

(e) **POLYCHLORINATED BIPHENYLS.**—(1) Within six months after the effective date of this Act the Administrator shall promulgate rules to—

(A) prescribe methods for the disposal of polychlorinated biphenyls, and

(B) require polychlorinated biphenyls to be marked with clear and adequate warnings, and instructions with respect to their processing, distribution in commerce, use, or disposal or with respect to any combination of such activities.

Requirements prescribed by rules under this paragraph shall be consistent with the requirements of paragraphs (2) and (3).

(2) (A) Except as provided under subparagraph (B), effective one year after the effective date of this Act no person may manufacture, process, or distribute in commerce or use any polychlorinated biphenyl in any manner other than in a totally enclosed manner.

(B) The Administrator may by rule authorize the manufacture, processing, distribution in commerce or use (or any combination of such activities) of any polychlorinated biphenyl in a manner other than in a totally enclosed manner if the Administrator finds that such manufacture, processing, distribution in commerce, or use (or combination of such activities) will not present an unreasonable risk of injury to health or the environment.

(C) For the purposes of this paragraph, the term “totally enclosed manner” means any manner which will ensure that any exposure of human beings or the environment to a polychlorinated biphenyl will be insignificant as determined by the Administrator by rule.

(3) (A) Except as provided in subparagraphs (B) and (C)—

(i) no person may manufacture any polychlorinated biphenyl after two years after the effective date of this Act, and

(ii) no person may process or distribute in commerce any polychlorinated biphenyl after two and one-half years after such date.

(B) Any person may petition the Administrator for an exemption from the requirements of subparagraph (A), and the Administrator may grant by rule such an exemption if the Administrator finds that—

(i) an unreasonable risk of injury to health or environment would not result, and

(ii) good faith efforts have been made to develop a chemical substance which does not present an unreasonable risk of injury to health or the environment and which may be substituted for such polychlorinated biphenyl.

An exemption granted under this subparagraph shall be subject to such terms and conditions as the Administrator may prescribe and shall be in effect for such period (but not more than one year from the date it is granted) as the Administrator may prescribe.

(C) Subparagraph (A) shall not apply to the distribution in commerce of any polychlorinated biphenyl if such polychlorinated biphenyl was sold for purposes other than resale before two and one half years after the date of enactment of this Act.

(4) Any rule under paragraph (1), (2) (B), or (3) (B) shall be promulgated in accordance with paragraphs (2), (3), and (4) of subsection (c).

(5) This subsection does not limit the authority of the Administrator, under any other provision of this Act or any other Federal law, to take action respecting any polychlorinated biphenyl.

Rules.

“Totally enclosed manner.”

Petition for exemption.

Terms and conditions.

DSW 310517

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a proceeding, the Administrator shall take into account the number and complexity of such issues and the extent to which representation of such interest will contribute to widespread public participation in the proceeding and representation of a fair balance of interests for the resolution of such issues.

(B) In determining whether compensation should be provided to a person under subparagraph (A) and the amount of such compensation, the Administrator shall take into account the financial burden which will be incurred by such person in participating in the rule-making proceeding. The Administrator shall take such action as may be necessary to ensure that the aggregate amount of compensation paid under this paragraph in any fiscal year to all persons who, in rulemaking proceedings in which they receive compensation, are persons who either—

- (i) would be regulated by the proposed rule, or
- (ii) represent persons who would be so regulated,

may not exceed 25 per centum of the aggregate amount paid as compensation under this paragraph to all persons in such fiscal year.

(5) Paragraph (1), (2), (3), and (4) of this subsection apply to the promulgation of a rule repealing, or making a substantive amendment to, a rule promulgated under subsection (a).

(d) EFFECTIVE DATE.—(1) The Administrator shall specify in any rule under subsection (a) the date on which it shall take effect, which date shall be as soon as feasible.

Publication in
Federal Register.

(2) (A) The Administrator may declare a proposed rule under subsection (a) to be effective upon its publication in the Federal Register and until the effective date of final action taken, in accordance with subparagraph (B), respecting such rule if—

- (i) the Administrator determines that—

(I) the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance or mixture subject to such proposed rule or any combination of such activities is likely to result in an unreasonable risk of serious or widespread injury to health or the environment before such effective date; and

(II) making such proposed rule so effective is necessary to protect the public interest; and

(ii) in the case of a proposed rule to prohibit the manufacture, processing, or distribution of a chemical substance or mixture because of the risk determined under clause (i) (I), a court has in an action under section 7 granted relief with respect to such risk associated with such substance or mixture.

Such a proposed rule which is made so effective shall not, for purposes of judicial review, be considered final agency action.

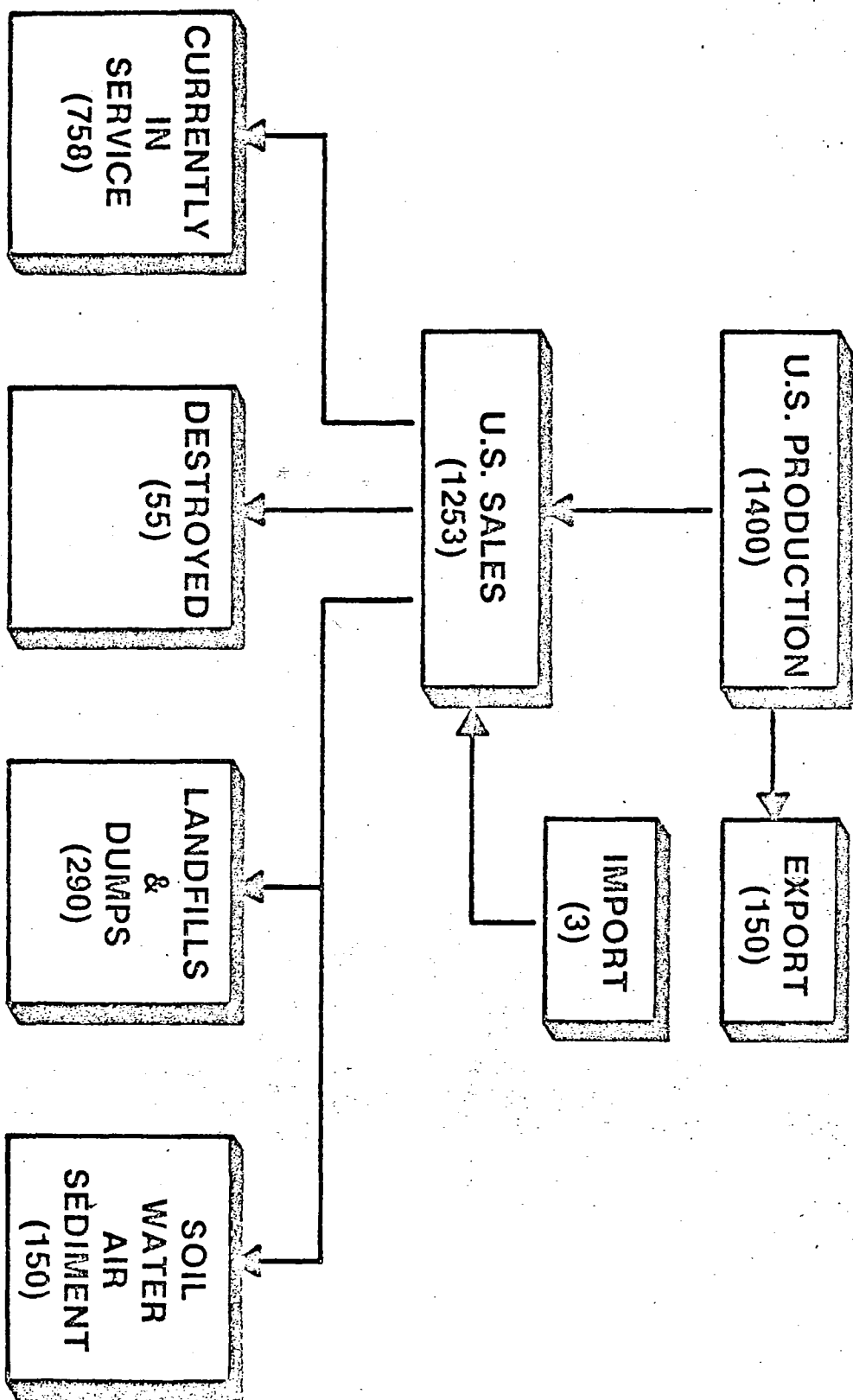
Notice.

(B) If the Administrator makes a proposed rule effective upon its publication in the Federal Register, the Administrator shall, as expeditiously as possible, give interested persons prompt notice of such action, provide reasonable opportunity, in accordance with paragraphs (2) and (3) of subsection (c), for a hearing on such rule, and either promulgate such rule (as proposed or with modifications) or revoke it; and if such a hearing is requested, the Administrator shall commence the hearing within five days from the date such request is made unless the Administrator and the person making the request agree upon a later date for the hearing to begin, and after the hearing is concluded the Administrator shall, within ten days of the conclusion of the hearing, either promulgate such rule (as proposed or with modifications) or revoke it.

DSW 310518

PCB PRODUCTION

1930 — 1975
(MILLIONS OF POUNDS)



DSW 310519

USES OF PCB

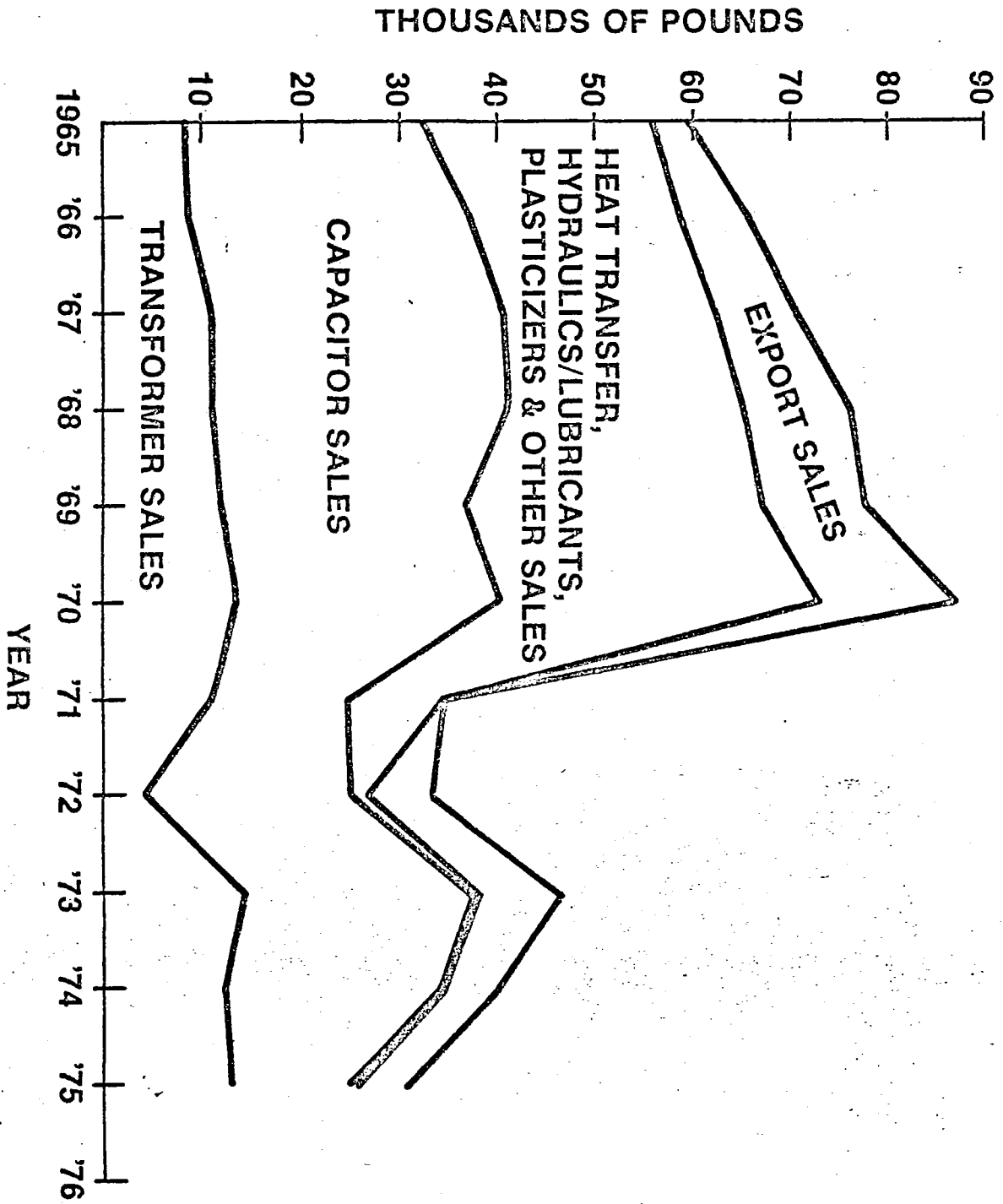
CURRENT

- **ELECTRICAL TRANSFORMER (LARGE)**
- **ELECTRICAL CAPACITOR (LARGE & SMALL)**
- **RECYCLED PAPER (CONTAMINANT)**
- **INVESTMENT CASTING (IMPORT)**

DISCONTINUED

- **HEAT TRANSFER FLUID**
- **HYDRAULIC FLUID**
- **LUBRICANT & CUTTING OIL**
- **PLASTICIZER**
- **ADHESIVE**
- **WAX EXTENDER**
- **PESTICIDE EXTENDER**
- **INK**
- **SEALANT & CAULKING COMPOUND**
- **PAPER COATING**

PCB SALES

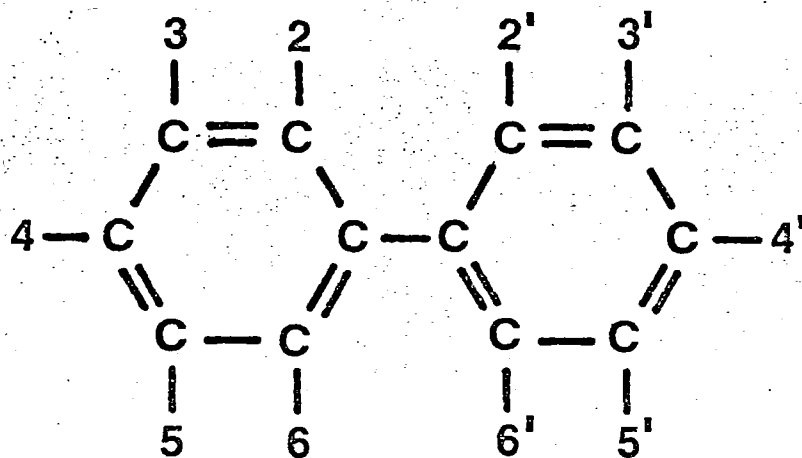


DSW 310521

STLCOPCB4070508

PCB — CHEMISTRY

POLYCHLORINATED BIPHENYL



CHLORINATION FROM $O(C_{12}H_{10}) \longrightarrow 10(C_{12}Cl_{10})$

TOXICITY — VARIES BY NUMBER & POSITION OF CHLORINES

PERSISTENCE — 4 CHLORINES & UP

DECOMPOSITION PRODUCTS

DIBENZOFURAN

HYDROXYLATED CHLORINATED BIPHENYL

DESIRED PROPERTIES — DIELECTRIC CONSTANT

NON-FLAMMABILITY

THERMAL CONDUCTIVITY

SIGNIFICANT EVENTS—PCB

- 1930 — BEGAN PRODUCTION**
- 1936 — FIRST OCCUPATIONAL EXPOSURE SYMPTOMS**
- 1966 — FOUND IN ENVIRONMENT (SWEDISH DDT WORK)**
- 1968 — JAPANESE RICE OIL CONTAMINATION**
- 1970 — USDA BANS IN PESTICIDES**
- 1971 — FEDERAL TASK FORCE & CONFERENCE**
 - MONSANTO RESTRICTS SALES**
- 1972 — MICH. & WISC. WARNING ON LAKE MICHIGAN FISH**
 - GSA BANS USE IN PAPER**
 - ANSI PUBLISHES HANDLING & DISPOSAL PROCEDURE**
 - USDI BANS USE IN OFFSHORE OIL DRILLING**
- 1973 — FDA TEMPORARY TOLERANCES & RESTRICTIONS**
 - OECD DECISION TO SUPPORT CONTROL**
- 1975 — 2nd NATIONAL CONFERENCE**
 - FISH BAN IN MINN.**
 - EPA ADMINISTRATOR CALLS FOR ELIMINATION FROM COMMERCE**
 - EPA PROPOSES SPILL REGULATIONS**
- 1976 — FISH BANS IN S.C., N.Y., GA., IND.**
 - NY WARNING ON LAKE ONTARIO FISH**
 - MICH., IND., WISC. PASS RESTRICTION LAWS**
 - EPA PROPOSES TOXIC EFFLUENT STANDARD (WATER)**
 - EPA PUBLISHES DISPOSAL GUIDANCE**
 - PROPOSED TSCA BANS FROM COMMERCE IN 2½ YEARS**

DSW 310523