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Hudson Shad Fishing To Continue in Spring

By RICHARD SEVERO

New York State's Conservation Commissioner, Peter A.A. Berle, said yesterday that in all likelihood commercial shad fishing would continue to be permitted in the Hudson River next spring.

The river will remain closed, however, to most other types of commercial fishing because of the problem of contamination of the fish by the toxic group of chemicals known as PCB's, or polychlorinated biphenyls.

Mr. Berle emphasized that the state would continue to study the levels of the chemical in shad. He noted that the levels were near the limit for safe eating that had been set by the Federal Government, and that if they exceeded the limit it would mean shad fishing would be halted.

His decision to permit shad fishing next spring provoked concern and questions among environmentalists, some of whom fear that the Carey administration may be succumbing to pressure from industry to minimize the dangers of PCB's, which have caused cancer in laboratory animals. Mr. Berle denied this.

Results of Tests Cited

Mr. Berle said his decision was based on tests conducted by the Department of Environmental Conservation on 163 shad taken from the Hudson River between April 4 and May 31. The tests indicated a range of PCB levels of from 0.58 part per million to 9.86 parts per million, with the average in all fish computed at 3.80 parts per million.

PCB levels tended to be higher in fish in the middle and upper reaches of the Hudson (generally from Poughkeepsie northward) and levels rose in fish taken later in the season. This suggested that shad, which live in the sea and come to the river to spawn, became increasingly contaminated the longer the time they spent in the Hudson.

According to the United States Food and Drug Administration, fish are safe to eat, at least on an occasional basis, if they contain no more than 5 parts per million of PCB's. In Canada, however, the limit was lowered last fall to 2 parts per million, and Dr. Albert C. Kolbye of the Food and Drug Administration has said that this country is also considering lowering the level.

Action Is Criticized

The Hudson River was closed to most types of commercial fishing last February by the then Commissioner, Ogden R. Reid, shortly after the General Electric Company was found guilty in an administrative hearing of violating state water-quality standards by discharging large amounts of PCB's into the river over a period of many years from two capacitor plants. The plants are at Fort Edward and Hudson Falls, north of Albany. Mr. Reid exempted shad and sturgeon from the ban, pending tests on spring runs.

The General Electric case was conducted in two phases. The second phase was to determine how much, if anything, the company should pay in reparations because of damage it had caused to the river. The recommendations of the hearing examiner, Prof. Abraham Sofaer of the Columbia Law School, are expected to be made public some time this summer. The final decision as to what General Electric might have to pay remains with Commissioner Berle.

The state still does not have much information on sturgeon, and the future of that fishery remains in question.

Yesterday's action brought sharp reaction from environmentalists familiar with the Hudson's contamination problem.

Sarah Chasis of the Natural Resources Defense Council, which represented public-interest groups in the proceeding against General Electric, said:

"I cannot agree in conscience with that kind of decision. I don't think it adequately protects the public."

Data Lacking on Sturgeon

Her sentiments were echoed by Robert H. Boyle, who is on the board of directors of the Hudson River Fishermen's Association. He said, "We are curious to know if the state is going to draw a line across the river at Poughkeepsie and say, 'No fishing north of this point for shad.'"

Mr. Boyle, who was unsuccessful in trying to bring the PCB problem to the attention of the State Department of Environmental Conservation in 1971, also said he was dismayed by the lack of definitive data on sturgeon.

David Seymour, president of the Fishermen's Association said:

"My gut reaction is that we are about to see the D.E.C. take a swan dive in front of General Electric. I would be delighted to be wrong."

Mr. Berle, who assumed his post last May, said that he could not order a fishery closed without certification from the State Health Department, and that such certification could not be expected because the state relies on the Federal standard of 5 parts per million.

He acknowledged that there were respected scientists who think a more modest limit on the permissible level of PCB's should be set and added, "If the Federal Government would come down with a more conservative standard that is clear to all of us, it would make matters a lot easier."

Mr. Berle also said that he personally would eat shad from the Hudson, even though levels are close to current Federal safe limits.

Dr. Gilman Veith, a research chemist in the Federal Government's Environmental Research Laboratory in Duluth, Minn., who was one of the state's expert witnesses in the administrative proceeding against General Electric, said that, speaking as an individual, he would not eat Hudson River shad.

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