



ALERT

1155 Sixteenth Street, N.W., Washington, D.C. 20036 (202) 872-4474

*Call
Ann Norbury*

May 2, 1980

MAY 6 1980

LEGISLATIVE ACTIVITY

*** May Hearings ***

RON. JAC. FOR JET

FEDERAL HEALTH AND SAFETY

Health and Safety Subcmte (House Education and Labor) will continue hearings on occupational health and safety in the federal government. Chmn Gaydos (Pa), 10:00 a.m., 2261 RHOB, May 7.

Marine) will continue hearings on PCB issues, including the science of PCB testing, the impact of PCB deposits on the ecosystem and human health. Chmn Murphy (NY), 9:30 a.m., 1334 LHOB, May 21.

COMPARATIVE RISK ASSESSMENT

Science Subcmte (House Science) will hold hearings on comparative risk assessment. Chmn Brown (Calif), May 13 & 14, Time & Room TBA.

ACID RAIN

Senate Energy Cmte will hold hearings on the effects of acid rain on the environment. Chmn Jackson (Wash), 10:00 a.m., 3110 OSOB, May 28.

DNA RESEARCH

Science Subcmte (Senate Commerce) will hold an oversight hearing on recombinant DNA research. Chmn Stevenson (Ill), 9:30 a.m., 235 RSOB, May 20.

PATENT & TRADEMARK AMENDMENTS

Courts Subcmte (House Judiciary) will complete hearings on federal patent policy, patent reexamination by PTO, PTO fee structure, computer software copyright, and new court of appeals for patent cases, (H.R. 244, 3806, 6933, 6934). Chairman Kastenmeier (Wisc), May date TBA.

PCB: TESTING; HEALTH IMPACTS

Merchant Marine Subcmte (House Merchant

*** Mark-up ***

REGULATORY REFORM

Senate Governmental Affairs Cmte will mark up S.945, requiring periodic congressional review of regulations proposed by federal agencies. Chmn Ribicoff (Conn), 10:00 a.m., 3302 OSOB, Week of May 5.

Senate Judiciary Cmte will mark up Ribicoff's S.262 and Culver's S.2147 (regulatory reform proposals approved by the Subcmte on Administrative Practices in December 1979). Chmn Kennedy (Mass), Time TBA, 2228 OSOB, Week of May 5:

MONS 014189

*** Special Items ***

WOMEN IN SCIENCE BILL APPROVED BY KENNEDY SUBCOMMITTEE

On April 24, Senator Kennedy's Subcommittee on Health and Scientific Research approved the Women in Science bill (S.568) and amended it to become the "NSF Authorization and Women in Science Act".

As approved by the Kennedy Subcommittee, S.568 authorizes NSF programs at the levels shown in the following table. For comparison purposes, the corresponding figures requested by the President, and approved by the House Committee on Science and Technology are also shown.

NSF AUTHORIZATION FOR FY 81
(\$ thousand)

<u>Activity</u>	<u>President's Original Request *</u>	<u>President's Revised Request</u>	<u>Senate Subcmte Approved</u>	<u>House Science Cmte Approved</u>
<u>RESEARCH & RELATED ACTIVITIES:</u>				
Mathematical & Physical Sciences *	\$ 264,200	\$ 259,800	\$ 243,750	\$ 259,800
Astronomical, Atmospheric, Earth & Ocean Sciences	241,300	235,800	224,000	235,800
U.S. Antarctic Program	63,400	60,400	58,000	61,400
Ocean Drilling Program	27,300	22,000	24,000	17,500
Biological, Behavioral and Social Sciences	182,000	177,900	172,000	187,510
Engineering and Applied Science	137,000	119,600	125,000	142,560
Scientific, Technological, and International Affairs	28,850	27,750	26,500	30,450
Cross-Directorate Programs	51,950	29,750	32,750	33,200
Program Development and Management	60,800	59,800	60,000	59,800
<u>SUBTOTAL, RESEARCH & RELATED ACTIVITIES</u>	<u>1,056,800</u>	<u>992,800</u>	<u>966,000</u>	<u>1,028,020</u>
<u>SCIENCE EDUCATION ACTIVITIES:</u>	<u>85,700</u>	<u>75,700</u>	<u>79,500</u>	<u>92,200</u>
<u>SPECIAL FOREIGN CURRENCY</u>	<u>5,500</u>	<u>5,500</u>	<u>5,500</u>	<u>5,500</u>
<u>WOMEN IN SCIENCE **</u>	<u>- 0 -</u>	<u>- 0 -</u>	<u>23,000</u>	<u>- 0 -</u>
<u>TOTAL, National Science Foundation</u>	<u>\$1,148,000</u>	<u>\$1,074,000</u>	<u>\$1,074,000</u>	<u>\$1,125,720</u>

* Chemistry funded under this category

** New program

MONS 014190

The language of S.568 does not specify the exact allocation of the \$23 Million authorized for Women in Science programs. The final version approved by the Kennedy Subcommittee contains a provision added at the last minute for "National Research Opportunity Grants" to women scientists who have received their Ph.D. within five years of the date of award, or have had their careers interrupted after receiving their Ph.D. The size of the grant would be in the range of \$10,000 to \$75,000. The money would be paid directly to the scientist for the purpose of conducting scientific research, and may include funds for the acquisition or maintenance of equipment and the renovation of facilities for research purposes.

The Subcommittee staff has pointed to this new provision to indicate that some of the funds authorized for the Women in Science programs would end up funding research. How much would be spent in this manner is up to the NSF and the Committee on Women in Science established under S.568.

The NSF authorization bill that was approved by the House Committee on Science and Technology does not contain provisions identical to Senator Kennedy's "Women in Science" bill. However, it does require the President, with the assistance of the Director of OSTP and members of the Cabinet, to develop a comprehensive national policy with regard to women and minorities in science and technology, and to report to Congress before January 1, 1981. When the two versions of the NSF authorization are reconciled in the House-Senate conference, a compromise will probably be reached to authorize the Women in Science programs at an intermediate level.

SENATE PASSES BAYH-DOLE PATENT BILL

By a vote of 94-1 the Senate passed the Bayh-Dole bill (S.414) on April 23, amending the patent laws to allow universities and non-profit organizations to retain title to inventions arising from federally supported research. Only one amendment was adopted on the floor, to exempt the Tennessee Valley Authority from the provisions of the bill.

ACS POLICY STATEMENTS: PATENT POLICY; SUPERFUND

- On April 24, ACS President D'Ianni testified before the Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice on the Administration's bill on federal patent policy (H.R.6933). Dr. D'Ianni urged the House to enact legislation similar to the Bayh-Dole bill (S.414 which passed the Senate the day before), instead of enacting H.R.6933. The ACS views the reporting requirements in H.R.6933 as excessive, and is concerned that they would create a large bureaucracy. In addition, the ACS recommends that the provisions of S.414 be extended to all contractors.

- A letter from Dr. D'Ianni was sent on April 30 to the chairmen and members of two Senate subcommittees (Environmental Pollution; Resource Protection) expressing the ACS concern about the scientific credibility of the definition of "release" of a hazardous substance in S.1480 (Muskie/Culver superfund bill), and the "no-release-to-the-environment" concept embodied in it.

(For copies of these statements please contact Ms. Carol A. Williams of the Department of Public Affairs, at 202/872-4476)

CORRECTION: "HIGHLIGHTS OF REVISED NSF BUDGET" (April 4 Washington Alert).

The paragraph on the Chemistry program should read:
"In order to maintain a modest real growth in average award size, the number of investigators supported is reduced somewhat below the 1980 level. The planned increases for instrumentation and equipment will be reduced in proportion to the overall budget reduction."

REGULATORY ACTIVITY

*** May 1980 ***

Environmental Protection Agency

BENZENE EMISSIONS

EPA is proposing a rule which would limit benzene emissions from maleic anhydride plants.

Deadline for request to speak at hearing:

May 13, 1980

Hearing date: May 20, 1980, at 9:00 a.m.

Location: Olde Colony Motor Lodge, N. Washington and First Sts., Alexandria, Va.

Deadline for comments: June 17, 1980

Contact: Don Goodwin 919/541-5271

Cite: 45 FR April 18, 1980, p.26660.

CHEMICAL RISK ASSESSMENTS

EPA is proposing to require chemical manufacturers (including miners and importers) to report production and exposure-related data on approximately 2300 chemicals to EPA. The information will be used for ranking chemicals for investigation and for preliminary risk assessments. Additional chemicals may be added to the list. EPA is requesting comments on the general procedures of the rule and the specific chemicals proposed for inclusion.

Deadline for comments: May 14, 1980

Contact: John Ritch 800/424-9065; in D.C., 554-1404

Cite: 45 FR February 29, 1980.

CHEMICAL INVENTORY

EPA has issued its policy regarding late submissions for the inventory of Chemical Substances compiled under the authority of sections 8(a) and (b) of TSCA.

Effective date: May 19, 1980

Contact: John Ritch 800/424-9065; in D.C. 554-1404

Cite: 45 FR April 18, 1980, p.26452.

PESTICIDE REGISTRATION

EPA is requesting comments on registration standards that it has begun to prepare for 55 pesticide chemicals. The standards document EPA's decision concerning whether, and under what terms, new or previously registered pesticide products containing one of the chemicals may be registered or reregistered.

Deadline for comments: May 19, 1980

Contact: John Bowser 703/557-7973

Cite: 45 FR April 18, 1980, p.26370.

PESTICIDE RECORDKEEPING REQUIREMENTS

EPA is proposing a rule which would add new recordkeeping requirements to those currently required to be kept by producers who manufacture pesticides and devices for export.

Deadline for comments: May 27, 1980

Contact: John Neylan 202/755-1212

Cite: 45 FR April 24, 1980, p.27790.

AERIAL USE OF PESTICIDES

EPA and the Federal Aviation Administration have received petitions from the Friends of the Earth requesting initiation of a rulemaking proceeding concerning labeling and enforcement activities in the area of aerial pesticide applications. FAA and EPA are requesting comments on the petitions to determine whether to initiate a rulemaking proceeding.

Deadline for comments: May 21, 1980

Contact: Jean Frane, EPA 202/426-2510;

Raymond Ramakis, FAA 202/755-8716

Cite: 45 FR January 17, 1980, p.3316;

deadline for comments extended in 45 FR April 21, 1980, p.26722.

*** June 1980 ***

Copyright Office

COPYRIGHTED WORKS

Copyright Office will hold two hearings for use in a report being prepared for Congress on the extent to which 17 USC 108 has achieved the intended balance between the rights of creators and the needs of users of copyrighted works which are reproduced by certain libraries and archives.

Hearing date: June 11 and 20, 1980 at 9:30 a.m.

Location: Hilton Hotel, 1919 Connecticut Ave., N.W., Washington, D.C.

Contact: Dorothy Schrader 703/557-8731

Cite: 45 FR April 23, 1980, p.27588.

MONS 014192

Environmental Protection Agency

AMMONIA AND SULFIDE AS CONVENTIONAL

POLLUTANTS

EPA is requesting comments on a petition submitted by the American Iron and Steel Institute requesting that ammonia and sulfide be listed as conventional pollutants.

Deadline for comments: June 2, 1980

Contact: Joseph Krivak 202/755-0100

Cite: 45 FR April 2, 1980, p.21655.

PESTICIDE REGISTRATION

EPA is proposing "good laboratory practices" for standards that govern the testing necessary to produce data required to register a pesticide product.

Deadline for comments: June 17, 1980

Contact: William Preston 703/557-1405

Cite: 45 FR April 18, 1980, p.26373.

*** August 1980 ***

Environmental Protection Agency

AIRBORNE CARCINOGENS

EPA is proposing a rule regarding policies and procedures to be used by EPA in the identification, assessment, and regulation, under the Clean Air Act, of substances which, when emitted into the ambient air for stationary sources, increase the risk of cancer to the general population.

Deadline for comments: August 12, 1980

Contact: Joseph Padgett 919/541-5204

Cite: 44 FR October 10, 1979, p.58642.

to hazardous waste will be published.

Effective date: August 26, 1980

Contact: Harry Trask 202/755-9150

Cite: 45 FR February 26, 1980, p.12722, 12724, 12737.

EPA has also established procedures and a form to be used when filing a notification of hazardous waste activity.

Contact: Terrence Kafara 202/755-9150

Cite: 45 FR February 26, 1980, p.12746.

United States Metric Board

METRIC CONVERSION

U.S. Metric Board is proposing voluntary guidelines for use in metric conversion.

Deadline for comments: August 1, 1980

Contact: Charles Danner 703/235-2583

Cite: 44 FR November 15, 1979, p.65940.

HAZARDOUS WASTE

EPA has adopted final rules establishing standards for generators and transporters of hazardous waste and has provided definitions and guidance for the use of the regulations. Additional regulations relating

*** Special Items ***

ACS STATEMENTS ISSUED ON FOOD SAFETY LAWS AND EPA GUIDELINES

Two official ACS policy statements have been issued recently. The first, dated April 25, 1980, comments on existing food safety laws, and was sent to various congressional and government officials. In this statement, the ACS supports the intent of food safety laws to ensure a safe food supply, but the Society states that the present food safety laws and regulations are not serving the public as well as they should. The ACS makes the point that the goals of "zero risk" in the food system is unattainable. To minimize risk, food safety laws and regulations should be revised according to the stated principles which involve a uniform regulatory policy, assessment of both benefits and risks, use of alternatives to a total ban, and adequate scientific and public input. The statement also outlines the responsibilities of scientists relative to the science base used in the decision-making process and mentions some of the complexities of this base.

The second ACS statement deals with EPA's proposed "Guidelines Establishing Test Procedures for the Analyses of Pollutants. Within its comments, the ACS states that the proposed Guidelines do not make allowances for alternative testing procedures, and that, if incorporated into the Guidelines, alternative methods could provide internal guidance for the scientific community. The ACS document also goes into specific details about precision and accuracy, sampling techniques, clean-up procedures, analyte recovery, GC/LC methods, and data results.

For copies of either of these statements, contact Carol L. Williams at ACS Headquarter, 202/872-4476.

CHEMICAL SUBSTANCE INVENTORY REPORTING CUTOFF FOR MANUFACTURERS AND IMPORTERS OF BULK CHEMICALS

After May 18, 1980, EPA will no longer accept late inventory reports from manufacturers and importers of bulk chemicals.

Premanufacture Notice - After May 18, 1980, any chemical substance manufactured in the U.S. and any chemical substance imported in bulk, that has not been reported for the Chemical Substance Inventory is subject to section 5 of TSCA. Section 5 requires that manufacturers and importers must submit a premanufacture notice at least 90 days before manufacturing or importation commences.

The Chemical Substance Inventory - EPA published the Initial Chemical Substance Inventory on June 1, 1979, under the TSCA. The initial inventory is a compilation of existing chemical substances reported to EPA in 1978 by U.S. chemical manufacturers and importers.

Revised Inventory Reporting - Between June 1 and December 31, 1979, chemical processors were provided 210 days to verify that the chemicals they buy and process were on the Initial Chemical Substance Inventory and to report those chemical substances that they buy and process if they were omitted from the Inventory.

Late Reports - EPA has accepted late reports from manufacturers and Importers of bulk chemicals for the initial inventory in the interest of obtaining a complete list of chemical substances. The Agency initially adopted a lenient enforcement policy toward late submissions for reporting chemical substances overlooked during the initial inventory reporting period. It's Office of Enforcement will strictly enforce the May 18 deadline and will assess penalties under section 16 of TSCA.

Applies Solely To Manufacturers And Importers Of Bulk Chemicals - This cutoff does not affect persons reporting for the Revised Inventory, substances that they process, or import as part of mixtures or articles, for the first time after December 31, 1979. Processors may continue to report chemicals they process, or import as part of mixtures or articles, until 30 days after publication of the Revised Inventory.

Additional Information - Industry Assistance Office - Tollfree 800/424-9065 (In Washington, D.C. call 554-1404).

EPA MAY PROPOSE LEGISLATIVE AMENDMENTS TO SPEED TEST RULES

According to EPA's 1979 Report on TSCA, legislative amendments to this law may be proposed by the Agency if solutions are not found to problems encountered in the development of test rules. Section 4 of TSCA requires the Agency to prove, before issuing a test rule, that existing data on a chemical are insufficient to predict its health and environmental effect. EPA is re-evaluating its approach based on the length of time it is taking to develop the first testing rule. Collecting and evaluating the information required to make this finding has been extremely resource-intensive and time-consuming.

In its report, the Agency also noted progress in areas such as reporting and record-keeping, premanufacture notification, testing, and chemical control. Copies of the report will be available in June or July from the Industry Assistance Office, EPA, 401 M St., S.W., Washington, D. C. 20460, 800/424-9065.

IRLG SELECTS SIX SUBSTANCES FOR SPECIAL REGULATORY EFFORTS

MONS 014194

Six chemicals (asbestos, benzene, benzidine dyes, chlorofluorocarbons, formaldehyde, and polychlorinated biphenyls) have been selected by the IRLG for special coordination

efforts because regulatory action by at least two member agencies is imminent (See Washington Alert, 2/22/80, p.5). In addition, lesser priority has been assigned to 12 substances (acrylonitrile, cadmium, chlorinated dioxins, chloroform solvents, chromium, ETO, lead, mercury, noise, radio frequency and microwave radiation, vinyl chloride, and waste utilization), while IRLG workgroup activities on nine other substances have been suspended. All of the substances affected by the decisions are on the list of 27 substances for which IRLG has established special workgroups.

Members of the workgroups on the six substances will coordinate the regulations or will explain to the heads of their agencies why such coordination was impossible. Each regulation will have to "clearly reference" how it will affect and tie in with the regulations of the other agencies. The coordination plan will focus on information gathering, economic analyses, regulation preparation, and risk assessment. The IRLG agencies will try to use one form to gather data and will share it among themselves rather than require duplicative reporting by industry. In some cases, confidentiality of data may pose a problem to such sharing.

GREATER CONTROL OF BIOASSAYS TO BE GIVEN TO NTP

The mechanisms by which the Department of Health, Education, and Welfare selects and tests chemicals for carcinogenic properties will undergo significant changes in the coming months. The NCI bioassay program, which administers the bulk of government-sponsored carcinogenesis testing, will come under more direct control of National Toxicology Program (NTP) Director David Rall. (See Washington Alert 2/8/80, p.8)

Funding for the bioassay program may remain within NCI, or the program may be transferred to the National Institute for Environmental Health Sciences which Rall also heads. Rall hopes to broaden the bioassay program to evaluate toxicological effects other than carcinogenesis. NTP will reexamine testing protocols and try to tailor bioassays to answer specific concerns about each compound tested.

OSHA SEEKS APPROVAL OF PESTICIDE QUESTIONNAIRE

OSHA is seeking Office of Management and Budget approval of a questionnaire to be distributed among a random sample of manufacturers and formulators of pesticides. OMB approval is necessary if the form is to be distributed to more than nine persons. According to OSHA officials, the agency wants to poll these industries to get current information about pesticide manufacturing processes. Another questionnaire being prepared for distribution seeks current technological and economic information. This information will be used in writing regulatory analyses.

The process of nominating and selecting chemicals for testing will be more centralized in the NTP Chemical Nomination and Selection Subcommittee, while the NCI Clearinghouse on Environmental Carcinogens will be eliminated when its charter expires in May. The present nomination process consists of an evolving NTP system superimposed on the Cancer Institute's nomination process that was in existence when NTP was formed.

*** International Briefs ***

AGENDA FOR OECD CHEMICALS MEETING

MONS 014195

The agenda for the meeting of the Organization for Economic Cooperation and Development's (OECD) chemicals group, May 19 to 21 in Paris, includes the discussion of five papers that lay the technical basis for formal agreement in the OECD Council on the harmonization of chemical control policies. The five papers are on test guidelines, updating of test guidelines, principles of good laboratory practices, minimum premarketing data, and mutual acceptance of data.

Mutual acceptance of data for assessing hazards of chemical substances is the leading item on the agenda. This policy concept forms the basis for the group's action on chemical substances control. According to an OECD official, the major objective is to have testing done on a new chemical substance in one member country accepted in the

others, thus avoiding unnecessary duplication of costly and time-consuming procedures. The result will be better protection of the environment and health, together with the elimination of trade barriers. The conclusions of the meeting will be submitted to the Environment Committee in December, and final action will be taken by the OECD Council in early 1981.

COOPERATIVE AMERICAN-SWEDISH CHEMICAL AGREEMENT

As a result of a recent week-long conference at DDL on chemical hazards in the workplace, American and Swedish labor officials proposed a cooperative agreement to coordinate research and training activities aimed at promoting safe and healthy workplaces. The following were included in the agreement:

- Methods for training workers to recognize chemical hazards in their workplaces;
- The training, organization, and operation of labor-management committees to improve worker safety and health;
- Approaches for epidemiological studies and data from the registers available in each country;
- Analytical methods and equipment calibration as related to assessing workplace exposure to hazardous chemicals; and
- Information on control technologies for workplace chemical hazards.

Other topics covered during the conference were: worker training and education needed to deal with chemical hazards; methodologies for epidemiological studies; bioassay methods for evaluating the safety of chemicals; overall research strategies; and, analytical methods, equipment calibration and laboratory procedures for measuring toxic substances.

COMMON MARKET'S 1980 ENVIRONMENTAL PLANS

European Common Market Commission President Roy Jenkins has recently outlined the following commission priorities to the European Parliament:

1. Regulation of discharges of cadmium and lindane;
2. Control of DDT and mercury discharged by certain industries;
3. Control and reduction of pollution caused by discharge of hydrocarbons at sea;
4. Establishment of a system for monitoring and controlling waste from the titanium dioxide industry.

The Commission plans to send a communication to the Council of European Communities on the effects of fluorocarbons on the ozone layers, and fluorocarbon industries, with a view to reducing pollution caused by those industries.

The Commission, according to Jenkins, "will continue to collaborate with the American authorities with a view to reaching agreement on the application of 1) the Toxic Substances Control Act to new chemicals originating in the Community; and 2) the new Community rules to new American chemicals."

ACRONYM KEY

EEQ	Council on Environmental Quality	OSHA	Occupational Safety and Health Administration
CPSC	Consumer Product Safety Commission	OSTP	Office of Science and Technology Policy
DOA	Department of Agriculture	OTA	Office of Technology Assessment
DOE	Department of Energy	PTO	Patent and Trademark Office
DDL	Department of Labor	RC	Regulatory Council
EPA	Environmental Protection Agency	TSCA	Toxic Substances Control Act
FDA	Food and Drug Administration	DSOB	Dirksen Senate Office Building
IRLC	Interagency Regulatory Liaison Group	RSOB	Russell Senate Office Building
NCI	National Cancer Institute	LHOB	Longworth House Office Building
NIOSH	National Institute of Occupational Safety & Health	RHOB	Rayburn House Office Building
NOAA	National Oceanic & Atmospheric Administration	CHOB	Cannon House Office Building
NSF	National Science Foundation		