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638-2800

Memo to: E. S. Nuspliger
From: Jerry Blizin
Subject: Cancer prediction

Date: Feb. 4, 1976

Copies: ~~R.~~ Ferrante
M. Swetonic
J. Heckman
R. Titus
J. Lawrence

attached is a report from the BNA on Dr. Frank Rauscher's
claim that cancer will increase as environmental hazards worsen.
He names vinyl chloride as one of the leading environmental risks.



JB

Attach.
:cm

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2-2-76

Production—Distribution—Foreign Trade

(No. 22) L - 1

**HEALTH: FASTER RISE AHEAD IN CANCER
CASES SEEN BECAUSE OF ENVIRONMENTAL HAZARDS**

Dr. Frank Rauscher, Jr., Director of the National Cancer Institute, today warned that cancer cases in the U.S. are threatening to climb even faster in coming years than at present as environmental hazards worsen.

Rauscher said that one out of every four Americans probably will get cancer and that about 3.5 million will die of the disease in the 1970s.

In an interview in the current issue of "U.S. News and World Report," he said that "the environment is clearly getting worse in certain areas of the country.

"We see a predictable increase in cancer today. But we're going to see even much more, for a variety of reasons, unless current trends are turned around. This is because of contamination of our environment and because of continuing use of tobacco and other known carcinogens."

In addition to tobacco and drinking, the Government scientist singled out vinyl chloride, asbestos and automobile exhaust fumes as leading environmental risks leading to cancer.

Environment is responsible for between 60 and 90 percent of cancers, the expert asserted, saying:

"Cancer doesn't occur because we're people; it occurs because of something we do, something we eat, something we smoke."

Rauscher said that, with three exceptions, all major forms of cancer are on the rise. Lung and breast cancers are increasing especially fast, he noted, and blamed it on heavier smoking and drinking by both men and women.

The three types of cancer reported on the decline are those that affect the stomach, cervix and acute lymphocytic leukemia in children. Rauscher had encouraging news to report about improved methods of treating breast cancer and leukemia.

He said that through examination by mammography -- very low-dose X rays -- breast cancers are being discovered long before the usual symptoms appear. The result is that, in about 75 percent of test cases, the disease has been confined to the breast itself without spreading.

The head of the Cancer Institute also described "excellent" results through use of a combination of three previously known drugs following surgery on women with breast cancer which already had spread to the lymph nodes. More than two years after treatment began, he said, "97 percent of the women are alive without any detectable disease."

Rauscher noted that leukemia, a cancer of the blood cells, used to be invariably fatal to children within six to 12 months. Now, he said, about 95 percent can be put into long-term remission through chemotherapy, and more than 50 percent are alive without disease five years after treatment.

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HILL AND KNOWLTON, INC.

PRESS COVERAGE OF THE EPA HEARING

AP00028007

FOR MORE INFORMATION CONTACT:

E. S. Nuspliger
(212) 573-9400M. M. Swetonic
(212) 697-5600FOR RELEASE: TUESDAY, February 3, 1976

VCM-PVC INDUSTRY WILL 'DO ITS BEST' TO MEET EPA
STANDARD ON VINYL CHLORIDE: SPI URGES AGENCY
TO SPARK MORE RESEARCH EFFORT

Washington, D.C., Feb. 3 -- A pledge that the plastics industry "will do its best" to meet the Environmental Protection Agency's proposed air emission standard for vinyl chloride was made today to EPA by Ralph L. Harding, Jr., president of The Society of the Plastics Industry, Inc.

Harding, speaking on behalf of the Vinyl Chloride-Polyvinyl Chloride Producers Group, said in testimony to EPA today that the industry has certain reservations about technical details of the proposed standard, which will require new technology. By EPA's own figures, implementing the standard will cost plastics firms an estimated \$200 million for emission control equipment plus \$70 million a year in operating costs.

"The costs are great," Harding said, "but our industry as a matter of principle is dedicated to assuring that the public health will not be jeopardized by the manufacture of vinyl chloride monomer (VCM) or polyvinyl chloride resin (PVC)."

THE SOCIETY OF THE PLASTICS INDUSTRY, INC.
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Emphasizing that there is no demonstrable health risk to the public who live in the vicinity of VCM or PVC plants, Harding called upon EPA to provide leadership in establishing a joint research program to find definitive answers to continued questions about the health effects of vinyl chloride in the atmosphere.

Harding said a joint effort to research those questions should be undertaken by labor and management, citizen groups and government and that EPA should take the leadership in establishing a thorough, coordinated program.

"The problems associated with suspected carcinogens with no established thresholds are simply too important for each affected group to pursue its own limited goals and to have the medical facts clouded by emotional claims," he said.

While commending EPA for taking a cost-benefit approach in weighing emission control requirements, SPI nevertheless urged that a "more careful balancing" of such costs be undertaken before the standard is made final.

Harding pointed out to the agency that vinyl chloride gas is the raw material for polyvinyl chloride plastics, the versatile material which is the second most widely used plastic product in the nation. There are no readily available substitutes for many of the end uses of PVC plastic, including medical-surgical applications.

As a result of its wide use, more than two million jobs are involved in the production and fabrication of PVC plastics, Harding noted. He said SPI would file written comments detailing specific responses to the standard and particularly, to the EPA Quantitative Risk Assessment, a new document.

In summary, Harding said his industry group commended EPA for adopting an approach which allowed a ready exchange of information.

Washington -- The wives of men who work with vinyl chloride are twice as likely to have miscarriages or still births, probably because the chemical causes sperm cell damage in their husbands, a government study says.

The authors of the study said today the new findings raise "serious scientific and public health concern for the possible genetic risks of vinyl chloride to humans."

The EPA was to open hearings today on its proposed vinyl chloride emission standard. The plastics industry is expected to endorse them reluctantly.

Dr. Sidney M. Wolfe, of Ralph Nader's Health Research Group, cited the new report to support his demand that the EPA issue tougher air pollution standards for vinyl chloride manufacturing plants.

The study was made by the National Institute for Occupational Safety and Health, the U.S. Center for Disease Control's Bureau of Epidemiology and the University of North Carolina School of Public Health. Scientists studied the fetal death rates for women whose husbands worked at vinyl chloride monomer (VCM) plants which produce the basic chemical, compared with rates among women whose husbands worked in rubber, and polyvinyl chloride (PVC) fabrication plants, which turn the solid plastic into consumer goods. Before their husbands were exposed to the VCM, the study found, wives of men working in such plants had a fetal death rate of 6.1 per 100 pregnancies, below the 6.9 rate experienced by women whose husbands worked in the relatively safe rubber and PVC plants.

But, after their husbands were exposed to the gas, the fetal death rate for the wives of VCM workers shot up to 15.8 per 100, compared with 8.8 for the control group.

The report said the higher fetal death rate seemed to be caused by "sperm cell damage in the father through direct VCM exposure."

"The increased occurrence of fetal mortality among wives of workers subsequent to VCM exposure now raises serious scientific and public health concern for the possible genetic risks of vinyl chloride to humans," the report said.

Vinyl chloride has been linked to about 2 dozen deaths around the world from a once-rare form of liver cancer called angiosarcoma. The victims worked in vinyl chloride manufacturing plants. The government has tried to reduce human exposure to the chemical, banning its use in aerosol sprays and limiting occupational exposures within plants. In view of the findings, Wolfe told EPA administrator Russell Train, "It is highly irresponsible of EPA to propose a reduction of only 90 percent in the allowable air emissions of vinyl chloride from factories into more than 50 American communities.

"According to your own studies," Wolfe's letter said, "more than 4 and 1/2 million people live in close proximity to these plants and are thereby at risk of both cancer and genetic damage." He said vinyl chloride pollution could be cut more than 90 percent and that the EPA proposal would "allow industry to spend far less than they should, thus placing millions of people at considerable risk."

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AP00028011

Injury to Fetuses Is Traced in Study To Vinyl Chloride

WASHINGTON, Feb. 3 (AP) — The wives of men who work with vinyl chloride are twice as likely to have miscarriages or stillbirths, probably because the chemical causes sperm-cell damage in their husbands, a Government study says.

The authors of the study said today the new findings raised "serious scientific and public-health concern for the possible genetic risks of vinyl chloride to humans."

The Environmental Protection Agency opened hearings today on its proposed standards for vinyl chloride emissions. The plastics industry is expected to endorse them reluctantly.

Dr. Sidney M. Wolfe of Ralph Nader's Health Research Group cited the new study to support his demand that the E.P.A. issue tougher air-pollution standards for plants manufacturing vinyl chloride.

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National Institute for Occupational Safety and Health, the United States Center for Disease Control's bureau of epidemiology and the University of North Carolina School of Public Health.

Scientists studied the fetal death rates for women whose husbands worked at vinyl chloride monomer (VCM) plants, which produce the basic chemical, compared with rates among women whose husbands worked in rubber and polyvinyl chloride (PVC) fabrication plants, which turn the solid plastic into consumer goods.

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But, after their husbands were exposed to the gas, the fetal death rate for the wives of VCM workers shot up to 15.8 per 100, compared with 8.8 for the control group.

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caused by "sperm cell damage" linked to about two dozen deaths around the world from a once-rare form of liver cancer called angiosarcoma. The victims worked in plants making vinyl chloride. The Government has tried to reduce human exposure to the chemical, banning its use in aerosol sprays and limiting occupational exposure within plants.

New Curb Urged for Pollutant

By John Stowell
Associated Press

Environmental and consumer groups urged the Environmental Protection Agency yesterday to set stiffer air pollution standards for vinyl chloride, a plastics chemical that has been linked to cancer, birth defects and genetic injuries.

But a spokesman for the plastics industry told an EPA hearing panel that manufacturers will "do our best" to meet the proposed federal standard that would reduce vinyl chloride emissions by more than 90 per cent.

The standards are designed to protect the 4.6 million people living within five miles of vinyl chloride plants and particularly the 46,000 living within a half-mile of the plants. Although vinyl chloride pollution has not been definitely linked to any cases of cancer in surrounding neighborhoods, the EPA estimates that up to 20 new cases will occur annually without the proposed standards.

The Environmental Defense Fund, a nonprofit organization with 40,000 members, said EPA should not allow any emissions from plants making vinyl chloride for purposes for which substitutes are available.

Barry Castleman, a consultant for the fund, said that credit cards, which consumed 22 million pounds of polyvinyl chloride in 1974, could be made with aluminum at less environmental risk. For example,

"Is it reasonable," he asked, "to accept the toll of preventable disease that is associated with providing society with plastic garden hose, disposable diapers, ladies' fashion boots, traffic safety cones, mats, toys and foam-backed football fields?"

Ralph L. Harding Jr., president of the Society of the Plastics Industry, a trade association, argued that the proposed EPA standards would reduce the "socially acceptable risk" to people living around vinyl chloride plants.

Polyvinyl chloride has become vitally important, he said, in the manufacture of blood bags and tubes, conveyor belts, packaging and wire insulation. The proposed federal standards would cost industry an estimated \$200 million or more, plus \$70 million in annual operating expenses.

Scientists have confirmed at least 27 cases of a once-rare form of liver cancer called angiosarcoma among vinyl chloride workers. As of last June 11 more cases had been reported but not confirmed.

AP00028013

Goodrich Calls Amount Of Vinyl Chloride Gas Negligible Near Plants

By a WALL STREET JOURNAL Staff Reporter

AKRON, Ohio—B. F. Goodrich Co. said the possibility that anyone living near its plants would be exposed to vinyl chloride gas in the atmosphere is "virtually nonexistent."

Vinyl chloride gas, used primarily in the plastics industry to make polyvinyl chloride, or PVC, has been linked to a rare form of liver cancer found among PVC workers. Other studies have found that the wives of PVC workers have a higher rate of miscarriages and that birth defects of the central nervous system occurred more frequently in three Ohio communities where PVC is manufactured.

Goodrich said that air samples of vinyl chloride taken at the boundaries of its vinyl chloride plant and five PVC facilities are "on the order of a few hundredths of one part per million" parts of air. It said those levels are reduced to "negligible or trace amounts" within a short distance of the plants because vinyl chloride molecules break up when released into the atmosphere. Thus, it claimed, "no realistic health hazard from vinyl chloride exists" for residents of areas surrounding the plants.

The Environmental Protection Agency held a hearing earlier this week on its proposal to cut vinyl chloride levels in the air around plants to about one-tenth part per million.

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FOR HILL AND KNOWLTON--ATTN: MRS. KAREN BERG
PROGRAM CBS EVENING NEWS STATION WCBS-TV 6 NETWORK
DATE FEBRUARY 3, 1976 TIME 7:12 PM CITY NEW YORK

WALTER CRONKITE: The industrial chemical vinyl chloride already has been linked to cancer. Now, a government study says it probably causes genetic damage. The study found that wives of vinyl chloride workers are twice as likely to have miscarriages or stillbirths. Today the Environmental Protection Agency was criticized for being too easy with the plastics industry on the vinyl chloride issue. The EPA has proposed a ninety percent emission reduction at vinyl chloride plants but Doctor Sidney Wolfe of Ralph Nader's Health Research Group said the agency is being highly irresponsible in not pushing toward tougher standards to protect more than four million persons living near the fifty plants.

[END]

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VCM Research Program Urged

JOURNAL OF COMMERCE

2/10/76

A request for more research on the health effects of vinyl chloride was made by Ralph L. Harding Jr., president of The Society of the Plastics Industry, last week in testimony to the Environmental Protection Agency. Speaking on behalf of the Vinyl Chloride-Polyvinyl Chloride Producers Group, Mr. Harding said:

"The costs are great but our industry as a matter of principle is dedicated to assuring that the public health will not be jeopardized by the manufacture of vinyl chloride monomer (VCM) or polyvinyl chloride resin (PVC)," he said.

Emphasizing that there is no demonstrable health risk to the public who live in the vicinity of VCM or PVC plants, Mr. Harding called upon EPA to provide leadership in establishing a joint research program to find definitive answers to continue questions about the health effects of vinyl chloride in the atmosphere. He said a joint effort to research those questions should be undertaken by labor and management, citizen groups and government and that EPA should take the leadership in establishing a thorough, coordinated program.

"The problems associated with suspected carcinogens with no established thresholds are simply too important for each affected group to pursue its own limited goals and to have the medical facts clouded by emotional claims," he said.

While commending EPA for taking a cost-benefit approach in weighing emission control requirements, SPI nevertheless urged that a "more careful balancing" of such costs be undertaken before the standard is made final.

Mr. Harding pointed out that vinyl chloride gas is the raw material for polyvinyl material which is the second most widely used plastic product in the nation. There are no readily available substitutes for many of the end uses of PVC plastic, including medical-surgical applications, he said.

As a result of its wide use, more than two million jobs are involved in the production and fabrication of PVC plastics, Mr. Harding noted.

In conclusion, Mr. Harding said his industry group commended EPA for adopting an approach which allowed a ready exchange of information.

AP00028016

**PLASTICS INDUSTRY, ENVIRONMENTALISTS DIFFER
ON MERITS OF EPA'S VC EMISSION STANDARD**

Society of the Plastics Industry's
Ralph L. Harding, Jr., pledged last
week that his industry would do its

best to meet Environmental Protection Agency's proposed emission standard for vinyl chloride, but environmentalists pressed for a more stringent standard. The forum was an EPA hearing on its proposal to require installation of best available technology to reduce vinyl chloride from all known point and fugitive emission sources in plants which manufacture ethylene dichloride (by the oxychlorination process), vinyl chloride, and/or polyvinyl chloride (A/WPR, Dec. 22, 1975, p. 505).

According to Harding, the industry has certain reservations about the technical details of EPA's proposed standard, and he cited EPA's own figures showing implementation will cost plastics firms an estimated \$200-million for emission control equipment plus \$70-million each year in operating costs. "The costs are great," Harding said, "but our industry as a matter of principle is dedicated to assuring that the public health will not be jeopardized by the manufacture of vinyl chloride monomer or polyvinyl chloride resin."

No Demonstrable Health Risk

Harding reiterated his industry's position that there is no demonstrable health risk to the public who live in the vicinity of VCM or PVC plants, and called upon EPA to provide the leadership in establishing a joint research program to find definitive answers to continued questions about the health effects of vinyl chloride in the atmosphere. "The problems associated with suspected carcinogens with no established thresholds are simply too important for each affected group to pursue its own limited goals and to have the medical facts clouded by emotional claims," Harding said.

While commending EPA for taking a cost-benefit approach in weighing emission control requirements, Harding nonetheless urged that a "more careful balancing" of such costs be undertaken before the standard is made final. There are no readily available substitutes for many of the end uses of PVC plastic, he said, including medical-surgical applications. As a result of its wide use, more than 2-million jobs are involved in the production and fabrication of PVC plastics. Harding said SPI would file written comments detailing specific responses to the standard and, particularly, to EPA's new Quantitative Risk Assessment.

Environmental Defense Fund consultant Barry I. Castleman also promised a more detailed response, but cited "much evidence which would support imposition of a more stringent emission standard for VCM." This would include zero emissions for substitutable uses of PVC plastics, Castleman said, and incentives for developing substitutes for currently "non-substitutable" uses.

"Not only is the alleged economic impact of a stricter standard greatly overstated," Castleman insisted, "but the basis for concluding that application of the best available technology to reduce VC emissions will provide the ample margin of safety required by Section 112 [of the Clean Air Act] is speculative at best. We emphasize that best available technology is not synonymous with an ample margin of safety."

Very Real Health Costs

"If 'ample' in this case must be defined in terms of a 'socially acceptable risk,'" he continued, "we urge EPA to redetermine that risk by giving greater weight to the very real health costs involved, and by making a more objective assessment of the potential economic impact which is likely to occur given the availability of substitutes for PVC. The statute requires no less," he asserted.

In conjunction with the hearings, Dr. Sidney M. Wolfe, director of Ralph Nader's Health Research Group, sent EPA Administrator Russell E. Train a copy of an unpublished study by Health, Education and Welfare Department scientists showing that wives of vinyl chloride workers have a twofold increase in fetal mortality, miscarriages and still births, presumably as a result of their husbands' exposure. "This demonstration of a probable mutagenic effect of vinyl chloride... raises, as the authors conclude, 'serious scientific and public health concern for the possible genetic risks of vinyl chloride to humans,'" Wolfe said.

"In view of these findings and the previously known carcinogenicity of vinyl chloride, it is highly irresponsible of EPA to propose a reduction of only 90% in the allowable air emissions of vinyl chloride from factories into more than 50 American communities," Wolfe charged. "Especially since the technology exists to reduce vinyl chloride emissions much more than by 90%," Wolfe continued, "this proposal appears to be one which will allow industry to spend far less than they should, thus placing millions of people at considerable risk."

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1977, to reduce emissions of organic materials from its Plainfield, Conn., facility. According to EPA, the firm emits smog-causing solvents from its fabric coating process in excess of state and federal limits.

Region I ordered the Gulf Hill Dairy, Inc., Dartmouth, Mass., to end within 30 days its discharge of wastewater containing cleaning agents and milk. The order was issued because the dairy — when its discharge permit expired September 15, 1975 — failed to stop discharging into a creek which flows into Apponagansett Bay. The dairy operator said the discharge will be stopped by connecting the plant to a municipal sewer system.

Region I issued an enforcement order to Johnson Steel and Wire Company, Worcester, Mass., for violating its permit with wastewater discharges from its metal finishing operations via a canal into the Blackstone River. EPA said the firm had failed to comply with permit requirements to construct wastewater treatment facilities. The order requires Johnson to solicit bids on a contract to construct necessary facilities and on orders for equipment, to award contracts, and to begin construction.

Pennsylvania

The Department of Environmental Resources issued an air pollution abatement order to the Marjol Battery and Equipment Company, Throop, to restrict emissions of particulates. The order requires the firm to order emission collection equipment by December 31, to stop "significant" fugitive emissions from its melting/crushing operations, to cover all battery casing piles, and to keep work and surrounding areas swept clean.

Mississippi

The Air and Water Pollution Control Commission fined Harper Foundry and Machine Works, Jackson, \$300 for violations of state air quality regulations, and ordered the installation of control equipment to ensure compliance within 90 days.

The commission ordered Corchem, Inc., Pascagoula, to repair or stop operating a magnesium oxide kiln by June 15. The commission also charged Hewchem, Inc., Gulfport, with discharging 400,000 gallons of chemicals into Bayou Bernard and scheduled a hearing February 10.

Air Pollution

TRAIN CRITICIZES ANALYSIS ASSUMPTIONS ON EFFECTS OF SIGNIFICANT DETERIORATION

Assumptions in an electric utility industry analysis of House proposals on significant deterioration are "overly pessimistic," and they therefore overestimate the impact of the proposals, according to Environmental Protection Agency Administrator Russell E. Train.

In a letter to Congressman Paul C. Rogers (D-Fla.), chairman of the House Commerce Subcommittee on Health and the Environment, Train said EPA agrees with some conclusions and disagrees with others in an "Analysis of the Costs to the Electric Utility Industry of House and Senate Significant Deterioration Proposals." The analysis was prepared by the National Economic Research Associates (NERA) for the Electric Utility Industry Clean Air Coordinating Committee (Current Developments, December 12, 1975, p. 1382).

Train said EPA and NERA estimates of 15-year capital requirements of the House proposal are very similar. He said EPA projected the requirements to be between \$7 billion and \$11.4 billion and NERA estimated the re-

quirements to be \$6.2 billion to \$13.2 billion. NERA assumed a higher baseline for cumulative capital requirements, Train said, which resulted in the lower increases.

However, he said, "considerable difference" lies between the EPA and NERA estimates of capital requirements of the House proposal if one uses EPA's current definition of best available control technology. Train said the estimates differ because NERA assumes most of the impacted plants could relocate to comply with House proposals for Class I and Class II areas. He said NERA assumed plants would remain at planned sites and reduce emissions of sulfur coal by using scrubbers.

In contrast, Train said, EPA estimates are based on plant-by-plant analysis of the feasibility of relocating to meet Class I and II provisions and the use of scrubbers on only 5,000 to 10,000 megawatts capacity, compared to the 44,000 megawatts capacity estimated by NERA.

Train said EPA and NERA estimates differ "considerably" over the impact of House proposals on annual household expenditures. EPA estimated that by 1990 expenditures will rise between \$18 and \$28 a year, while NERA estimated the increase to be between \$33 and \$58, he said.

Reasons for the different estimates, Train said, are "pessimistic" NERA assumptions that low sulfur coal shortages will continue through 1990, NERA overestimates of projected growth demand for electricity, and NERA forecasts of increased use of low sulfur coal by plants that cannot relocate to meet Class I and II provisions.

Chemicals

EPA VINYL CHLORIDE PROPOSALS HIT: INDUSTRY SUGGESTS COST-BENEFIT ANALYSIS

An initial look at proposed Environmental Protection Agency standards for air emissions of vinyl chloride (Current Developments, January 2, p. 1473) reveals errors and inaccurate conclusions, according to Ralph L. Harding, president of the Society of the Plastics Industry, Inc.

He told a February 3 EPA hearing on the proposed standards that the agency should have weighed costs and benefits before making the proposals and should do so before promulgating final standards. He said a total ban on vinyl chloride would be "disastrous." For some uses, he said, there are no known substitutes. No one knows how long development of substitutes will take or whether substitutes will be hazardous, he said.

Harding said the trade group wants to support the standards and will make recommendations later to EPA. The group is concerned, he said, about inclusion in the proposal of inadequate research and development and of certain reporting and recordkeeping requirements. It is concerned also about the absence of existing technology to strip some dispersion resins to levels proposed in the standards, he said.

Dow Backs Trade Group

P.J. Gehring, director of Dow Chemical Company's toxicology research laboratory, said Dow does not have a position on the proposed standards. He supported the Society of the Plastics Industry position. He said the proposals are "conservative" but workable if they can be justified economically.

Harry Conners, vice president of Diamond Shamrock Corporation, said the proposed standards are "technologically feasible for plants." However, he "deplored" the waste and costs that would be necessary to meet the standards. He said

vinyl chloride has been labeled incorrectly as a hazardous air pollutant because no evidence exists to demonstrate that ambient air doses of the chemical have resulted in human injury.

Connors said EPA should use cost-benefit analyses to set the standard rather than best available technology requirements. He said the cost for his firm to comply with the standard could amount to \$16 million, with more than half being spent to meet EPA requirements and the rest to meet Occupational Safety and Health Administration standards.

Barry Castleman, consultant for the Environmental Defense Fund, said that in the proposed standard EPA seems to have forgotten requirements of the Clean Air Act and instead seems to have listened to industry. He said evidence supports the need for more stringent vinyl chloride standards and even a zero-discharge standard for uses for which substitutes are available. For those uses that are socially acceptable and for which there are no substitutes, the proposed standards are satisfactory, he said.

Castleman questioned the definition of a "socially acceptable risk" saying risk increases with dosage. He said the definition does not take into account possible interaction of vinyl chloride with other substances in the body.

Castleman suggested holding hearings in areas where vinyl chloride emission sources exist to get the people who are exposed to it into the standard-setting process. He said requirements for installation of best available control technology would not be synonymous with establishment of a safety margin. He suggested a study of the situation one year after promulgation of the standard to see if any new technology or information has been developed.

Chemicals

EPA HIT FOR NOT USING AUTHORITY TO CONTROL PCBs WITH EXISTING LAWS

The Environmental Protection Agency came under fire during House Merchant Marine subcommittee hearings January 28-30 for purportedly not using its authority under existing laws to control the introduction of polychlorinated biphenyls (PCBs) into the environment.

Congressman Richard L. Ottinger (D-NY) said EPA was "miserably derelict" in use of its authority. He said Section 504 of the Federal Water Pollution Control Act, which gives the EPA administrator emergency powers, has been law for more than four years, but EPA "has never used it to force a polluter to stop discharging a dangerous chemical" into U.S. waterways. Nor has EPA suggested to Congress that Section 504 is unworkable, he said.

Ottinger said he would like to have resurrected a section of the 1899 Refuse Act that would allow citizen suits. "Only in that way can we have effective enforcement," he said. Ottinger said he saluted EPA's strong stand on proposed toxic substances legislation, but this does not excuse the EPA or other agencies from their "total failure to act under authorities available to them" to stop or control the introduction of toxic materials into waterways. He said attempts by EPA Administrator Russell E. Train to justify lack of action against PCBs on the grounds that the proposed legislation has not been passed "is misleading and deplorable," he said.

Train had testified on the first day of hearings that although EPA's authority to act and ability to develop some form of remedies have been improved, "we are fighting a

rear-guard action, all too often in a position only to cure and not to prevent."

Train said that no matter how EPA uses the Water Act, the problem will not be solved successfully. He said the PCB problem can be effectively dealt with only through authority EPA does not yet have.

Train also said it would be a mistake to legislate against PCBs alone, because "soon another chemical problem would arise. He said it would be better to deal with chemicals generically and use toxic substances legislation to fill gaps between EPA's pesticide authority and the authority of the Food and Drug Administration and the Occupational Safety and Health Administration.

Nathaniel Reed, assistant secretary of the Interior for fish and wildlife and parks, testified in support of a ban on all domestic and imported PCBs and recommended that PCB use in transformers and capacitors be reviewed in light of potential replacement products.

Train recommended against an immediate ban because it would be "tantamount to turning off all the electricity" in the U.S. He called for coordination among federal government agencies and with industry on PCB use and disposal.

Train said approximately one-tenth of 1 percent of current PCB discharge is from "direct identifiable points of discharge." He said guidelines could be developed for solid waste management in landfills and dumps, but they would be binding only on federal agencies and just guidelines for state and local governments.

Environmentalists' Position

J.G. Speth, of the Natural Resources Defense Council, said the Water Act contains "three tough provisions" to control hazards from toxic substances — Section 307(a) relating to industrial dischargers, Section 311 relating to spills and leaks, and Section 504, emergency powers provisions. "During the past three years EPA has failed to carry out these provisions," he said.

Speth said EPA never has had a "strong institutional commitment" to do something about toxic water pollutants. He said this reflects the "historic concerns of the sanitary engineering profession . . . which still dominate much of EPA's thinking." He also said EPA resources allocated to the toxic pollutant problem were "miniscule" compared with the need.

Speth blamed the Office of Management and Budget for keeping EPA in a "permanently underfunded state," and he scored the President's proposed fiscal 1977 budget for including "severe cuts" in EPA's water pollution program at a time when increased efforts should be directed to controlling toxic pollutants.

Joseph Highland, of the Environmental Defense Fund, agreed on the need for a new approach to toxic material control. He said there are many sections of existing laws that are not being used, adding that no action has yet been taken on PCBs under the Clean Air Act or the Drinking Water Act.

Robert Zener, EPA general counsel, countered these charges by saying that even if EPA's record had been perfect, the PCB problem would not be solved, because there are too many sources over which EPA does not have authority. He said EPA could regulate air and water discharges and still be doing an incomplete job. It is necessary to get to the producer, he said.

Zener said it is EPA's opinion that regulating point sources by the administrative or permit route is better than the judicial route of filing suits against each source. The permit route does have limitations, Zener said, but it is more expeditious and provides a better chance of solving problems.