Legal Threat Halts CDC Meeting on Lead

Vernon Houk, director of the environmental health center within the Centers for Disease Control (CDC) in Atlanta, received a stiff note recently demanding that he call off a scientific meeting scheduled for 9 February. CDC staffers and consultants had planned to go over a draft paper entitled "Preventing Lead Poisoning in Young Children," a statement advising private doctors and public officials on how to cope with children at risk. The meeting was canceled and work on the paper delayed indefinitely because a letter from the Washington, D.C., law firm of Prather Seeger Doolittle & Farmer asked that the session be stopped, warning of "further legal proceedings" by the Lead Industries Association (LIA) if it were not. The cancellation could influence regulations being drafted by the Environmental Protection Agency (EPA).

The lead manufacturers raised a technical complaint: in seeking advice on its paper, they claimed, the CDC failed to obey some standard rules that agencies must follow when using advisory committees. Houk disagrees with the assumption in this complaint. He says that the CDC is not a regulator and does not have to create a formal advisory committee every time it wants outside opinions. As far as Houk is concerned, the CDC could release its paper without calling on any outsiders. But because this is a controversial subject, he arranged to pay for critiques from about 20 researchers, including the industry's chief technical spokesman, Jerome Cole, president of the International Lead Zinc Research Organization. These people, including Cole, had planned to meet on 9 February, but never did.

An academic observer was surprised by the manufacturers' success in canceling the meeting, saying it appeared obstructionist. He was concerned that the CDC might not be able to go on record in time for another important proceeding at EPA. This year EPA is revising its air quality criteria document for lead, the government's Bible on lead pollution. The CDC's opinion carries great weight in this effort, as one federal agency reinforcing another.

A number of scientists say the CDC is preparing to lower a crucial index number cited in 1978 when the agency put out a similar statement on lead poisoning. In the earlier case, the CDC fixed a threshold of 30 micrograms of lead per deciliter of blood as the level of concern. Children found to have this amount, the CDC said, should undergo a special health evaluation. A surprising number of children do show up with this level, or higher. Lee Annest, a biostatistician at CDC, reports that 675,000 children were found to have the threshold level in 1978.

According to one CDC official, new research indicates that there may be no clearly safe level of lead. In addition to reports suggesting that cognitive ability may be damaged at low levels, hard biological data show that as little as 10 micrograms per deciliter create an unmistakable change in the bloodstream marked by a high concentration of erythrocyte protoporphyrin, a component of blood, which could be interpreted as an adverse effect. "You could come up with a theoretical safety level that would be way down there," the CDC official said, "but in practice that would never fly." The problem: "You can prove the child is different from normal [at low levels of exposure], but can you prove that he's sick?" Perhaps not. The CDC, although it has not firmly decided on this, is aiming for a "compromise number" somewhere between the detectable level of insult to the body (10) and the present level of action (30), perhaps 25 micrograms.

This is precisely what troubles the manufacturers. The LIA considered 30 micrograms to be an alarmist standard when it was announced in 1978 and fought it in court. Robert Putnam, director of environmental health for LIA and initiator of the letter to Houk, concedes that he is worried that the CDC may set a level even lower than 30. Since the EPA has based air pollution controls on this number before, Putnam thinks EPA could do it again, reducing the market for lead. He argues that the CDC should not rush to put out such a document, but should wait to see what kind of data are filed in the EPA's review, the deadline being 15 February.

There is "no way" that the industry meant to obstruct progress, Putnam insists. On the contrary, he argues that it was Houk who was playing unfairly. He claims the CDC acted "secretly" in that it gave no public notice for the meeting on 9 February. Putnam stresses that this was 5 days before the EPA comments were due, suggesting that the CDC was not allowing enough time for debate.

It is true that no *Federal Register* notice was published. However, the CDC did mean to have Cole attend. And as early 29 December, Putnam knew what was planned, for he wrote to Houk on that day and asked him to postpone the CDC meeting until after the EPA had finished its work. In that letter Putnam also asked Houk to create a more "balanced" group of reviewers, suggesting nine experts he might want to include. (Putnam views Cole as the "sole voice" for industry in a sea of activists.) Houk brushed all of this aside, saying there was no connection between the CDC's advice to pediatricians and the EPA's regulatory work. He invited Putnam to send as many people as he wanted to the meeting, where they would be regarded as concerned members of the public.

Whether Houk likes it or not, Putnam says, the CDC is going to become a part of the regulatory proceeding. This is so because the last time the LIA took the issue to trial (in 1980), a federal appeals court ruled that the EPA had acted wisely in basing its air standard on the CDC's action level for children. Now industry is trying to stave off a change in the CDC's view of the problem before the CDC can express it. According to Putnam, the industry has no desire to slow down CDC's work: "We don't care if they put the meeting notice in the *Federal Register* tomorrow. We just want them to do it right."

This notion of doing right "distresses me," says one academic lead expert. "If they scuttle the proceedings now, we'll have to start over from square one." And that may mean appealing to the White House to get authorization to charter a brand new advisory committee, for Houk has no such charter at present. That could take months. On the other hand, if the CDC proceeds without chartering a committee, its message on lead poisoning could become entangled hopelessly in the procedural squabble. What started out as a two-pincer movement (CDC and EPA) against the lead problem is now becoming bogged down in legalisms.—**ELIOT MARSHALL**