

Monzano

FROM (NAME & LOCATION) C. Paton - General Offices

DATE March 5, 1969

SUBJECT DDT ON TRIAL

REFERENCE

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Aroclor

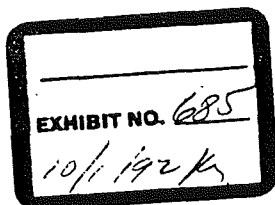
I am sure the attached article in the Wall Street Journal of March 4 on the DDT "trial" in Wisconsin has not escaped your notice. It emphasizes several things.

1. Dr. Risebrough seems to figure prominently in the proceedings. It could bode ill for Aroclors if the quotation attributed to him is true. "No responsible person could now get up here and say that this constant nibbling away at our steroids is without any physiological effect. It would be irresponsible." Not only does he appear to be setting the stage that anyone disagreeing with him is irresponsible, he seems to be equating any effect with a bad effect. This attitude has unpleasant implications.
2. The fact that the DDT "task force" (Diamond/Allied/Olin/Lebanon/Montrose/Geigy) "did not retain an attorney to represent it at the hearings until less than a week before they opened, and apparently had almost no idea of what it would face" is a sobering thought. Have we taken steps to obtain the transcript of the proceedings as discussed at our meeting in January. Should we alert our legal people to the possibility of Aroclor "hearings" in the future so that we are fully prepared.
3. I note that several of the witnesses for the prosecution have also been asking for Aroclor samples. In the worst light, this could mean future trouble for us.

Cumming Paton

CP:dbw

TRAN 086293



Periled Pesticide

Wisconsin Hearing on Bid to Ban DDT Could Affect Future of All Such Products

By RICHARD D. JAMES

Staff Reporter of The Wall Street Journal
MADISON, Wis.—The agricultural chemical industry is under attack—again.

Ever since 1962 it has led a somewhat harried existence. That was the year the late Rachel Carson's best seller, "Silent Spring," appeared, alleging widespread, indiscriminate use of pesticides produced by the industry. Now, as before, the issue is pesticides, this time specifically 1,1,1-trichloro-2,2-bis (p-chlorophenyl) ethane—better known as DDT.

The battle is being waged on several fronts. Last summer, Illinois, Wisconsin, Michigan and Indiana signed an agreement calling for stricter controls on all pesticides, DDT included, that are polluting Lake Michigan. The Illinois legislature is considering a bill banning the use of DDT. In Pennsylvania, a state senate committee recommended a ban on its use in fields and forests. And Sen. Nelson (D., Wis.) says he plans again to seek legislation outlawing the insecticide nationally. "I think it's been clear for a long time to those scientists who are knowledgeable that DDT is having a devastating environmental effect," he says.

A Hearing in Wisconsin

The sharpest fight of the campaign, however, is shaping up here, and its outcome could have an important bearing on the future of DDT and pesticides generally. Focal point of the confrontation is a hearing being conducted by the Wisconsin Department of Natural Resources on a petition to ban the use of the chemical in the state. The agency has jurisdiction over keeping the state's water resources free of pollution, and under state law it can, upon petition by interested parties, restrict or ban the use of any substance it finds to be fouling the water.

In November the department was petitioned by a group of Wisconsin conservationists called the Citizens Natural Resources Association. They were joined by the Wisconsin division of the Izaak Walton League. The two groups allege DDT is getting into the water from a variety of sources and is harming wildlife.

Hearings began in December and continued for 13 days, with about a dozen scientists appearing in support of a ban. Then the proceedings were recessed to allow the chemical companies time to prepare a defense. They are expected to begin presenting their case in a few weeks.

The case is of more than passing interest. Since "Silent Spring" appeared, research has turned up new evidence suggesting DDT may harm wildlife, and possibly humans too, in previously unsuspected ways. The hearings mark the first time many of the findings have been used as ammunition against pesticide makers. If Wisconsin finds the evidence sufficiently persuasive to ban or severely limit the use of DDT, conservationists and other DDT opponents are expected to carry their fight against the industry into other states.

Moreover, if the campaign against DDT proves successful, the industry expects attacks against similar insecticides. Finally, the issue here seems certain to appeal to the courts, raising the prospect of a precedent-setting legal decision.

Could Affect Larger Market

The industry attempts to play down its financial interest in the case. It says the DDT used in Wisconsin in 1967 amounted to sales of only \$17,800. Even nationally, DDT volume isn't huge. In 1967, the largest period for which figures are available, sales totaled \$18.7 million. However, the larger market that the industry believes would be threatened if the DDT issue goes against it totals about \$200 million annually—more than 35% of manufacturers' total pesticide sales.

To bolster their attack, the Wisconsin conservationists enlisted the help of the Environmental Defense Fund, a small Long Island, N.Y.-based group comprised mainly of scientists

that has waged a steady battle against DDT and similar insecticides, chiefly in the courts, ever since it was formed in October 1961.

It has met only limited success in the courts, but its lawsuits against state and local agencies haven't been totally ineffectual. Among other things, the pressure the suits have generated is credited with prompting more than 50 cities in Michigan to stop using DDT against the Dutch elm disease.

The industry is fighting back through a DDT task force, organized several years ago under the aegis of the National Agricultural Chemicals Association to contain the brush fires ignited by DDT's opponents. Most of its members are the companies that make DDT: Diamond Shamrock Corp., Allied Chemical Corp., Olin Mathieson Chemical Corp., Lebon Chemical Corp., a privately held company; and Montrose Chemical Corp. of California, the largest maker. Montrose is owned jointly by Chris-Craft Industries Inc. and Stauffer Chemical Co. A sixth member, Geigy Chemical Corp., Ardley, N.Y., doesn't make DDT.

Caught Off Balance

Thus, the industry is well organized to defend itself, but the Wisconsin attack seemingly caught it off balance. The task force didn't retain an attorney to represent it at the hearings until less than a week before they opened, and it apparently had almost no idea of what it would face in Madison. "Frankly, nobody knew what kind of hearing this was," says Louis A. McLean, the attorney finally picked by the task force. "We thought it would be something like a legislative hearing, where people get up and make statements of position." Mr. McLean is a long-time industry spokesman, who until he retired in July 1967 was secretary and general counsel for Velocet Chemical Co., pesticide maker and Northwest Industries Inc. subsidiary.

In the past, pesticide manufacturers sometimes have tried to dismiss their critics as food faddists and neurotics. For example, in 1967 Mr. McLean wrote: "... the antipesticide people in almost every instance hold numerous beliefs in nutritional quackery and medical quackery, and they oppose public health programs."

The characterization rankled many of the scientists involved here, leading some to suggest that the industry this time has underestimated its opposition. Indeed, the Environmental Defense Fund and its attorney, Victor J. Yannascone Jr., have spearheaded the case against DDT with expert testimony from reputable scientists brought in from all over the country.

Included are fishery and wildlife biologists, botanists, an organic chemist, a pharmacologist and an entomologist. Through its scientists advisory committee, headed by Charles F. Wursler Jr., a biology professor at the State University of New York at Stony Brook, the EDF has built up since its inception a pool of about 100 scientists to furnish opinions or testimony. Not all EDF witnesses are members.

The EDF contends a complete ban on DDT is unwieldy because even small amounts of the pesticide applied in the most rigidly controlled manner will still pollute the water and atmosphere. Mr. Wursler testified DDT is easily picked up from the soil and carried throughout the world on wind-born dust and water particles. Other witnesses testified DDT has been found in nearly every part of the world, including dust collected over the Indian and Atlantic oceans. It even has been detected in the penguins of Antarctica, they assert.

The widespread contamination is harming wildlife, not necessarily by killing it outright, but by producing subtle metabolic changes, unsuspected until recently, that are gradually eliminating various species, the scientists say. Kenneth Macek, a biologist for the U.S. Department of Interior's fish pesticide laboratory at Columbia, Mo., reported his research shows that feeding low, sublethal doses of DDT to brook trout causes a higher mortality among their offspring and makes the trout more susceptible to environmental stresses.

harmful use. Besides, industry spokesmen say, DDT is safe. It must be approved by the Federal Government, they assert, and the Governmental agencies involved—the departments of Agriculture and Interior and the Food and Drug Administration—wouldn't approve any agent harmful to humans or wildlife.

The industry backs up its contentions on safety by citing a study of Montrose Chemical employees at a DDT plant. The study reports the employees are exposed to much higher levels of DDT than is the general public, yet they don't show any signs of harmful effects.

Possible Effect on Humans

So far, the issue of DDT's effects on humans hasn't been raised directly in the hearings. It was touched on briefly, though, by two witnesses. Richard Welch, a pharmacologist with Burroughs Wellcome & Co., a drug manufacturer, said the sex hormones affected in rats by the DDT-activated enzymes are the same ones found in man. He also explained that the amount of DDT needed to produce the effect "is within a range of DDT found in human fat. . . . thus, if one can extrapolate data from animals to man, then one would say that the change in these enzymes probably does occur in man."

And Robert Risenbrough, a biologist with the University of California's Marine Resources Institute, touched on the subject briefly in his testimony. "Our general point is that (the Food and Drug Administration) hasn't taken any consideration of the enzyme-inducing capacity of these substances (DDT and similar pesticides). This is a decision which the FDA will have to make sometime in the near future. Will it permit an increase in the activity of these enzymes in our liver? No responsible person could now get up here and say that this constant nibbling away at our steroids (the sex hormones) is without any physiological effect. It would be irresponsible."

Finally, the industry can be expected to hit hard on DDT's public health uses and benefits. "Too many people forget we need DDT for control of mosquitoes that carry encephalitis, and the world needs it to control malaria," says Mr. McLean.

Adds Samuel Retrosen, chairman of the

TRAN 086294

Drop in Bird Population

University of Wisconsin wildlife ecologist Joseph Hickey testified that since 1950 there has been a plunge in populations of birds of prey such as the eagle, osprey and peregrine falcon. At first, scientists didn't know why, he explained. Then in 1967 research showed the birds were laying thinner-shelled eggs that were breaking and failing to hatch. Because the change in eggshell thickness occurred after 1947, the start of widespread DDT use, the scientists theorized that DDT somehow was upsetting the birds' calcium metabolism, which is involved in eggshell formation.

Messrs. Hickey, Wurster and others believe the theory now is well documented. During the hearings they explained how researchers quite by accident found that DDT, even in small amounts, activates certain liver enzymes in rats, rabbits and some birds. Enzymes generally control the body's chemical functions; those involved in this instance affect estrogen, a female sex hormone that plays a role in calcium metabolism. In this subtle way, they argue, DDT exacts its toll.

Additional support came from Lucille Stichel at the Interior Department's Patuxent wildlife research center in Maryland. She told how she fed small amounts of DDT and DDE, a breakdown product of DDT, to mallard ducks. The results were thinner eggshells and increased breakage, she said.

Although the industry hasn't yet presented its side of the story, talks with Mr. McLean and others give some indication as to what lines it will follow. Mr. McLean questions the accuracy of the research studies and the qualifications of the scientists who conducted them.

He contends, for instance, that Mr. Wurster is an organic chemist, "but he was talking about things entirely unrelated to the field of chemistry. If a man wants his opinions respected, he should be qualified in the specialty in which he's speaking, and a scientist who's speaking outside his area of expertise is really no better qualified to foist an opinion than any person on the street."

Mr. McLean indicates the industry will call toxicologists and medical experts in its defense. "I think it's particularly interesting that although the EDF is basically talking about matters of health, it didn't bring one medical witness to the stand. And frankly I didn't expect them to, because I don't know of any medical toxicologist who's informed about pesticides who shares their fears."

The EDF argues that there are substitutes for DDT that are as effective but much safer because they are shorter-lived and therefore their harmful effects don't persist in the atmosphere.

The industry disagrees. It contends other pesticides aren't as effective and because they are shorter-lived they must be applied more often, increasing the chances for improper and

DDT task force and general manager of Monsanto Chemical. "I don't say these people (EDF witnesses) aren't true scientists, but their interest appears to be 'let's worry about birds more than people.' I think we'll have qualified scientists who will put the picture in perspective."

There's no way, of course, to tell yet how the Wisconsin Natural Resources Board will rule. But it may have given some indication of its attitude on the DDT question last year in one of its technical bulletins. "The use of any persistent pesticide (which includes DDT) remains a calculated risk. Science has already shown chlorinated hydrocarbon pesticides (the family to which DDT belongs) to interfere with fish reproduction, behavior, and hereditary factors. Further, these residues may be harming a variety of animal life in many subtle ways, which will only become apparent through intensive research. To continue to use DDT . . . in the face of the present level of contamination would seem to be an invitation to disaster."

TRAN 086295