

U.S. SAID TO IGNORE A CHEMICAL PACT

**Charged With Not Curbing
Use of Toxic Substances
Affecting Foods**

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PARIS, Jan. 16—The United States has been charged with not living up to its obligations under what is in effect an international treaty to restrict use of a group of toxic chemicals and prevent them from entering the environment and contaminating the human food chain.

This was reported yesterday by officials of the Organization for Economic Cooperation and Development who noted that the United States and other nations in the organization had signed a commitment nearly three years ago to control the chemicals, known as PCB's, for polychlorinated biphenyls.

By poisoning fish, the substance enters the human food chain. It has caused liver cancer and reproductive failures in some laboratory animals.

Other nations who are major offenders, according to data collected by the environment secretariat of the Western coordinating institution, are West Germany, Italy and Spain. Among the countries that have best met the obligations of the undertaking are Japan and the nations of Scandinavia.

Had the United States passed the legislation envisaged under the organization commitment, the General Electric Company would be barred from discharging PCB contaminants from two capacitor plants into the Hudson River.

In New York, a spokesman for General Electric said that the company, under a permit granted a year ago by the Federal Environmental Protection Agency, was discharging about three pounds of PCB chemicals a day from the two plants, at Hudson Falls and Fort Edward, into the upper Hudson north of Albany.

[The permit, the spokesman said, allows the company to discharge up to 30 pounds of the chemicals a day.]

The 24 organization member countries from Western Europe, North America and Developed Asia signed a council decision on Feb. 13, 1973 to control the use of the chlorine-laden PCB's and are now exchanging information about what progress they have made.

An organization lawyer explained that a council decision, under the organization's rules of organization, "has the binding effects of a treaty."

Organization officials here were surprised by the terminology of Russell E. Train, head of the Environmental Protection Agency, in referring to the council decision in one recent statement as a "recommendation."

The council also adopts recommendations, but these are not binding on the members.

"I don't understand," said one organization specialist who asked not to be cited by name, "how the United States could solemnly make an agreement and at the same time not be in the position to carry it out."

A toxic substances control act has been bottled up in the Congress for five years, having run into intense industry opposition. But officials of the Organization for Economic Cooperation and Development cannot fathom why the Administration does not propose legislation to deal specifically with PCB control, especially since there is only one major American manufacturer of the substance, the Monsanto Chemical Company of St. Louis.

Without controls jobbers can distribute the substance freely and imports can come in from manufacturers abroad. PCB's are relatively easy to make, and because of their inertness, fire resistance and ability to hold an electrical charge, they are widely used in the manufacture of capacitors and generators in the electrical industry. They are also used in lubricants, paper coatings, hydraulic fluids, plasticizers, inks, paints and adhesives.

High officials from the organization's member countries are to meet in Paris March 16 to discuss application of the council decision. Christian Herter Jr., Deputy Assistant Secretary of State for Environmental and Population Affairs, is to lead the American delegation.

The council decided that PCB's shall be used only for specifically defined industrial and commercial purposes where the substance is maintained in a closed system.

The accord also said that member countries "shall control the manufacture, import and export of bulk PCB's, institute adequate arrangements for the recovery, regeneration, adequate incineration or other safe disposal of surplus and waste materials; institute a special uniform labeling system for both bulk PCB's and PCB-containing manufactured products; and established safety specifications for containers and transport."

The United States is by far the largest producer of PCB's. According to organization data for 1971—more recent statistics are unavailable—the United States produced 18,000 tons; West Germany, 8,000; France, 7,600; Britain 5,000; Japan,

8,800; Italy, 1,500 and Spain 1,500.

The Soviet Union is also believed to be an important producer, but figures on its output are not available. In Eastern Europe, East Germany is probably the biggest manufacturer, organization officials believe.

At the coming March meeting in Paris, the United States is expected to run into criticism from the countries that have met their PCB control obligations.

Since the council decision, Japan has stopped all manufacture of the product and banned imports, except for a specifically defined special case. In June 1968 about 1,000 Japanese were poisoned as the result of leakage of a heat-transfer fluid containing PCB in a rice oil pasteurization plant.

West Germany, like the United States, has no PCB legislation and is believed to be increasing production.

France passed a law in July last year controlling the production, manufacture and use of PCB's.

Britain enforces control procedures through what is known as a gentlemen's agreement among users and the single manufacturer, a Monsanto subsidiary.

All the Scandinavian countries and the Netherlands, Austria and Switzerland are believed to have effective controls.

Italy and Spain have not carried out the council decision. Italy is said to provide figures on its production, but Spain so far has refused to do this.