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Chemical Poison Ban Backed

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WASHINGTON — With heavy support from big labor, environmentalists and consumer organizations, a bill to keep chemical poisons like PCBs from ever going on the market is almost certainly heading toward approval by Congress.

The Senate may pass it before the end of the month, and the House Commerce Committee may clear a bill for floor action by early April. The big question now is whether President Ford will sign such a bill or veto it.

At present, no government agency has the power to require that most chemical products be tested for safety before they are sold.

The Environmental Protection Agency has authority over pesticides and the Food and Drug Administration has responsibility for the safety of food, drugs and cosmetics, but there has been no department or agency with broad power to test and, if called for, ban dangerous substances before they are put in use.

There were unsuccessful efforts in the last two Congresses to remedy the lack.

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THERE IS heavy lobbying both for and against the present legislation, with the Manufacturing Chemists Association leading the opposition and the really potent efforts to get a weaker bill coming from big chemical companies like DuPont and Dow.

The Consumer Federation of America, Ralph Nader's Congress Watch, the Sierra Club and other consumer and conservation groups are fighting for passage of a strong bill. The one they like best is coming up in the Senate, largely the product of a collaboration between Philip A. Hart, D-Mich., and John V. Tunney, D-Calif.

But the significant support for the bill is coming from big labor — the OIL, Chemical and Atomic Workers, the United Auto Workers,

Teamsters, the United Steelworkers and the AFL-CIO. Too many tragedies, like the liver cancer that has decimated people who work with polystyrene and vinyl chloride, have solidified union sentiment.

The chemical industry argues that the cost of testing many new products and some old ones will run small companies out of business and hurt the profits of big ones. Dow, for instance, has estimated that the Hart-Tunney bill would cost the industry \$2 billion a year — an estimate that the General Accounting Office called unreasonably high.

The Manufacturing Chemists Association commissioned a study that put the cost between \$900 million and \$1.3 billion a year, which the GAO pointed out is a remarkably wide bracket. The EPA estimates that compliance will cost industry only \$80 to \$100 million a year, but the MCA says the EPA is grossly underestimating the number of tests that will be required.

WHEN INDUSTRIES try to line up employees against the tougher versions of the Toxic Substances bill by warning them that they will cost jobs, the unions fight back.

A Steelworkers Union official, Jack Sheehan, said unions "resist and resist" that tactic, and are countering it by telling members that what the companies are saying is, "We'll protect your job, but not your life."

The industry warnings do have an impact on workers, he concedes, but he said, "We don't think it will work."

The Senate bill and a House bill principally authored by Rep. Bob Eckhardt, D-Tex., differ in details, but basically would both require manufacturers to notify the EPA whenever they plan to introduce a new chemical product. The EPA would screen the reports, decide which substances must be tested before they are marketed, and then ban or restrict the use of those found to be dangerous to humans or harmful to the environment.

Another bill, introduced by Rep. John V. McCollister, R-Neb., ranking minority member of the subcommittee where the House bill originated, is favored by the chemical industry and by the

It would limit the EPA's power to order testing of new products to cases in which the administrator of the agency has ruled that a product poses "an unreasonable risk" to health or the environment. It also requires that the "least burdensome control" required to reduce the risk be imposed, and forbids outright banning of products if a way can be found to lessen the danger "to a significant extent."

EPA ADMINISTRATOR

Russell E. Train endorsed the Eckhardt bill at House hearings last October, but has changed his stand, presumably on orders from the White House. He still says he wants a bill because EPA needs the authority to act in cases like the one involving PCBs. But he is, at least officially, no longer supporting either the Eckhardt or the Hart-Tunney bill.

(PCBs, polychlorinated biphenyls, are a class of chemicals widely used in transformers and capacitors because of their resistance to heat and their electrical

conductivity. They have also been used in inks, paints, adhesives and other products.

(That they are poisonous had been known for years. It was only in recent years, however, that it was discovered that they can cause sterility, skin lesions and tumors in humans, and that they accumulate to high levels in the environment. Heavy concentrations have been found in fish in the Hudson River, the Great Lakes, the Mississippi and the Pacific off southern California. Both sport and commercial fishing for some varieties of fish have been banned, and bans on taking other varieties could be ordered soon.)

(The PCB story has been heavily used by environmentalists lobbying for a Toxic Substances Act.)

IF TRAIN'S position has become, to say the least, unclear, President Ford's is not. The White House has said it wants the McCollister bill. No one has said the President would veto a tougher bill, but there have been clear signals made to Congress that he well might.

A veto probably could not be overridden, supporters of the stronger bills concede. "We'd just have to wait until we get a new president," said a staff expert for Congress Watch, dantly.