

Toxic chemical law expected this fall

After five years of resistance by the chemical industry and continued legislative impasse, enactment of a law to control toxic chemicals seems likely before the end of this congressional session. Such legislation would, for the first time, give the federal government a chance to screen harmful chemicals before they are released into the environment.

The House Committee on Interstate and Foreign Commerce is now considering the first such legislation endorsed by the chemical industry. The Manufacturing Chemists Association, the Petroleum Institute and other industry groups have lobbied strongly against most other versions proposed in recent years. A tougher toxic substances control bill has already been passed by the Senate this session.

The need for controlling chemicals has become painfully clear in recent years. In case after case—DDT, Aldrin and Dieldrin, vinyl chloride, PCB's, Kepone, nitrates and asbestos, to name just a few—chemicals have proven dangerous to human health and the environment *after* they have become ubiquitous and *after* large industries have developed around them. Chemical manufacturers produce more than 120 billion pounds per year of 9,000 widely used synthetic chemicals, many of them tested for acute oral toxicity to laboratory animals but never tested for long-range effects such as carcinogenesis or chronic diseases. Of the two million known chemical compounds, in fact, only 3,000 have been tested for carcinogenic tendencies and of those, 1,000 have proved carcinogenic to some degree. "It is time," Environmental Protection Agency Administrator Russell E. Train said in a recent speech, "we started putting chemicals to the test, not people."

Toxic chemical control bills have had a long and undistinguished history on Capitol Hill, and more than half a dozen widely diverging ones have been written since 1971. Senate versions, in past years, would have required premarket screening and safety testing of all new chemicals. Chemical manufacturers howled at this provision and produced studies setting the annual cost of such tests at \$1.3 billion to \$2 billion. The EPA calculated that the law would cost more like \$80 million to \$140 million per year. General Accounting Office auditors studied both projections and set the estimate at \$100 million to \$200 million.

House versions, on the other hand, would have required EPA to prepare a list of types of chemicals *likely* to be hazardous. Thus only chemicals falling within those categories would have to have been tested. This put an impossible predictive burden on the agency. Due to these wide discrepancies and the accompanying lobbying effort, bills were passed, but representatives would not, for three consecu-

tive years, convene compromise sessions.

The prevailing mood of concern—sometimes approaching panic—over the ubiquity of untested synthetic chemicals has brought the long-delayed toxic substances legislation to front and center this year. House and Senate versions are much more similar than in past years, and a joint committee is expected to convene sometime during August (assuming that the House passes the version now before its Commerce Committee). Final votes on a compromise bill could thus be scheduled just before adjournment this fall.

Both bills would continue to give regulatory authority to the EPA administrator, but have replaced old premarket screening provisions with new, more workable ones. Manufacturers would have to report all new chemicals (or existing chemicals proposed for significant new uses) to the EPA 90 days before production. A standing committee composed of representatives from several other federal agencies with research and regulatory responsibilities over chemicals would review data on both new and existing chemicals, and advise the EPA administrator on which chemicals should be extensively tested.

Politics stall adviser appointment

The appointment of a Presidential science adviser has apparently been postponed indefinitely and no final action by Congress can be expected on two National Science Foundation bills until after the end of the Democratic convention.

The only active candidate for the adviser spot appears to be NSF Director H. Guyford Stever, but no official White House announcement of that fact is expected, partly for fear of arousing conservative opposition. Even reports of his candidacy prompted a strongly worded letter from four Republican senators urging the President to reconsider.

The four—James A. McClure (R-Idaho), Jesse Helms (R-N.C.), Carl T. Curtis (R-Neb.) and Clifford P. Hansen (R-Wyo.)—called the potential nomination "an affront to the Congress." They accused NSF of having "seriously manipulated and abused" its grant award process and then hiding evidence by an "official cover-up." They warned of "great controversy and inevitable opposition" in the Senate to Stever's appointment, and accused House and Senate NSF Subcommittee chairmen James Symington (D-Mo.) and Edward Kennedy (D-Mass.) of failing to investigate the matter properly.

The White House has not commented on the letter or the controversy, but congressional reaction was swift and indignant. Kennedy noted that the writers had not expressed "any interest in these mat-

Both bills also establish test protocols to be followed by industry, and would require annual reports on all chemicals used, developed, researched or imported.

There are still a few major differences between the bills, however, as well as dozens of minor differences. The Senate bill gives the EPA administrator authority to suspend production of new or widely produced chemicals anytime he decides the data dictate immediate action. The House bill would make such immediate action obtainable only through a court injunction. The House bill tends to go lighter on small manufacturers, exempting them from some annual reports.

"We have always been in favor of legislation to protect the public and the environment from unreasonable effects of toxic chemicals," William J. Driver, president of the Manufacturing Chemists Association, says, "but the new House bill is the first one we could support." It zeros in on the chemicals that present the greatest risks, he says, and lessens the economic impact on the \$72 billion per year industry. Mounting public pressures, some observers feel, and the availability of cheap, fast prescreening tests (June 18 SCIENCE) have also added to a more favorable climate for industry acceptance of toxic substance legislation. □

ters" during the seven years Kennedy has headed the NSF Subcommittee, suggesting that if they had they would know the allegations are "unsubstantiated and unfounded." This judgment was backed up by some Republicans, who emphasized the traditional bipartisan nature of the science committees.

But the following scenario of delay is nevertheless gaining credibility: President Ford could hardly appoint Stever as head of the new White House unit before the Republican convention in August, otherwise he might drive away potential conservative support in his fight against Ronald Reagan. After the convention, however, there would be no assurance that Senate confirmation could be accomplished before the November election. Finally, should the President fail to win either the nomination or the election, any potential adviser would have to think twice about accepting such a position in the waning months of a lame duck administration.

For his part, according to sources, Stever has told the President he will accept the White House post if offered, but he has warned that controversy probably would arise and says he is not particularly anxious to take the new job for any personal gratification. Stever's term as NSF director would normally run through January 1978, and he has so far turned down job offers from industry in favor of remaining at NSF. □