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file PCB FDA

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FDA DELAYS IMPLEMENTATION OF NEW PCB TOLERANCE FOR FISH

Food and Drug Administration has postponed the effective date of its final rule setting lower tolerances for polychlorinated biphenyls in fish (TMN, July 4, 1979, p. 213), an action that could delay implementation of new lower permissible PCB levels in fish by a year or more, the agency announced last month. FDA said it is delaying the effective date for the new two-parts per million tolerance for PCBs in order to evaluate several objections that have been filed against the agency's PCB decision.

The decision only affects the lowering of the present five ppm PCB fish tolerance down to 2 ppm. FDA's final tolerances for PCBs in eggs, dairy products and poultry are not included in the stay and became effective Aug. 28.

Most of the 22 objections filed against the agency's new 2 ppm fish tolerance charge that the FDA seriously underestimated the economic impact of the final PCB in fish rule. FDA's estimate predicted a $6-million per year loss due to the lower levels. However, the fishing industries, led by the National Fisheries Institute, charged that the real economic impact would hit nearly $62-million per year.

While the final PCB fish tolerance is on hold, FDA will evaluate the comments and, if any are deemed valid, the agency will begin a new round of hearings on the objections to the fish tolerance. The agency would then issue a new final decision, which could restate the 2 ppm level or offer an alternative tolerance. Meanwhile, the old 5 ppm tolerance for PCB in fish will remain in effect.

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