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TOXIC MATERIALS NEWS 10/17/79

FROM: G. Young

THE GOVERNMENT'S PCB USE AUTHORIZATION POLICY is set for some changes that will tighten up Environmental Protection Agency's practice of granting permission for the continued use of the regulated chemical, Office of Toxic Substances head Steven Jellinek told TMN. At a press briefing October 12, Jellinek said EPA is considering its present PCB policy (TMN, April 25, 1979, p. 131), which allows continued use of PCBs in enclosed systems, in light of the recent PCB feed contamination incident in Idaho (TMN, Oct. 3, 1979, p. 314). Jellinek said his office will consider totally banning PCB use in food processing establishments.

EPA IS CONSIDERING ENFORCEMENT ACTIONS against the parties involved in the Idaho incident, he said, because evidence indicates there were PCB labeling violations at the plant where a leaking transformer contaminated animal feed. In addition, Jellinek said the company's lack of repair action on a leaking transformer is another PCB ban rule violation. However, he pointed out that EPA has not decided who is responsible for the enforcement action. The plant owner was apparently unaware of the need for any PCB actions and has charged that the transformer service company told him no service or action was required after a recent transformer inspection.

SEC. 6(a) OF TSCA gives EPA the authority to totally ban PCB use in a particular segment of industry, he noted. However, Jellinek said that any further PCB regulatory action in this area will be coordinated with the Food and Drug Administration and the Department of Agriculture and that a ban on PCB in food establishments would likely be a tri-agency effort.

FIRST USE OF SEC. 8(a) PROPOSES REPORTING ON PBB AND TRIS

To insure that polybrominated biphenyls and tris, two flame retardants shown to be toxic, do not come into widespread use in the future without adequate review for safety, Environmental Protection Agency has proposed that manufacturers or importers of the substances notify the agency if they presently produce or import, or have plans to produce or import, the substances. The rule is the first to be proposed under Toxic Substances Control Act's Section 8(a), which gives EPA general reporting and recordkeeping authority.

Aside from importation of plastic pellets containing PBBs, the manufacture and use of PBBs and tris have apparently ceased in the U.S. due to adverse publicity. But since there is no ban on the chemicals, their manufacture could resume at any time, and the 8(a) rules would keep EPA advised of the status of the substances so the agency could determine whether regulation would be needed in the future.

Proposed 8(a) rules would require a person to notify EPA if he manufactures or proposes to manufacture PBBs or tris, or is importing or proposes to import PBBs or tris as a chemical substance in bulk or as part of a mixture. "Propose to manufacture or import" means that a person has made a management decision to commit financial resources to manufacture or import the chemicals.

Rule would not apply to processors or to importers of articles containing the substances. Small firms, those with annual sales of less than $500,000, are not subject to the rule unless they would manufacture or import more than 10,000 lb. per year. Exempt from the rules are those using PBBs or tris solely for research and development or who would produce it as a byproduct or impurity.

Tris means all commercially available grades of tris (2,3-dibromopropyl) phosphate. PBBs means chemical substances or mixtures whose compositions, without regard to impurities, consist in whole or part, of brominated biphenyl molecules having the molecular formula $C_{10}H_xBR_y$, where x+y=10 and y ranges from 1 to 10.

Comments on proposed reporting rules are due Dec. 11 to Document Control Officer, Office of Toxic Substances (TS-793), EPA, Washington, D.C. 20460, reference OTS-081005. For further information on the rules contact: Industry Assistance Office, OTS (TS-799), EPA, Washington, D.C. 20460, (800) 424-9065.

Meanwhile, Dr. Irving Selikoff, N.Y. Mount Sinai Medical Center health researcher, reports that the small amounts of PBB in tissues of Michigan residents have not caused serious adverse health effects. Releasing a $2.5-million two-year state-sponsored study Oct. 9, Selikoff said that although 90% of Michigan residents have some PBB in their bodies, there is no evidence indicating that these people face a serious health threat.