

MAR 24 1976

Congress moves on toxic substances

WASHINGTON — (LENS) — Should new industrial chemicals be screened more rigorously so that those that are dangerous to life and health can be kept off the market? Congress thinks they should, and during the past five years both the Senate and the House of Representatives have adopted bills to provide for screening of "toxic substances." But none became law because the two chambers could not agree on how severe the restrictions should be.

This year committees of both houses seem to be moving along the same compromise path, after a series of furors over dangers to public health.

One occurred in Virginia over an insecticide called Kepone, another in New York where it was found that fish in the Hudson river were being impregnated by carcinogenic PCBs (polychlorinated biphenyls) from two General Electric plants. In all, over 125 chemicals have been cited as dangerous in congressional hearings, according to Sen. John Tunney (D-Calif). The national cancer institute attributes over 60 per cent of deaths from cancer to environmental factors — and death rates from cancer rose steeply in 1974 and 1975.

Kepone was manufactured by a small firm ironically called Life Science Products for giant Allied Chemical,

mostly for export. It had produced nervous tremors, liver damage, slurred speech and loss of memory among not only the workers who had to wade in the stuff, but also

in its production.

Even the chemical companies, which would have to carry out the closer checks for safety, admit that there are gaps to be filled in protective legislation. They argue, however, that there is bound to be duplication of existing law if a sweeping bill is passed and they fear (or say they fear) that their secrets may leak out to competitors and that the testing to be required may be so expensive that many small firms may be forced out of business.

The Office of Management and Budget and Commerce Department are sympathetic to this argument, which up to now has been the main stumbling-block in congress. There is also a suspicion that the EPA may be swamped if it gets all the additional regulatory duties that it is seeking.

The result has been that the bills now in the committee stage require effective screening only of substances on a priority list that the EPA would draw up (though it could go outside this list if necessary).

Every manufacturer would have to notify the agency three months before putting a new chemical on the market and more time for testing could be required. The EPA would set requirements for the tests and publish the results. It could also call for tests of substances already on the market.

But will President Ford sign the bill if it reaches his desk at the height of the election campaign, as seems likely? Recently he told the agency that looks after health and safety in workplaces to treat businessmen as friends, not enemies. Its new standards for the amount of asbestos, arsenic, lead, beryllium and noise to which workers may be exposed have been deferred from before the election until various dates in 1977. That was indeed a friendly act towards business.



among members of their families. It got into the James River, making fish and oysters dangerous to eat. The scandal has done much to improve the prospects of a law controlling toxic chemicals.

The truth is, however, congress long ago passed, and in 1972 strengthened, the Insecticide, Fungicide and Rodenticide Act, under which the Environmental Protection Agency could have acted against Kepone (if Kepone had been classified as a registered pesticide, which it was not at the time). This will remain true even if the toxic substances bill reaches the statute book.

But there is no legislation covering PCBs and the federal agency has had to rely on voluntary co-operation from industry to reduce the risk. PCBs have been used for a long time, underscoring the argument of the bill's supporters that the risk may not be perceived until many years have passed and irreversible damage done to those who have been exposed. Moreover, it is urged that it is better (and certainly easier) to limit or ban the use of a dangerous chemical before firms, workers and communities have built up vested interests