At any rate, the blanket clearance for plastics colorants is now expected to precede finalization of the Order for paper colorants.

New Order Will Be Based on Petitions

The paper colorants Order is not expected to be an FDA proposal. Instead, it will be a final Order based on a number of Food Additive Petitions which have been filed for colorants. Morton International filed a Petition to clear phthalocyanine blue, phthalocyanine green, titanium dioxide-barium sulfate, and carbon black in polyethylene containers for dry food (See FOOD CHEMICAL NEWS, May 11, 1970, Page 32). Pennwalt filed a Petition to clear iron oxide, carbon black, and phthalocyanine blue as colorants for polyvinylidene fluoride resins (See FOOD CHEMICAL NEWS, June 8, 1970, Page 35). Eastman Chemical Products filed a Petition to clear use in polyolefin articles of phthalocyanine blue, phthalocyanine green, chromium oxide green, barium sulfate, and quinacridone red (See FOOD CHEMICAL NEWS, March 22, Page 38). Dr. Carl A. Nau filed a Petition to clear use of carbon black in polyethylene and ethylene alkene-1 copolymers (See FOOD CHEMICAL NEWS, Oct. 2, 1967, Page 16).

FDA-ers expect that issuance of the Order will inspire firms to Petition for its amendment to add more colorants for plastic articles. The agency has been encouraging such submissions, and has solicited data on use of indirect additive colorants.

It is expected that the Order for colorants for plastics also will clear the colorants and pigments now approved under §121.2514 for resinous and polymeric coatings. Industry spokesmen have requested that these be included in the new Order.

Questions regarding use of colorants which are not listed in the new Order may well lead to the filing of Petitions for their clearances, although it is understood that some of them do not migrate into food.

See next page for reference to PCB

DDT CANCELLATION HEARING IS LAUNCHED

A long, landmark hearing on DDT was launched Tuesday, August 17, with requests that use of the chlorinated hydrocarbon be allowed for four or five or more years.

The Environmental Protection Agency is seeking to cancel DDT pesticide registrations for cotton and food crops (See FOOD CHEMICAL NEWS, Aug. 9, Page 10).

The hearing is expected to run three days a week (Tuesday through Thursday) for about three months. It is being held before Hearing Examiner Edmund M. Sweeney in Hearing Room C, 10th floor, Ballston Towers, 4015 Wilson Blvd., Arlington, Va. Approximately 125 witnesses are scheduled.

The roster of parties in the action show the Department of Agriculture alligned with 31 companies which are petitioning to retain the insecticide's registration. Washington attorney Robert L. Akerly represents this industry group. EPA is alligned with a member of environmental groups, including Environmental Defense Fund, National Audubon Society, Sierra Club and the West Michigan Environmental Defense Council.

Various other companies, because their products were affected by separate EPA cancellation notices, are represented individually at the hearings. The National Agricultural Chemicals Association is appearing as an intervenor, as are the environmental groups and two other companies, H. P. Cannon and Son and Eli Lilly and Company.

In his opening statement for the group of industry petitioners, Ackerly outlined issues likely to be explored in the hearings as follows - -

- -dose-reponse relationship, whether ill effects have been attributable to DDT levels found. Akerly raised a question as to whether ill effects attributed to DDT may have been due to undetected PCBs instead.

- -state of development of biological control of insects, whether these controls are ready to take the place of DDT.

- -"essentiality." Ackerly said USDA's responsibility to develop products to feed and clothe the population brings this concept into the hearing.

- -benefits and risks, whether the benefits from the use of DDT outweigh the risks associated with its use.

The first witness, Dr. Marshall Laird, head of the biology department of Memorial University of St. John's, Newfoundland, Canada, traced his work with "integrated controls" - - the joint use of chemical, biological and other types of insect control. In response to questioning, he said that biological control methods of the mosquito are not available at the present time, although "there are very hopeful indications that (biological control) may become possible."

EPA Counsel Blaine Fielding challenged the statement in a question as to whether DDT is the only insecticide available for mosquito control, bringing from the witness the statement that malathion is the insecticide of choice in most instances, but that control officials should have available to them a full range of control methods.

For control of the black fly, Laird responded to EPA questioning that methoxychlor is under investigation, but that DDT is the only effective agent proven at present.

William A. Butler, attorney for the Environmental Defense Fund and other environmental intervenors, asked about physical methods of control of mosquitoes. Laird said these methods had been used with good effect in developed countries, but that they did not lend themselves to application in under-developed nations where malaria still posed the greatest threat. In response to further questioning, he said "only sporadic" cases of malaria had occurred in the U.S. since 1948.

The second witness, Dr. David Young of the department of entomology of the State College of Mississippi, described that state's extensive efforts to eradicate a number of cotton pests, stating that the state's cotton farmers need DDT for "about four or five more years." He said the use of a mixture of toxaphene and DDT is less dangerous to farmers and has less harmful effect on beneficial insects because it can be applied with fewer repetitions in lower amounts.

It isn't necessary to use much DDT, Young said, "But when it's needed, it's needed."

The 31 companies in the group petitioning EPA for continued registration of DDT uses are:

(1) Stevens Industries; (2) W.R. Grace; (3) Cotton State Chemical; (4) Woolfolk Chemical Works; (5) Octagon Process; (6) Micro Chemical; (7) Cleveland Chemical; (8) Coahoma Chemical; (9) Helena Chemical; (10) Howerton Gowen Chemical; (11) Cotton Producers Association; (12) Daly-Herrin; (13) Parramore & Griffin; (14) Staple Cotton Service Associates; (15) Standard Spray & Chemical; (16) FCX; (17) Thompson-Hayward Chemical; (18) Meherrin Agricultural & Chemical; (19) Triangle Chemical; (20) Carolina Chemicals; (21) Southern Agricultural Chemicals; (22) Kaiser Agricultural Chemical; (23) Wyco; (24) Valley Chemical; (25) Olin; (26) Bordon; (27) Riverside Industries; (28) USDA's Plant Production Division; (29) Wallerstein; (30) Planters Chemical; and (31) Riverside Industries.

FDA SETS TOUGH REQUIREMENTS FOR BON VIVANT

The Food and Drug Administration last week, in effect, listed tough requirements which would have to be met by Bon Vivant in order for the firm to market any of its existing products or to renew production.

The listing of requirements was contained in affidavits filed in District Court in New Jersey, where the agency won on its motion to quash a Bon Vivant motion which would have permitted distribution for consumption of the firm's products except for the lot of vichyssoise which was contaminated with botulinum (See FOOD CHEMICAL NEWS, Aug. 16, Page 32). The Court on Aug. 17 dismissed the Bon Vivant motion.

Actually, the company is being reorganized under the Bankruptcy Act, and the show-cause order against FDA was obtained by the receiver in bankruptcy, Joseph Walsh.

Dismissal of the order to show cause left FDA free to continue its multiple seizure campaign against Bon Vivant products, and the agency immediately acted against goods in possession of the firm in Newark, N.J. (See story, Page 28). Walsh indicated he may contest one or more of the seizure actions.

A seizure campaign against the total production of a firm is unique, as was the court action of last week. In response to the order to show cause, FDA filed documents which constituted a no-holds-barred, devastating attack on the manufacturing processes employed by Bon Vivant. Many of the "horror story" aspects had been mentioned by FDA-ers previously on a casual, off-the-record basis, but the court action inspired the full-scale, public attack.

Bon Vivant attorney Robert Wald said last week that the FDA documents contain "many inaccuracies and misrepresentations," adding, "We will answer these as quickly as we can."