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DEC 1976
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PCBs are the polychlorinated biphenyls, tough chemical cousins of DDT. Extremely resistant to heat, PCBs have been used in a wide variety of products since Monsanto first began making them in 1929. They have been used in transformer and power capacitors, as a diffusion pump oil, in adhesives for tapes and envelopes, as adhesive in brake linings, clutch faces, and grinding wheels, as an additive in sealants for fireproofing floors, doors, and partitions, in caulking compounds, putty, paint, and waxes, "carbonless" carbon paper, and numerous other products.

PCBs are toxic to wildlife and man; they have caused cancer. Ten million pounds of PCBs enter the U.S. environment accidentally each year through vaporization, leaks, and spills. PCBs are present in fish in the Great Lakes system. In Lake Michigan, every trout or salmon 12 inches or longer contains at least five parts per million of PCBs, the U.S. Food and Drug Administration "tolerance" level for edible fish. PCBs are found in stretches of the Connecticut, Housatonic, and Merrimack rivers in the East, the Ohio, Mississippi, and Missouri rivers in the Midwest, the Columbia and Sacramento rivers in the West, and the Rio Grande and other rivers of the Gulf Coast. Even a tributary of the Yukon in Alaska has PCBs in it. According to Dr. George Harvey of the Woods Hole Oceanographic Institution, "PCBs have been found in all organisms analyzed from the North and South Atlantic oceans, even in animals living under 11,000 feet of water."

Of all the bodies of water in the world none has been worse hit than the Hudson, my home river. In 1970, I knew about PCB contamination of striped bass in the Hudson and coastal fish elsewhere in the U.S. But no one in the New York State Conservation Department, since grandly renamed the Department of Environmental Conservation, did anything about it. Except to cover up.

My personal involvement with chemical contaminants in fish began in the early spring of 1970 when John R. Clark, a marine biologist, suggested that I check the eggs and flesh of coastal gamefish for residues of DDT and other chlorinated hydrocarbon pesticides. Intrigued, I spoke to the editors of Sports Illustrated about this; they agreed to spend several thousand dollars to have fish from the Atlantic, Gulf, and Pacific coasts tested by the Warf Institute in Madison, Wisconsin, one of the top analytical laboratories in the country. I also asked the institute to test for methyl mercury. Then, after reading an article in Environment by Dr. Robert Risebrough of the University of California, who had detected new contaminants, PCBs, in West Coast shore birds, I asked that the fish be tested for PCBs as well.

In May of 1970, Sports Illustrated correspondents around the U.S. collected fish samples and shipped them to the Warf Institute. With the help of Charlie White, a fellow member of the Hudson River Fishermen's Association, I netted six striped bass, weighing from six to 25 pounds, from the Hudson and air-expressed them to Madison.

On October 26, 1970, Sports Illustrated carried a long piece I wrote about the test results. It was entitled "Poison Roams Our Coastal Seas." The tests revealed, among other things, that Hudson River striped bass had 11.4 parts per million of PCBs in their eggs and 4.01 ppm in their flesh.

Since I hold a scientific collector's license, I am required to make an an-

HOOKED ON A RIVER

I got mad about deadly PCBs and determined to tell the American public the story. Even more, my involvement with the Hudson River cleanup has shown me how ordinary citizens *can* act successfully to conserve our fish and wildlife

By ROBERT H. BOYLE



Conservation Award winner Bob Boyle with 11-pound striped bass he caught in the Croton River, a tributary of the Hudson. Comeback of stripers in the Hudson has been due to militant conservation efforts of citizens like Boyle

Art Cloutz Photo

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nual report to the state on my seining. On February 17, 1971, I did so, and in my letter to Carl Parker, chief of the Bureau of Fish, I told him of the PCB and DDT levels in the eggs.

"These are grim figures," I wrote, "and I certainly think the state should warn fishermen not to eat striped bass eggs." I also told Parker that the levels in the flesh were "not great reading," and I suggested he read my article. Parker's reply was derisive.

Secretly, however, the state began testing fish from the Hudson in 1972. Eleven of 20 largemouth bass had PCB levels exceeding five parts per million, the FDA tolerance level. One largemouth had 53.81 ppm, a smallmouth 17.58 ppm; a striped bass 10.48. In 1973, the Department of Environmental Conservation (DEC), collected 22 stripers from the lower Hudson and analyzed them in 1974. Eighteen of them had excessive levels, the highest with 49.63 ppm of PCBs. Not a word of warning was given to the public, though it was known, largely as a result of legal actions brought by the Hudson River Fishermen's Association, that striped bass from the Hudson migrate in great numbers from New Jersey north to Cape Cod, Massachusetts, after spawning.



Not long ago, I learned from a scientist who requested anonymity—hence my code name for him of "Deep Trout"—that as early as 1971 the state had known that chinook salmon taken from Lake Ontario had PCB levels ranging from 15.29 ppm to 34.48 ppm. Again not a word to the public. Gracious, it might hurt license sales. Heavens, it might reflect on Governor Nelson A. Rockefeller and other panjandrums of state government who had promised in 1965, after the passage of a $1 billion plus "Pure Waters" bond issue by the voters, that all the waters of the state would be clean by 1972.

There was one dissenting voice within the DEC. Dr. Ward Stone, wildlife pathologist at the Delmar laboratory near Albany, had been warning his superiors since 1970 that PCBs were a threat. "No one really cared," says Stone. His memos were shunted aside. He felt his warnings were "futile," and there were times when he wondered if he were crazy and the rest of the DEC sane. In one memo, typical of Stone's bluntness, he wrote, "I hope the department begins to take some of these toxic problems seriously . . . because it is doubtful these problems can be put off. In fact, they already have been put off far too long."

The PCB problem in the Hudson and Lake Ontario popped on August 8, 1975, when Dick Severo broke the story in the New York Times. The new commissioner of the DEC, Ogden Reid, warned the public against eating striped bass from the Hudson and salmon from Lake Ontario because of PCB contaminstion. Prompted by a report he had received from the U.S. Environmental Protection Agency, a report that agency had been sitting on for a year until it grew too hot to keep hidden, Reid said the General Electric Company, which had capacitor plants at Fort Edward and Hudson Falls, had been discharging PCBs into the Hudson since 1942. By the company's own calculations, it had been dumping an average of 30 pounds of PCBs a day into the river, perhaps 90 pounds on some days. To Reid's dismay, the state health department had given the company's plants a water quality certification in 1971, and in 1973 the DEC had

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issued another certification of GE's standards.

In September, 1975, at Reid's urging, the DEC accused GE of violating state water quality standards and the state Environmental Conservation law. Reid ordered an official hearing into GE's PCB pollution, and he appointed Professor Abraham Sofaer of the Columbia University Law School as hearing officer. Early this year, after lengthy argument, Sofaer found GE guilty of violating state's water quality standards, and a second hearing was then held to determine what steps the company should take to restore the Hudson. The case was settled by Peter A. A. Berle, Reid's successor, in September when GE agreed to pay the state $3 million cash and contribute an additional $1 million to research. The DEC will contribute $3 million of its own, making the total clean-up package $7 million.

Since it might cost $20 million or more to rid the upper Hudson of 500,000 pounds of PCBs, $7 million seems a paltry sum. But legally, pursuing the case further was difficult, particularly since the state was equally culpable for having given GE water quality certifications. Moreover, PCBs are flowing over the Troy dam and entering the tidal Hudson at the rate of 10,000 pounds a year, and action is imperative.

My own involvement with the Hudson dates back to 1960 when I moved back to the river valley from San Francisco. Until then I had barely given notice to what is now called "the environment." At the time I concentrated on the meat-and-potato sports of baseball, boxing (investigative reporting mostly), football, hockey, and basketball. And except for a piece about a group of grossly selfish farmers who were attempting to drain Tule Lake in northern California, the greatest single gathering place in the world for migratory waterfowl, that was it for conservation.

But once back in the Hudson Valley, with the river and a lovely bass pond nearby in the woods, I rekindled my boyhood passion for fishing. I am not one to do things by halves. I soon became curious about the number of bass that might inhabit the pond, and I found myself reading scientific literature instead of The Sporting News. My curiosity about the bass in my nearby pond led me to Dr. George W. Bennett of the Illinois Natural History Survey. After the magazine ran my piece about Dr. Bennett and his pioneering work on bass populations in lakes and ponds, I cast about for larger quarry.

The Hudson was the logical target. I read everything I could about the river. I went gill netting with Ace Lent and Charlie White, commercial sturgeon fishermen in Verplanck, and I fished for striped bass, white perch, and snapper blues at Croton Point. I gagged at some pollution outlets. But I found out that, despite pollution, the tidal lower part of the Hudson was—and is—an extraordinarily productive estuary. In time I got a scientific collector's permit allowing me to use a 60-foot seine to net fish from the river, and I began giving specimens from my hauls to the American Museum of Natural History. There are some unusual fish species roaming the Hudson. In late summer, there are runs of needlefish and jack crevalle. Once I caught a mangrove snapper, which is ordinarily found between Florida and Brazil.

A long story I wrote on the Hudson in 1964 was the genesis of a book, "The Hudson River, a Natural



Editor John Fry presents 1976 OUTDOOR LIFE *Conservation Award to Robert Boyle. The bronze engraving of the Conservation Pledge is mounted on a rustic wood frame*

The Winner of the 1976 OUTDOOR LIFE Conservation Award

☐ What can ordinary citizens actually do to halt water and air pollution and the loss of fish and wildlife in an increasingly industrialized society? The story of the 1976 OUTDOOR LIFE Conservation Award is the story of how people—not high-powered biologists or Wall Street lawyers—but how ordinary people *can* do something. The actors in this conservation story are everyday citizens—a commuting businessman, a factory worker, an airline pilot, and a prison guard. Most of all, it is the story told by sportswriter Robert H. Boyle starting on page 62.

Boyle, 48, was the first journalist to bring the attention of large numbers of Americans to the perils of PCB's in fish. For this achievement and his other efforts "to defend from waste the natural resources of my country—its air, soil, and minerals, its forests, waters, and wildlife," Boyle has been given the 1976 OUTDOOR LIFE Conservation Award.

Bob Boyle didn't plan things that way. Much of his writing in 22 years for Sports Illustrated has been about boxing, horse racing, baseball, and tennis. But along the way and during thousands of miles of travel across

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CONSERVATION TRAILS

HOOKED ON A RIVER *(continued from page 65)*

Polaroid triplicates. Sports Illustrated published one of them with a piece I wrote, "A Stink of Dead Stripers," in April 1965. The sportsman told me, "I kept them because I figured a reporter would come along in a couple of years. The conservation department took all my originals, then a month later they asked if I had duplicates. I had to give them those, but they didn't ask about triplicates."

The article appeared just before a Congressional hearing, prompted by Representative Richard Ottinger, was held on the subject of Hudson River power plants and damage to fish life. By now I had a few sources within the conservation department, and I was curious to know what effect the article and the Congressional hearing had on the bureaucrats in Albany. The reaction was odd. Instead of making a clean breast of the Indian Point kill, department officials scurried around behind the scenes, demanding, "Who squealed to Boyle? Who gave the pictures to Sports Illustrated?" They even checked home phone bills of department members to see if anyone had called me.

There were threats to the river from every which way, and so in 1966 a dozen of us founded the Hudson River Fishermen's Association. To quote from the papers of incorporation, its aims are to "encourage the rational use of the aquatic resources of the Hudson River and its tributaries. The Association will gather, study, and disseminate information about the ecology of the Hudson watershed, particularly in regard to the life histories and needs of fish; endeavor to protect the spawning and nursery grounds of desirable sports and commercial fish; and assist in efforts to abate pollution."

Then and now, the members of the HRFA come from all walks of life. The story of the HRFA is essentially that of how people, not necessarily high-powered politicians or Wall Street lawyers, can join together to help defend a great river against despoliation. Initial members included Ron Dagon, an ecologist with the New York Botanical Garden; Dr. Dan Salzberg, an orthodontist; Augie Berg, a guard at Sing Sing (he manned one of the watchtowers on the riverside of the prison); Dr. James Alexander, a marine biologist at Fordham and his wife, Betty, a specialist in algae; Ace Lent and Charlie White, commercial fishermen; Glowka, Pirone, and myself. Our first president was Richie Garrett, a cemetery superintendent, whose standard greeting was, "Fellas, I'm the last guy to let you down." Richie has since been succeeded at his own request by David Seymour, a former Utah game warden who returned east to serve as a National Audubon staff naturalist in charge of Constitution Marsh across the river from West Point.

Membership in the HRFA now stands at about 750, and dues are $8 a year, payable to Box 133, Cold Spring, NY 10516. We have never attempted to buttonhole people into joining because if we did we would wind up as a Red Cross service organization instead of a Marine Corps assault force. From the start, the HRFA has urged members along the river to deal with problems in their own immediate area. It is asking too much of human nature, however well intentioned, to expect people to cope with problems some distance away. With this in mind, we have encouraged members, when sufficient numbers are present, to form local chapters and then join with the overall membership for the betterment of the whole watershed. The New Jersey chapter has been so effective that one mayor has told members to stay the hell out of town. There is no music sweeter to our ears than the conniving politician at bay.

Over the years, the HRFA has kept vigilant watch on power plants, existing or would be. Con Edison has yet to build the Storm King plant. In 1974, the Federal Second Circuit Court of Appeals accused the Federal Power Commission of "wearing blinders" on the fisheries and ordered the FPC to reconsider this vital issue. In this case, as in others, we have been fortunate to be represented by the Natural Resources Defense Council, a public-interest law group that has given us more than $500,000 in free legal counsel.

Ever since its founding, the HRFA has gone after polluters of the river. In 1966, research by Glowka and myself disclosed that two long-forgotten federal laws, the New York Harbor Act of 1888 and the Federal Refuse Act of 1899, were applicable in bringing polluters to heel. To quote from the 1888 act:

"That the placing, discharging, or depositing, by any process or in any manner, of refuse, dirt, ashes, cinders, mud, sand, dredging, sludge, acids, or any other matter of any kind, other than that flowing from streets, sewers, and passing therefrom in a liquid state, in the tidal waters of the harbor of New York, or its adjacent or tributary waters, or in those of Long Island Sound, within the limits which shall be prescribed by the Supervisor of the Harbor, is hereby strictly forbidden, and every such act is made a misdemeanor, and every person engaged in or who shall aid, abet, authorize, or instigate a violation of this section, shall upon conviction be punishable by fine or imprisonment, or both, such fine to be not less than $250 nor more than $2,500, and the imprisonment to be not less than 30 days nor more than 1 year, either or both united, as the judge before whom conviction is obtained shall decide, one half of said fine to be paid to the person or persons giving information which shall lead to conviction of this misdemeanor."

The Federal Refuse Act of 1899 was similarly worded except that it applied to *all* navigable waters in the United States. After making sure that the laws were still on the books, we swung into action in 1966, taking as our first test case the oil pollution of the Hudson by the New York Central (later the Penn Central) railroad at Harmon. Ever since 1929 the railroad had been disgorging oil into the river from a three-foot diameter pipe, and slicks often covered several square miles of the Hudson and adjacent Croton River.

What was really bad here was not so much the oil, horrible enough, but the public cynicism it engendered about government. We were told we couldn't beat the railroad. The railroad was too big, too

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TROPHIES
(continued from page 96)

in boots and waders as they spend their honeymoon fishing the great trout water of the West.

Since those days the two of them have collected trophies of another kind, but that old brown holds a special place in their hearts. That was quite a honeymoon and a fine way for a man and a woman to begin life together.

Just as that whitetail buck was dear to the old man years ago, my trophies are important to me. They are the keepers of great moments in my life. And looking at them also reminds me of the secret fears and failures all hunters come to know.

BOATING
(continued from page 22)

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Trim Tabs: These would be placed on the bottom of each live well. They would be remote controlled from a switch on the center console. Used in combination with the power trim currently available on outboard motors, this system would create a much softer and dryer ride in even the worst seas.

Flotation: This would be designed into the hull in a way to meet the Coast Guard's level flotation standards that go into effect in 1978. Foam could be placed on either side of the hollow keel under the cockpit sole, under the wide gunwales, between compartments, and even under the lids of the compartments. If placed properly, it would ensure flotation with little effect on storage space and boat function.

Every aspect of these designs and ideas are practical. Hulls that are capable of this performance level already exist, and are certainly stable enough to do the job. I wouldn't be at all surprised if someone already has built a craft very much like the dream boat I've described. Remember, I'm always available to try it out!--*Bob Stearns.*



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and Unnatural History," published in 1969. Obviously I was hooked on the river. I was also dismayed by abuse of the river, and I started to lend my voice to efforts to right wrongs. I don't think of myself as an agitator, but I was damned if I could stand by and let ruination proceed apace. This is my native turf. I had written about some smelly episodes in the prize ring, but here were polluters and politicians trying to "fix" a great river system.

From the beginning of my explorations of the Hudson, I was struck by the fact that no one in the conservation department cared about the river or knew much about it. When I asked biologists at the Poughkeepsie regional office what fish were to be found where the tributary Croton River flows into the Hudson, one of them replied, "We don't know, but if you find out let us know."

Cus D'Amato, who managed Floyd Patterson to the heavyweight title, accompanied me on an early foray to department headquarters in Albany, and after a biologist backed off answering a simple question, Cus whispered, "These guys act like they're tryin' to hide something." Inasmuch as Cus had once spent a spell in the Catskills hiding from the Attorney General, his insight carried some authority.

I sought out anyone who had knowledge about the Hudson. I met Arthur Glowka, an Eastern Airlines captain, after his article, "Stripers in the Hudson," was published in the August 1964 OUTDOOR LIFE. In turn, Art introduced me to Dominick Pirone, a biologist then studying for his doctorate at Fordham and now a professor at Manhattan College.

The three of us met at a fortuitous time. The Consolidated Edison Company was seeking a license from the Federal Power Commission to construct a mammoth pumped storage hydroelectric plant in the Hudson Highlands at Storm King Mountain 50 miles north of Manhattan. The Scenic Hudson Preservation Conference was fighting the project mainly on aesthetic and economic grounds. Glowka, Pirone, and I offered our help to Scenic Hudson on the issue of potential damage to the fisheries. The plant would sit in the heart of the striped-bass spawning grounds in the Hudson. Millions of eggs, larvae, and juvenile fish would be destroyed because the plant could suck up six *billion* gallons of river water in a single operating cycle. This was no academic argument.

A handful of people knew Con Edison already had a horrible record of killing tons of fish, including striped bass up to 35 pounds, 15 miles downriver at its Indian Point nuclear plant. The kill started in 1963 shortly after the nuke went into operation, but it was little publicized because Con Edison and the conservation department put a lid on the slaughter.

However, several fishermen and at least one representative of the department had taken pictures of vast piles of rotting fish at Con Ed's dump, and those who saw them were horrified. To conceal the kill, Con Ed posted guards, and the conservation department quietly began calling in every picture it could of the carnage. Before the photographs disappeared, Dom Pirone saw a number of them. One showed dead striped bass stacked a dozen feet high.

After getting flimflam from Con Edison and state officials, I decided there was a story to be had and I began a search for any photographs that might have escaped the department's secret files. I finally found a sportsman who had saved *(continued on page 100)*

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powerful. We accepted the challenge.

At first the U.S. Army Corps of Engineers simply noted our complaints and took no action. So did the state government. So did the Federal Water Pollution Control Administration. So did the U.S. Attorney's office. Finally in 1969, as the result of our screaming and jumping in the press and on TV, the U.S. Attorney took action. A federal judge fined the Penn Central $4,000. Thanks to the persistence of Art Glowka, the HRFA received half the fine, $2,000, as a reward, and we immediately put this money to use combatting Con Edison and other defilers of the Hudson.

With the Penn Central case as a precedent, other polluters fell, among them Ciba-Geigy, Standard Brands, Philmont Finishing, and American Cyanamid. The pollution by Cyanamid was spotted by Geoffrey Jones, a businessman, commuting by train from his home in Garrison to his office in New York City on the morning of August 14, 1972. South of Peekskill, Jones happened to notice that Dickey Brook, a tributary of the Hudson, was horribly discolored. Upon reaching his office, Jones alerted the HRFA, and within an hour Dave Seymour and John Sedgwick arrived at the mouth of the brook where they were joined by a PBS-TV news crew. They started moving upstream to find the source of the pollution. The pollutant, which turned out to be titanium dioxide, was coming from an American Cyanamid plant. They were confronted by a bristling plant manager and a shop foreman.

"What are you doing here?" the manager demanded to know.

Pointing at the brook, Seymour replied, "The question is, what are *you* doing here?"

A few more words followed in the exchange. Seymour recalls, "Suddenly the manager saw the TV camera and he was startled. And then he saw the sound boom. He just closed his mouth shut."

The footage was turned over to a federal grand jury which returned an indictment. American Cyanamid pleaded innocent, and the case went to trial before a district judge. He found the company guilty of violating the 1899 act and imposed a fine of $1,000. Under the law, the HRFA collected $500 reward, and half that went to businessman Jones for alertness.

The record fine was paid by Anaconda Wire and Cable in Hastings, thanks to the efforts of Fred Danback, who started the Yonkers chapter of the HRFA. A blue-collar worker, Danback is also a director of the U.S. Volunteer Life Savings Corps in Yonkers and has cared about the river since childhood. He worked for Anaconda for 18 years, and he was upset by the pollution—oil, copper, sulphuric acid, detergents, and hot water—going into the river. Had Danback not been an official of the local union, he undoubtedly would have been fired. As it was, the company kept him from pay-incentive jobs.

"Anytime anything came up I would contact the Corps of Engineers and other so-called responsible agencies," Danback says. "No one acted. They all passed the buck. Then I heard about the 1888 New York Harbor Act. I couldn't believe it, and my friends felt the same way. We checked, and Congress had never amended the law. It was still in force, but everyone was pussyfooting around for reasons best known to themselves. This lack of responsibility is one of the cancers of our society. Being in Anaconda as a union official, I could roam the plant. Whenever I would see something wrong, I would call on a pay phone and investigators would come in. Nothing was done. I called and called, and I called again. Inspectors would show up and give the company a clean bill of health."

Fed up, Danback quit the company in 1969, but the HRFA continued to register complaints about Anaconda. In 1971, Anaconda was indicted and charged with 100 violations of the Federal Refuse Act of 1899. Anaconda pleaded guilty to each of the counts, and Judge Thomas F. Croake fined the company $2,000 for each violation. Anaconda paid the $200,000 fine, and the HRFA put in for half the amount, $100,000. An assistant U.S. attorney screamed, "You guys are crazy!" he said. "That's six figures. John Mitchell [then Attorney General in Washington] would never stand for it." We threatened to fight, but our attorney in the case, Bart Rozell, who served without fee, advised that a fight would be long and involved with no guarantee of success. We finally agreed to settle for reporting a certain number of the violations, and after a hearing before Judge Croake we were awarded $20,000, a record in its own right. Of this, $10,000 went to Danback who had put in years of effort.

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The HRFA has not been vindictive in its fights against polluters. In 1967 we went after Hudson Wire & Cable in Ossining as a polluter. The company voluntarily cleaned up and saved money in the process. (Many pollutants are nothing but resources out of place.) Even so, federal authorities later brought charges, and when we heard of this we offered to testify on Hudson Wire's behalf in court. Indeed, Robert Aiken, the chairman of Hudson Wire, was made an honorary member of the HRFA. Hudson Wire, along with Western Electric and Gestetner Corporation, have been honored for their concern about the river.

There are times, I must confess, when I get discouraged. I think of all the fights we have fought, and the progress we seemed to be making, and then I think of the PCBs in the fish in the river. I still fish the Hudson, though I no longer eat the fish, and I wonder how long it will be before I can take home a 10-pound striper or a creelful of perch.

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