Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. HAGEDORN. I yield to the gentleman from Texas.

Mr. ECKHARDT. I would think that the bill would envisage the Administrator treating all manufacturers desiring to produce a limited quantity of a substance equitably, and in that way there would have to be a division among companies.

Mr. HAGEDORN. Then there is adequate protection for the small businessman so that they will not be squeezed out?

Mr. ECKHARDT. I would think not only should it be equitably divided as among companies, but should be in terms of something like equal quantities so as to give small producers something of an advantage.

Mr. HAGEDORN. I thank the gentleman.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: Page 154, insert after line 21 the following:

(e) POLYCHLORINATED BIPHENYLS.—(1) Within 6 months after the effective date of this Act the Administrator shall initiate proceedings for the promulgation of 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 prescribed by or under 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 any polychlorinated biphenyl for any use other than a use in a totally enclosed manner.

(B) The Administrator may by rule authorize the manufacture, processing, or distribution in commerce (or any combination of such activities) of any polychlorinated biphenyl for any use other than a use in a totally enclosed manner if the Administrator finds that such manufacture, processing, or distribution in commerce (or combination of such activities) will not cause or significantly contribute to an unreasonable risk 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 leakage of a polychlorinated biphenyl from its enclosure will be insignificant as determined by the Administrator by rule.

(3)(A) Except as provided in subparagraphs (B) and (C), effective two years after the effective date of this Act no person may manufacture any polychlorinated biphenyl, and effective two and one-half years after such effective date no person may process or distribute in commerce any polychlorinated biphenyl.

(B) Any interested person may petition the Administrator for an exemption from the requirements of subparagraph (A) for a particular use of a polychlorinated biphenyl, and the Administrator may grant by rule such an exemption if the Administrator determines that—

(i) the exemption is necessary for the protection of the health or environment, and

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

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 article containing any polychlorinated biphenyl if such article was manufactured before two and one half years after the effective date of this Act.

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

Mr. DINGELL (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Chairman, this is a very simple amendment. My colleagues have recently received "Dear Colleague" letters from both my friend and colleague, the gentleman from Maryland (Mr. GUDE), who joins me in the sponsorship of it, and from myself. It has the support of all of the conservation organizations.

The amendment directs itself very clearly and very directly at one substance, polychlorinated biphenyls. Polychlorinated biphenyls have been one of the biggest environmental problems that we have had in the State of Michigan. And PCB's are also one of the biggest problems that most of the States in the Union have, in terms of long-term degradation of the human environment and hazard to human health. They are found in fish, they are found in the flesh of cattle, they are found in fowl, and they are found in the milk of the mothers of the State of Michigan. They are a long-term hazard to human beings. They are not biodegradable. They do not break down. They persist. They accumulate in the food chain. They are in the fish in the Hudson River, they are in the fish in the Great Lakes, and they are one of the reasons that the fish caught in the Great Lakes cannot be marketed commercially, in many instances.

Mr. Chairman, the Toxic Substances Control Act is a good proposal and it provides environmental protection, with urgently needed authority. But there are no clear requirements in the bill mandating action by EPA within a specified period of time to control or to regulate this most persistent and this most hazardous of substances, the polychlorinated biphenyls.

The amendment requires the Environmental Protection Agency to initiate proceedings within 6 months to prescribe methods for the disposal of the polychlorinated biphenyls. There is no such requirement in the bill. It requires them to be marked with warnings and with instructions for disposal, and it requires certain safeguards with regard to rulemaking for the manufacture, processing and distributing in commerce of the polychlorinated biphenyls for any other use except in a totally enclosed container. It also authorizes certain minor exemptions which may become necessary where the requirement is quite clear that there is going to be no hazard to human health.

Mr. Chairman, in a large number of other instances, such as the Federal Water Pollution Control Act, the Administrator has authority to control the discharge of PCB's, but it should be noted that this authority, which was given in 1970, was not exercised by EPA until July 23, 1976, after this amendment had been brought forward.

We must ask: Why did EPA issue proposed regulations that would prohibit discharges of this substance which will not become effective for another 2 years? Why do we single out PCB's?

For many reasons. First of all, they are enormously persistent. Second, they are enormously dangerous. Third, they accumulate in the food chain. They flow upward toward human use. As I pointed out, they are found not only in fish, the flesh of fowl and animals, but also in the milk of human mothers concentrating on the feeding of children.

Under section 6 of the bill the Administrator does not have authority during the pendency of administrative decisionmaking to effect the immediate prohibition of manufacture, processing or distribution of any chemical substance. This amendment gives him that authority, and I say that it is desperately needed.

Curiously enough, I spoke, on the way over here, to a representative of one of the major manufacturers of PCB's, and he advised me his company does not object to this amendment. His company felt that it is a good one and it would help his company to be citizens. The amendment does not call, I want my colleagues to know, for immediate prohibition but, rather, a gradual phase out, to assure action within a reasonable period of time.

As previously noted, the history of EPA is not one of vigorous and quick action.

This amendment defines PCB's to be bad, hazardous, and dangerous, and it mandates a program for their gradual removal, beginning with those uses which are outside of enclosed containers.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. DINGELL) has expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 3 additional minutes.)

Mr. McCOLLISTER. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I am very happy to yield to my good friend, the gentleman from Nebraska.

Mr. McCOLLISTER. Mr. Chairman, the gentleman describes the risks associated with PCB's. Is the gentleman aware of similar risks with PBB's?

Mr. DINGELL. Mr. Chairman, I am fully aware of those risks, and it would be my hope that some of my colleagues would offer an amendment to apply this same principle to PBB's.

Mr. McCOLLISTER. Mr. Chairman, on my own time and not on the gentle-

man's time, I will suggest that we could go on and on and on with these substances, but that is not what this whole legislation is about.

Mr. DINGELL. Mr. Chairman, if the gentleman wishes to offer an amendment to add PBB's, I will support it, because I am fully aware of the perils of PBB's. If the gentleman wants to offer such an amendment, I would be happy to support it. I think it might be a meritorious amendment.

I would point out that we have a long history of PCB's. We know of their perils, we know that PCB's are not biodegradable, we knew that they accumulate in the food chain, we know they are a hazard, we knew they are universal, and we know that they actually have a longer life than many radioactive substances. For those reasons, I urge my colleagues to support the amendment.

I would point out that PCB's have caused a major cessation of commercial fishing activities in all the Great Lakes. A $96 million-a-year industry could be shut down because of PCB's. A similar situation has occurred in the rivers of New York, in the rivers of New England, in the Mississippi River, the Missouri, the Ohio, the Columbia River system, and in the Sacramento River. It even extends to the Gulf Stream and to the Yukon in Alaska.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I rise in support of the gentleman's amendment.

All of the commercial fishing activities have been very substantially damaged in the Hudson River. Even fishing has been barred because of the presence of PCB's in the Hudson River at the present time, and that has caused tremendous damage to the commercial fishing industry in New York. I think the gentlemen's amendment is a very important one.

Mr. DINGELL. Mr. Chairman, I thank my good friend, the gentleman from New York.

There is no assurance unless this amendment is adopted that PCB's will be attacked. Section 6 does not give immediate power to the EPA to get PCB's off the market and out of places where they are a hazard to humankind.

Mr. Chairman, I urge my colleagues to support the amendment which my colleague and friend, the gentleman from Maryland (Mr. GUDE), and I have offered to the House at this time.

Mr. McCOLLISTER. Mr. Chairman, I rise in opposition to the amendment.

(Mr. McCOLLISTER asked and was given permission to revise and extend his remarks.)

Mr. McCOLLISTER. Mr. Chairman, I oppose the amendments for some of the reasons that our brief colloquy suggested.

This legislation that we are considering gives the EPA general authority to regulate hazardous chemicals. I think consequently it is improper in the context of this legislation to attempt to regulate a specific chemical in a specific fashion. Further, there is no reason why PCB's should be treated in this fashion and other known environmental hazards such as perhaps vinyl chloride or asbestos, for example, should be excluded from the same specific treatment.

Second, the amendment would restrict EPA to an inflexible schedule. Under the provisions of the bill EPA could do all of the things that the gentleman from Michigan (Mr. DINGELL) would like to do. However, EPA has the authority to establish its own timetable for regulating PCB's. Indeed, the EPA may feel that the 2½ years the gentleman from Michigan (Mr. DINGELL) suggests is too long and that more immediate action might be necessary. The Dingell amendment could in this case actually slow down the regulatory process.

Mr. Russell Train, the Administrator of EPA, has indicated in a press report that I have seen that he would prefer that the bill did not set specific deadlines for phasing out PCB's.

The third reason why I am opposed to the amendment offered by the gentleman from Michigan (Mr. DINGELL) is that by mandating a complete phasing out of PCB's in 2½ years the amendment is attempting to legislate technology. Although substitutes with the necessary electrical characteristics are now being developed, the perfect substitute for PCB's in closed electrical systems does not yet exist.

Banning the use of PCB's in closed electrical systems before a suitable substitute has been developed may result in a cure which is worse than the problem. For example, PCB's are used in capacitors and transformers not only because of their electrical characteristics, but also because the substance is nonflammable. Therefore, any substitute for PCB's must also have the same fire-resistant properties. Such a substitute has not yet been developed.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. McCOLLISTER. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I would like to point out to my good friend, the gentleman from Nebraska (Mr. McCOLLISTER), that, first of all, the phaseout is required to take place over a period of time. Second of all, there is provision for an exemption in the amendment which we have offered to allow year-by-year extension where no substitute is available.

Mr. McCOLLISTER. Fourth, Mr. Chairman, there is no need for the amendment since the EPA has indicated a willingness to proceed expeditiously in this area. For example, in April of this year, EPA published its "Recommended Procedures for Disposal," applicable to wastes containing PCB's. PCB's are found in many small appliances as well as in fluorescent light bulbs, and, consequently, disposal of these items must be closely checked. Further, on July 23 of this year, EPA issued proposed effluent standards for PCB's affecting all PCB manufacturers and transformer and capacitor manufacturers. These standards were issued pursuant to a consent agreement entered into between EPA and the National Resources Defense Council.

Fifth and finally, Mr. Chairman, coverage under the amendment is unclear. It would appear, although it is not certain, that the Dingell amendment would not require that existing equipment containing PCB's must be discarded. That existing equipment could be used for the rest of the useful life should be made clear. Further, it would be helpful if the gentleman from Michigan (Mr. DINGELL) would state that the amendment is not intended to curtail the resale or repair of existing equipment.

For all these reasons, Mr. Chairman, I oppose the amendment of the gentleman from Michigan (Mr. DINGELL).

Mr. GUDE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

(Mr. GUDE asked and was given permission to revise and extend his remarks.)

Mr. GUDE. Mr. Chairman, this legislation is certainly meritorious and goes a long way to deal with toxic substances in our environment. But, in the case of PCB's, however, we have a problem that is a little different from some of the ones that have been discussed on the floor.

There has been concern about the act injuring small business; but our amendment does not affect small business except in the handling of articles that have PCB's in them; in such cases there is a provision whereby small firms would be protected.

Mr. Chairman, there is only one company, which is a large manufacturer of PCB's in this country; they have already indicated to EPA their interest in phasing out this material.

But, the most important thing about PCB's, as opposed to other materials which are unknown quantities as far as danger is concerned, is that we have identified a mad dog—a known bad actor in the case of PCB. There is no doubt about its toxicity and danger in the environment. It has caused millions of dollars worth of damage in the United States; the time has arrived to get rid of it.

Mr. Chairman, State governments all across the country, not just the Federal Government, have been concerned.

The States of New Jersey, Georgia, California, Washington, Texas, Michigan, and my own State of Maryland favor this amendment and wish to see the PCB's phased out.

As my colleague, the gentleman from Michigan (Mr. DINGELL), has pointed out, this amendment does not specify replacement of PCB's in existing equipment or the equipment itself. New language that we have added to the amendment makes it clear that the distribution as well as the resale of PCB-containing equipment manufactured prior to the ban, is not prohibited. This would apply to such everyday products as air conditioners.

Also, the amendment does have flexibility in it in that it includes exemptions

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in certain cases if acceptable substitutes are not yet developed.

For example, an electric company must show that continued use of PCB's in transformers is necessary to guarantee safety from fire and that they are making a good faith research effort to find substitutes.

Mr. Chairman, the amendment which has been drawn by the gentleman from Michigan and myself is well thought out.

It provides a timetable which will speedily eliminate the introduction of additional PCB's into the environment without damage to the citizens and industry.

The Japanese people suffered a terrible tragedy from PCB poisoning; probably because of the centralized system of their government they were able to move swiftly and eliminate this product from the industrial and business technology of their country. Because of the need for conformance of State regulations and requirements that would provide for PCB substitutes the amendment my colleague, the gentleman from Michigan (Mr. DINGELL), and I have offered will give a strong impetus to the phasing out of the manufacture and distribution of all PCB's.

This is a bad problem: it has already caused millions of dollars of damages to the fisheries across the Nation. It is a problem that has been identified by the State and Federal governments—let's act before we have another environmental tragedy.

Mr. Chairman, I urge the adoption of the amendment.

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

(Mr. ECKHARDT asked and was given permission to revise and extend his remarks.)

Mr. ECKHARDT. Mr. Chairman, we have today in the legislation of the United States four environmental and safety laws of major significance. We have the Clean Air Act, the Water Pollution Control Act. We have OSHA and we have the Product Safety Act. This would be a fifth major piece of legislation to protect the environment and the safety of the people. But we are now just initiating a new act in an extremely important field and we have not ordinarily, when we enacted legislation in any of these fields, attempted to address specifically particular scientific questions. I think we have done well not to do so here.

Why should we, in enacting this act, move specifically to deal with PCB's and not PBB's? We are not attempting to, and of course it is a little too late to deal with vinyl chlorides by preventing their entry into the market. Nor are we attempting to regulate CMB's, a pernicious and persistent toxin that get in the legislative environment. I do not think we should try to anticipate each specific danger to the environment. If we do, we will overly encumber this bill.

Suppose it is discovered that in the entire range of dangerous substances some type of pattern of removing them from the marketplace or limiting their use to control the environment is desirable; then the agency may set up regulations in which the treatment of PCB's is specifically dealt with in a different way than the present pattern of control which may ultimately seem the most desirable. Why carve out one chemical to treat in this manner? There are many other chemicals that presently pose potential danger. I think that we would be well advised to let the agency chart its course in the same manner that we have let other agencies with like authority chart their courses, and not foist upon a preconceived manner of control before we find whether they will in due course address the question.

As has been pointed out before, the EPA has already indicated its willingness to move in this direction.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. Certainly I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I thank the gentleman from Texas. I would like to ask the gentleman some questions. I would like to ask the gentleman whether under section 6 of the bill the Administrator has not the authority during the pendency of the administrative law making the function of immediately prohibiting the manufacturing or processing of chemical substances such as PCB's?

Mr. ECKHARDT. When he goes through the procedures provided by section 6, he has, yes.

Mr. DINGELL. But he may not do it during the pendency, even though the peril is as great as it is in PCB's?

Mr. ECKHARDT. No. He is required to give due process to the person against whom the rule may be issued, and I think that is most desirable.

Mr. DINGELL. The answer to the question is he may not during the pendency of the rulemaking rule out substances like PCB's?

Mr. ECKHARDT. Wait just 1 minute. He can use the imminent hazard technique of stopping PCB's if he can in fact prove they are hazardous.

Mr. DINGELL. But in that, that action is subject to long and sustained court review which may drag out over a period of years.

Mr. ECKHARDT. Not unless a higher court actually stays the action of a lower court. One can easily get the same instant relief that one can get in other cases involving a court's peremptory authority to enjoin.

Mr. DINGELL. The gentleman is very carefully and I think very prudently, and in a very lawyer-like fashion, pointing out that the failure to rule this out would be dependent upon the prudence of a higher court upon appeal. That is, there is not immediate power in the administrator to move them out except subject to court review; am I correct in that statement?

Mr. ECKHARDT. Except subject to court action. I think that the only way that the agency can finally outlaw PCB's or limit them under section 6 is after a rather complete due process-oriented type of hearing.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. DINGELL, and by unanimous consent, Mr. ECKHARDT was allowed to proceed for 2 additional minutes.)

Mr. ECKHARDT. But if during the pendency of the rulemaking, the continued release of PCB's into the environment would constitute an imminent hazard, the agency may go into court and by proving that such is the case, may get an injunction which would immediately stop the complained of activity.

Mr. DINGELL. This is a matter, though, which is time consuming and which is subject to judicial review and which could take a substantial amount of time.

Mr. ECKHARDT. It is not time consuming from the time the action is brought in court until the time the court has the power to act; it may be time consuming in the long run, but that may work against either the manufacturer of the PCB's or against the public. The question has to be decided by the court as to whether or not a preliminary injunction will be granted, or whether action will be upheld pending the ultimate ruling.

Mr. DINGELL. The gentleman is a very able lawyer and valuable Member of the House. The hard fact of the matter is that the committee bill, as opposed to the amendment offered by my friend and colleague, the gentleman from Maryland (Mr. GUDE) and me, regarding PCB's which are a proven hazard—this would much more quickly and expeditiously remove them from the environment than would be the situation under the committee bill.

Mr. ECKHARDT. That is right. Of course, we can legislatively do anything to anybody as long as we comply with due process of law. I suppose that is done, but I think judicial process would be preferable in this case.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENT. Mr. Chairman, I move to strike the requisite number of words.

(Mr. DENT asked and was given permission to revise and extend his remarks.)

Mr. DENT. Mr. Chairman, I am not going to take time on the PCB's except to give the Members a related situation which I think many Members—most Members of this Congress—have heard something about.

If this type of legislation had been brought before this House 3 years ago, there would probably be a group of citizens who would have some hope of living out their lives in an orderly and normal fashion. Kepone was a chemical. It was known to be a dangerous chemical. It was known to be the kind of chemical that could not be restrained in any given course. It could not be held within any confined area. Yet with warning after warning and appeal after appeal to various State, local, and Federal Government inspection agencies, nothing was done. It took two committees of this House, the gentleman from New Jersey's, Mr. DANIELS, and my own, to spend a weekend after a great deal of research at the homesite of the Kepone manufacturer.

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To the best of our knowledge, this entire family of workers—and I mean family by going into not only the worker himself but the family and the children—was affected. We saw before us children whose eyes flickered constantly. The workers were told that they had some sort of Parkinson's disease.

However, they could not get any evidence in the town from any of the medical authorities or from the Federal or State or local inspection officials that it was the kind of toxic material which ought to be investigated thoroughly and on which work ought to be stopped immediately and that they should not be permitted to continue.

There is no hope for any of the workers who worked in that plant, as far as we know. The people have had to go to the extreme precaution of completely burning down the plant and cleaning that up. Now, there is a suit pending and a plea and an admission of guilt on the part of one of the officers of the company, which may result in hundreds of millions of dollars of damages—but these damages will do no good for the sick people.

This kind of action should have been taken whenever there was any reasonable cause to expect that by stopping and investigating we could avoid that kind of disaster. And it is a disaster. The folks today are nothing but living dead.

Mr. LEGGETT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

(Mr. LEGGETT asked and was given permission to revise and extend his remarks.)

Mr. LEGGETT. Mr. Chairman, I rise in support of the amendment. As chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment, this issue has been of particular concern to our Members. The subcommittee held 3 days of oversight hearings in January 1976, to examine the impact of polychlorinated biphenyls—PCB's—and similar toxic substances on fisheries and wildlife resources. Witnesses from the administration and from the industry presented us with startling evidence of the critical levels of PCB residues found in samples of birds and fresh water fish all over the United States. Consequently, the survival of some threatened and endangered species is involved. PCB contamination appears to severly reduce the reproductive success of the bald eagle, along with other waterfowl and mammals, according to the U.S. Fish and Wildlife Service.

The adverse and far-reaching effects of PCB's are most vividly demonstrated in the Great Lakes region. In the past decade, Canada and the United States have invested solidly in restoring the fishery resources of the Great Lakes, and their programs—such as trout restoration—are threatened by PCB levels in Great Lakes fish which now exceed the permissible amount established by the FDA. Many species are close to being considered unmarketable, raising the potential spectre of the closing of the $95 million commercial fishing industry and the $300 million sport fishing industry of the Great Lakes. This is no exaggerated speculation, as Lake Michigan and the Hudson River have already been closed for given periods to commercial fishing because of high levels of PCB's.

PCB's are difficult to regulate as they are used in widely different industries for a variety of uses. They contaminate our rivers and waterways through the dumping of waste materials—such as plastic bottles, ink, papers—containing toxic substances. Although the only American manufacturer of PCB's Monsanto, has voluntarily restricted its production to enclosed uses—such as in electrical transformers—such industrial self-regulation and existing laws have failed to prevent the seepage of 10 million pounds of PCB's into the environment, and even greater quantities through sewage treatment systems and imported products. In view of the fact that PCB's cannot be removed from the environment and are not readily biodegradable, it will take years before our contaminated waterways will be ready again for commercial and recreational fishing if PCB's were eliminated now.

The flexibility of the Dingell-Gude amendment is shown by its exemption provisions, which recognize that some uses of PCB's outweigh safety considerations. Feasibility of PCB elimination has been shown by the example of Japan's almost complete PCB ban and its successful use of substitutes.

It is significant that the executive departments' involved voice strong support of this amendment. The U.S. Fish and Wildlife Service supports a complete ban of PCB's. Russell Train, Administrator of EPA, told us:

So far as I am concerned, there is absolutely no disagreement whatsoever that PCB's should be eliminated, all uses should be gotten rid of just as rapidly as we can."

I stress today just the sense of emergency that Russell Train did in January. If PCB's were abolished tomorrow, it would be 100 to 200 years before they would allow a decision on PCB's to undergo the review process of H.R. 14032, PCB's will continue to seep into the environment, endangering human health, our wildlife resources, and our freshwater fishing industries for several years. The Dingell-Gude amendment will give us a program immediately, setting the mandatory deadline for a phase-out of PCB's.

I trust that my colleagues will recognize the profound detrimental effects this one toxic substance has on our environment, and will realize the need to clarify the phase-out of PCB's as a priority under the Toxic Substances Act of 1976, as this amendment would do.

There is no partisan division in the subcommittee with respect to the urgency and importance of solving this PCB problem. Therefore, I would urge that the House support this amendment.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I have been told, and I would like to have the gentleman confirm it, that in many places in the United States, mothers' milk is now so contaminated with PCB's that it would not be allowed to be shipped in interstate commerce if it were in any other container. Is that correct?

Mr. LEGGETT. I have not heard that, but if the gentleman makes that assertion I am sure it is worthy of review.

The CHAIRMAN. The time of the gentleman from California (Mr. LEGGETT) has expired.

(By unanimous consent, Mr. LEGGETT was allowed to proceed for 1 additional minute.)

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I want to commend the gentleman for his remarks, particularly in drawing attention to the widespread dispersal of this contaminate in our environment.

To further illustrate, Mr. Chairman, I would like to just quote from a telegram from the Georgia Game and Fish Division:

Serious polychlorinated biphenyls (PCB) contamination problem just encountered at Lake Hartwell with harsh impact affecting sport fishermen and businesses dependent thereon. PCB ubiquitous in the environment and posing serious threat to human health and all living natural resources.

Mr. Chairman, I think we have ample testimony that we have a mad dog, in the form of PCB, on our hands. We must pen him up and I urge support of this amendment.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I thank my distinguished colleague and would like to associate myself with the gentleman's remarks.

Mr. Chairman, I also would like to point out, I think the distinguished gentleman from Pennsylvania (Mr. DENT) made a very telling and important statement, that is, where there is reasonable documentation as to the danger of a substance to life in general and to human life specifically, there is no obligation more important than the human responsibility to protect that life.

It would seem to me almost incredible as I have sat here quietly and patiently listening to the debate for any person to raise the legal argument or the political argument or the economic argument that in any way transcends the important responsibility we have to protect human life under conditions which are injurious or a danger to human life and we have a responsibility, clinical and moral, to protect the citizens.

Mr. LEGGETT. Mr. Chairman, the gentleman is exactly correct.

Mr. MURPHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during the debate in the committee, I supported this amendment. I supported it because polychlorinated biphenyls have been proven today to be a highly toxic and persistent chemical. It causes skin ailments, liver ail-

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ments, and undersized infants. In laboratory animals they have produced skin cancer and genetic effects.

True, the substances are necessary at the present time for use in capacitors and transformers. We have heard the debate on what the Japanese have done and what they have been forced to do because of the effects on their environment.

This amendment seems reasonable. It gives at least 2 years to the industry to come up with substances other than PCB's. I think 2½ years is certainly a reasonable compromise and warning to the industry. The EPA Administrator is given the flexibility to extend, if necessary, that period of time. PCB's are a highly persistent and toxic chemical. They have caused great damage to the Great Lakes, and irreparable damage in the Hudson River. The State of New York estimates it will take over $20 million to correct the damage at the present time to bring back the fisheries areas that have been so harmfully affected.

Mr. Chairman, I hope we adopt this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The amendment was agreed to.

The CHAIRMAN. Are there further

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