The New York Times

October 7, 1976

OCT 13 1976

Letters to the Editor

PCB's: Details of a G.E. Settlement

To the Editor:

I am writing to bring to public attention several important aspects of the recent settlement of the New York State Department of Environmental Conservation's proceeding against the General Electric Company, dealing with discharges of polychlorinated biphenyls to the Hudson River, which were not mentioned in The Times's news accounts of the settlement.

As The Times reported, the settlement included an agreement with General Electric to contribute $4 million—$3 million in a lump sum to the Department of Environmenal Conservation for a restoration program for the Hudson and $1 million to perform related research, whose benefits are to be made available to the department.

Other major items in the agreement, not mentioned in The Times's news accounts, provide that General Electric is to stop using PCB's by July 1, 1977, reduce its daily average PCB discharges to one pound and move ahead promptly with installation of a $3.5 million treatment facility which will cut PCB discharges to 1 gram per day.

The $1 million General Electric research program will cover pre-testing of PCB substitutes and studies on removal or treatment of PCB's from the Hudson. Two hundred thousand dollars is earmarked for chemical and biological tests on three other hazardous substances to be designated by D.E.C. These tests will be performed at an institution selected by D.E.C.

The $6 million Hudson River reclamation program, to which General Electric will contribute $3 million, will include monitoring PCB levels in the Hudson, removing PCB's from the Hudson if further investigation shows this would be environmentally sound, and revitalization of the recreational and commercial values of the river. An advisory committee will be formed to counsel the department as it implements the settlement.

The hearing officer in the proceeding, Prof. Abraham Sofaer of Columbia University School of Law, recommended acceptance of the agreement on the ground that "its terms are reasonable" and he said that the agreement "substitutes tangible advantages for legal uncertainty and delay."

I think it is significant, too, that the Natural Resources Defense Council, on behalf of itself and the Hudson River Fishermen's Association, the Hudson River Sloop Restoration and the Federated Conservationists of Westchester County support the settlement and, through John Adams, executive director of N.R.D.C., called the present negotiated settlement "an extremely important step in the right direction."

Elements of the settlement with General Electric, such as pre-testing and pre-treatment of toxic discharges, should have been effected many years ago, and must be an integral part of regulatory control of toxic substances in the future. [Editorial Sept. 14.]

PETER A. A. BERLE
New York State Commissioner
of Environmental Conservation
Albany, Sept. 29, 1976

PCB-ARCH-EXT0380287