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Toxic Substances Face New Curbs Under House Bill

U.S. Could Require Firms to Test New Chemicals for Hazards; PCB Ban Voted

By WALL STREET JOURNAL Staff Reporter
WASHINGTON -- Reacting to increased concern over chemical hazards, the House yesterday passed legislation giving the government new powers to control toxic substances.

The bill, passed on a vote of 319 to 45, would require makers of any new chemical substance to notify the government 90 days before starting commercial production and would give federal officials new authority to require makers to test potentially hazardous chemicals for their effects on public health and the environment.

Before passing the bill, the House approved on a voice vote an amendment that would outlaw the production of polychlorinated biphenyls, or PCBs, within two years. PCBs, which are chemicals used to transfer heat in electrical equipment, have been found to be highly toxic and an apparent cause of skin and liver ailments and other serious illnesses. Just last week, Mobil Corp. reported what could be the first PCB link to cancer in humans.

The Senate passed a similar measure on toxic substances last March. The next step is for the two bills to be reconciled in a House-Senate conference committee. Twice before, in 1972 and 1974, both houses passed toxic-substances control bills, but the measures died when conference committees were unable to work out compromises before adjournment. This year's legislation faces a similar hazard, plus the threat of a possible presidential veto.

Health and environmental scares involving such substances as asbestos, vinyl chloride and PCBs have given the legislation new impetus. Sponsors of the bill even mentioned the mysterious Philadelphia "Legion disease," whose cause hasn't yet been found, in arguing that the government needs new powers to control toxic substances.

Current law doesn't authorize the government to require the testing of a chemical's effect on health and environment before marketing. Supporters said the bill is aimed at closing this and other "conspicuous gaps" in the law, to protect people and the environment from dangerous chemicals. The measure exempts food, drugs, cosmetics, pesticides and other substances already subject to federal regulation under other laws.

Major provisions of the legislation would:

- Require manufacturers to give the Environmental Protection Agency 90 days advance notice of commercial production of any new chemical, or an old chemical being put to a "significant new use."

- Authorize the Environmental Protection Agency to delay or restrict the production of a new chemical if its health and environmental impact is unknown and if there is reason to believe it may be hazardous.

- Require chemical companies to test substances for possible health or environmental hazards when the EPA determines that such testing is necessary.

- Permit the agency to prohibit or restrict the production of chemicals found to be hazardous or to issue regulations governing their labeling, use or disposal.

The amendment to ban manufacture of PCBs within two years was offered by Reps. Gilbert Gude (R, Md.) and John Dingell (D, Mich.). Mr. Dingell said PCBs are "bad, hazardous, dangerous" chemicals that accumulate in the food chain leading to human consumption.

The Dingell-Gude amendment would order the EPA to prescribe methods for the disposal of PCBs within six months and would ban the use of PCBs within one year, except in approved enclosures or containers. A total ban on production would be effective two years after the bill becomes law. The Senate toxic substances bill also included a floor amendment that ultimately would ban most use of PCBs.

Last April, the EPA issued a recommendation for the best way to dispose of PCBs, involving a complex burning process.

Another amendment, approved 210 to 157, provides that either house of Congress may veto within 90 days any EPA rule promulgated under the bill. Backers of the bill argued against this amendment, saying it might provide President Ford with a reason to veto the legislation. The President has objected to such a one-house veto provision in previous bills on the ground that it may be unconstitutional.

Some House Republicans asserted that the bill would be ruinous for small chemical concerns and would increase bureaucratic regulation of business. They warned that the congressional veto provision would make the legislation objectionable to the President.