PCB PROPOSAL CALLED "UNREALISTIC AND IMPRACTICAL"

TXI Paper Products last week wrote the Food and Drug Administration that the "arbitrarily set limits on food packaging as a vehicle to implement control (of PCBs) are unrealistic and impractical . . . "

Saying that TXI concurs with the need to eliminate the possibility of PCBs entering the food chain from external sources such as heat exchangers and commending FDA "for their efforts to alert the public to the possible dangers of PCB's," the company nevertheless took exception to the limitations in food packaging because of inadequacies of testing equipment and difficulty in validating testing results, as well as lack of sufficient supporting data for the 5 p.p.m. limitation in food packaging.

Menasha Corp. also said the proposal "as it affects paper and paperboard is unrealistic" for several reasons. They listed the "complex analysis for PCB," making it impractical as a process control tool; the lack of "imminent health" problems; the "minimal" migration of PCBs from packaging into food stuffs; and the inclusion of corrugated containers "which are rarely in direct contact with food and are less subject to traces of PCB's." Menasha asked that corrugated containers be excluded from the rule.

The proposed regulation is: "(1) Premature; (2) Impractical, (3) Overly strict at the present state of the art, and (4) May cause irreparable damage to the recycling program . . .," according to the Interstate Folding Box Co., which stated:

> "To require packaging materials to have less than 5 p.p.m. PCB while allowing products such as fish, which are directly ingested, the same level seems unreasonable. Furthermore, no allowance has been made for . . . the rate of transfer from boxboard to foods; . . . (or) for the weight ratio of the food products to the package; . . . (or) for the fact that many products have a liner between the board and the food such as aluminum foil, polyethylene, glassine, etc."

The company also wrote to Sen. Saxby (R-Ohio) asking his help "to obtain a delayance . . . until quality control tests for PCB can be adequately developed . . . "

Federal Paper also requested a postponement of the regulation until "a realistic and practical quality control test" is developed to measure the product as it is being manufactured; there is more evidence to support toxicological data; and "transfer rates . . . (are) established considering the effect of barriers such as innerwraps, coatings, etc., the types of food being packaged, and the relationship of the weight of the food to the weight of the carton."

Saying that they would not "recommend this course of action if a real health hazard were involved," the company predicted "utter chaos not only in the packaging industry but in the food industry" if the regulation is not postponed.

The Boxboard Research and Development Association sought an extension of the time for filing comments for 30 days until June 17, noting that BRDA is having tests run at The Institute of Paper Chemistry to determine the amount of PCBs present in a large number of samples of combination paperboard and is also "having 'round robin testing' of four samples of paperboard with measured levels of PCB made at approximately 15 different laboratories."

Since the results of these tests, which are designed to determine the "PCB level in paperboard presently being produced by member companies" and the reproducibility of tests, will not be available until the end of May, BRDA asked a delay so that their "comments may reflect the latest available information on the current level of PCBs in combination paperboard and the reliability of the present testing method."

TXI Paper Products recommended that the "section relating to food packaging materials be withheld until more conclusive data is available on toxicology and migration; and more reliable testing procedures are developed for process control." They noted:

> "The food packaging industry is currently conducting transfer studies at a prominent independent laboratory. Also, we understand similar studies are being conducted by the food industry. Both studies are scheduled for completion by early fall. It would seem prudent for the FDA to wait for the results of these tests before establishing regulatory action that could generate a shift in customer preference. Such an action could disrupt the joint efforts of the Administration, the Congress and the industry to encourage and expand our recycling program."

Mead Paperboard Products, BRDA, Menasha Corp., Federal Paper Board Co., and the Michigan Carton Co. also pointed out that FDA's proposal would have a damaging effect on the recycling effort.

The American Paper Institute requested a copy of FDA's environmental impact statement "as it pertains to food-packaging materials and the effects of the proposed regulation on our national recycling and minority employment objectives" as well as a copy of FDA's national 15-food survey completed in December and the "Report of the Interdepartmental PCB Task Force" mentioned in the proposal, so that they could "study and analyze these three documents before preparing our industry's brief on the proposed regulation."

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FDA WINS SHELLFISH REGULATION COURT VICTORY

The Food and Drug Administration won a narrow but potentially significant decision on the regulation of shellfish by the ruling of a Judge in the Southern District of California last week that it is not necessary for the agency to prove contamination of "every shellfish" when regulating imports.