

May 19, 1982

To Clemson University, South Carolina, for the use of N-cyclopropyl-1,3,5-triazine-2,4,6-triamine in layer poultry houses to control flies (See March 31, Page 13).

To the Texas Agriculture Department for the use of butachlor and propanil on dry-seeded rice to control grasses and broadleaf weeds (See March 10, Page 11).

To the Utah Agriculture Department for the use of triadimefon on apples to control powdery mildew (See March 10, Page 11).

To the Virginia Agriculture Department for the use of N-cyclopropyl-1,3,5-triazine-2,4,6-triamine in layer poultry houses to control flies (See March 31, Page 13).

To the Washington Agriculture Department for the use of dinoseb on lentils to control broadleaf weeds (See March 24, Page 19).

To the West Virginia Agriculture Department for the use of fenamiphos in bearing apple orchards to control nematodes (See March 17, Page 24).

To the Washington Agriculture Department for the use of fenamiphos on raspberries to control root lesion (See Feb. 24, Page 7).

To the Washington department for the use of triadimefon on apples and pears to control powdery mildew (See March 10, Page 11).

UPL 05082

CITIZENS FILE LIABILITY SUIT FOR DAMAGES BASED ON EXCESSIVE LEUKEMIA RATES

Citizens in Woburn, Mass., located over groundwater shown to be contaminated with trichloroethylene, tetrachloroethylene, and other carcinogens, filed suit last week against several firms it claims are responsible for contamination which has resulted in the leukemia deaths of community members.

The citizen group including six leukemia victims, four of whom have died, is charging Cryovac, Inc., W.R. Grace Co., Inc., John T. Riley Co., Inc., Beatrice Foods, Inc. and other potentially responsible parties with negligence causing wrongful death, conscious pain and suffering, and nuisance.

The suit is one of the first linking a specific illness to a specific contaminant, where the illness is not caused only by the specific pollutant, according to the group's attorney, Tony Roisman, Trial Lawyers for Public Justice. Roisman is a former Department of Justice official in the Hazardous Waste Division who has been vocal about the problems of hazardous waste regulations and their enforcement (See separate story, and April 7, Pages 14 and 18).

The case is also unusual in that it is based in part on actual cases of leukemia which have resulted from the pollution and in part on the additional risk of future health problems to other residents from the contamination, Roisman said.

This is a new area of law where both strict and joint and several liability apply, Roisman told PESTICIDE & TOXIC CHEMICAL NEWS. The joint and several liability provisions prevent the victim from having to distinguish shares of blame between the responsible parties, which would make it virtually impossible for the victim to recover damages, Roisman said.

The group is seeking compensation and punitive damages "as provided by law" and orders for the defendants to halt all further disposal of hazardous substances on the ground of their property, to remove from the soil all hazardous substances placed by them of their East Woburn property and to take appropriate action to remove all contamination from

groundwater flowing beneath East Woburn and the plaintiff's property and return it to its original condition.

The complaint charges that groundwater contamination from the disposal of hazardous waste resulted in the contamination of two wells which supplied these families with substantial amounts of their drinking water from 1964 until May 1979 when the state closed the wells due to the contamination. The initial study performed by the state of Massachusetts showed that the two wells, G and H, contained 400 parts per billion TCE and 43 p.p.b. tetrachloroethylene, the complaint said. EPA's drinking water standards state that the ambient levels of these contaminants should not exceed zero in drinking water.

In addition, the complaint said, the level of TCE found in the wells is 148 times the level of lifetime exposure which is estimated to increase the cancer rate by one for an exposed population of one million and 51 times this level for tetrachloroethylene. The complaint also said the tetrachloroethylene levels are more than twice the EPA guideline set to protect against chronic illnesses other than cancer and five times the level set for TCE.

In addition to TCE and tetrachloroethylene, the Massachusetts study also showed that the well water contained 1,2-trans-dichloroethylene, a suspected carcinogen and known toxin; 1,1,1-trichloroethane, a toxin known to reduce mammalian survival rates; benzene, a known carcinogen; and chloroform, a known teratogen and carcinogen, the complaint said.

"The ingestion of all these chemicals in combination may produce synergistic effects that can be worse than the recognized health effects of any one of the contaminants described above," the complaint added.

EPA's own subsequent study of the contamination showed that even higher levels of these contaminants were located within one square mile of the wells. The complaint said that EPA found TCE levels as high as 1,372 p.p.b., over 500 hundred times the amount estimated to produce one additional case of cancer in a population of a million, and 240 p.p.b. tetrachloroethylene, over 300 times the level estimated to cause one additional cancer in a population of a million.

Woburn Leukemia Rates Said to Be More than Twice Estimated Average

The complaint charges that the water quality is responsible for the high incidence of leukemia in the community and is likely to result in significant deterioration of the health of others in the community where the consequences of drinking the contaminated water have not yet been manifested.

Between 1969 and 1979, sixteen children in Woburn were diagnosed as having leukemia, six of whom lived in the 10-square-block area immediately south of the two contaminated wells. The complaint said that this level is more than twice the number of expected childhood leukemias. The likelihood of such a large difference in rates occurring at random is less than six in 1,000, the complaint added.

A study performed by the Massachusetts Department of Public Health in conjunction with the Centers for Disease Control revealed that between 1969 and 1978 the overall death rate in Woburn was 8 percent higher than the statewide average, that deaths from cancer were 13 percent higher than the state cancer mortality rate, and that significantly more deaths were reported for cancers of the kidney and female organs other than the cervix.

In addition to the six individuals the complaint lists as leukemia victims, 25 other individuals are listed as being directly harmed by consumption of the contaminated water. "Because of their direct exposure to a contaminated water supply, each plaintiff faces an increased risk of leukemia, other cancers, liver disease, central nervous system disorders and other unknown illnesses and disease," the complaint said.

URL 05083

Complaint Charges Firms Stored, Disposed of Wastes Containing TCE

The complaint alleged that W. R. Grace uses and stores TCE at its machinery manufacturing plant and disposed of chemical waste products and organic solvents including TCE at its property in East Woburn. The surface and groundwater moves from the W.R. Grace site directly toward the two wells, the complaint said. "Testing by EPA confirms the existence of a plume of TCE and other chemicals originating northeast of Wells G and H, near the W. R. Grace property and moving along the bedrock surface at the bottom of the aquifer in the area of Wells G and H," the complaint said.

Beatrice Foods owns a 15-acre undeveloped plot of land where chemicals have been deposited that have seriously contaminated the groundwater, the complaint said. The contaminants are solvents that are more dense than water and have entered the aquifer beneath the wells and subsequently been drawn into the wells, the complaint said.

The other firms listed in the complaint are firms which have been associated with either Beatrice Foods or W. R. Grace.

VOLUNTARY CANCELLATIONS, COMPLETED RPARS, NEW ACTIVE REGISTRATIONS ASKED

In the May 12 Federal Register, EPA noted the following cancellations, effective June 11, 1982:

Registration No.	Product Name	Registrant	Date registered
156-20	Wasco Brand Formaldehyde Solution U.S.P.	Great Western Chemical Co., 608 Southwest 15th Ave., Portland, OR 97205	Sept. 11, 1950
168-356	Wasecto Tablets	..do	Apr. 1, 1965
178-293	Wasco Chlorine Tablets for Swimming Pools	..do	Aug. 7, 1967
178-400	Wasco Swimming Pool Algaecide and Surface Sanitizer	..do	Oct. 3, 1967
201-184	Shell Aldrin Emulsifiable Concentrate No. 2	Shell Chemical Co., Suite 800, 1525 Connecticut Ave. NW, Washington, DC 20036	Sept. 5, 1966
201-187	Aldrin 4 OS No. 1	..do	Sept. 15, 1966
201-245	Aldrin 4 Emulsifiable Concentrate for Professional Use	..do	Nov. 5, 1967
201-316	Shellchlor & Emulsifiable Concentrate Insecticide	..do	Nov. 22, 1971
239-1522	Ordnal Lawn Disease Control	Chevron Chemical Co., Ordno Division, 840 Hensley St., Richmond, CA 94801	July 5, 1960
239-2073	Ordnocide Sol Treater F-W	..do	Mar. 10, 1965
239-2162	Ordnal PCNB 80 Dust Concentrate	..do	Jan. 17, 1966
239-2213	Sol Treater 3 X	..do	May 5, 1967
602-454	Mier's Terraclor 20 D	Charles H. Lilly Co., 7737 NE, Kingsway, Portland, OR 97218	Nov. 15, 1972
602-455	Mier's Mosquitocide A-4	..do	Mar. 8, 1973
602-456	Mier's Mosquitocide A-23	..do	Feb. 21, 1973
1544-4	Curier, Soanias Moth Cakes & Deodorants	Frank J. Curran Company, 8101 South Lemont Rd., Downers Grove, IL 60515	July 1, 1946
1544-10	Curien Naphthalene Moth Balls	..do	Aug. 25, 1948
1544-19	Curien Zorax for Moth Protection	..do	Aug. 7, 1950
1544-38	Curien Naphthalene Moth Flake Crystals	..do	Apr. 17, 1965
6440-1	Brasical 20	American Moschel Corp., 203-205 Highway, Somerville, NJ 08876	Feb. 15, 1966
46546-84	Terraclor 10% Granular	TM Agriculture and Nutrition Co., Crop Protection Division, 5220 Spauldine Rd., Kansas City, KS 66106	Dec. 6, 1957
46546-87	Terraclor dusten 10-10	..do	Jan. 10, 1968
46546-163	20% Terraclor Dust	..do	Aug. 1, 1963
46546-176	10% Terraclor Dust	..do	Apr. 1, 1966

According to the EPA notice, sales can continue until supplies are exhausted or until June 11, 1983, whichever is earlier. Also in the May 12 Federal Register, EPA published notice of receipt of applications to register pesticide products containing new active ingredients. The applicant is Rhone-Poulenc Inc. The deadline for comments is June 11, 1982. The applications for conditional registration:

- (1) Product name, Fosetyl-AL Technical; active ingredient, Aluminum tris (0-ethyl phosphonate) 95%; for formulation of fungicides only. (2) Product name, Aliette Fungicide; active ingredient, Aluminum tris (0-ethyl phosphonate) 80.0%; controls phytophthora root rot on ornamentals.

In the same Federal Register, EPA noted decisions not to conduct RPAR reviews on: Cacodylic acid and salts, piperonyl butoxide, S,S,S-tributyl phosphorotrithioate (DEF), tributyl phosphorotrithioate (Merphos), and terbutryn (See Dec. 0, Page 18).

URL 05084

April 21, 1982

Gorsuch said the cut from 1981 to 1983 was 29%, not 39%. She told the Subcommittee that the agency's work would be done and for less by increasing efficiency and delegations to the states and by completing work started.

Sen. Leahy said there are "70 different areas where less effort will be made or projects simply won't be done. Sixty percent involve public health matters."

DU-TER IS NOT ONCOGENIC OR MUTAGENIC, EPA TELLS REP. BROWN

DU-TER, TH Agriculture & Nutrition Company, is not oncogenic or mutagenic, EPA has told Rep. Brown in response to his March inquiries about the pesticide (See separate story). The agency's response noted the California Department of Food and Agriculture's new view of the toxicity of the pesticide.

EPA told the Congressman that it could supply confidential detailed information on DU-TER under special arrangements and that "because conditional registration of DU-TER for use on soybeans and rice is pending, correspondence between the agency and the applicant detailing data deficiencies are also considered confidential."

Dr. John Todhunter, Assistant Administrator for Pesticides and Toxic Substances, EPA, said in his letter to Rep. Brown that the teratology data on the pesticide was "inadequate to satisfy registration requirements because a clear 'No Observed Effect Level' (NOEL) enabling a quantitative risk extrapolation was not established."

The agency is reviewing additional teratology studies, according to the letter, which detailed the regulatory history of the pesticide.

EPA GAINS SUPPORT BY PUBLISHING RCRA THIRD PARTY LIABILITY RULES

The publication in the Federal Register April 16 of the long-awaited third party liability requirements for hazardous waste facilities relieved both industry and environmentalists alike (See April 14, Page 22).

The agency published third party liability requirements in January 1981 but subsequently proposed to suspend the requirements, and said it planned to do away with them entirely (See Feb. 24, Page 2).

As one industry spokesman said, virtually nothing but the most unworkable requirements would have offset the advantages of publishing the requirements. As it is, the third party liability requirements have generally been well received by both the hazardous waste and the insurance industries.

Dick Hanneman of the National Solid Waste Management Association said the issuance of the requirements alone lets the public know that it does have some protection against improper running of facilities and helps to ensure that improperly run facilities cannot continue to operate.

UPL 05085