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ACTION EUR-25

INFO OCT-01 AID-28 CEA-02 CIAE-00 COME-00 EB-11 EA-11

FRB-02 INR-00 IO-13 NEA-10 NSAE-00 PSC-01 OPIC-12

TRSE-00 CIEP-02 LAB-04 SIL-01 SAJ-01 OMB-01 SCI-06

CEQ-02 EPA-04 STR-08 AGR-20 HEW-00 COA-02 SS-14 NSC-10

L-03 TAR-02 DODE-00 PA-02 USIA-12 PRS-01 SAJ-01 RSR-01

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R 131756Z FEB 73
FM USMISSION OECD PARIS
TO SECSTATE WASHDC 8939
INFO USEC BRUSSELS UNN
USMTO BRUSSELS 9715
USMISSION GENEVA
USUN NEW YORK 4241
AMEMBASSY ANKARA
AMEMBASSY ATHENS
AMEMBASSY BELGRADE
AMEMBASSY BERN
AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY CANBERRA
AMEMBASSY COPENHAGEN
AMEMBASSY DUBLIN
AMEMBASSY THE HAGUE
AMEMBASSY LISBON
AMEMBASSY LONDON
AMEMBASSY LUXEMBOURG
AMEMBASSY MADRID
AMEMBASSY OSLO
AMEMBASSY OTTAWA
AMEMBASSY REYKJAVIK
AMEMBASSY ROME
AMEMBASSY STOCKHOLM
AMEMBASSY TOKYO

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AMEMBASSY VIENNA
AMEMBASSY WELLINGTON
AMEMBASSY PARIS

UNCLAS OECD PARIS 03550

SUBJ: OECD ENVIRONMENT COMMITTEE -- COUNCIL DECISION RESTRICTING PRODUCTION AND USE OF POLYCHLORINATED BIPHENYLS (PCB'S)

REF.: USOECD 18884

1. SUMMARY. BY DECISION OF OECD COUNCIL, 13 FEB 73, MEMBER COUNTRIES AGREED ON STRINGENT MEASURES FOR CONCERTED ACTION TO LIMIT PRODUCTION AND USE OF POLYCHLORINATED BIPHENYLS (PCB'S). THESE SUBSTANCES, WHICH HAVE VALUABLE DIELECTRIC AND NON-FLAMMABLE PROPERTIES, ARE ALSO HIGHLY TOXIC AND PERSISTENT GIVING RISE TO SERIOUS ENVIRONMENTAL HEALTH HAZARDS. SIGNIFICANT COUNCIL DECISION, STRONGLY SUPPORTED BY ALL MEMBER COUNTRIES AS MATTER OF URGENCY, IS MAJOR STEP TOWARD REDUCTION SUCH HEALTH HAZARDS WHILE AVOIDING ADVERSE TRADE EFFECTS. THIS FIRST COUNCIL DECISION ON SPECIFIC ENVIRONMENTAL PROBLEM, IS OUTCOME OF (A) OECD NOTIFICATION/CONSULTATION PROCEDURE ON MEASURES FOR CONTROL OF SUBSTANCES AFFECTING MAN OR HIS ENVIRONMENT (MAY 1971), (B) GUIDING PRINCIPLES CONCERNING INTERNATIONAL ASPECTS OF ENVIRONMENTAL POLICIES (JUNE 1972), AND (C) CONSULTATION MEETING ON PCB'S (OCT 1972). ALL THESE DEVELOPMENTS BASED ON STRONG US INITIATIVES IN OECD ENVIRONMENT PROGRAM. END SUMMARY.

2. PCB PROBLEM HAS BEEN GIVEN PRIORITY ATTENTION BY CHEMICAL SECTOR GROUP OF ENVIRONMENT COMMITTEE OVER PAST TWO YEARS. BY SEPTEMBER 1972, FOUR COUNTRIES (US, NORWAY, JAPAN, SWEDEN) HAD INFORMED MEMBER COUNTRIES OF REGULATORY MEASURES THROUGH OECD NOTIFICATION/CONSULTATION PROCEDURE. CONSULTATION MEETING (OCT 72), REQUESTED BY US, UNDERSCORED NEED FOR CONCERTED URGENT ACTIONS (REFTEL). ENV COM AND COUNCIL MOVED PROMPTLY RESULTING IN 13 FEB 73 DECISION ON NUMBER OF SPECIFIC MEASURES AGREED BY ALL MEMBER COUNTRIES. SIGNIFICANT IT NOTE HIGH INTEREST OF MANY REPS DURING CONSIDERATION OF DRAFT DECISION IN (A) STRENGTHENING PCB RESTRICTIVE MEASURES, (B) INVITING NON-MEMBER COUNTRIES TO PARTICIPATE IN DECISION (COVERS ON REFERENCE TO ARTICLE 12(C) OF OECD CONVENTION IN PREAMBLE TO DECISION), AND (C) ENCOURAGING SIMILAR FOLLOW-UP ACTIONS ON OTHER URGENT ENVIRONMENTAL PROBLEMS.

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3. HIGHLIGHTS OF COUNCIL DECISION AS FOLLOWS:

(A) MEMBER COUNTRIES SHALL ENSURE PCBIS SHALL NOT BE USED FOR INDUSTRIAL OR COMMERCIAL PURPOSES EXCEPT IN DIELECTRIC FLUIDS, HEAT TRANSFER FLUIDS (OTHER THAN IN INSTALLATION FOR PROCESSING OF FOODS, DRUGS, FEEDS, AND VETERINARY PRODUCTS), HYDRAULIC FLUIDS IN MINING EQUIPMENT, SMALL CAPACITORS. WITH RESPECT TO LATTER, COUNCIL RECOMMENDED COUNTRIES WORK TOWARDS ELIMINATION OF SUCH USE.

(B) MEMBER COUNTRIES SHALL CONTROL MANUFACTURE, IMPORT AND EXPORT OF BULK PCB'S; INSTITUTE ADEQUATE ARRANGEMENTS FOR RECOVERY, REGENERATION, INCINERATION, OR OTHER SAFE DISPOSAL OF SURPLUS AND WASTE MATERIALS; INSTITUTE SPECIAL UNIFORM LABELLING SYSTEM FOR BOTH BULK PCB'S AND PCB-CONTAINING MANUFACTURED PRODUCTS; AND ESTABLISH SAFETY SPECIFICATIONS FOR CONTAINERS AND TRANSPORT.

(C) COUNCIL RECOMMENDED COUNTRIES CONTROL MANUFACTURE, IMPORT EXPORT OF NOT CONTAINING PRODUCTS; GIVE PRIORITY ATTENTION TO ELIMINATION OF PCBIS IN HEAT TRANSFER FLUIDS, PLASTICIZERS, HYDRAULIC LIQUIDS (OTHER THAN IN MINING) AND LUBRICATING OILS, VACUUM PUMP FLUIDS AND CUTTING OILS, PESTICIDES; REQUEST FIRMS USE LESS HAZARDOUS MATERIALS AS PCB REPLACEMENTS.

(D) MEMBER COUNTRIES SHALL EXCHANGE INFO ON MAIN STATISTICAL DATA CONCERNING PCBIS (1974, 75, 76) BASED ON DETAILED SPECIFIED LINES (AMOUNTS USED, REPLACEMENTS, DISPOSAL).

4. FINAL COUNCIL DISCUSSION SHOWED STRONG INTEREST MANY DELS IN INVITING NON-MEMBER COUNTRIES TO PARTICIPATE IN DECISION. HOWEVER, DUE LARGELY TO CONCERN ABOUT PRECEDENT OF OPENING UP OECD POLICY ACTIVITIES TO CONTINUING INVOLVEMENT NON-MEMBERS, SPECIFIC SECTION THIS ISSUE DELETED IN FINAL TEXT. SEC GEN AND COUNCIL AGREED SECRETARIAT TO EXAMINE THOROUGHLY PROBLEMS INVOLVED AND MANNER FOR SUCH PARTICIPATION FOR FUTURE COUNCIL CONSIDERATION.

5. DRAFT ENTRY IN COUNCIL MINUTES, PARA NO (I) OF C(73)1 (2ND REV), DELETED DUE TO INABILITY TO REACH AGREEMENT 13 FEB SESSION ON EXACT WORDING, AIM, AT SAME TIME, STRONG PRESSURE TO AGREE ON DECISION THIS SAME SESSION. THIS ENTRY PERTAINS TO FACT THAT SOME COUNTRIES DO NOT HAVE ADEQUATE LEGISLATION TO

IMPLEMENT DECISION AND WAVE TO SEEK NEW LEGISLATION OR OTHER MEANS OF COMPLIANCE. US DEL STATED THIS WAS US SITUATION AND COUNCIL RECORD WILL THEREFORE INDICATE THIS FACT.ROGERS