WALL STREET JOURNAL

NOV 22 1976

The Spread of International Controls

By ARLEN J. LARSEN

WASHINGTON—There is too much government in the world already. To set up a permanent new kind of "world government," adding yet another layer of bureaucracy, would be a dreadful idea.

Yet there is a growing list of global-scale potential hazards to the environment and human health that seem to require international rules of conduct of some sort. These rules for now are being considered on a piecemeal, case-by case basis, which may prove to be the best way. At any rate, global regulation is sure to be a matter of increasing dollars-and-cents interest to multinational corporations and U.S. companies with markets abroad.

The U.S. government, for example, has just about decided to ban the use of fluorocarbon gases as spray-can propellants. But U.S.-made fluorocarbons suspected of gobbling up the protective sheath of ozone around the whole planet account for only 40% of the world-wide supply, so American officials want other government to impose their own bans. "If we're going to have any effective action, the effort will have to be international," says Paul Glaser, an environmental officer at the State Department.

Global regulation isn't new, of course. For years, the International Telecommunications Union has had the job of allocating broadcast frequencies among national governments. World regulation works best when the regulators are dealing with a specialized subject with a commonly agreed upon base of scientific or technological knowledge. A smashing example is the World Health Organization (WHO), which is on the verge of eradicating smallpox from all of humanity. The regulators are least successful at endeavors like the floundering Law of the Sea Conference, where greed and nationalism bring out the worst in people.

A Muscular Lobby

The new attempts at world regulation most often involve man-made substances not found in nature. A regulatory effort tends to start with one government and spread to others. Because of its muscular environmental lobby at home, the U.S. is becoming a major instigator.

There's been remarkably rapid acceptance in the U.S. scientific and regulatory establishments of the theory, first broached in 1974, that fluorocarbon gases waft up from spray cans to attack ozone in the stratosphere. Asked by the government if the theory is true, a special panel of the National Academy of Sciences in September said yes. But the panel said the rate of ozone depletion isn't yet known, recommending a one or two-year delay for any ban on the use of these propellants in spray cans.

Nevertheless, the panel's verification of the theory was enough to start the regulatory gears grinding. The Food and Drug Administration last month declared there will be an eventual ban on "nonessential" uses of fluorocarbons to propel deodorants and hairspray. This, of course, threatens a valuable market for Du Pont Co. and the five other U.S. makers of fluorocarbons. But fluorocarbons also are made by 39 companies in 22 other countries. U.S. government officials argue it would be pointless to plug the fluorocarbon spray can here if these gases keep drifting skyward from the rest of the world. So they're launching a hard-sell campaign for a global ban.

"Our hope will be to phase out all nonessential uses over the next two years," Environmental Protection Agency Administrator Russell Train said at a civilian NATO meeting in Brussels last month. "I will strongly urge all other nations who produce and use these fluorocarbons to undertake a similar course."

Strong interest in protecting the ozone shield has been expressed by the governments of Canada and Norway. But U.S. environmental officials lament that their counterparts in Britain, France and Japan remain skeptical of the ozone-depletion theory. The British are said to worry that a fluorocarbon ban would just cause more boat jobs in their already distressed economy. Environmental groups, which in the U.S. have helped keep ozone worries stirred up, are much less powerful in Europe, and the press there hasn't shown much interest.

Hoping to dent this attitude, the Americans plan to invite government regulators from a dozen or so industrialized nations, including the Soviet Union, to a meeting here in late April. The meeting essentially "will be a dog and pony show," says one U.S. official, reviewing available scientific data about ozone depletion, increased skin cancer risks, the possibility of climatic change and all the rest.

There's less resistance abroad to the warning that genetic researchers should

U.S. officials argue it would be pointless to plug the fluorocarbon spray can here if these gases keep drifting skyward from the rest of the world. So they're launching a hard-sell campaign for a global ban.

follow some rather uniform precautions to keep the bright promises of their work from turning into a global nightmare. By mixing unnatural combinations of genes in a host cell, researchers hope to discover causes of cancer and hereditary defects, produce industrially useful enzymes, manufacture insulin and turn ordinary crops into super-harvests. But the risks are obvious. A genetically rigged cell could turn into a killer bug devastating to mankind.

Such worries led to an early 1975 non-government meeting in California of more than 100 genetic researchers from around the world. They came up with a set of rules with varying degrees of stringency, depending on the risk of a particular experiment. Some rules dealt with keeping artificial organisms from escaping physically from the laboratory, while others seek to assure that a rigged cell will self-destruct outside the friendly laboratory environment.

A long series of follow-up meetings led to publication of last summer's guidelines which must be obeyed by researchers getting money from the U.S. government's National Institutes of Health. NIH director Donald Fredrickson said at the time: "It is my hope that the guidelines will be voluntarily adopted and honored by all who support or conduct such research throughout the United States, and that at least very similar guidelines will obtain throughout the rest of the world."

Abroad, the British government is developing genetic research regulations emphasizing physical containment of the new bugs, and Sweden, Belgium say other Western European governments are moving in that direction. And there is a parallel non-governmental effort to keep an international eye on this work. The National Academy of Sciences, composed of top scientists in their fields, is outside the government but often gives advice to federal agencies. It has counterparts in other countries, and they've all joined up to form the International Council of Scientific Unions.

Meeting in Washington last month, this group agreed to set up a special committee to monitor genetic research everywhere. It will, among other things, keep a world-wide registry of laboratories where genetic "engineering" is going on.

This approach reflects scientists' wariness of rigid regulation of what happens in the laboratory. The U.S. National Academy of Sciences has endorsed the NIH guidelines, but academy president Philip Handler says he'd be "very unhappy" if they gained the force of permanent law. He predicts modifications as genetic researchers get more experience. "As sure as God made little green apples," he says, "those guidelines are going to change."

These first tentative steps involve the international monitoring of a new science. In contrast, global attempts to regulate the use of PCBs involve a family of ubiquitous industrial chemicals that have been in use since the 1930s. They are good electrical insulators, and resist fire and corrosion.

They also make people sick. In 1968 a batch of rice oil in Japan became contaminated with PCBs. Treatment was given to 1,291 patients for stomach pain, headache, fatigue and other ailments. The incident prompted the Japanese government in 1971 to announce a ban on PCB production and tight controls on imports. In the U.S., the Food and Drug Administration started finding evidence that PCBs were leaking into the environment, contaminating eggs, milk and fish. As early as 1970, Monsanto Co., the only U.S. maker of PCBs, voluntarily agreed to limit sales to certain electrical uses where environmental escape was unlikely.

But Japan had set the example. The staff of Democratic Sen. Gaylord Nelson of Wisconsin wrote Tokyo for a copy of the anti-PCB law in preparation for a congressional ban on the substances here. It was adopted this year as an amendment to a bill giving the government more control over toxic substances. After the bill passed, Monsanto announced it will withdraw entirely from the PCB business by October of next year, not only in the U.S. but in Britain as well.

A Cautious Response

The Paris-based Organization for Economic Cooperation and Development has published a report by a special council it has set up to consider the danger. Said the report, cautiously: "The use of PCBs should be controlled by international action in order to minimise their escape into the environment pending the realization of the ultimate objective of eliminating entirely their escape into the environment." The council recommended against use of PCBs in pesticides, or as heat transfer fluids in the food and drug industries.

U.S. environmental regulators hope more countries will go further and unilaterally ban PCBs altogether. The new U.S. toxic substances law includes a prohibition after two and a half years on all imported products containing PCBs, which regulators here think will be a powerful influence on foreign manufacturers selling in the big American market. "As a result of the U.S. ban, every other country will consider the possibility of banning PCBs themselves," predicts an EPA official.

But there are people in government offices all over Washington who would like to see institutional approaches to global regulatory problems. The problem-solvers, they say, could be much more efficiently tackled by a sort of international environmental protection agency. Looming ahead are even tougher global pollution problems, such as a rise in atmospheric carbon dioxide that could potentially overheat the whole planet.

A big new regulatory bureaucracy doesn't appeal much to President Handler of the National Academy of Sciences. "If you had a really adequate world monitoring system," he says, "you wouldn't need to worry about an international EPA." The monitoring system would "raise the flag when it sees problems" with something like PCBs in the environment, and then let national governments do the regulating.

"What else can you do?" Mr. Handler asks. "Unless you're willing to have a world-wide military force there's nothing to do but exert moral suasion. The biggest pollutant of all is called military hardware."

Mr. Larsen is a member of the Journal's Washington bureau.

MONS 050829