tion of pesticides, the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, Public Law 92-516 and Public Law 94-140. My amendment does not in any way weaken the ability of the Administrator to restrict the use of toxic chemical substances but it would provide the consistency needed for even-handed administration of two laws, both of which would have the same intent and both of which would regulate in most instances the same industries and essentially the same subject matter.

Mr. President, when the legislation which led to the Federal Insecticide, Fungicide, and Rodenticide Act was first introduced in the Senate, it was referred jointly to the Senate Committee on Commerce and to the Senate Committee on Agriculture and Forestry. This joint referral evidenced the dual jurisdiction which exists with respect to legislation affecting the chemical industry. I would remind Senators in this connection that Senate rule XXV 1(b) specifies that all proposed legislation relating to "agricultural and industrial chemistry" shall be referred to the Committee on Agriculture and Forestry. Although no similar language is contained in rule XXV 1(f) which sets forth the jurisdiction of the Senate Committee on Commerce, very properly committee jurisdiction over the legislation which led to the enactment of the Federal Insecticide, Fungicide, and Rodenticide Act was shared with the Committee on Commerce. Mr. President, regrettably such was not the case in the present instance. Had committee jurisdiction over toxic substance control legislation been likewise shared, I am confident the inconsistencies between the bill reported by the Senate Committee on Commerce and existing laws could have been eliminated without the necessity of extensive floor amendment.

Mr. President, I believe it is vitally important that S. 3149, the Toxic Substance Control Act, if enacted, be consistent with existing law in the standards to be used by the Administrator and his staff in administering the law regulating the use of chemicals. The Administrator and his staff have had the opportunity to apply the existing standards contained in the Federal Insecticide, Fungicide, and Rodenticide Act in actions taken by the Agency in regulating the registration and use of pesticides. It would not seem prudent or logical for the Agency, which would be responsible for the administration of two separate laws governing toxic chemicals, to be saddled with conflicting language in the two laws.

I recently had occasion to preside at 4 days of hearings before the Senate Subcommittee on Agricultural Research and General Legislation of the Senate Committee on Agriculture and Forestry during the course of that subcommittee's investigation of the kepone contamination of the James River in the vicinity of Hopewell, Va. During those hearings I became somewhat familiar with the composition and use of the pesticide kepone. It should be no revelation that toxic chemicals are used as components of agricultural poisons, such as kepone, or that pesticides are themselves often components of toxic substances which are manufactured for entirely different uses. The questions at issue in examining the use or registration of pesticides, fungicides, and rodenticides, therefore, differ little if at all from those posed with respect to other toxic substances.

Many manufacturers who are producing pesticides are also producing other toxic chemical compounds, and it would be confusing and frustrating for a manufacturer of chemical substances to be subjected to two different standards or requirements. For example, any chemical or toxic substance would first be subject to the provisions of this act, and yet when it becomes a component of a pesticide, it would be subject to FIFRA. In many instances, the manufacturer of the component is also the manufacturer and registrant of the pesticide. It is unreasonable to expect either the Administrator or the manufacturer to carry out properly their responsibilities in the presence of conflicting legislative language regulating chemical substances.

Throughout the bill, numerous references are made to "unreasonable risk" without providing a definition of the term. The term is also used in connection with other qualifying phrases which have dissimilar connotations and which could create problems and confusion in the administration of the two statutes. These phrases include:

"Cause or contribute to an unreasonable risk of injury to health or the environment"; "present an unreasonable risk to human health and the environment"; and "is likely to present an unreasonable risk to health or the environment."

My amendment would provide that, whenever the term "unreasonable risk" is used it will be in accord with the meaning of "unreasonable adverse effects" as defined in my amendment and as defined in the Federal Insecticide, Fungicide, and Rodenticide Act. Similarly, and for the same reasons, the definition of "imminent hazard" is brought in line with the definition of that term in the Federal Insecticide, Fungicide and, Rodenticide Act.

Mr. President, I am convinced that consistency is a desirable goal in the regulation of the use of chemical substances. Since my amendment would not in any way weaken the Administrator's authority in regulating those uses, I urge that the amendment be adopted.

Mr. President, the rules state, specifically rule XXV states, that all legislation relating to agriculture and agricultural chemistry should be within the jurisdiction of the Agriculture Committee. To that end legislation having to do with FIFRA, the Federal Insecticide, Fungicide, and Rodenticide Act, having to do with pesticide legislation has always gone to the Agriculture Committee.

This bill, however, was not referred jointly to the Commerce and Agriculture Committees. I believe that the Agriculture Committee, if it had had the bill referred to it, would have made as its main contribution the reconciling of the rules with respect to the application of the rules governing the toxic substances to the FIFRA legislation so that the EPA, in administering two very closely related acts, would not have different definitions in connection with their enforcement.

All this amendment does is to conform the definitions in the toxic substances bill to the established definitions under the FIFRA legislation which has served the EPA well and under which it now operates.

I believe the amendment is satisfactory to the manager of the bill. I have discussed it with him, and I am hopeful that he will endorse the amendment.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. TUNNEY. The Senator from Alabama has, in my view, stated the situation correctly, that his amendment is merely an amendment which makes the language in this legislation conform with the Pesticides Control Act as it relates to the imminent hazards, and I think it is important that we do have on the statute books language such as the Senator from Alabama has suggested.

Mr. TALMADGE. Mr. President, will the distinguished floor manager yield?

Mr. TUNNEY. Yes.

Mr. TALMADGE. I commend the Senator from Alabama for introducing his amendment, and I commend the distinguished manager and his counterpart, the Senator from Kansas, for accepting it. I think it is important to have toxic substances and pesticides measured by the same yardstick. That is what the Senator's amendment would do.

Mr. TUNNEY. I thank my friend from Georgia, and I agree with his statement. I think we should have the same yardstick in various statutes.

I yield to the Senator from Kansas.

Mr. PEARSON. Mr. President, we find the amendment conforming and we accept it.

Mr. TUNNEY. I yield back all my time.

Mr. ALLEN. I thank my friend from California and my friend from Kansas.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. NELSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The second assistant legislative clerk proceeded to read the amendment.

Mr. NELSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 64, line 18, insert immediately after the period, "In accordance with such responsibilities, the Administrator shall undertake and support programs of research and monitoring of polychlorinated biphenyls to the extent necessary to develop safe methods of disposal of polychlorinated biphenyls and for the control of risks of injury to health or the environment associated with polychlorinated biphenyls."

On page 53, between lines 2 and 3, insert the following new subsection:

"(e) POLYCHLORINATED BIPHENYLS. (1) Effective 1 year after the date of enactment of this Act, it shall be unlawful to manu-

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facture, process, distribute in commerce, or use any polychlorinated biphenyl in any manner other than in a totally enclosed manner, except that the Administrator may, by rule promulgated in accordance with subsection (e)(3), authorize the manufacture, processing, distribution in commerce, or use of any polychlorinated biphenyl in other than a totally enclosed manner if the Administrator finds that no unreasonable risk of injury to health or the environment is presented.

"(2) Effective 2 years after the date of enactment of this Act, it shall be unlawful to manufacture any polychlorinated biphenyl, and effective 2½ years after such date, it shall be unlawful to process or distribute in commerce any polychlorinated biphenyl, except that the Administrator may authorize, by rule promulgated in accordance with subsection (c)(3), such manufacture, processing, or distribution in commerce after such time period if the Administrator finds that no unreasonable risk of injury to health or the environment is presented.

"(3) Within 6 months after the date of enactment of this Act, the Administrator shall promulgate rules under subsection (a) which shall (A) prescribe methods for the disposal of polychlorinated biphenyls in accordance with the requirements of that subsection and (B) specify the manner in which polychlorinated biphenyls shall be marked with clear and adequate warnings and instructions with respect to their processing, distribution in commerce, use, or disposal. Any such rules shall be consistent with the requirements of paragraphs (1) and (2) of this subsection or rules issued thereunder.

"(4) For the purposes of this subsection, the term 'totally enclosed manner' means any manner which will ensure that any leakage of a polychlorinated biphenyl from its enclosure will be insignificant, as defined in rules of the Administrator."

On page 71, line 13, immediately following "3", insert "or 6".

Mr. NELSON. Mr. President, this amendment provides over a period of time the elimination of the use in open or closed systems of PCB's, polychlorinated biphenyls, unless the EPA administrator finds that there is not a serious health hasard.

He also has to weigh, of course, under the provisions of the statute, the question of cost-benefit ratio.

It is my understanding that the manager of the bill and Senator PEARSON are acquainted with the proposed amendment and find it acceptable.

Mr. President, it has become clear that PCB's present a serious pollution problem.

Therefore, I am offering this amendment.

First. It bans the manufacture, processing, distribution and use of nonenclosed PCB's 1 year after enactment, unless the Administrator of the Environmental Protection Agency—EPA—finds there is no unreasonable risk of injury to health or environment from continuing such uses. These include: uses in carbonless paper, paints, coatings, soaps, and copying ink toners.

Second. The manufacture of all PCBs would be banned effective 2 years from the date of enactment; and the processing and distribution of all PCB's would be banned 6 months after that—2½ years after enactment—unless the administrator finds that no reasonable risk of injury to health or the environment is presented by PCB's. This would effectively ban all PCB use, including closed uses, such as in electrical capacitors and transformers.

Third. Within 6 months after enactment, EPA is required to issue regulations for the first, disposal of PCB's and second, labeling with warnings and instructions of all products containing PCBs with respect to their use and disposal.

Fourth. The amendment defines "totally enclosed manner" so as to insure that "any leakage of a PCB from its enclosure will be insignificant, as defined in rules" by EPA.

All imported PCB's would be subject to the same restrictions.

This amendment is patterned after one that I introduced on December 19, 1975, which Senator BUMPERS joined in sponsoring.

Under the amendment, the continued use of PCB's would be allowed if the EPA Administrator finds that "no unreasonable risk of injury to health or the environment" exists. In making such a finding, it is implicit that consideration be given to the availability of substitutes for PCBs, presumably having less risk.

In addition, to the extent that PCBs continue to be authorized for use, it is assumed that EPA will regulate any recycling of them.

Mr. President, scientific evidence makes it imperative that we no longer wait to regulate and eliminate this toxic substance. The risks to human health and the environment appear to exceed the benefits of these substances, which, like DDT, are not readily biodegradable and tend to accumulate in the food chain.

According to a report on PCBs prepared by the Legislative Research Service, Library of Congress:

PCBs have been used extensively in industry for a variety of applications for 45 years. Until the mid Sixties, it was not fully recognized that large amounts of PCBs were escaping into the environment and that the substance might cause hazard to human health and the environment. High levels of PCBs are now found in carnivorous fish taken from the Great Lakes and some other areas. Levels are so high, in fact, that serious doubts have been raised over the safety of humans consuming these fish. Sports fishing programs, such as the Coho Salmon restocking projects in the Great Lakes and the commercial fishing industry in these areas are at stake. PCBs are found at low levels in human adipose tissue in all parts of the country, illustrating how pervasive and widespread the pollution has become.

"Although Monsanto, the sole United States producer of PCBs, has voluntarily limited PCB sale to a few companies for use in electrical closed systems, the problem of more PCBs entering the environment through these routes, from existing equipment containing PCBs, and from imported stocks, still exists. It has been suggested that PCB use be totally eliminated in the United States, or alternately, that its use be more tightly controlled.

The Library report further notes:

The possibility of adverse affects upon human health from PCBs was highlighted in October of 1968. In the Fukuoka prefecture in western Japan, accidental contamination by PCBs of edible rice-bran oil caused an outbreak of toxic symptoms, the "Yusho" poisoning incident. Soon afterward, PCBs were detected by the U.S. Food and Drug Administration (FDA) in milk, poultry, and other foods due to accidental leakage of PCBs from machines and PCB food packaging made from recycled paper, and in fish exposed to PCBs in the environment.

Action (tolerance) levels for PCB contamination of food, feed, and food packaging were established by FDA. The EPA initiated a test program and monitoring of PCB levels in the environment and proposed regulations governing the discharge of PCBs into waterways as an industrial effluent (under the Clean Water Act). Meanwhile, on the state level, actions were taken against point source discharges of PCBs.

The widespread occurrence of PCBs in the environment, the bioaccumulation of PCB in the food chain of fish found in the human diet, and the persistence of the chemical compounds assure that PCB environmental contamination will continue to be a problem for many years to come.

Here are the facts:

PCBs have been found, in scientific tests, to cause severe skin and liver problems in humans. University of Wisconsin Medical School researchers Dr. James R. Allen and Deborah Barsotti, have demonstrated that very low PCB levels are dangerous to primates, causing facial swelling, loss of hair, acne lesions within one month, birth defects, miscarriages, stillbirths, and death.

A 1972 report by a Federal interdepartmental task force urged a ban on all PCB uses except in closed electrical systems, restricting them to "essential or nonreplaceable uses which involve a minimum direct human exposure, since they can have adverse effects on human health."

The commercial fishing industry in the Great Lakes and elsewhere are threatened with extinction, unless the PCB problem can be alleviated or eliminated. Thousands of pounds of Great Lakes fish have been condemned as unsafe because of PCB contamination, and New York State conservation officials warn against eating Hudson River fish.

Water supplies throughout the Nation are contaminated far in excess of safe drinking criteria.

There has not been adequate monitoring of the extent of the pollution, nor of the sources of the pollution.

At least 10 million pounds of PCBs are lost into the environment each year through vaporization, leaks, and spills, according to estimates reported by Thomas E. Kopp, a chemist with the EPA's Office of Toxic Substances.

At least 10 plants are dumping PCBs into U.S. waterways and another two are discharging the chemicals in municipal sewage treatment systems, according to the EPA.

PCBs have been banned for most uses in Japan—after the 1968 poisoning of more than 1,000 persons who had eaten PCB-tainted rice cooking oil.

Alternatives have been instituted in Japan, and are being developed in the United States. For example, air-filled transformers have been used for years instead of PCB-filled transformers.

Use of alternatives to PCBs may require retooling and redesigning of some electrical products and equipment which now use PCBs.

PCBs are used in about 5% of all transformers and in almost all industrial capacitors in the United States.

PCBs can be destroyed in special incinerators at very high temperatures.

PCBs can be recycled.

There is no dispute over their toxicity to wildlife and to humans.

This amendment would allow time for the phasing out of the manufacture and use of PCB's over 2½ years.

It is preferable not to enact legislation on a substance-by-substance basis but rather generically, as the Toxic Substances bill proposes to do. However, the

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PCB problem shows no sign of abating and it has become so severe that it is necessary to address the problem head on, as we were forced to do with DDT.

Mr. President, I ask unanimous consent to have printed in the RECORD three articles illustrating the extent of the problem and the commercial impact on the Great Lakes fishing industry as well as in New York State, as a result of PCB pollution in the Hudson River and Lake Ontario.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Wisconsin Natural Resources, January/February 1976]

SOURCES OF POLYCHLORINATED BIPHENYLS IN WISCONSIN

Wisconsin's interest in PCBs began in the late 1960's when interfering substances were detected in fish being tested for DDT. Later we were to learn these interfering substances were PCBs.

In 1970, the Department collected fish samples along the Mississippi River bordering Wisconsin. Analysis revealed that between Prescott and Pepin fish commonly exceeded the Food and Drug Administration (FDA) tolerance level of 5 parts per million (ppm). During 1971, Lake Michigan fish were collected and later tested. Mean concentrations of PCBs in these fish ranged from 2.7 ppm in smelt to 15 ppm in lake trout. Subsequent studies confirmed the presence of PCBs in fish in Lake Michigan and other waters of Wisconsin.

The search for PCBs in water was also underway at this time. An analysis of water from the Milwaukee River indicated that PCBs were present from West Bend to Lake Michigan and being discharged through municipal and industrial effluents. In 1971, eleven municipal wastewater treatment plant effluents in Wisconsin were sampled and nine contained PCBs. Studies of the Cedarburg wastewater treatment plant indicated that more than 70 percent of the PCBs coming into the plant were removed during the treatment process and comparatively high concentrations were found in the digester and primary settling sludges.

The Department surveyed many municipal wastewater treatment plan effluents in Wisconsin from 1972 through 1974. PCBs were detected in concentrations exceeding .05 parts per billion (ppb) in more than half of those tested even when there were no suspected industrial sources. In most cases, the discharge was well below 1 ppb and .01 ponds per day. However, higher concentrations were found in effluents from industrial areas.

Tracing sources of PCBs reaching a large municipal wastewater treatment plant is difficult and time consuming. The Department is attempting to trace sources of PCBs reaching treatment systems where the final effluent exceeds 1 ppb. At present we know of only *two municipal wastewater treatment plants* in Wisconsin which exceed 1 ppb—Sheboygan and Portage.

Main source of PCBs at Portage was found to be a facility that had used PCBs in the manufacture of carbonless copy papers prior to the summer of 1971. After ceasing the use and after repeated cleanings of holding tanks the discharge was substantially reduced. Residuals still remain, however, in the sewer system and the sewer sludges, resulting in an effluent of several ppb at the municipal sewage treatment plant. We are continuing to check sources of discharge at Sheboygan.

The Department has checked effluents from iron and steel foundries and aluminum foundries. Cooling water effluents from five of seven aluminum foundries contained PCBs ranging from 11.8 to 235 ppb. Close investigation revealed the common source to be leaking hydraulic fluids used in die cast machines. We are working with company officials to correct this. PCBs have been found in the cooling water effluent of only one of nine iron and steel foundries checked to date and that at a concentration of .9 ppb.

DNR has tested effluents of 17 pulp and paper mills. Nine mills which recycle wastepapers had measurable discharges ranging from 1 to more than 28 ppb. Mill representatives indicate that the paper industry no longer uses PCBs and those found in wastepapers come primarily from carbonless copy papers which were produced prior to 1972. The old carbonless copy papers were widely used in forms and continue to enter the wastepaper market as old files are discarded. Because their solubility in water is low, we believe that most of the PCBs discharged from wastepaper mills are absorbed on fibers and other particulate matter. Mill wastewater treatment systems which effectively remove particulate matter should also remove PCBs.

The electoral industry continues to use PCBs as dielectric fluids in some capacitors and transformers. Although the units are sealed some fluids may be lost as a result of accidents or disposal practices. In March 1975, the Department corresponded with major electrical companies in Wisconsin to determine current handling practices. This was followed by visits to many facilities. The companies contacted were aware of the problems, but some were not aware of recommended Guidelines of the American National Standards Institute for handling and disposal. We also found that some were storing defective units until a proper disposal *method could be found.* As a result specific guidance was given to Wisconsin electric utilities for the proper handling and disposal.

Snow samples were collected early in 1975 to determine if PCBs were deposited on land and water as fallout from the air. Analysis of snow and water from Madison and Milwaukee revealed concentrations from .17 to .24 ppb. These values suggest that fallout of PCBs from the air may be a principal source of PCBs entering the waters of the state.

PCBs are present in sediments in harbors and streams near industrial areas. The sediments act as a reservoir from which PCBs may be released slowly over a long period of time. Sediment samples have tested 8.5 ppm in the Milwaukee River near the Capitol Drive Bridge, 9 ppm in Superior Harbor, and 72 ppm in the Fox River below the outfall of the Portage sewage treatment plant.

We have tried to work out a materials balance for PCBs entering the environment using the domestic sales figures provided by the Monsanto Company and other data. So many pieces are missing from the puzzle, however, that these efforts have been unsuccessful. However, some general comments can be made.

1. PCBs have been sold by the Monsanto Company for more than 45 years. The company reported domestic sales of 795 million pounds from 1957 through 1974. In 1974 Monsanto's domestic sales were reported to be 84 million pounds for use in closed electrical systems. In addition, the Office of Toxic Substances EPA has reported that foreign sales of PCBs in the United States in 1974 exceeded 875,000.

2. The PCB problem in Wisconsin is a fishery problem caused because residues have accumulated in certain fish in Green Bay and Lake Michigan and the Upper Mississippi River in excess of the FDA tolerance level of 5 ppm. Laboratory experiments have shown that fish accumulate PCBs more than 100,000 times levels present in the water. Therefore, even parts per trillion (ppt) levels have significance to the fishery resource.

3. Our data indicates that levels of PCBs in fish in the Upper Mississippi River have declined in recent years. We have not detected a corresponding decline in levels in Lake Michigan fish.

If Lake Michigan water contains an average of 10 ppt PCB then there are more than 100,000 pounds in solution and probably a much larger poundage in the sediments. We have tested the major effluents of both municipalities and industries discharging to the Lake Michigan drainage in Wisconsin and estimate a discharge of about two pounds per day or 730 pounds of PCBs per year to Wisconsin's drainage to Lake Michigan. Most PCBs identified in our testing of *major effluents occur in the wastewaters of* pulp and paper mills which recycle wastepapers.

Discharges of PCBs from pulp and paper mills, which recycle wastepapers, will diminish as the mills meet discharge permit requirements. Wisconsin mills which recycle wastepapers are required to reduce discharge of suspended solids from 151,000 pounds per day (for calendar year 1975) to 45,000 pounds per day by the 1977 compliance date. Recently one mill in the state, which uses only recycled paper, began a new treatment system that has reduced the discharge of suspended solids from 40,000 pounds per day to 2,000 pounds. Tests at this facility revealed 29 ppb PCB entering the treatment system with only 1 ppb being discharged in the final effluent.

4. In our search for sources of PCBs entering the environment, we have not looked closely enough at fallout from the air. Our testing of snow melt suggests that fallout may be contributing much greater amounts of PCBs than are being contributed by industrial and municipal effluents. Trace concentrations in fallout over Lake Michigan and its watershed which cover 67,000 square miles could result in appreciable amounts entering Lake Michigan.

Because PCBs are stable compounds with low vapor pressures, little loss is expected to occur through vaporization from disposal *sites where capacitors and other equipment* and materials have been disposed and covered with overburden. Entry into the air may be expected to occur at locations where papers are incinerated, at foundries where imported casting waxes containing PCBs are heated to high temperatures and at manufacturing facilities. PCBs adsorbed on fine particulate matter may also be entering the air as windblown dust.

5. Further information is needed to define the amount contributed to Lake Michigan and other waters through past accumulation in sediment. A University of Wisconsin study is currently underway in Southern Lake Michigan, which should provide some answers.

DNR does not have the authority to regulate the sale or use of PCBs, but can adopt effluent standards.

In December the Natural Resources Board voted to severely limit PCB discharge. This action will be reviewed by the state legislature before it can become effective. The board also proposed legislation that would limit the sale and use of PCB's in Wisconsin.

[From Bulletin of the Lake Michigan Federation, January/February 1976]

PCBs Cost Jobs, Too

(By Elizabeth Bottis)

Consumers aren't the only victims of PCB contamination in Great Lakes fish and waters. Fishermen had their livelihoods abruptly cut off when the Food and Drug Administration issued a ban on their contaminated produce last August. A group from Green Bay, Wisconsin, reported to the Federation that they plan to make their grievances publicly known.

Mrs. James Herman, of Green Bay, wrote to the Federation last October to ask for help in stopping the sources of PCB pollution in her area. "As long as little is done to stop the

source, not merely the result," wrote Mrs. Hermes, "many more will suffer."

But stopping the sources is a generous impulse that will help others, not the Hermes family. "If PCB discharge is stopped, then how do we clean up the existing poison they have left with us?" she asked. "I'm sure the industries won't volunteer. They have gotten rich at everyone's expense but their own."

Although there is growing concern in various government agencies on the effects of PCBs, the FDA is presently the only Federal agency with authority over their use, and can only ban contaminated wildlife that are harvested and processed for food consumption. That's why the Hermes' fisheries and other small fishing businesses like them were the only ones to suffer a federal injunction against their fishing activities. The sources of the Lake' PCBs, a paper-recycling mills, are free from penalties.

The Hermes are fourth-generation commercial fishermen. Ever since Jim Hermes' great-grandfather came to Wisconsin from Germany, before the turn of the century, the family has been sailing out of Green Bay. Now there are two Hermes fisheries. Jane and Jim Hermes caught Lake Michigan carp and shipped them to Missouri as stock for private and municipal fishing ponds in and around St. Louis. Jim's cousin, Lee, and his wife, Glory, sold to canneries around Green Bay. Then, without warning, both groups were ordered to stop working.

Not only could they not sell their fish, the St. Louis municipal authorities had to poison all species of fish in the city's private and public fishing ponds to be sure of removing the Hermes carp.

Lee Botts, then Federation Director, responded to Mrs. Hermes appeal, by arranging for both Hermes families to attend the National Technical Conference on PCBs organized by the EPA and other Federal agencies and held in Chicago last November. They told their story at the conference and on WGN-TV; pointing out that even if a ban were imposed immediately it would be years before PCB levels in fish went down enough to permit harvesting.

Things don't look good for the Hermes family. "We don't know what we're going to do," says Mrs. Hermes. "My husband and his cousin are going to try to work on some of the inland lakes where the PCB levels are low, but there aren't a lot of fish there. I don't know what will happen." Jane and Jim have four children and Lee and Glory have seven, so "it's quite a large family to lose their livelihood."

The Hermes fisheries and others in the Green Bay area tried to get themselves declared a disaster area so they would qualify for Small Business Administration loans, but the request was denied.

The Wisconsin Department of Natural Resources doesn't have a lot of help for the Hermes either. According to Ron Poff, of the Great Lakes fishing section of the DNR, the Wisconsin Natural Resources Board had decided to call for stiff discharge limits and to draft legislation for a total ban on manufacture and sale of PCBs, but neither of these measures—if they are carried out—will be effective until 1977. There are powerful interests, including the Wisconsin Paper Council, who can be expected to oppose them. "Considering what paper means in Wisconsin," Poff says, "it's pretty substantial action. And it's the only action we can legally take."

The only immediate help the DNR can offer to Green Bay fishermen is to look for areas where levels may be low enough to allow harvesting. Poff says a few fisheries are already back at work on the Bay's far western edge.

Still, it's probably too late for the Hermes, though Mrs. Hermes hasn't lost her anger or her determination. She's circulating a petition calling for a ban on PCB discharge, and hopes that this is one issue on which the sports and commercial fishermen of Lake Michigan can get together.

The Hermes have retained a lawyer and are investigating the possibility of a lawsuit, but "there are so many dumping we wouldn't know where to start." And despite her hopelessness over her own situation, Mrs. Hermes still believes that something can be done about PCBs in Lake Michigan.

"It's too late for us," she says now, "but maybe it won't be too late for some others."

[From the American Medical News, Mar. 8, 1976]

PCB Discovery Leads to Fish Ban

Polychlorinated biphenyls (PCBs) from industrial pollution have contaminated fish in the Hudson River and Lake Ontario. As a result, New York State has banned commercial fishing in the Hudson, and advised sportsfishermen to restrict their consumption of fish caught in these waters. The ban does not include shad; analyses of these fish have shown low PCB levels.

The FDA has set a ceiling of 5 parts per million (ppm) as the limit of PCB permissible in fish to be consumed by humans. PCBs cause an acne-like skin eruption, pigmentation of the skin and nails, excessive eye discharge, and swelling of the eyelids.

FDA has found PCB levels as high as 31.2 ppm in fish caught in the Hudson and 24.6 ppm for salmon from Lake Ontario.

Mr. TUNNEY. Mr. President, I have had the opportunity to look at this amendment. It was submitted by the Senator from Wisconsin yesterday. I commend him in his efforts to control the hazards associated with the PCB's. We know how dangerous they can be.

I think the Senator's amendment strengthens the legislation and I am prepared to accept it for both minority and majority on the Commerce Committee.

Mr. President, I commend the distinguished Senator from Wisconsin on his efforts to control the hazards associated with PCB's. PCB's have long been of concern to the Committee on Commerce as evidenced by hearings held on the subject by the Subcommittee on the Environment last October 24.

Those hearings documented the fact that despite assurances from the sole domestic manufacturer of PCB's, they are still escaping into the environment in awesome quantities, in fact some 10 million pounds per year. Although an agreement several years ago by the Monsanto Co. supposedly restricted PCB's use to closed systems, Monsanto obviously has no control over those to whom it sells PCB's nor does Monsanto have any control over those who import PCB's, thus, PCB's are still being used for nonclosed system uses.

At the same time, PCB's have been shown to cause cancer in one study, and to interfere with reproduction.

In my view, the amendment of the Senator from Wisconsin is indeed appropriate. It phases PCB's out by eliminating nonclosed system uses within 1 year and eliminating PCB's altogether within 2 years. There are mechanisms for authorizing uses of PCB's beyond these time limits should that be appropriate so that we do not create worse problems than those we solve.

In my view, the amendment is a fine addition to the bill, and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. CANNON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Nevada (Mr. CANNON) proposes an amendment:

On page 56, line 17, insert the following:

After the word "risk," insert a comma and the words "using the least burdensome of effective controls."

Mr. CANNON. Mr. President, I ask unanimous consent that Senator Johnston be included as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, this is simply a clarifying amendment to be sure that the administrator does use the least burdensome effective procedure. I hope the Senator will be willing to accept it.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PEARSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PEARSON. Mr. President, I yield 2 minutes to the distinguished Senator from Maryland (Mr. BEALL).

Mr. BEALL. I thank the distinguished Senator from Kansas for yielding.

Mr. President, I rise to support S. 3149, the Toxic Substances Control Act, and hope that the Senate will give its overwhelming endorsement to this measure.

Twice before, in 1972 and 1973, the Senate passed toxic substances legislation, only to be frustrated in our efforts to reach agreement with the House of Representatives on this matter. This year, however, indications are that chances for Senate-House agreement are good, and thus we will be able to place a strong toxic substances bill on the President's desk prior to adjournment of the 94th Congress.

I can think of no more persuasive argument in favor of this legislation than the stories which have appeared almost daily in the press regarding the serious chemical hasards now present in our environment. In recent months, we in this country have become painfully aware of the catastrophic long-term effects that such chemicals as kepone, vinyl chloride, mercury, and PCB's may have on humans. In fact, approximately 1,000 new chemicals are marketed each year, to find their way into our environment. These chemicals need to be pretested before they enter the market, and this bill accomplishes that purpose in a reasonable and responsible manner.

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