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EPA SHOULD TIGHTEN PCB USE AUTHORIZATION POLICY, EDF TELLS HOUSE PANEL

A Congressional directive should be issued to compel the Environmental Protection Agency to tighten up its policy for granting authorizations for the continued use of polychlorinated biphenyls, Environmental Defense Fund told a House panel Sept. 28.

Testifying at House Commerce Oversight Subcommittee hearings into a PCB food contamination incident in Idaho (TMN, Sept. 19, 1979, p. 303), EDF attorney Jackie Warren warned the panel that EPA's present "business as usual" attitude in controlling PCBs only assures that similar PCB accidents are likely to recur. The recent Idaho accident resulted in widespread PCB contamination of eggs, poultry, pork and packaged products containing eggs throughout the West and Canada.

EDF has already filed suit against the agency challenging the adequacy of EPA's ban regulations, which Warren charged provide no incentive for industry to find suitable substitutes for PCBs in the near future. She told the oversight subcommittee chaired by Rep. Bob Eckhardt (D.-Tex.) that the public has been "sold a bill of goods" in EPA's policy to permit continued use of PCBs in transformers.

If Congress really meant that PCBs are a "mad dog in the environment," an expression in vogue on Capitol Hill when TSCA was passed, then there is no way that Congress can now accept EPA's "ban" rules which allow 99.3% of the remaining PCBs to continue in use and "anticipate 40 more years of unrestricted use of PCB transformers and other PCB equipment," Warren said. She urged the subcommittee to call on EPA to "explain themselves" and said that the special directive is needed to show the agency that Congress intended PCBs to be eliminated, not controlled.

Eckhardt Sees Room for More EPA Containment of PCB

Eckhardt agreed that there may be some room for improvement in EPA's handling of the PCB ban. He suggested that EPA was not using all of its powers under TSCA to deal with PCBs, noting that it "seems to me that more containment" should be considered. He suggested that EPA use other sections of TSCA to phase out PCBs, not just the specific section.

Eckhardt said he would summon EPA to check on the agency's development and handling of PCBs. In addition, the Congressman made note of other recommendations for Federal agencies and Congress to improve the government's response to future chemical contamination problems.

An indemnity fund, to help businesses re-enter the market quickly when they are the victims of such accidents, was urged by Idaho Gov. John Evans and other witnesses at the hearings. Such a fund could make money available to a company while insurance litigation is pending in court, Evans said. Public education programs and elimination of PCB use in food processing plants were other recommendations.

Foreman Admits "Unacceptable Delays" in PCB Reaction

Food and Drug Administration's and Agriculture Department's handling of the PCB incident in Idaho was subject of repeated, sharp attacks during the hearing. Witnesses criticized a nearly six-week delay between the time USDA samples found PCB in chickens in July, and the start of FDA action in mid-August.

USDA Assistant Secretary Carol Foreman admitted that there had been some "unacceptable delays" due to poor administrative procedures and that "we should have had greater sensitivity to the potential gravity of this type of contamination."

However, Foreman said that even if all procedures had worked smoothly, there would still have been a three- to four-week delay between sampling and final FDA action. Foreman noted that the food sampling program is designed to identify trends on an annual basis and is not capable, due to legislative restrictions, of preventing PCB contamination.