EDF ASKS LOWER PCB ACTION LEVELS AS FISHING GROUPS DEFEND PRESENT LIMITS

Continued pleas to the Food and Drug Administration not to lower the action levels for polychlorinated biphenyls in fish from 5 to 2 p.p.m. (See FOOD CHEMICAL NEWS, June 20, Page 70) were countered in comments to FDA demanding a lowering to 1 p.p.m.

Meanwhile, EPA on June 7 announced it has established a Work Group to handle the phased ban on use of PCBs, scheduling public meetings on the subject for July 15 in Washington and July 19 in Chicago.

The demand for lowering to 1 p.p.m. was from the Environmental Defense Fund, which took issue with FDA's contention that the monkey may be unusually sensitive to the toxic effects of PCBs and said:

> "The FDA ... has always evaluated human toxicological risk by applying an appropriate safety factor (usually 1/100) to the observed no-effect level in the most sensitive animal species for which toxicological data are available. Failure to take the same approach here is an unjustifiable avoidance of proper regulatory action."

Citing testimony in an Environmental Protection Agency hearing on PCBs, EDF countered FDA's contention that data suggest the probability that liver damage may be required before the onset of carcinogenesis. "The pathological effects observed in the laboratory animals fed PCBs," EDF said, "reflected the types of changes classically associated with tumor induction."

As to economic effects cited by FDA and argued by the letters from fishery groups, EDF said, "Clearly, if the vast majority of the commercial fish (97%) consumed in the country contain considerably less than 1 p.p.m. PCBs, setting a tolerance of 1 p.p.m. instead of 2 p.p.m. cannot produce the economic impact described."

A professor of marine resources at the State University of New York, saying he is concerned about New York striped bass, urged "adequate sampling of the edible portions from each commercial fishing area before any adverse action is taken."

The Sport Fishing Institute noted that recreational fishing generates annual expenditures of about $160 million in the Great Lakes area and continued:

> "If you add the $49 million of probable loss to commercial fisheries that would result from the proposed action, a $208 million segment of our gross national product would be directly periled. And that is only for the Great Lakes."

The Institute averred that FDA had not demonstrated an imminent health hazard and said the agency "should provide the public with guidelines for both the frequency of consumption of various species of fish and for the most propitious methods of dressing and cooking the fish while intensifying medical research on the dangers of PCBs."

The Midwest Federated Fisheries Council asked further study on the possible long range effects on humans and continued:

> "Further, if or when such studies show the necessity for lowering the tolerance level, the fishing industry should be advised far enough in advance of the effective date of the order so that operations can be adjusted and the fish placed in cold storage under the present guideline can be moved into normal channels of trade and not be subject to confiscation."

The Illinois Department of Conservation cited probable economic damage in the State and said a hearing "could have perhaps provided a better understanding of the rationale for the proposal."

The Great Lakes Steelhead & Salmon Association asked reaffirmation of the 5 p.p.m. level. The Long Island Fisherman's Association said a lowering would mean disaster to fishermen and related industries there. Save Our Stripers, Inc., Massapequa Park, N.Y., said:

> "Instead of directing their attacks against the FDA, whose responsibility it is to protect the public from toxic and dangerous substances ... the commercial fishing group and their representatives should be criticizing the polluters and the State agencies that knowingly permitted the Hudson River to become a waste receptacle for toxic PCB."

The Wisconsin Department of Agriculture said that if FDA does decide to lower the action level, then the agency must "assume a major responsibility" in the enforcement of the new level. Many States may be reluctant to enforce the new level, Wisconsin warned.

The Suffolk County, N.Y., legislature sought time to conduct more comprehensive tests before any "ban or impoundment of fish entering interstate commerce is imposed by the FDA."

The New York chapter of the American Fisheries Society said that if the 2 p.p.m. level is adopted, FDA should "provide guidance to State health and natural resources agencies as to use or implementation of the 2 p.p.m. temporary tolerance for recreational fisheries." The chapter opposed the action, as did the East Hampton Town Baymen's Association of Amagansett, N.Y.

The Great Lakes Fishery Commission Chairman, L.P. Voigt, said FDA has not taken into account "the full economic consequences of the proposed action." Commission Executive Secretary Carlos Fetterolf, Jr., noted that a 1973 resolution passed by Congress directed FDA to initiate immediate action to determine and publish the nature and extent of the problem by identifying species and specific areas and compiling other information. The group reminded that the resolution also stated: "It is the policy of the Congress that our fishing industry be afforded all support necessary to have it strengthened..."