- - USDA's surveillance of pesticide residues falls short in a number of areas - - the number of animals is too small for valid statistical estimates; the public is given a false sense of security because of USDA secrecy; and "some of the most dangerous pesticide residues are overlooked when USDA examines its meat samples . . . "

USDA "secrecy" was the subject of another Capitol Hill appearance August 4 by Harrison Wellford, author of Sowing the Wind. He testified before the "subcommittee on separation of powers" of the Senate Judiciary Committee.

"In Washington's regulatory agencies," he said, "information, especially timely information, is the currency of power." He said of USDA's Consumer and Marketing Service: "By any standard, the CMS is one of the federal government's most fearful and defensive bureaucracies."

CC: WBP

USDA AND FDA CRITICIZED ON HANDLING OF PCB INCIDENT

PCB contamination of chickens triggered sharp criticism of both the Food and Drug Administration and the Department of Agriculture on Capitol Hill last week.

Representatives of two groups affiliated with Ralph Nader charged that USDA and FDA handling of a recent fish meal incident in 10 southern states "suggests significant gaps in the protection of food consumers from the onslaught of chemical contaminants" (See FOOD CHEMICAL NEWS, July 26, Page 42).

Peter Schuck of the Center for the Study of Responsive Law and Robert Vaughn of Nader's Public Interest Research Group testified before a House Commerce subcommittee which is seeking a fundamental shoring up of FDA food enforcement (See separate story, Page 3). Schuck stated:

> "Given the toxic, persistent and ubiquitous nature of PCBs in our environment, it must come as a profound shock to consumers to realize that neither USDA nor FDA routinely monitors the food supply for PCB residues. Indeed . . . PCBs were only this year included on USDA's checklist of possible contaminants."

Noting that the PCB contamination of fish meal at the plant of the East Coast Terminal Company resulted from leakage of a "closed system," a heat transfer unit, Schuck said the system was repaired several times between April 30 and July 15 by means of patches.

This points up the possibility, he said, that PCB contamination was sporadic and that samples found to be below 5 p.p.m. could have been taken from lots that were not as seriously contaminated as other lots. "We have conveyed this information to USDA," he said, "and they have expressed their intention to follow up."

Although testifying the day before, Dr. Clayton Yeutter, Administrator of USDA's Consumer and Marketing Service, replied in effect to the charges by stating that except for one lot of 88,000 birds destroyed by the producer, Holly Farms, "all laboratory results have been within guidelines established by FDA." He continued: "In addition, all routine laboratory examinations that have been performed in recent months showed poultry products to be in compliance. Consequently, it is improbable that contaminated poultry products have reached the consumer as a result of this unfortunate occurrence."

While the hearings were going on, USDA was launching a "second stage" of testing on the incident, concentrating on a study of 200 breeding hens. The hens would be likely to have been fed the contaminated fish meal for longer periods than the broilers which were tested earlier. USDA found no instances in the 400 broilers of contamination beyond the 5 p.p.m. guideline level set by FDA.

The Nader group representatives objected during the hearings to the 5 p.p.m. level. Schuck stated:

> "In 1970 and 1971, PCBs have been found in high levels in poultry in three states. As a result of one of these incidents, FDA set an 'administrative action level' of 5 p.p.m. below which PCB residues in the food supply were deemed safe. Yet this level appears to have been established quite arbitrarily with little or no solid scientific evidence to support it. Congressman Ryan requested in April 1970 that FDA immediately undertake major toxicity studies on PCB. If FDA has made such a study, it has not been made public."

When USDA "finally speaks to the consumer," Schuck said, "it speaks with optimism." He quoted a USDA press release of July 29 to the effect that consumers "have been buying a wholesome product," then continued:

> "So far as one can tell, this glowing statement was made (1) less than three days after concentrated testing began; (2) on the basis of somewhat over 100 samples of chickens out of an intended sample of only 400 birds; (3) on the basis of tests on chickens slaughtered since July 23; (4) in the absence of systematic testing of processed chicken products such as frozen foods, TV dinners, chicken soup, etc.; (5) in the face of Holly Farms' earlier destruction of 77,000 of its own chickens, and (6) despite the fact that chickens on the market had reached the market before testing."

Another "mystery," according to Schuck, was that "USDA is only now beginning to test broken egg products, such as egg mix, mayonnaise, etc., for PCBs resulting from East Coast Terminal fish meal. A grand total of 40 samples will be taken."

Schuck described as "even more deplorable . . . FDA's apparent abdication of its important responsibility to ensure that shell eggs are free of PCB contamination."

When the Center for Study of Responsive Law asked FDA about this, Schuck testified, an agency employee said he had been instructed not to answer any questions from the Center. Later, however, the employee said FDA had a policy of full public disclosure to all. Schuck continued:

> "Getting down to cases, he informed me that he was 'not particularly concerned' about PCB contamination because FDA had carried on an egg inspection program during fiscal 1971 and had found no excessive PCB residues. A grand, nationwide annual total of 100 samples were taken under this program. Not only does this sampling constitute an infinitesimal proportion of the approximately 70 billion eggs produced in the U.S. each year, but it has very little to do with assessing the special risks arising from the PCB contamination unleashed at East Coast Terminals."

FDA's 100 egg samplings, he said, "will get rolling sometime next week -- almost one month after FDA first learned of the contamination." FDA last week did start sampling shell eggs from the poultry farms where the contaminated feed was used.

PCB headlines also resulted the same day as the House subcommittee hearings when Robert Risebrough of the Institute of Marine Resources at the University of California at Berkeley told a Senate subcommittee that "PCB is now universally distributed in the terrestrial, fresh-water and marine environments of North America."

High concentrations of PCB in freshwater fish in Alabama were pointed out during the hearing, through introduction of a letter from the state's conservation department. The hearing was before the Senate Commerce Committee's subcommittee on energy, natural resources and the environment, which is considering legislation to control hazardous substances (See story on page 12).

The contamination of the fish in Alabama ranged as high as 360 p.p.m., it was noted. It was not brought out during the hearing that the high levels were reported to the Alabama Department of Public Health in a letter from FDA in August of 1970.

In both the House and Senate hearings, references were made to the collection of data on PCB by its sole producer, Monsanto. Risebrough said, "The Monsanto Company no doubt possesses considerable data on this subject." In the House hearings, Peter Schuck said, "Monsanto has consistently refused to provide information necessary for an evaluation of the presence of PCBs in the environment."

Risebrough testified during the Senate hearing that "chlorinated dibenzofurans have recently been discovered to be contaminants in some PCB preparations." He continued: "From the literature, it is not clear whether chloracne conditions

produced in the past by PCB preparations have been caused by the PCB or by very minute amounts of the contaminants."

Following discoveries of PCB toxicity, he noted, Monsanto sought to restrict all usage of that compound to closed systems. He continued: "The industrial and hydraulic fluids manufactured by Monsanto were reformulated to exclude PCB, and a high temperature incineration unit was built by Monsanto at Sauget, Illinois, to destroy waste PCB."

Meanwhile, the voluntary recall of the Peruvian fishmeal contaminated with PCBs continued (See story, Page 33). In a related development, FDA last week was taking a hard look at the practice of using bakery waste for feed. It is understood that waste bakery products, plus cartons and wrappings, are ground and processed for use in poultry feed. The possibility that the wrappings and cartons may contribute PCBs to the feed may lead to FDA action in this area.

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2,4,5-T CANCELLATION PROCEEDINGS TO GO TO HEARING

The 2,4,5-T controversy is going to a hearing in late fall for all four companies who objected to the Environmental Protection Agency's cancellation proceedings on the herbicide.

In effect, the hearing amounts to a rejection by EPA Administrator William Ruckelshaus of a report by a National Academy of Sciences ad hoc advisory committee, which urged continued registration of 2,4,5-T under some limitations (See FOOD CHEMICAL NEWS, Aug. 2, Page 34). Rejection of the report had been urged by consumer advocate Harrison Wellford and others.

The quick decision on 2,4,5-T was forecast last week by David Dominick, assistant to the EPA Administrator for Categorical Programs, at the meeting of the American Association of Pesticide Control Officials in Jackson, Wyo.

Ruckelshaus last week set an Aug. 17 date for the beginning of the hearing on the cancellation proceedings involving DDT (See FOOD CHEMICAL NEWS, May 24, Page 3). The hearing will be held in Arlington, Va., and the hearing examiner will be Edmund M. Sweeney, who was assigned to the job by the Civil Service Commission. EPA predicted that the "entire administrative review process involving the remaining DDT uses" will be "completed by the end of March, 1972."

Meanwhile, the University of Illinois applied for patents on seven new DDT analogs, with patent rights to be assigned to the University of Illinois Foundation. The University has been working for five years under a Rockefeller Foundation grant to come up with biodegradable versions of DDT. Researchers said the compounds, in which the p-chlorophenyl groups are replaced by other substituted phenols, do not build up in animal tissues, concentrate in the food chain, or break down to DDE.