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February 13, 1976

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SUBJECT: STATE OF WISCONSIN
1975 ASSEMBLY BILL 1342

Relating to: Prohibiting the Manufacture, Sale or Use of Polychlorinated Biphenyls

Statement in opposition to the bill, on behalf of the Electronic Industries Association, to the Committee on Environmental Quality.

Ladies and gentlemen, my name is N. Ray Clark, I am a Vice President of Universal Manufacturing Corporation, and General Manager of its Capacitor Division. I am here as a representative of the Electronic Industries Association, which includes most of the manufacturers of small electrical capacitors which are used in such applications as home air conditioners, fluorescent lamp ballasts, television receivers and microwave ovens, and a wide variety of other alternating current applications. Almost all of these capacitors contain a particular variety of polychlorinated biphenyl(PCB), for the reason that it has a combination of properties which make it uniquely suited for this use. One of these properties is its electrical and chemical stability, which of course means that it does not break down or degrade rapidly when released into the environment.

The United States Environmental Protection Agency has

determined that PCBs are an environmental contaminant which create an adverse effect, and has called on industry to phase out use of these materials as rapidly as possible. Industry is cooperating in this effort, and is evaluating several materials which show promise of partial suitability for use in capacitors. None of these materials have the fire resistant property possessed by PCBs, and the possibility of their use as a substitute raises a serious question of safety which has not been resolved. Both the capacitor industry and the U. S. Environmental Protection Agency recognize this question, and have established a joint action committee to foster an early resolution of this and other problems related to a PCB phaseout. Mr. Russell Train, U.S. EPA Administrator, is personally active in pushing a PCB phaseout. However, during the course of his testimony on January 28 to the House Committee on Merchant Marine and Fisheries, specifically suggested that Congressman Robert Leggett, the committee chairman, not propose a bill banning PCBs until a safe alternative material is identified.

In the meantime, the Electronic Industries Association Committee which I represent is in process of arranging a series of meetings in early March, with responsible representatives of Underwriters Laboratories, the U.S. Consumer Product Safety Commission, and of manufacturers who use these capacitors in their products. The purpose of these meetings is not only informative, but to insure that all concerned work together toward

an early resolution of the question of safety, to insure that we do not "jump from the frying pan into the fire."

I am an Engineer by training and experience, and am not legally trained. However, the wording of this Bill is quite straightforward and uncomplicated. It is apparent to me that if this Bill becomes law, if you turn on the fluorescent lights in your office, or the color TV set or the room air conditioner in your home, after February 1, 1977 you will be violating the law, because you will be using products containing PCBs. Passage of this Bill would require all manufacturers of these devices for future sale in Wisconsin to require their capacitor supplier to furnish capacitors containing substitutes, which are 1) of unproven quality and reliability, or 2) questionable in terms of environmental compatability, or 3) questionable in terms of fire safety, or perhaps a combination of all three.

We recognize that Section 2) of this Bill provides for exemptions to be determined by the Department of Natural Resources. We have no doubt that this Department is competent in its field. However, it is hardly possible that this or any other agency could have the competence to make a knowledgeable and timely determination of the validity of the mass of exemptions which would inevitably be requested if this bill becomes law. I submit that it would be an administrative and technical nightmare, and a practical impossibility.

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It is our opinion that precipitous action, such as the

ban on PCBs contemplated in Assembly Bill 1342, would be highly undesirable under these circumstances. We believe that the action being taken, in cooperation with industry, at the Federal Government level is more than adequate to insure that phaseout of PCB will be accomplished as rapidly as is possible, consistent with the safety of our citizens and the health of the economy. We believe that 1975 Assembly Bill 1342 is premature, is unnecessary, and is contrary to the best interests of the people of the State of Wisconsin. We urge that it be tabled.

Thank you, ladies and gentlemen, for the opportunity to present these views to this Committee. I would be happy to attempt to answer any questions you may have.

N. Ray Clark

NRC/h

Note: I can be reached through:

Electronic Industries Association, Parts Division
2001 Eye Street, N.W.
Washington, D.C.

or directly at:

Universal Manufacturing Corporation
902 Crescent Avenue
Bridgeport, Connecticut 06607
Tel. (203) 336-0161