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G-E: Discharge not toxic

ALBANY, N.Y. (AP) — Saying its industrial discharges from two upstate plants are not toxic, the General Electric Co. has called for dismissal of a proposed order that the firm stop polluting the Hudson River with a chemical known as PCB.

The company said at a hearing here Monday that "for the past two or three years" it has been using a type of polychlorinated biphenyls that is not as harmful as some of the 200 other varieties of the organic compound.

In a recent complaint, the state said the firm was violating state and federal regulations by discharging substantial amounts of PCB into the Hudson from plants at Fort Edwards and Hudson Falls.

It said the firm may have done "irreparable damage" to the river during the past 20 years and proposed an order prohibiting any additional discharge of PCB from the plants beginning next September.

Last month, Environmental

Conservation Commissioner Ogden Reid warned New Yorkers against eating certain varieties of fish taken from the Hudson, which he said had been found to have PCB levels above the five parts per million limit set by the Food and Drug Administration.

The complaint also proposes that the company be forced to post a minimum compliance bond of at least \$1 million and to clean-up its PCB pollution in the river.

"Our position with respect to these charges and our evidence will demonstrate that the loss (of PCB) that are currently taking place, that recently have taken place and that will take place, do not violate these sections of state law," said N. Earle Evans, a counsel for the firm.

"Our evidence will show — and it's a critical element in your evaluation of the charges — that all PCBs are not alike," Evans told hearing examiner Abraham D. Sofaer, a Colum-

bia University Law School professor.

"We are dealing with a PCB called Aroclor 1018 — one of 200 potential PCBs — which is actually employed in the GE process," Evans continued. "We intend to show that its biodegradability and persistence is not the same (as the others)."

He said the state would have to show "whether they (the PCBs from the two plants) are lost in amounts that will be injurious to fish life ... or impair the use of the waters."

Philip Giffin, a state department counsel, said the state will show that PCBs are "toxic and deleterious substances that have toxic effects on fish and humans" and that GE plants have been violating state and federal regulations by dumping excessive amounts into the Hudson, threatening fish and wildlife.

He said the state will show that PCB "is not degradable and that it persists in the envi-

ronment indefinitely."

PCB is used for insulating purposes in transformers and capacitors. The manmade chemical is fatal to fish eggs and had been found to cause cancer in rats and hair loss in monkeys, according to the department.

It can also cause severe reproductive problems for birds that eat PCB-infected fish. Its effect on humans is not yet known.

A department spokesman said that although PCB is not specifically mentioned in state law, the company "is expressly prohibited by water quality regulations from discharging toxic or deleterious substances in amounts injurious to fish life or which would impose classified best usage of the river."

Last February, the Federal Environmental Protection Agency granted GE a stay on the limitations the agency had originally set.

At the end of the hearings, Sofaer will recommend a course of action.