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Expert Admits on Cross-Examination:

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U.S. Agency Didn't Make Own Check on Firms' DDT Claim

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If DDT is indeed causing long-term damage to world environment — as a string of scientists charged in the first part of the State Natural Resources Department hearings on a petition to ban the pesticide in Wisconsin — why then is it still registered for use with the U.S. Department of Agriculture?

A partial answer to that ques-

tion came today from an official of the department itself, who conducted a bewildering verbal

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journey into the intricacies of an impenetrable federal bureaucracy.

He is Dr. Harry W. Hays, director of the Pesticides Registration Division of the USDA, in

Washington, D.C. Hays was the second witness in the chemical industry's defense of DDT, which began Tuesday in the Hill Farms State Office Building.

He was questioned at the outset by George Robertson, general counsel for the USDA, who said the USDA was appearing neither for nor against the proposed ban.

Hays, whose division is charged with registering and enforcing use of pesticides and fungicides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) of 1947, told of the procedures involved in registration of a pesticide.

The procedures carry an application for registration through various branches of the division, whose scientists evaluate the manufacturer's data on a proposed pesticide's chemical composition, effectiveness, safety, dosage, persistence, migration, residues, and other attributes.

The key here is that the applicant himself submits that information. Hays admitted under cross-examination by Victor J. Yannacone, attorney for the conservation groups seeking the DDT ban, that, although his division reviews a manufacturer's data, it makes no "analytical determination" on its own of the claims in the manufacturer's application.

Effectiveness, according to the USDA's definition, would refer to a chemical's ability to eliminate a target organism. One of the arguments of scientists seeking a ban on DDT is that the pesticide often eliminates non-target insects, as well as those it was intended for.

Hays said he relied on the entomologists within his division "to determine what effective control is."

"You mean to tell me," Yannacone asked, "that that (determination) is left to the independent judgment of some technician far down on your staff...?"

Hays said his entomologists were "competent scientists," not technicians.

Data on the persistence and migration of a pesticide relates essentially to persistence and migration within the soil, Hays noted. DDT's opponents have cited its ability to attach to particles in the air, which carries the pesticide far from its point of application.

Yannacone asked Hays if he was familiar with the research of other scientists (many of whom testified in favor of a ban) who linked DDT to reproductive failures in fish and birds.

Hays said, "I haven't thoroughly reviewed all the data."

Yannacone asked Hays if there was not already more data on the broad-scale harm of DDT to wildlife than there was on its relative safety.

Hays answered, "... There has been a remarkably good record on the use of DDT, without any evidence of widespread adverse affects."

He said his own scientists are not at present reviewing DDT, but that it and other persistent pesticides are being studied by the National Academy of Sciences.

Hays, who has been with the USDA since 1966, said that the only change in registration of DDT since that time had come in the dropping of registration of the pesticide for use against cockroaches, which had developed a resistance to it.

Further testimony revealed that the only way a pesticide could have its registration canceled would be through proceedings initiated by the agriculture secretary himself.

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