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Efforts to Reduce PCB's in Food Stalled 3 Years After F.D.A. Vow

By RICHARD SE AO

More than three years ago, after Americans learned that the toxic chemical compounds called PCB's had become a widespread contaminant, Food and Drug Administration officials said they would lower the permissible level of the substance in foods to make them safer. The agency pointed out then that fish were the single most seriously contaminated food.

The F.D.A.'s plans remain unrealized. The reason, according to those who have worked strenuously for the new regulation, is pressure from an unlikely coalition of commercial fishing interests and some state departments of environmental protection. A check of F.D.A. files shows that the most extensive arguments against the proposal rest almost entirely on the economic ground that the fishing industry would suffer severely.

The proposed rule would lower the allowable level of PCB's — polychlorinated biphenyls — in fish from 5 parts per million to 2 parts per million. Fishing interests, backed by some environmental protection officials, have told the Federal agency that if that rule were enforced, much of the fish now eaten by Americans would be classified unfit for human consumption. A Wisconsin official said that such a regulation would affect 75 percent of the fish caught there.

The proposed level of 2 parts per million was adopted by Canada in November 1975, and fish containing higher levels cannot be sold there. Canada had had no restrictions at all before that time, but it was able to set its tolerance level with relative ease because its fishing waters

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were not so heavily contaminated as those of the United States.

PCB's have caused cancer and metabolic changes and have adversely affected reproductive systems in laboratory animals, and researchers strongly suspect that tiny doses, accumulating in fatty tissues over long periods of time, may cause cancer in humans. As with other known carcinogens, however, it is unclear what dosage might be harmful.

Although the Toxic Substances Control Act of 1976 banned the further manufacture of PCB's in this country, the Environmental Protection Agency says 440 million pounds of the substance remains in the environment — in rivers, lakes, oceans and dumps. PCB's had been widely used in electrical equipment and in such varied products as "carbonless" duplicating paper, plasticizers and lubricants.

Doubts on Commitment

Officials of the Food and Drug Administration say they still plan to follow Canada's lead, but representatives of two national public-interest law firms say they doubt the agency's commitment.

One of them, the Environmental Defense Fund, has begun to prepare papers to sue the agency to promulgate the 2 p.p.m. rule. The other, the Natural Resources Defense Council, says that "every legal avenue will be explored" to bring about the rule. The two organizations note that they had petitioned the F.D.A. in November 1975 for "zero levels" of PCB's in fish and other food.

The agency rejected that request, explaining that "enforcement activities could significantly disrupt the food supply," and, on April 1, 1977, published in the Federal Register the proposed reduction to 2 p.p.m. It gave a 60-day period for response, but no action followed that deadline.

Dr. Joseph Highland, chairman of the toxic chemicals program for the Environmental Defense Fund, calls it "an unacceptable, inordinate delay."

"This is disgraceful," Dr. Highland said. "We have so contaminated the food supply that we have to eat poison and they have done nothing to lessen the peril in three years."

F.D.A. Aide Sees No Disgrace

John Wessell, a Food and Drug Administration chemist and an aide to Commissioner Donald Kennedy, denied that an unreasonable amount of time had elapsed and said that, in fact, he was now studying the relevant documents. "We have to listen to the comments of all interested parties," he said.

Judging from letters sent to the agency, many of those interested parties are in Michigan, Wisconsin, New York and New Jersey, all of which have serious water pollution problems. But their interests are not all the same.

In Michigan, for example, the director of the Department of Natural Resources, Howard Tanner, wrote on May 26, 1977, saying that the lowering of allowable PCB levels in fish would do little more than "put some commercial fishermen out of business" and that a two-year study conducted by Michigan's Department of Health "did not reveal any health problems."

But the director of the state Health Department, Dr. Maurice S. Reizen, apparently did not agree. The F.D.A. received a letter from Dr. Reizen, dated June 9, 1977, saying his agency "would support the reduction of temporary tolerances as proposed by your agency."

Conflicts in One Department

In New York, there was conflict within a single agency, the Department of Environmental Conservation. Leigh M. Blake, the regional fisheries manager at the Watertown office, wrote suggesting that allowable levels of PCB's be left at 5 parts per million; Dr. Ward Stone, a wildlife pathologist in the Albany office of the department, wrote that he had expected the level to be lowered earlier. Dr. Stone further asked, "Has the level remained at 5 p.p.m. because of political and economic reasons, or is there some scientific reason of which I am unaware?" He has not yet received a reply, he said.

The differences between officials underscore the polarization that is taking place in many state governments, with some expressing concern about sales of fishing licenses and loss of revenues from tourists, and others saying they are more concerned about the ultimate impact on health.

State environmental agencies have backed the fishing interests in some cases because they have been pressured by governors and other state agencies not to exacerbate economic conditions. Furthermore, some of these agencies were formed from "departments of conservation" whose orientation was to sell fishing licenses and enhance fishing opportunities, commercial as well as sport, in their states.

The F.D.A. said that the more stringent requirement of no more than 2 parts per million would eliminate a "relatively minor percentage of marine fish and less than 25 percent of fresh water fish from commercial markets."

Anthony S. Earl, secretary of Wisconsin's Department of Natural Resources, disagrees: "The F.D.A. assessment falls far short of the impact on the State of Wisconsin and other states in the industrialized North Central area which either border on the Great Lakes or have rivers and streams which for many years have been receiving waters for industrial and municipal effluent."

75% Would Be Affected

He added, "It is reasonable to estimate that some 75 percent (by weight) of Wisconsin's commercial fishery will be affected by the 2 p.p.m. tolerance level."

The commercial and sports fishery in Wisconsin yields around 90 million pounds a year, contributing $232 million to the state's economy, he said. Among the Wisconsin fish that are contaminated with PCB's at or above the 2 parts per million level, he said, are alewives, chubs, whitefish and yellow perch.

In other states, the more contaminated fish seem to include striped bass, eels, carp, white perch, sturgeon and shellfish. The contamination danger is not confined to those who eat fish because some kinds of fish, such as alewives, are processed into feed for chickens and other animals.

Other organizations that have told the F.D.A. that they are against lowering the allowable level of PCB's include the National Fisheries Institute, the Great Lakes Fishery Commission, the New York Chapter of the American Fisheries Society, the Cape Cod Chamber of Commerce, the Midwest Federated Fisheries and the Northeast Wisconsin Consumer Fisheries Association.

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