

opportunities for public comment, and review by the Department of Agriculture and EPA's Science Advisory Panel.

When EPA published its "final position" September 13, 1978, DBCP became the first pesticide to complete the RPAR process. The agency decided to cancel the registration of DBCP for 19 food crops and to place stringent restrictions on all other uses (Current Report, September 15, 1978, p. 1078).

Parties adversely affected had 30 days to request an administrative hearing. Objections to the EPA order were filed by chemical companies, the Pineapple Growers Association of Hawaii (PGAH), California Rural Legal Assistance, (CRLA) and others.

At a December 13, 1978, prehearing, CRLA asked for permission to present evidence in opposition to any continued use of the pesticide (December 15, 1978, p. 1586). PGAH and several chemical companies argued that the hearings could not consider restrictions beyond those EPA has imposed officially.

EPA representatives took a middle position. They argued that the hearings could not be used to broaden the scope of the EPA restrictions, but that the judge could hear evidence for more severe measures. Based on such evidence, the EPA administrator might then reopen the review process.

In an order issued January 18, Harwood agreed with CRLA that the hearings could consider further restrictions (January 26, p. 1982).

"If justified by the record," the order says, "an order may be entered cancelling registrations or containing restrictions and conditions of use beyond those published in the notice of intent to cancel."

Both PGAH and Amvac Chemical Company appealed this ruling. February 2, EPA Acting Judicial Officer Ronald L. McCallum issued an order inviting the parties to submit written briefs within 20 days.

If the EPA administrator upholds Harwood's order, an important precedent would be established. A pesticide manufacturer who successfully negotiates the RPAR process might still have to defend his registration in a lengthy and expensive series of administrative hearings.

In effect, the order would extend the rebuttable presumption against registration into the hearing stage and make EPA's "final position" less than final.

Pesticides

EPA DRAFTS PROPOSED REGULATIONS FOR STATE REGISTRATION OF PRODUCTS

The Environmental Protection Agency is developing regulations for allowing states to register pesticides to meet special local needs, as authorized by amendments to the Federal Insecticide, Fungicide, and Rodenticide Act.

According to a February 8 draft, the proposed rules would be "offered in lieu of the proposed rules establishing the Interim Section 24(c) program" published in 1975. They also would replace the transitional policy statements issued in October 1978 (Current Report, October 27, 1978, p. 1325).

The draft preamble to the rules is published in the Full Text section of this report.

According to the draft regulations, states would be authorized to register many types of new products, but not new technical grade products.

Products or uses registered by a state would have to be for end use by applicators within the state, the draft rules say.

EPA says in the draft that the proposed regulations would clarify the prohibition against state registrations of products which have been denied registration by the agency.

The draft proposal also includes a listing of conditions which state registrations would have to meet to be considered valid under FIFRA.

The draft includes definitions of terms, proposed registration procedures for states to follow, and proposed procedures for EPA to follow in disapproving state registrations.

The draft proposal also responds to comments made on the transitional policy statement by saying that "me-too" registrations — new formulations of a product which is registered already by another formulator — would be permitted if a state determines that a special local need exists.

However, EPA says in the draft, third party and "me-too" registrants would be "strongly" encouraged to provide notice and to seek consent. EPA wants state registrations issued in an "informed, responsible fashion."

Dioxins

EPA: DOW'S MIDLAND, MICH., PLANT 'MAJOR, IF NOT ONLY,' SOURCE OF DIOXINS

The Environmental Protection Agency still thinks Dow Chemical Company's Midland, Mich., plant is the "major, if not the only, source" of toxic dioxins in Michigan's Tittabawassee and Saginaw Rivers.

EPA reached this conclusion in a preliminary analysis of Dow's November 1978 report that dioxins occur everywhere as a result of natural combustion processes (Current Report, November 24, 1978, p. 1471).

EPA's analysis, released February 15, disagrees with Dow's claim that Dow "facilities are not measurable sources" of dioxins found in river fish.

Dioxins (polychlorinated dibenzo-p-dioxins) are toxic trace contaminants and byproducts formed in the manufacture of chlorinated pesticides such as the herbicide 2,4,5-T and the disinfectant 2,4,5-TCP. Both are made at the Midland plant.

Dow Reports

Dow submitted the November 1978 report as a followup to reports in June and October 1978, which first raised the question of dioxins in Michigan rivers.

The earlier reports notified EPA that tetrachlorodibenzo-p-dioxins (TCDDs) appear to be widespread contaminants of rivers downstream from Midland. The reports said TCDDs were found in fish taken downstream from the Dow facility, but not in three fish taken upstream.

One of the TCDDs — 2,3,7,8-TCDD — is among the most toxic chemicals known. Very small amounts are believed capable of causing cancer, birth defects, liver damage, or a severe skin condition called chloracne.

Dow: Dioxins are Everywhere

Dow's November 1978 follow-up report claimed that Dow scientists, using new and extremely sensitive analytical methods, had detected dioxins as products of normal combustion processes which occur everywhere.

According to Dow, dioxins are formed in refuse incinerators, powerhouses, gasoline and diesel engines, fireplaces, charcoal grills, and even cigarettes.

Dow claimed that these new findings exonerated Dow facilities as significant contributors to dioxins in the Michigan rivers.

EPA: Dow Conclusions Unsupported

EPA's preliminary analysis of Dow's report says Dow's conclusions "have no documented support in the information submitted by Dow." The agency says Dow's analytical

methods are unvalidated and Dow's evidence is "weakly circumstantial."

EPA says its own conclusions are not final, and it has asked Dow for further clarification of the company's methods and findings.

EPA acknowledges that "it is possible that some portion, likely quite small," of the dioxins found in river fish "may have originally been formed and released to the environment as a combustion by-product," rather than from the Midland plant.

However, EPA argues that levels of dioxins found by Dow in Midland are hundreds of thousands of times greater than reported at other locations.

Midland: Dioxin 'Hot Spot'

"The levels of TCDDs identified in Midland soil and dust samples indicate that this area represents a definite TCDD 'hot spot,'" according to the agency.

EPA concludes that the evidence provided by Dow continues to suggest that Dow's Midland plant is the major source of the TCDD contamination in the Michigan rivers.

EPA has treated the three Dow reports as "substantial risk notices" under Section 8(e) of the Toxic Substances Control Act. The agency has issued an evaluation of each report.

Copies of the Dow reports and EPA's evaluations are available from the agency's Office of Public Awareness or from the Industry Assistance Office, Office of Toxic Substances (TS-799), EPA, Washington, D.C. 20460.

Pesticides

EPA TO CONSOLIDATE SCHEDULES FOR CLASSIFYING RESTRICTED USES

The Environmental Protection Agency's Office of Pesticide Programs plans to consolidate the schedule for classifying the third group of pesticides for restricted use and the granular formulations, and to publish both together.

The agency has been looking at this third group of active ingredients for some time (Current Report, January 12, p. 1802). However, pressure from the agency's State FIFRA Issues Research and Evaluation Group (December 22, 1978, p. 1618) caused the agency to consolidate the schedules, rather than postpone a decision on the granulars until after a decision on the Group III chemicals.

According to EPA, present plans are to publish a proposed classification in June and a final rule classifying the ingredients for restricted use by October. EPA says this schedule will allow most affected products and uses to be restricted by the time of the 1980 growing season.

EPA says it still plans to publish final rules restricting Group II ingredients by July.

Polychlorinated Biphenyls

CANADA TO CONSTRUCT FACILITIES AS U.S. MOVES TO PROHIBIT IMPORTS

OTTAWA, Can. — (By a BNA special correspondent) — Anticipating the closing of the U.S. border to importation of waste polychlorinated biphenyls (PCBs), Canada has launched a national plan to construct facilities for the destruction of unwanted PCBs.

"Recent initiatives by the United States to close its borders to the importation of PCBs, the lack of any suitable destruction facility in Canada, and the increase in inter-

provincial shipments have raised the issue to one of national concern," Canada's Federal Environment Minister Leonard Marchand said in outlining the plan.

While waste disposal is a responsibility of the 10 provinces, both provincial governments and industry had asked the Canadian Government to help work out a solution to the problem, Marchand said.

The plan involves adapting a number of cement kilns in various areas of the country to burn waste PCBs.

"A full-scale demonstration in 1975 involving federal and provincial governments and industry showed that liquid PCBs could be totally destroyed by burning in a cement kiln. In addition to being environmentally safe, cement kilns offer a potential for recovering valuable energy from the wastes," Marchand said.

However, Canada's Environment Department conceded that the safety of burning waste PCBs has not been completely accepted by the public.

"Despite the positive findings of a number of studies and demonstrations, efforts by industry to establish liquid PCB destruction facilities have not yet been fully accepted," the department said. The public worries about mishandling or incomplete burning of PCBs by industrial firms, it said.

"The Federal Government will be asking the provinces and industry to look at the possibility of equipping a number of cement kilns for the handling of liquid PCBs in strategic areas across the country," it added.

The federal plan proposes a cooperative effort with the provincial governments to establish criteria for plant siting; to develop standards for the necessary equipment, instrumentation, and operating conditions; and to initiate negotiations leading to the designation of a number of regional disposal facilities across Canada.

Some Canadian industries previously shipped waste PCBs to destruction facilities in the United States.

"The U.S.A. does have thermal destruction facilities in existence capable of destroying liquid PCBs and some solids contaminated with PCBs. However, under existing regulations of the U.S. Toxic Substances Control Act, the U.S. border is likely to be closed very soon to the importation of waste PCBs," Canada's Environment Department said.

Officials estimate that approximately 20,000 metric tons of PCBs are currently in use in Canada, most of it in non-aqueous liquid form. The Environment Department has restricted the use of PCBs, and Marchand has announced his intention to completely phase out all uses of PCBs.

"At the present time, substantial quantities of PCBs are being stored across the country in a variety of storage facilities. In fact, an estimated 400 metric tons of PCBs per year will need disposal, but this quantity, distributed across the country, is insufficient economic justification for a commercial facility devoted solely to the destruction of PCBs," the Environment Department said.

"Kilns now exist which require relatively little modification, hence, destructor facilities could be made available in the near future at reasonable costs," it added.

"The modifications to existing kilns to enable them to destroy PCBs would also permit the facilities to handle many waste chlorinated and non-chlorinated hydrocarbons (including waste oils). It would cost an estimated \$250,000 to \$350,000 to modify each plant. These plants could burn the wastes, resulting in fuel savings which could be translated into financial benefits to defray costs of these modifications," the Environment Department said in an outline of its "Plan of Action." It added that "That use of these energy-rich wastes would also reduce the demand for regular fuels."