief order, will last until the full court has a chance to consider the issues raised by the government's bid for delay and a full review of federal clean-air powers.

Government attorneys, pressing for a showdown during the high court's current term, said they would file a petition for review today in hopes that the justices will schedule a full oral argument by spring.

The Sierra Club and three other environmentalist groups opposed any extension of yesterday's deadline. Set six months ago by U.S. District Court Judge John H. Pratt, it called for EPA administrator William D. Ruckelshaus to issue no-deterioration directives to every state.

EPA contends that more pollution, not less, will result if the states are prevented from relocating high-pollution industry from sites where health and life are endangered to areas where the air

quality surpasses federal standards.

Judge Pratt rejected this argument, saying the 1967 and 1970 federal clean air laws demanded that there be no degrading of air quality "no matter how presently pure that quality in some sections of the country happens to be."

Solicitor General N. Griswold, representing the EPA, told the court that Judge Pratt's decision will delay the implementation of state anti-pollution plans and upset the "balance drawn by Congress

between federal and state responsibilities" in cleaning up the atmosphere.

Instead of giving states leeway to combat pollution subject to federal standards, the lower courts are requiring "a virtually absolute freeze" on state action.

According to the government, the federal laws bar EPA administrator William D. Ruckelshaus from imposing such rules but permits the states to maintain higher than federal standards on their own.