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FDA REGULATION OF PCB'S CALLED "OUTDATED" BY USDI

Food and Drug Administration regulation of polychlorinated biphenyls was termed "outdated" by Assistant Secretary of Interior for Wildlife and Parks Nathaniel P. Reed during a hearing last week of the House Merchant Marine subcommittee on Fisheries and Wildlife Conservation and the Environment.

At the same time, Reed warned that if the permissible level for PCBs were lowered, the Great Lakes commercial fishery industry would be dead (See FOOD CHEMICAL NEWS, Dec. 29, Page 22).

The subcommittee held three days of oversight hearings to examine the impact of PCBs and similar toxic substances on fisheries and wildlife.

Reed called for a national law on all domestic and imported PCBs. He said, "The domestic water supplies for many millions of people are drawn from the Great Lakes and other waterways -- the same lakes and waterways whose fish populations are so contaminated with PCBs and other chemical toxicants that they are unfit for human consumption even under the present outdated FDA regulations."

Saying that the health of fish and wildlife acts as the pulse indicator for human health, he reminded the Congressmen that the ban on DDT came long after it should have been imposed to protect human health.

Addressing his remarks to FDA's tolerance level of 5.0 p.p.m., Reed explained that all efforts to stock the Great Lakes will be for naught if the fish cannot be consumed, and "we now face this stark possibility." He said that "a significant portion" of these fish now contain PCB residues in excess of the 5.0 p.p.m. permissible level. Warnings have been issued about consumption of carp, chub, smelt, and alewife from Lake Michigan.

Reed said, "PCBs present a major problem in the future maintenance and growth of commercial fisheries."

"If the FDA lowers the current permissible level," Reed warned, "virtually all species would be unmarketable and the Great Lakes commercial fishery would be dead." He explained that the current permissible level has already ended any serious consideration of commercially utilizing the salmon populations in the near future.

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He called for FDA to retain the present tolerance pending further research, with any reduction in tolerance selective, based on the role of the specific food in the diet.

Weddig supported modification of the Food, Drug and Cosmetic Act to take care of the confusion that results when toxic substances are considered unauthorized food additives. All such substances that are present in the waters should be considered as "unavoidable microconstituents" rather than as food additives or unregistered pesticides he said.

EPA's Train stressed the importance of dealing with the overall problem -- rather than PCBs alone -- through a Toxic Substances Act. He said that EPA probably should have moved more aggressively to attack PCB discharges into the aquatic environment during the past several years. While there is no question about the need to ban PCBs, Train said, he questioned whether this would be a good decision now.

In an opening statement, Rep. Rippe (R-Mich.), ranking minority member of the Merchant Marine Committee, expressed concern about the time it has taken federal agencies to deal with PCBs. According to Rippe, "there is no more serious threat to our fishery resources and thereby our citizens than that emanating from PCBs."

"On the Great Lakes," he added, "the PCB problem is potentially the most devastating blow to sports and commercial fishing since the introduction of the lamprey eel." He called PCBs "a serious definite health threat to extremely large numbers of our citizens."

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SAYER URGES SCIENTISTS TO SET CRITERIA FOR ACCEPTABILITY OF FOOD SAFETY STUDIES

Noting that the "overriding concern today is with food safety," the Assistant General Counsel for General Foods has urged that scientists establish some generally accepted criteria for studies designed to determine the safety of foods or food products.

GF attorney Murray Sayer noted that the science of food safety is complicated by the fact that "it is impossible to prove that a food or substance is safe." Safety can only be established by the negative or the absence of positive findings, Sayer told a Jan. 29 session of the New York State Bar Association's Food, Drug, and Cosmetic Law Section.

Reed urged an immediate review of the use of PCBs in transformers and capacitors in light of current potential and replacement products. Representatives of industry -- Monsanto and Aerovox -- as well as Environmental Protection Agency Administrator Russell Train, however, expressed doubt that this replacement was presently practical.

USDI, NFI Warn That Lower Tolerance Will Jeopardize Commercial Fishing

Lee Weddig, Executive Director of National Fisheries Institute, expressed concern about the severe effects to the commercial industry if FDA lowers its present tolerance for fish. He said it would eliminate the remaining activity in Lake Michigan, severely hamper other Great Lakes' production and, depending on the exact level and details of a new tolerance, exert "a negative impact on some of our coastal resources as well."

He called for FDA to retain the present tolerance pending further research, with any reduction in tolerance 'selective', based on the role of the specific food in the diet.

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