W.S.J. 11/12/70 ew

Administration Effort To Curtail DDT Use Blocked by Companies

Appeal to Agriculture Division Will Permit Normal Sales For Some Months to Come

By a WALL STREET JOURNAL *Staff Reporter*

WASHINGTON—A Nixon Administration attempt to sharply curtail domestic use of DDT has been blocked by an appeal by chemical companies.

The action will allow the companies to continue their normal sales of the pesticide for at least some months to come.

The appeal, filed with the Agriculture Department's pesticides regulation division, affects a previously announced ban on Federal registration of DDT mixtures for use against shade tree pests, tobacco pests, house and garden pests and pests in aquatic sites.

The ban would have eliminated about 35% of domestic DDT usages. It would have removed such recommended uses from labels on DDT products moving across state lines, and was to become effective in late December. Under an appeal procedure provided by Federal law, however, the companies' filing nullifies the effective date.

As provided by the complex appeal machinery, the companies initially have requested that Agriculture Secretary Hardin appoint a scientific advisory committee to give an opinion on the proposed registration changes. A department official said it will take about two weeks to complete the appointments, and the committee then would have up to four months to make its findings.

Following this report, the Secretary will have 90 days to consider it and decide whether to renew his original order, amend it or uphold the companies, the official said. The law doesn't require Mr. Hardin to agree with the advisory panel, though.

If the Secretary decides against the companies, they then have the right to request a public hearing any time within 60 days of the new ruling. The hearing itself could be continued as long as necessary, but the hearing examiner would be required to report his findings within 60 days of the hearing's end. Once again the Secretary would have 90 days to make a final decision, which, again, wouldn't be bound by the examiner's decision.

This administrative procedure needn't take the maximum possible days, of course. At its conclusion, though, the companies would be entitled to take their case to the Federal courts, which presumably could delay the ban for many more months.

Four of the six companies that appealed—Allied Chemical Co., Stauffer Chemical Co., Diamond Shamrock Corp. and Lebanon Chemical Corp.—account for most of the nation's DDT output, the department said. The remaining two, Black Leaf Products Co., Chicago, and Carolina Chemical Co., Wilson, N.C., are major formulators of DDT products.

All told, 1,300 products marketed by about 400 manufacturers were affected by the cancelation order. But in the case of products made by companies not involved in the protest, the cancelations would remain in effect, the department stated.

The department also gave notice on Nov. 25 that it intends to cancel all remaining domestic DDT uses, "except those determined to be necessary for protection of health and other essential uses of DDT for which no suitable substitutes are available." The public, scientists and industry were given 90 days in which to submit views and comments on this proposal.

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