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Providence firm given ultimatum on data request

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PROVIDENCE — Tivian Laboratories, Inc., 330 Silver Spring St., was identified yesterday as the only firm in the nation that has ignored government requests for data on highly toxic PCBs — polychlorinated biphenyls.

As a result, the Environmental Protection Agency has formally ordered officers of the firm, said to be a "major PCB user," to supply the data, or face penalties of up to $25,000 a day, a year in jail, or both.

Marvin S. Antelman of Newton, Mass., president of the six-year-old chemical manufacturing firm, said it does not use PCBs in its business of making plating solutions for the jewelry and electronics industries.

He confirmed that two certified EPA data request letters were ignored because of company policy against accepting certified, or registered, letters on grounds that this might be interpreted legally as consenting, or complying, with the contents.

Antelman also confirmed that a U.S. marshal had served the formal EPA order, but said, "It was not properly served because it was not placed in my hands, as is required. I read it and will respond, however."

He accused EPA and the federal Occupational Safety and Health Administration of "harrassing and bugging" him because of his past criticism of them and of President Ford and Secretary of State Henry Kissinger for their hard treatment of Israel.

The state Health Department, which was notified by EPA, but has taken no action in the case, said the firm appears to be on a city sanitary-storm sewer that overflows into the Moshassuck River after heavy rains.

Antelman said, however, that only domestic waste from two toilets and two sinks goes into the sewer. Laboratory wastes are hauled away. "We don't use any PCBs. We don't put any in the sewer," he said.

Blake Biles, of EPA's Washington office, said Tivian Laboratories, was one of 84 firms, including eight in New England, that were sent letters in August, requesting PCB use and disposal data for use in developing controls because of growing concern over effects on public health.

Tivian was the only one of the 84 firms that ignored the letters, despite several followup phone calls by EPA's Washington and Boston offices before the formal order was issued, he said.

The firms' names were taken from customer lists of the Monsanto Chemical Co., the nation's largest PCB manufacturer, U.S. Customs and EPA hazardous materials data, Biles said.

PCBs are chlorinated hydrocarbons resembling DDT, which EPA banned in 1972, the same year it limited PCB use to closed electrical systems to reduce water and fish contamination, according to a recent news release by John A. S. McGlennon, EPA regional director in Boston.

Health effects associated with PCBs include eye discharge, acne, ulcers of the uterus, abnormal skin pigmentation and reproductive failures. New York recently urged the public not to eat striped bass and certain other fish from the Hudson River and Lake Ontario because of dangerously high PCB levels, McGlennon noted.

Because some striped bass spawned in the Hudson River migrate to New England waters, extensive tests have been started to determine PCB levels in food fish here, he said.

"Final results of the testing will not be available for a few months, but preliminary data indicate that PCB levels are well below the five parts per million tolerance level established in 1972 by the U.S. Food and Drug Administration," McGlennon said.

"There is no need for New Englanders to stop eating striped bass or any other fish because of possible PCB contamination," he said, but added that it is crucial to continue existing controls and may be necessary to extend them as a result of current studies and tests.

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