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POUGHKEEPSIE JOURNAL
SEP 14 1975
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Bureaucratic Delays Mark PCB Story

By JIM DETJEN
Journal Staff Writer

Perhaps the saddest episode in the saga of the PCB story is the role played by the agencies empowered to look after our environmental health—the federal Environmental Protection Agency and the state Department of Environmental Conservation.

Public records show and officials in both agencies reluctantly acknowledge that they knew of the danger of PCB contamination in the early 1970's, but took no effective actions to halt the discharges of PCB's into the Hudson River until earlier this week.

Evidence of health problems caused by PCB's was first discovered in 1936 in Sweden and has continued to mount during the intervening nine years. As early as 1971 the state DEC was informed of PCB contamination in the Hudson River and the EPA was aware of the the dangers of PCB's.

Yet, it was not until Aug. 7, 1975 that Ogden Reid, commissioner of environmental conservation upset the applecart of complacency and publicly warned citizens not to eat striped bass and other long-lived fish taken from the Hudson River. One month later on Sept. 7 he announced he would seek to halt General Electric's discharges of PCB's into the upper Hudson at Fort Edwards and Hudson Falls, and set a public hearing for Oct. 6 to enable both General Electric and environmentalists to state their case.

As early as Feb. 17, 1971, Robert Boyle, a senior writer for Sports Illustrated, wrote to Carl Parker, chief of the Bureau of Fish in the state DEC informing him that tests of six striped bass at the Warf Institute in Madison, Wisc. showed PCB levels in fish eggs as high as 11.4 parts per million (ppm).

"These are grim figures," he wrote. "And I certainly think the state ould warn fishermen not to eat ped bass eggs."

ather than acting on his advice, answered Boyle's letter with le recalls.

9 and 1975, state officials sampling tests of Hudson River fish. They found that in 52 cases—or 52.5 per cent of the time—the levels of PCB's were greater than the maximum allowable level of 5.0 ppm set by the federal Food and Drug Administration.

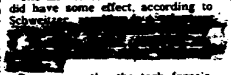
Documents show that 12 of the 27 fish tested from the mouth of the Wappingers Creek, eight of the 32 tested from the mouth of the Rondout Creek, five of the six tested from Cornwall and both fish tested from the mouth of the Esopus Creek contained unsafe levels of PCB's.

Yet once again state officials took no action. When asked why the state took no action between 1973 and August 1975, he said, "I don't know. I guess we don't really have a reason for that."

The EPA's lack of action is perhaps even more illustrative of the way a large governmental bureacracy can fail to take action.

According to Glen E. Schweitzer, the director of the EPA's Office of Toxic Substances, a special Interdepartmental Task Force concluded in May 1972 that PCB's could have a serious adverse effect on human health." The task force urged discontinuance of all uses of PCB's except for uses in closed electrical systems and called for enactment of the Toxic Substances Control Act to provide a needed regulatory mechanism to deal with PCB's and other problems of this type.

The task force's recommendations did have some effect, according to Schweitzer.



But apparently, the task force's health warnings had little impact upon the enforcement and regional-counsel division of the EPA.

General Electric orginally applied for a permit to discharge PCB's into the upper Hudson in 1971, but with the passage of the Federal Water Pollution Control Act Amendments of 1972 (better known as the "Clean Water Law") the responsibility for issuing permits and regulating waste discharges shifted to the EPA.

Accordingly, on Jan. 18, 1973, General Electric formally applied for a federal permit to discharge PCB's into the upper Hudson.



Ogden Reid, state commissioner of environmental conservation, was the first official to publicly warn of the danger of PCB contamination of the Hudson River. He has called for the ending of all PCB discharges into the Hudson by Sept. 30, 1976 and has said the General Electric Co. will be required to pay an undetermined amount of money to pay for the restoration of the PCB-damaged river.

Poughkeepsie Journal Photo

It was not until May 1974 that Alan W. Eckert of the EPA Office of Enforcement and General Counsel learned through cross examining General Electric officials at public hearings on federal toxic pollutant standards that the company was discharging roughly 25 to 30 pounds of PCB's into the Hudson River every day. This discharge represented the single largest quantity of PCB's being dumped in any waterway throughout the country.

Shocked by the revelation Eckert calculated that this level of discharge would result in PCB concentrations of 37.5 ppm in Hudson River fish—seven times the acceptable federal Federal Food and Drug Administration guidelines.

He wrote to Meyer Scolnick, director of the enforcement division and regional counsel in Region II of the EPA, and said "There is...enough here to warrant a careful investigation of these PCB discharges to determine whether or not a health hazard warranting action under section 504 may exist."

Section 504 of the Clean Water Law grants the administrator of the EPA the authority to bring suit to immediately restrain any person causing pollution which is "presenting an imminent and substantial endangerment to the health of persons or to the welfare of persons where such endangerment is to be the livelihood of such persons, such as inability to market shellfish."

Sandra Kunsberg from the Region II Water Enforcement division followed up Eckert's letter with a letter to Dr. Richard Spears, the chief of EPA's Surveillance and Analysis Division urging Spears' division to undertake whatever testing and analytical measures were necessary to determine if action under section 504 was needed.

This advice was taken and following the sampling of fish near General Electric's plants, a document entitled "Investigation of Polychlorinated Biphenyls in the Hudson River" was issued. The report said the long term effects of PCB's "may be much more insidious and devestating" even though the compounds have a "comparatively low acute toxicity for mammals."

The report termed PCB's "insidious and devastating" and concluded sufficient quantitites of PCB's were being discharged into the Hudson to have contaminated the water, sediments, animals and plants in the region. The report also found a rock bass with PCB contamination of 350 ppm—or 70 times the maximum allowable federal level—and said this level of PCB pollution "represents a new record for PCB contamination of fresh water fish."

Finally, the report recommended that the results of the EPA's analysis be sent to the Enforcement branch of the EPA for "legal action."

Yet, in spite of these intra-agency activities, the Enforcement and Regional Counsel Division of the EPA issued General Electric a "stay" on Feb. 24, 1975 on the provisions of its discharge permit, allowing General Electric to continue polluting at an unabated pace. Hence, some three years after the EPA's Interdepartmental Task Force concluded that PCB's could have a "serious averse effect on human health", another division of the agency allowed General Electric to continue its dumping of PCB's into the Hudson River.

When asked about the apparent inconsistency of allowing the nation's largest polluter of PCB's to discharge these toxic wastes when it's own staff warned of their health hazards, an EPA spokesman said he saw no inconsistency. "The two divisions are after all tow separate divisions and I think it would be expected that each would go their own separate way," he said.

EPA officials have further noted that the federal agency is unlikely to take any action to halt General Electric's discharges until after the state holds its public hearing on Oct. 6. "I think we would rather wait to see what the state is going to do before we do anything," he said.

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