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NEW YORK
JUNE 7, 1970

The Editors, *The New Yorker*,
DEAR SIRS:

IN the issues of February 7th and March 14th of this year, I presented in *The New Yorker* some of the mounting evidence regarding the dangerous teratogenic, or fetus-deforming, effects of the herbicide 2,4,5-T, which has been used in huge amounts over the past decade as a defoliant in Vietnam and as a weed killer here at home. What seemed particularly alarming, as I reported, was the seemingly unavoidable presence in 2,4,5-T of a highly toxic and teratogenic contaminant belonging to a group known commonly as dioxins. I also pointed out the reluctance of the government, despite its apparent awareness of the dangers, to eliminate or drastically restrict the use of this herbicide.

On April 15th, the Surgeon General of the United States, Dr. Jesse L. Steinfeld, appeared before a Senate subcommittee, headed by Senator Philip A. Hart, of Michigan, that was investigating the safety of 2,4,5-T and announced, on behalf of the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Health, Education, and Welfare, a number of measures that were being taken to limit the use of 2,4,5-T in this country. These measures included the immediate suspension of the Department of Agriculture's registrations of liquid formulations of 2,4,5-T used around the home and of all formulations used for killing

vegetation around lakes, ponds, and irrigation ditches. The Surgeon General also announced that the Department of Agriculture was about to cancel its registrations of non-liquid formulations of 2,4,5-T for use around the home and on food crops, including corn, barley, oats, rice, rye, apples, and blueberries. On the same day, Deputy Secretary of Defense David Packard announced the immediate suspension of the use of 2,4,5-T in Vietnam.

Against a background of evidence accumulated since 1966 that 2,4,5-T, or material with which it is ordinarily contaminated to some degree, exerts a fetus-deforming effect on the offspring of experimental animals, and a background, too, of extraordinary reluctance on the part of government agencies, including the office of President

Nixon's own Science Adviser, Dr. Lee DuBridge, to inform the public in a forthright manner about the potential hazards of 2,4,5-T to human health, the statement by the Surgeon General appeared to signal clear and unequivocal action at last against the widespread use of 2,4,5-T. Federal law requires that all pesticides and herbicides be registered with the Department of Agriculture before they can be marketed in interstate commerce, and the conclusion that citizens could reasonably be expected to draw from the Surgeon General's statement was that cancellations and suspension of these registrations had put an immediate stop to the sale and use of 2,4,5-T here.

That conclusion, I regret to say, is not justified. The word "cancellation," which has such an air of finality about it, and which seems to signify drastic action, is really one of the weaker words in the federal-regulatory lexicon—far weaker than the word "suspension," which the Department of Agriculture has applied to its action on the registrations of liquid formulations of 2,4,5-T used around the home and around lakes, ponds, and irrigation ditches. To illustrate one of the powerful distinctions implicit in this upsidown bureaucratic language, when the Department of Agriculture *suspends* the registration of a product for certain uses, the suspension takes force immediately, and under federal law shipments of the product in interstate commerce must stop; in effect, the flow of the product from manufacturer to ultimate user is immediately pinched off at a point reasonably close to the source



of supply. When the Department of Agriculture *cancels* the registration of a product for certain uses, however, the movement of the product in interstate commerce is brought to no such automatic halt. A company given a cancellation order is told that after thirty days it can no longer ship its product across state lines, but the company has the right to appeal the order, and if it does appeal, this action has the effect of staying the order. During the lengthy process of appeal, the company can continue to produce, ship, and sell the cancelled product. A company whose product's registration is *suspended* has no such recourse.

Approximately six weeks after the Surgeon General's announcement concerning 2,4,5-T, I stopped in at several garden stores in the New York area. I found that a number of 2,4,5-T



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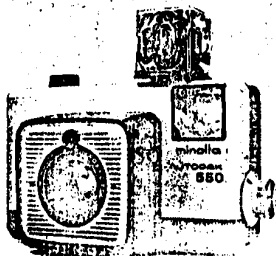
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...mulations, weed killers, poison-ivy sprays, and lawn food—were still on sale. Since the Sup-on General had cited as one of the primary reasons for federal actions against 2,4,5-T the government's wish to afford "maximum protection to women in the child-bearing years" by preventing them from being exposed to the chemical, this state of affairs startled me, particularly since May and June are high months of maximum use of herbicides. The disturbing fact is that the Department of Agriculture has no power to compel manufacturers to recall from retail stores products whose registration for certain uses the Department has either cancelled or suspended. There is no federal law against a retailer's selling such a product or against a customer's buying it. The law does provide that stocks of it can be seized by Department of Agriculture inspectors. However, the number of retail establishments selling herbicidal formulations for home use runs into the scores of thousands, whereas the number of retail-store inspectors employed by the Department of Agriculture, I recently discovered, is exactly thirty-two. On a practical level, then, the power of the Department of Agriculture to prevent the retail sale of such products is almost nonexistent. Furthermore, not only is it legal under federal law for a homeowner to buy a product whose registration for certain uses has been officially cancelled or suspended but it is legal for him to use it, and use it in any way he pleases. Without breaking any federal law, he can dump concentrations of 2,4,5-T on his lawn in such a way that some of it enters his or his neighbors' water supplies.

Similarly, a farmer can continue to use 2,4,5-T on his crops without breaking any federal law even though that use has been the subject of a Department of Agriculture cancellation order. The only risk he faces is that of seizure by Food and Drug Administration inspectors of any of his crops shipped in interstate commerce that are found to have detectable amounts of 2,4,5-T residue on them. The risk isn't a very great one, since these inspections take place at retail outlets—supermarkets, and so on—where F.D.A. inspectors collect samples of foodstuff and send them back to the F.D.A. for analysis, which takes time. The bureaucratic machinery is creaky, and if any detectable residue of 2,4,5-T is found on the foodstuff—say, blueberries that the farmer has sprayed with 2,4,5-T—the chances are that by the time the Department is ready to seize the stock of blueberries in the store (which, after



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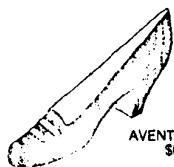
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all, is probably only one of many stores to which berries from this batch have been shipped) the blueberries have been bought and eaten. In any event, only the blueberries can be found guilty—not the farmer or the shipper. And the farmer can go right on using 2,4,5-T as he pleases, because the cancellation powers and suspension powers of the Department of Agriculture apply not to the basic chemical compound of 2,4,5-T as such but only to the formally registered uses for which it is intended. In effect, this means that there is federal control only over the wording of labels on the cans, bottles, or drums of these chemicals. It is true that the Department has asked manufacturers of 2,4,5-T products whose registration for certain uses have been cancelled or suspended to recall the products from retailers, but this will have to be done strictly on a voluntary basis if it is done at all. Even if it actually is done, and the products are back in the manufacturers' hands, the recall does not mean that the 2,4,5-T will be destroyed. For the most part, it means merely that the 2,4,5-T formulation will be relabelled, with the cancelled uses deleted, and sold over again in the same form, and even in the same containers. And since the label on the container has no binding force on the purchaser, there is no guarantee at all that 2,4,5-T will not continue to be applied in ways that the public might reasonably suppose to have been stopped dead by the government.

Further examination reveals that the measures against the use of 2,4,5-T that appear to be so sweeping actually apply to about ten per cent of the total amount of 2,4,5-T used in this country—that is, only to 2,4,5-T used around homes, gardens, and aquatic areas and on food crops. And since 2,4,5-T products are still being sold freely in garden-supply stores, I estimate that so far the cancellation and suspension orders have affected no more than two or three per cent of the total amount. About ninety per cent, in any case, is used for the control of woody plants in such areas as rangeland and pastureland and along railroad and electric-line rights-of-way. These uses remain unaffected by the new federal orders because the Departments of Agriculture, H.E.W., and the Interior agreed that in such areas, many of which are remote from dense population, 2,4,5-T does not constitute an imminent hazard to women-of-child-

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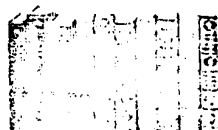
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serves reexamination. As studies with experimental animals have shown, 2,4,5-T is a fetus-deforming agent both in its relatively pure form, which has so far been formulated only under laboratory-test conditions, and in the form in which it is ordinarily sold to users. Because certain factors are apparently impossible to eliminate in its production, the latter form is a contaminated one, the contaminants being present in amounts that have up to now been considered tolerable. The name of the principal contaminant in 2,4,5-T is symmetrical 2,3,6,7-tetrachlorodibenzo-*p*-dioxin, and it has been found to be both extremely toxic and, in certain tests on living creatures, teratogenic. In tests on chick embryos, this form of dioxin, in a pure state, has the capacity to deform embryos at levels of a trillionth of a gram per kilogram of the egg—a level only one-millionth as great as that required to achieve a comparable effect in chick-embryo experiments with the notorious teratogen thalidomide. And in tests involving a mixture of dioxins in which the symmetrical tetrachlorodibenzo-*p*-dioxin predominated, conducted by the Food and Drug Administration on pregnant hamsters, a dosage of 9.1 millionths of a gram per day (for five days) per kilogram of the mother's body weight produced an incidence of eighty-two per cent mortality and eighty-two per cent abnormality among live offspring.

Dioxins are also known to have untoward effects on human beings. In factories where 2,4,5-T is produced, the dioxin appears as a contaminant in an intermediate stage of the manufacturing process, and some of it remains in the finished product. In 1964, workers in a Midland, Michigan, factory of the Dow Chemical Company, one of the largest producers of 2,4,5-T, contracted an illness through exposure to the dioxin contaminant. The symptoms of this illness were described as follows by Dr. Julius E. Johnson, a vice-president of Dow Chemical and its director of research and development, in testimony he gave in mid-April before the Senate subcommittee investigating 2,4,5-T:

The most sensitive toxic reaction observed in humans to this impurity [the tetra dioxin] was manifested by a condition known as chloracne, a skin disorder mostly prevalent on the face, neck and back. It is similar in appearance to severe acne often suffered by teenagers.

The way Dr. Johnson described chloracne before the Senate subcommittee, it does not sound like a very serious condition. However, the way he

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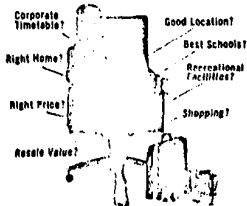
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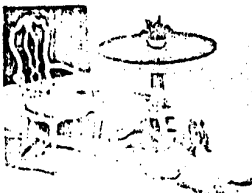
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grazing beef cattle, the Department of Agriculture does not recommend withholding the land from use for as much as a day after a 2,4,5-T spraying. In Texas alone, more than a million acres of rangeland and pastureland are being sprayed with 2,4,5-T this year; probably at least a quarter of a million head of cattle will graze on that sprayed land; and the cattle will produce something like a hundred and fifty million pounds of meat that will be sold to Americans as edible—all in the absence of a solitary meaningful restriction imposed by the federal government on either the spraying or the grazing, and also in the absence of a solitary scientific study, either by industry or by any government agency, concerning the stability, the persistence, and the cumulative capacity of the dioxin contaminant in the bodies of living creatures.

Next year, the total area sprayed with 2,4,5-T throughout the country may well be greatly increased rather than decreased. The use of herbicides in this country has been increasing at a considerably greater rate than that of pesticides, and it is only because military priorities for defoliation programs in Vietnam cut the available supply of 2,4,5-T quite drastically that this country has been spared the much more extensive use of 2,4,5-T on rangeland and pastureland. In Vietnam, a total of about forty million pounds of 2,4,5-T has been dropped on the countryside. The suspension, under public pressure, of the use of 2,4,5-T there will probably bring about the release in the coming year of huge amounts of it in the domestic market, and a logical target of chemical-company salesmen for disposal of the surplus would be the cattle industry and the United States Forest Service.

Also, to my knowledge, no proper investigation has ever been made of the possibility that, quite aside from the dioxin already present in 2,4,5-T sprayed on vegetation, further amounts of dioxin may be created, and released into the environment, through the breakdown process of 2,4,5-T as it is affected by sunlight and by heat. Heat strong enough to create new dioxin can occur under conditions that are not highly unusual. Brush that has been killed, whether by 2,4,5-T or other means, is certainly a fire hazard, especially in a hot, dry climate, such as that of Texas, where so much 2,4,5-T spraying is going on, and a brush fire over a large mowed area contain-

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generate considerable quantities of dioxin and release it into the atmosphere.

IT seems most likely that the hazards of pollution of the environment by dioxins extend far beyond the use of 2,4,5-T. This herbicide is only one of many products derived from polychlorinated phenolic compounds that contain dioxins or are the precursors of dioxins. These products range from pesticides to deodorants. It appears that when any chlorophenol is heated sufficiently it can be converted into a dioxin. This fact raises questions about the release of dioxins into the environment merely through the burning of many commonly used products. For example, one of the polychlorinated phenolic compounds, pentachlorophenol, is widely used as a fungicide and as an antibacterial preparation. It is used in preserving wood and in controlling slime in the manufacture of paper. In 1968, more than twenty-seven million pounds of pentachlorophenol and its salts were used in the United States to preserve wood. Since the fate of most timber is to be burned sooner or later, and since it is reported that when five grams of pentachlorophenol is heated at a temperature of three hundred degrees for twelve hours it is capable of generating one and a half grams of octachlorodibenzo-p-dioxin, the possibility that considerable amounts of dioxin will be released into the atmosphere from wood treated with this preservative presents a potential health hazard of very alarming dimensions. The same thing may be said of the burning of paper that has been treated with pentachlorophenol. Aside from any hazard created by burning, the extreme toxicity of pentachlorophenol was discussed some years ago in an article in the *British Medical Journal* on some sawmill workers in Borneo who handled wet timbers that had been freshly treated with a solution of sodium pentachlorophenate, a salt of pentachlorophenol. The people involved, who are described in a Monsanto Chemical Company manual on pentachlorophenol as "nine undernourished, scantily clothed native workers," were not wearing protective garments—a circumstance that the Monsanto manual calls a "complete violation of safety precautions for handling Penta [a Monsanto trade name] materials." They died as a result of handling the timbers.

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A relatively small number of people
appear to be sensitive to such hexa-
chlorophene preparations when they
are applied to the skin, but the un-
doubted benefits of the preparations are
generally considered to far outweigh
this known disadvantage. Manufactur-
ers of soap claim that hexachlorophene
does not readily penetrate the
natural barrier of the human skin. How-
ever, it may be another matter when
hexachlorophene preparations are used
where the natural skin barrier has been
broken down. In 1965, at the
Shriners' Burns Institute, a hospital in
Galveston, affiliated with the Uni-
versity of Texas, that is devoted to
the treatment of severe burns, nine
children had their wounds cleansed
with a three-per-cent solution of hexa-
chlorophene in detergent in preparation
for skin grafts. Six of the children soon
developed generalized convulsions. To
determine the cause of the convulsions,
a study was subsequently made in
which hexachlorophene was sprinkled
into skin incisions in rats. All the rats
died.

More recently, Dr. Verrett has
made studies of the effects of hexa-
chlorophene on chick embryos, and her
observations concerning one of her ex-
periments have led her to conclude
that hexachlorophene is so toxic that
when it is injected into the embryos in a
concentration of half a milligram per
kilogram of egg it kills sixty per cent
of the embryos. In another study, in
which hexachlorophene was injected
into the eggs at this same concentra-
tion, Dr. Verrett found signs of terato-
genicity—including a significant inci-
dence of cleft palate, eye and beak
defects, and an incidence of leg de-
formations and edemas, or body-fluid swell-
ings—similar to the teratogenic effects
she had found in comparable chick-
embryo studies of 2,4,5-T, of the
dioxin contaminant, and of 2,4,5-tri-
chloroquinol.

Hexachlorophene has been manu-
factured for commercial purposes for about
thirty years, and last year between two
and three million pounds was produced
in this country; much larger quantities
are expected to be available in 1970,
again because of the suspension of the
use of 2,4,5-T in Vietnam. The Food
and Drug Administration places no re-

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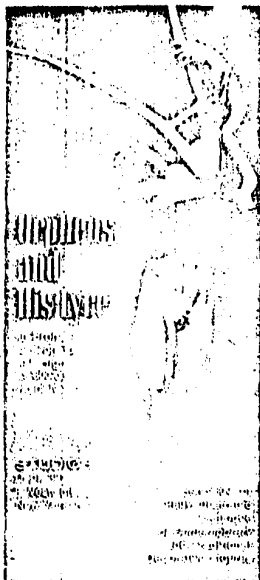
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Dr. Robert Risebrough, of the Institute of Marine Resources of the University of California at Berkeley, in the maga-

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zine *Environment*, PCBs have been found in North American peregrine falcons in amounts as great as 1,980 parts per million parts of body fat, and, in Sweden, in the fat of the white-tailed eagle in the amount of 17,000 parts per million. Traces of PCBs have been discovered in fish in Lake Michigan, and it may therefore be assumed that PCBs have found their way into the human food chain. In tests of samples of mothers' milk from Los Angeles and Berkeley that were analyzed late in 1968 by Dr. James Anderson, of Colorado College, every sample tested contained traces of PCBs.

Of the polychlorinated phenolic herbicides used in the United States, the most widely used is 2,4-dichlorophenoxyacetic acid, or 2,4-D. In 1968, approximately fifty-seven million pounds of 2,4-D was used in this country, in compounds that ranged from agricultural sprays to lawn foods and preparations for removing dandelions. As far as the Department of Agriculture is concerned, 2,4-D may be sprayed on virtually any crop or area—with minor restrictions as to intervals before harvesting, and so on. Last year, probably fifty-seven million acres of agricultural land was sprayed with it, and probably more than a million pounds of it was used on turf alone. Over the past ten years, close to half a billion pounds of 2,4-D has been laid down on vegetation in this country, and today every garden store is full of compounds containing it; about a hundred and seventy-five companies produce 2,4-D preparations, and the chemical appears in somewhere between five hundred and eight hundred products currently in use. In spite of the Department of Agriculture's almost completely permissive attitude toward the use of 2,4-D, this herbicide has never been proved to be non-hazardous to public health. Last year, 2,4-D was characterized in a report by the Biometrics Research Laboratories, in Bethesda, Maryland—the original discoverer of the teratogenic qualities of 2,4,5-T—as "potentially dangerous" and "needing further study." Recently, a screening study conducted by Dr. Verjett on the effects of purified 2,4-D on chick embryos showed the 2,4-D to have teratogenic effects. And preliminary observations in a study, also made within the F.D.A., of the effects of commercially produced 2,4-D given orally at high dosage levels to pregnant hamsters are said to show an incidence of birth abnormalities, including skeletal abnormalities, higher than that in studies of the effects of purified 2,4,5-T given to pregnant

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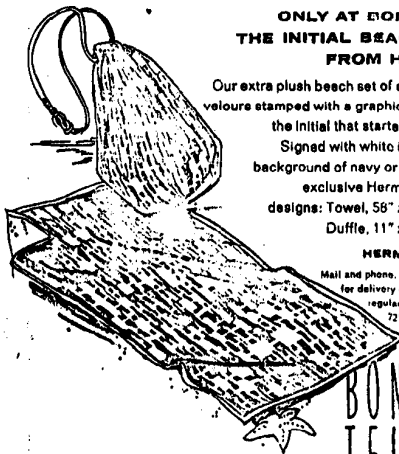
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and the apparent inability of regulatory agencies to take prompt action to protect the public against these hazards, it seems to me that a drastic change in methods is essential. The existing pattern of inertia is attributable to a complex set of circumstances that includes inadequate statutory authority to deal with potentially hazardous products on the necessary environmental scale - all the way from their creation in factories, through their movement in interstate commerce, to their use and their eventual disposal or decomposition. A second factor is the very inadequate funding by Congress of the regulatory agencies. The Food and Drug Administration, for example, is supposed properly to regulate various activities of businesses that gross some three hundred billion dollars a year on an annual departmental budget of sixty million dollars, while the Department of Agriculture, as I have pointed out, has those thirty-two retail-store inspectors to cover the whole country. These conditions account, in part, for the passive attitude that agencies often take toward the industries they are supposed to regulate. Once a product has been registered as acceptable for use in interstate commerce, it tends to acquire such status that if subsequent questions arise about its safety, the burden of proof concerning this is really placed upon the federal regulatory agency rather than on the producer of the product. Since the agency too often does not have adequate facilities, money, or manpower to offer such proof, general foot-dragging or tired surrender to industry pressure by the agency people is naturally encouraged. It seems to me grossly improper that doubts raised about the safety of complex chemical substances put out by large companies for extensive public use should be so often resolved by federal regulatory agencies in favor of the welfare of these companies rather than of the welfare of the public. It does appear to me that in the case of the present uses of 2,4,5-T, 2,4-D, and other polychlorinated phenolic herbicide or pesticide compounds, such doubts can best be resolved by simply imposing a full suspension of all uses of these chemicals until it has been shown, as clearly as science can demonstrate through the necessary chemical, biological, and environmental testing, that the employment of these substances or their contaminants or breakdown products will not be hazardous to public health.

Sincerely,
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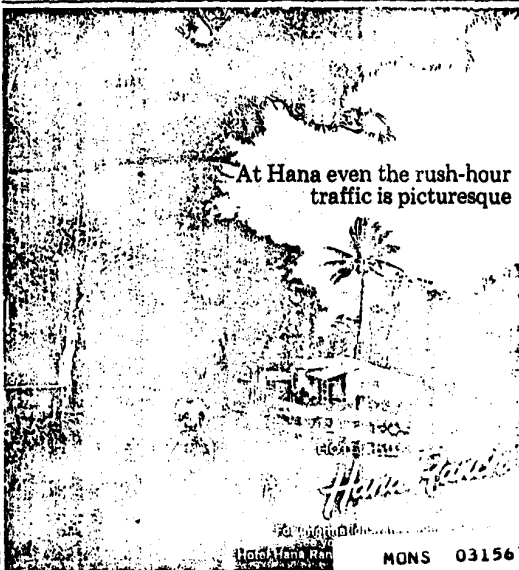
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