

The Senate bill, sponsored by Democrat John Tunney of California, is the version the industry likes least. It would have manufacturers notify the Environmental Protection Agency annually of all chemicals being produced and of new chemicals 90 days before start of production. The maker would have to supply three salient pieces of information: the uses of the chemical, the estimated quantity to be manufactured for each such use, and any health and safety data the manufacturer had developed himself or could cull from the literature.

The Tunney bill, which has yet to be approved by the Senate Commerce Committee, gives the administrator wide powers for action on the basis of the information he receives. If he thinks that a chemical might present an "unreasonable risk to health or the environment," he can order the manufacturers to conduct whatever tests he deems necessary. If the tests show the risk indeed exists, the administrator can limit or ban the manufacture of a substance for all or some of its uses.

In the House, a proindustry and proenvironmentalist bill have been merged into a compromise but nevertheless stringent document by the Subcommittee on Consumer Protection and Finance. The bill will be considered by the parent Interstate and Foreign Commerce Committee, maybe as early as this month. According to the subcommittee majority counsel Janie Kinney, a tough fight is expected.

The present House bill shares two of the crucial features of the Senate bill, a requirement for premarket notification and authorization for the government to require testing. Both bills are generally opposed by the industry, although there is a wide spectrum of opinion. Rohm and Haas, a Philadelphia company which has recently lost some 25 workers to the potent lung carcinogen bis(chloromethyl) ether, supports the Senate bill. On the other hand Dow Chemical is opposed to the passage of any toxic substances bill. "If Dow produced a product we thought severely hazardous to people, we would stop producing it; we are that kind of a company," Dow general counsel James H. Hanes told the House subcommittee. Most producers of primary chemicals, however, as represented by the Manufacturing Chemists Association, accept the legislation in principle, including the cardinal feature that the onus should be on the manufacturer. "We accept the responsibility for adequately screening and testing products the company makes and sells," says Du Pont's research director Theodore L. Cairns.

A major concern in the chemical industry is that the administrator may mandate impossibly strict testing requirements. According to Du Pont, a full battery of

toxicity tests can take more than 4 years and cost over \$500,000 for just a single chemical. Chemicals that generate a few thousand dollars worth of sales annually could not be produced economically if they had to carry this kind of overhead. The position of the Environmental Protection Agency is that the administrator would obviously be able to go easier on a small volume chemical because it would prob-

ably be less widely distributed in the environment than one produced by the ton.

One approach the industry is backing is that of "selective" screening, according to which the Environmental Protection Agency would have to draw up a list of categories of chemicals likely to be hazardous. A manufacturer would be obliged to notify the agency of a new chemical only if it were on the list. Environmentalists counter

## Handler Defends Academy Elitism

The National Academy of Sciences (NAS), which devotes most of its time to advising the government, ought to be at least as open as officially designated federal advisory bodies or else get out of the business of advising the government. Furthermore, the government should take the initiative in forcing the Academy to open up. So says the former legal counsel to the Food and Drug Administration (FDA), Peter Barton Hutt, who offered his views about openness at a recent Academy forum entitled *The Citizen and the Expert*. Hutt set forth a four-point program to assure public access to NAS committees and urged the Academy to allow for public nomination (but not selection) of committee members. In an extemporaneous reply from the floor, NAS president Philip Handler rejected the notion of such public involvement, saying that the Academy is an "elitist organization," not a "participatory democracy," and that its strength lies in its very elitism.

Hutt, in formal remarks to the forum, addressed himself to ways the Academy could develop "open and proper procedure" for the conduct of its advisory business, saying that "procedure determines substance." He declared that the selection of advisory committee members should be a public procedure, with full conflict-of-interest type information about those who serve available for the asking. With respect to the operation of NAS committees, he called first for "adequate public notice of *every* meeting," which should be "not just in the NAS newsletter." Second, he said that there should be an opportunity for "anyone" to present views orally, not just in writing, at every meeting. He called this the "essence of democracy" and noted that experience at FDA proved that such a procedure does not get out of hand. Third, Hutt stated that "virtually all deliberations" of a committee, including any final vote on an issue, should be open, with the exception only of rare instances where openness would compromise national security, trade secrets, or individual privacy. "Secret sessions breed distrust," he said, adding, "If this has a chilling effect on those experts who don't want to participate in this way, then I say good riddance." And fourth, he urged that in addition to reporting study conclusions and recommendations, committees publish the information on which they are based. In other words, don't leave things out of the final, public report. Hutt justifies his call for the Academy to go public on the grounds that its reports and recommendations are an integral part of government policy-making.

Handler, who believes that during the past couple of years he has done a good deal to open the Academy to the public, and who contends that the Academy is not as central to decision-making as Hutt says, felt that Hutt had gone too far. Handler took special issue with his views about the process of selecting NAS committees.

"I am concerned particularly . . . with what Mr. Hutt has brought here today," Handler declared. "He has left out of his discussion one notion, and that is that somehow there must be institutional responsibility. The system you describe, sir, is a great way to run the United States government . . . but it is not for the National Academy of Sciences. . . . We choose the members of our committees with extreme care. We have no sense of participatory democracy. This is an elitist organization, sir. We go to great care to elect the members of the Academy and we are guided by their experience, and their understanding and their insights. To have a democratic process by which the committee is then brought into being is to give away the only special asset we have in this building. . . ."—B.J.C.