August 13, 1975

MEMO OF MEETING - August 12, 1975

Subject: PCB's - Pending EPA Policy on Industrial Uses and Effluent Discharges

Mr. Glenn Sweitzer, Director of EPA's Office of Toxic Substances, called this meeting at Waterside Mall to discuss the above subject. In attendance were representatives from FDA (Bureau of Foods, EDRO, Press Office and ACC), USDA, U.S. Fish and Wildlife Service, National Bureau of Standards, Counsel on Environmental Quality, Departments of State and Interior, U.S. Bureau of Customs, and Senator Kennedy's office. The Department of Transportation, National Science Foundation, OSHA and NIOSH were invited but did not send representatives.

Mr. Sweitzer stated that EPA's Russell Train will issue a public statement sometime this week regarding EPA's position on the current industrial uses of PCB's and the problem of PCB effluent discharges causing the contamination in drinking water, fish and the environment. He said that EPA is now concerned about PCB's as a result of the situation in New York and the draft report prepared by Karl Bremer, EPA, entitled "State of Concerns of the Lake Michigan Toxic Substances Committee Related to PCB's." He said that the statement has not been finalized as yet and, at this time, EPA is not in a position to discuss its contents. Mr. Sweitzer indicated, however, that it will be broad in scope, non-dramatic and will not address other federal agencies' concerns or responsibilities.

Mr. Sweitzer said that the purpose of the meeting today was to consult with other agencies on PCB's, to obtain an update of information from these other agencies and to make EPA aware of other agencies concerns.

The following PCB topics were discussed:

(1) Health effects - Although there is scientific evidence that indicates PCB's are a potential carcinogen, EPA will not, at this point in time, publicly categorize it as such. EPA will base its position essentially on the same information that FDA used in developing its PCB tolerances and the recent work done by Dr. Allen at the University of Wisconsin on primates.

(2) PCB's in the food supply - John Wessel and Paul Corneliussen reported on the current levels of PCB's in the nation's food supply. They stated that, on the basis of FDA's surveillance data, levels and incidence of PCB's in those foods susceptible to environmental PCB contamination have significantly decreased over the past five years. They added, however, PCB's in the food supply, particularly in fish from certain geographical locales, continue to represent a potential public health problem and that controls are still necessary. Dr. John Spaulding, APHIS/USDA, reported that PCB's are no longer a problem in poultry.

(3) Sources of PCB's in the environment - According to EPA, there is no evidence to indicate that Monsanto is marketing PCB's for uses other than electrical transformers and capacitors, e.g., closed systems. However, there is evidence that PCB's are being imported into the United States that may be used in open systems. Customs is routinely providing EPA with information on the quantity of PCB's now being imported. These reports also identify who the importers are but, to date, EPA has not been able to determine who the users of the PCB's are and what their uses are. Mr. Wessel offered FDA's assistance in trying to track down these PCB users and also requested that EPA make available to FDA any information that agency has on importers of PCB's. Mr. Sweitzer said he would consider this request. Also, EPA hopes to obtain Monsanto's customer list in the near future.

(4) PCB regulations - Mr. Sweitzer summarized EPA's regulations and policy on PCB's. He stated that EPA has no drinking water standard for this chemical; EPA intends to repropose a PCB water effluent standard (exact level not known at this time); EPA has issued several permits for the discharge of PCB's into waterways including G.E.'s New York plant (these permits are presently being reevaluated); there are no air or solid waste standards for PCB's and PCB's were placed on a hazardous spill list by EPA. Mr. Wessel briefly described FDA's regulations on PCB's and clarified the misunderstanding by certain EPA officials that FDA has only recently decided to enforce its PCB tolerances because of the Dr. Allen studies with primates. A spokesman for U.S. Fish and Wildlife stated that the levels of PCB's in certain Great Lakes fish has increased over the past couple of years by a factor of 3.

Mr. Sweitzer mentioned the August 28-29 hearings to be held by the Wisconsin Department of Natural Resources regarding a possible ban of all industrial uses of PCB's. He said that EPA will testify at these hearings.

Mr. Sweitzer said that the EPA policy may simply reaffirm the recommendations of the PCB Interagency Task Force, i.e., restrict industrial uses to closed systems, but that EPA may declare PCB's as an imminent hazard in order to turn off specific identifiable sources of PCB pollution. Also, EPA intends to continue monitoring effluent discharges on the Hudson River and the Great Lakes region.

The representative from Senator Kennedy's staff asked Mr. Sweitzer why EPA is not seeking legislation to give that agency the authority to control toxic substances such as PCB's. Mr. Sweitzer said that the Toxic Substances Bills that have been before Congress for five years would provide EPA with ample authority in this area.

The representative from CEQ said that plans are being made to call together concerned federal agencies to discuss the overall problem of PCB's. She expects this meeting to be held sometime in September.

In closing, Mr. Wessel requested an advance copy of EPA's policy statement as soon as it is available. Mr. Sweitzer said that this may not be possible; however, one of his staff members, T. Kopp, indicated that he would try to arrange for a copy to be made available to FDA as soon as possible. Mr. Kopp also said that the Environmental Defense Fund and the Health Research Group are aware of Dr. Allen's studies and the rat studies that show PCB's to be a suspect carcinogen. He expressed the opinion that these groups may pressure FDA to lower its PCB tolerances.

John R. Wessel
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cc: HF-2; HFC-1; HFC-2; HFC-13; HFC-13 (Reading); HFO-2; HFO-130; HFR-5580; HFF-1; HFF-100; HFF-300; HFF-420; Irene Malbin, Press Office - FB-8); GCF-1 (Bennett/Pape)

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NOTE: In my view, the EPA policy statement, irrespective of what it says, will bring PCB's back into the limelight and will probably result in FDA receiving numerous Congressional and consumer inquiries. I recommend that as soon as FDA reviews the statement, an appropriate "talk paper" be developed.

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