SDA ENVIRONMENTAL LEGISLATION REPORT

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FEDERAL LEVEL

Congressional Hearing

TOXIC SUBSTANCES CONTROL ACT

PCB's

Testimony relating to polychlorinated biphenyls (PCBs) was taken on February 28, 1980, by the Oversight and Investigations Subcommittee of the House Interstate and Foreign Commerce Committee. The purpose of the hearing was to review whatever progress the Environmental Protection Agency has made in dealing with the PCB problem, to determine what potential hazards are associated with storage of PCBs before disposal and to learn whether the difficulties are being overcome.

The first witness was Representative John D. Dingell (D-Mich.) who cosponsored an amendment to the Toxic Substances Control Act in 1976, defining PCBs as hazardous substances and mandating a program for their gradual removal. Dingell called attention to the fact that Congress had ordered a phase-out of all PCBs not used in a totally enclosed manner, yet, four years later we have nothing more than an EPA regulation requiring the phase-out of a mere 1% of PCBs in use today. This, Dingell said, is a "fresh exercise in regulatory illiteracy." The congressman reminded the agency that its task was not to make a fresh determination as to whether PCBs pose an unreasonable risk. This, he said, has already been determined by Congress. EPA, he emphasized, is supposed to be implementing a general ban on PCBs, determining only whether limited exemptions might be appropriate.

Steven D. Jellinek, EPA Assistant Administrator for Pesticides and Toxic Substances, stated that the major PCB problems are not associated with PCBs now in use, but rather, with those that have been removed from service and are being improperly stored or disposed of illegally. A PCB buildup has occurred, said Jellinek, because insufficient numbers of incinerators are available for proper disposal of the chemical. EPA had permitted landfill disposal of PCB capacitators until January 1, 1980, believing that several incinerators would be available by that date, but the incinerators did not materialize and the agency has proposed an extension of the deadline on landfill disposal until more incinerators are available.

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Sydney J. Butler, Deputy Assistant Secretary of Agriculture for Food and Consumer Services reported that in the wake of the Billings, Montana, incident, in which animal feed became contaminated by PCBs leaking from a transformer in a processing plant, additional contamination has been discovered in northern Alabama. Pork, scheduled for export to Japan, was found to contain PCBs. The source of contamination was finally traced to three small farms where hogs had apparently developed a taste for an asphalt-like insulating material that coated the corrugated steel siding on some of the farm buildings. The material contained PCBs which the hogs ingested as they gnawed at the siding. We are living with the consequences of our use of industrial chemicals, concluded Butler, and the Montana and Alabama incidents may be only the beginning of the most important food safety question of the latter part of this century.