

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of

Alleged Violations of Sections 17-0501,
17-0511, and 11-0503 of the Environ-
mental Conservation Law of the State of
New York by

General Electric Company

Respondent

TESTIMONY OF

JOHN SPAGNOLI

FILE NO. 2833

Q. State your name and business address.

A. John J. Spagnoli, New York State Department of Environmental Conservation,
50 Wolf Road, Albany, New York.

Q. State your position at DEC and your prior work and educational experience.

A. At DEC I am Chief of the Bureau of Environmental Protection; a copy of my
Curriculum Vitae is attached to this testimony as Exhibit "1".

Q. Describe your duties at DEC.

A. I am responsible for DEC activities in monitoring the levels of various
toxicants, including pesticides and heavy metals, in fish and wildlife;
assessing environmental impacts of proposed projects; and generation of
standards and criteria for toxicants and other pollutants.

Q. Did there come a time that you instituted a monitoring program designed to
determine the levels of polychlorinated biphenyls in fish and/or wildlife
tissues?

A. Yes; such a program was instituted in August 1975.

Q. Were you responsible for overall supervision of this program?

A. Yes.

Q. What did your supervision consist of?

1 A. I supervised the selection of sampling sites, the collection and transporta-
2 tion of samples to the laboratory for analysis and interpretation of the
3 results of the analyses.

4 Q. Who performed the analyses?

5 A. The New York State Department of Environmental Conservation, Rome Pollution
6 Laboratory under the direction of Earl Harris; The New York State Department
7 of Health, Griffin Laboratory under the direction of Brian Bush; and the
8 New York State Department of Agriculture and Markets, Food Laboratory under
9 the direction of Elmer George.

10 Q. Was a report of this monitoring program prepared?

11 A. Yes, a copy of the report is appended to this testimony as Exhibit "2".

12 Q. What portion of the report did you prepare?

13 A. I prepared the entire report with the assistance of staff under my direct
14 supervision. The section dealing with analyses was prepared based on in-
15 formation submitted to me by Messrs. Harris, George and Bush.

16 Q. Please summarize the conclusions contained in the report.

17 A. In the Hudson River above Fort Edward, New York virtually no PCBs were found
18 in the fish sampled. Below Fort Edward, however, virtually all samples
19 contained PCBs above the Food and Drug Administration's temporary tolerance
20 level of 5 ppm up to a maximum of 559 ppm PCBs.

21 Q. Are you familiar with the location of the General Electric Company's (GE)
22 manufacturing facilities in Fort Edward and Hudson Falls, New York?

23 A. Yes.

24 Q. State the results of the sampling and analyses with reference to the location
25 of the GE plants.

26 A. All of the fish sampled upstream of the GE plants contained only trace amounts

1 of PCBs in the edible portion; all of the fish which contained greater than
2 5 ppm PCBs in their edible flesh were taken from downstream of the GE plants.
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