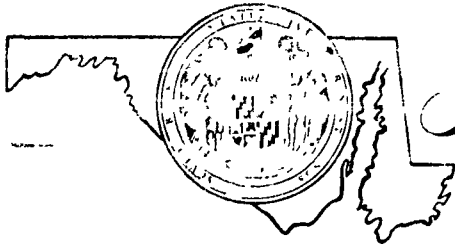


KEPONE TASK FORCE

From Desk of - Simon McHugh  
Received Central files - 1977

*State of*  *Maryland*

DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
ENVIRONMENTAL HEALTH ADMINISTRATION

NEIL SOLOMON, M.D., PH.D.  
SECRETARY

P.O. BOX 13387  
201 WEST PRESTON STREET  
BALTIMORE, MARYLAND 21203  
PHONE • 301-383- 2740

DONALD H. NOREN  
DIRECTOR

KEPONE TASK FORCE

Donald H. Noren - Chairman

Joseph P. Lewandowski	Chief, Division of Water Quality Control Water Resources Administration Department of Natural Resources
Dr. O'Neil Banks	Executive Assistant for Technical Services Division of Labor and Industry Department of Licensing and Regulation
Frank Hoot	Assistant Commissioner of Health for Environmental Health, Baltimore City Health Department
Dr. Max Eisenberg	Assistant to the Director Environmental Health Administration
Dr. Barry Friedlander	Chief, Division of Employee and Occupational Health, Aged and Chronically Ill Administration Department of Health and Mental Hygiene
Dr. Richard Ilka	Division of Employee and Occupational Health Aged and Chronically Ill Administration Department of Health and Mental Hygiene
Alexander J. Ogrinz	Head, Product Safety Section Bureau of Food and Drugs Environmental Health Administration
Gulius D. D'Ambrogi	Director, Bureau of Food and Drugs Environmental Health Administration
Walter A. Miles	Chief, Division of Solid Waste Control Bureau of Sanitary Engineering Environmental Health Administration
George P. Ferreri	Director, Bureau of Air Quality and Noise Control Environmental Health Administration

Morris L. Hennessey

Chief, Division of General Sanitation  
Bureau of Sanitary Engineering  
Environmental Health Administration

Dr. Frances J. Warthen

Director, Center for Health Statistics  
Department of Health and Mental Hygiene

Dr. Jack Blanchard

Chairman, Kepone Task Force  
Health Effects Division  
Environmental Protection Agency  
Washington, D.C.

Francis Alpiser

Hazardous Materials Branch  
Environmental Protection Agency, Region III  
Philadelphia, Pennsylvania

Richard H. Trainor

Chief, Interstate Division for Baltimore  
State Highway Administration  
Department of Transportation

Jon C. Crosby

Office of the Director  
Environmental Health Administration

September 8, 1976

Ms. Peggy Van Ginhoven  
1219 North Quinn Street  
Arlington, Virginia 22209

Dear Ms. Van Ginhoven:

*Not Signed*

Thank you for your letter indicating your deep concern about the Kepone problem in the Chesapeake Bay. I am also deeply concerned, as are other State officials; however, while it is true that we have found Kepone in Maryland seafood, the levels continue to be within acceptable limits and below the Federal Food and Drug Administration guidelines.

I wish I could be more reassuring about the long range effects of Kepone but, at this time, these long range effects cannot be predicted.

The State of Virginia and its Kepone Task Force in conjunction with Maryland's Kepone Task Force and other ancillary technical people are working together to find the best possible means of removing the sources of Kepone in Virginia. As long as those sources remain, there will exist the possibility of future contamination of Maryland's portion of the Chesapeake Bay.

I do not feel there is any cause to worry over Maryland's drinking water supplies nor do I have any reason to believe that Maryland marine life will die as a result of the Kepone problem. It is a real and present concern to us, but I am convinced that the problem will be solved, and your interest, as a concerned citizen, is to be commended.

Sincerely,

Governor

BN/NS/ds  
cc: Dr. Neil Solomon  
Mr. Donald H. Horen  
Dr.

Benjamin D. White

August 16, 1976

*Governor Marvin Mandel*

*Dr. Solomon*

Dear Sir:

I am concerned about the problem I hear about Kepone. I'm upset with reports on the news last week, "That in 5 years our beautiful Chesapeake Bay and rivers off the bay will be dead! SOMETHING MUST BE DONE! PLEASE do something to stop the spread of this killer. I understand that every time it rains at Hopewell, Va. more Kepone is drained out of land into the James River. If the Hopewell people don't care enough or have enough money to make a barrier, could'nt you get a law passed to make them or help them with this terrible killer?

What will become of all the fishermen when the bay is dead? Also many of the rivers are used for drinking water - what will become of us?

I feel so small and this problem is so great. Please do something to stop the spread of Kepone.

Sincerely,

*Peggy Van Ginhoven*

Peggy Van Ginhoven  
1219 North Quinn Street  
Arlington, Virginia 22209

REC'D  
EXCISE  
AUG 23 1976  
RECEIVED



OCT 13 1977 *Dr. Belmont*

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

DEC 28 1976

THE ADMINISTRATOR

Dear Governor Mandel:

As you are aware, the Environmental Protection Agency pledged earlier this year to review our recommendations for Kepon action levels in finfish, shellfish, and crab after data from the 1976 fishing season were in. We have now received data from the Food and Drug Administration and from your State and Virginia regarding actual levels found in these commodities, information from the National Marine Fisheries Service concerning catches of finfish in the Chesapeake Bay, and further data from the Virginia seafood industry. The Agency is thus ready to re-evaluate the action level recommendations.

Because the Kepone issue is of such public interest, and because the action level is a question of acceptable risk to the public, we have decided to offer the public an opportunity to participate in the decision-making process. And because the citizens of Maryland and Virginia are most intensely affected by our action level recommendations, we are holding open informal hearings in Baltimore and Richmond to make the process as accessible as possible to those who have the greatest concern.

Enclosed is a notice which appears today in the Federal Register announcing the hearings and inviting public participation. Dr. Jack Blanchard of my office has already discussed the planned hearings with members of your Kepone Task Force, and we would of course welcome the appearance of State officials who may have comments bearing on the action level decision. Details of the materials we plan to make public before the hearing are discussed in the notice.

We look forward to visiting your State and to the participation of Maryland citizens in this important issue.

Sincerely yours,

*Russell E. Train*  
Russell E. Train

Honorable Marvin Mandel  
Governor of Maryland  
Annapolis, Maryland 21404



United States  
Environmental Protection Agency  
Washington, D.C. 20460

OCT - 4 1977

September 2, 1976

The Administrator

*Handwritten signature*

Dear Governor Mandel:

Thank you for your joint letter with Governor Godwin of August 30th with regard to the problem of Kepon in the James River and Chesapeake Bay. I also received a statement from Governor Godwin on that date.

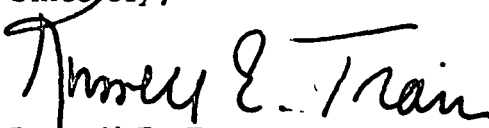
EPA has participated in the joint Federal-State Task Force which has analyzed the desirability of attempting to remove Kepon from the sediments of the James River. Until analysis of test dredging was completed, there was uncertainty as to whether dredging of contaminated sediments would be beneficial. Although uncertainty remains, the Task Force has determined from that data that dredging may be desirable. As Governor Godwin stated, the Task Force concluded that the next step should be to undertake a detailed feasibility study since "the impact on down stream aquatic life, the degree of reduction of contamination, the cost involved, the problems of spoil disposal, and the long term effect on the River need to be determined before any intelligent decision can be made as to the impact of dredging on the River." Governor Godwin requested EPA and the Corps of Engineers to initiate such a study.

I talked today with General Morris, Chief of the Corps of Engineers, We agreed that this feasibility study should be undertaken. EPA is prepared to provide substantial funding. The Corps is presently at work on the design and cost estimates. We believe that this study must be undertaken cooperatively by our two agencies and Virginia and Maryland. We will be contacting your offices in the near future to make arrangements for establishing and moving ahead rapidly with this cooperative effort. Once the feasibility study is underway, our two agencies will work together to determine the most appropriate authority under which to seek funding for the anticipated follow-on dredging and/or containment program.

In your letter, you recommended that we proceed under Section 311 of the 1972 Amendments to the Federal Water Pollution Control Act by declaring Kepone to be a hazardous substance. While we are presently considering Kepone for designation as a hazardous substance under Section 311, our preliminary assessment is that such a designation now would not be helpful in remedying the problems associated with these past discharges. We will be examining this approach more closely, however, as well as other statutory options available to us to recoup cleanup costs or to require mitigating action to be taken by those responsible for the Kepone contamination. In this connection, you should be aware that EPA is working closely with the Department of Justice to explore possible avenues for recovering damages and cleanup costs.

I am pleased with the effective operational relationship and cooperation that has been achieved among EPA, the Corps of Engineers, other Federal Agencies, and your two States in addressing the very difficult problems relating to Kepone contamination. You have my assurance that EPA will continue to provide full cooperation and support in working with you and your officials in attempting to resolve these problems.

Sincerely,



Russell E. Train

Honorable Marvin Mandel  
Governor of Maryland  
Annapolis, Maryland 21404





STATE OF MARYLAND  
EXECUTIVE DEPARTMENT

TO: Governor Mandel & Lt. Governor Lee

DATE September 2, 1976

FROM: Simon F. McHugh *SFM*

SUBJECT: Phone Call from Dr. Jack Blanchard, EPA Kepone Task Force  
Coordinator

The following letter will be sent by Administrator Train to Governor Mandel this afternoon:

Thank you for your joint letter and the statement of Governor Godwin of August 30 with regard to the problem of kepone in the James River and the Chesapeake Bay. EPA has participated in the joint Federal-State Task Force which has analyzed the desirability of attempting to remove kepone from the sediments of the James River. Until analysis of test dredging was completed, there was uncertainty as to whether dredging of contaminated sediments would be beneficial. Although uncertainty remains, the Task Force has determined from that data that dredging may be desirable.

As Governor Godwin stated, the Task Force concluded that the next step should be to undertake a detailed feasibility study since "the impact on downstream aquatic life, the degree of reduction of contamination, the cost involved, the problems of spoil disposal, and the long-term effect on the river need to be determined before any interchange decision can be made as to the impact of dredging on the river." Governor Godwin requested EPA and the Corps of Engineers to initiate such a study.

I talked with General Morris, Chief of the Corps of Engineers. We agreed that this feasibility study should be undertaken. EPA is prepared to provide substantial funding. The Corps is presently at work on the design and cost estimates. We believe that this study must be undertaken cooperatively by our two agencies and Virginia and Maryland. We will be contacting your offices in the near future to make arrangements for establishing and moving ahead rapidly with this cooperative effort. Once this feasibility study is under way, our two agencies will work together to determine the most appropriate authority under which to seek funding with the anticipated focus on dredging and/or containment program.

In your letter you recommended that we proceed under Section 311 of the 1972 amendments to the Federal Water Pollution Control Act by declaring kepone to be a hazardous substance. While we are presently considering kepone for designation as a hazardous substance under Section 311, our preliminary assessment is that such a designation now would not be helpful in remedying the problems

September 2, 1976

Letter from Administrator Train (continued)

associated with these past discharges. We will be examining this approach more closely, however, as well as other statutory options available to us to recoup cleanup costs or to require litigating action to be taken by those responsible for the kepone contamination. In this connection, you should be aware that EPA is working closely with the Department of Justice to explore possible avenues for recovering damages and cleanup costs.

I am pleased with the effective operational relationship and cooperation that has been achieved between EPA, Corps of Engineers, other Federal Agencies and your two States in addressing the very difficult problems relating to kepone contamination. You have my assurance that EPA will continue to provide full cooperation and support in working with you and your officials in attempting to resolve these problems.

Sincerely,

Russell E. Train



STATE OF MARYLAND  
EXECUTIVE DEPARTMENT  
ANNAPOLIS, MARYLAND 21404

MARVIN MANDEL  
GOVERNOR

August 19, 1976

Mr. Russell Train, Administrator  
Environmental Protection Agency  
Waterside Mall  
401 M Street, S. W.  
Washington, D. C. 20460

Dear Mr. Train:

This letter is in response to the most recent statements attributed to you concerning the potential harm to the Chesapeake Bay from deposits of Kepone in the James River and the southern part of the Bay. Reports in the Washington Post and the Annapolis Evening Capital quote you as stating that finfish containing Kepone above the "action level" have already been found in the Bay; and that if the problem spreads, as it is expected to do, the Bay may have to be "closed". The Evening Capital of August 18, 1976, quotes you as saying that if large amounts of finfish and shellfish exceed the FDA action level, "the state affected should close those areas."

I find these statements, particularly in light of the history of the Kepone problem, to be both incredible and alarming. The discovery of Kepone in the James River was made public more than a year ago; and since then the public has been treated with one scare story after another emanating from the Environmental Protection Agency. Public confidence in the safety and wholesomeness of Chesapeake Bay seafood has already, and understandably, been shaken by these various utterances; and yet the question remains, what does EPA intend to do about it? Your most recent statements would seem to indicate that EPA intends to do nothing more than it has in the past - monitor the spread of the pollutant and forecast eventual doom.

This, Mr. Train, is entirely unacceptable. If, in fact, Kepone is the danger that it appears to be, the federal law requires, without equivocation, that EPA take such steps as are necessary to remove the pollutant and prevent its spread, so that the nation's largest tributary and the State's most valuable natural resource does not have to be closed.

Mr. Russell Train, Administrator  
Page two

Specifically, I call your attention to the following provisions of the Federal Water Pollution Control Act Amendments of 1972, which should have been implemented when the Kepone problem was first discovered, and which the public has a right to demand be implemented now.

(1) Section 102(a), codified as 33 U.S.C. § 1252(a), provides, in part:

"The Administrator [of EPA] shall, after careful investigation, and in cooperation with other Federal agencies, State water pollution control agencies, interstate agencies, and the municipalities and industries involved, prepare or develop comprehensive programs for preventing, reducing, or eliminating the pollution of the navigable waters... In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for the protection and propagation of fish and aquatic life and wildlife, recreational purposes, and the withdrawal of such waters for public water supply, agricultural, industrial, and other purposes."

(2) Section 311(b)(1), codified as 33 U.S.C. § 1321(b)(1), provides:

"The Congress hereby declares that it is the policy of the United States that there should be no discharges of oil or hazardous substances into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone."

(3) Section 311(b)(2)(A), codified as 33 U.S.C. § 1321(b)(2)(A), provides:

"The Administrator shall develop, promulgate, and revise as may be appropriate, regulations designating as hazardous substances, other than oil as defined in this section, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and

and substantial danger to the public health or welfare, including, but not limited to fish, shellfish, wildlife, shorelines, and beaches."

(4) Section 311(b)(4), codified as 33 U.S.C. § 1321 (b)(4), provides, in part:

"The President shall by regulation, to be issued as soon as possible after October 18, 1972, determine for the purposes of this section, those quantities of oil and any hazardous substance the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches."

(5) Section 311(b)(3), codified as 33 U.S.C. § 1321(b)(3), provides, in part:

"The discharge of oil or hazardous substances into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined by the President under paragraph (4) of this subsection, is prohibited, except... where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards."

(6) Section 311(c)(1), codified as 33 U.S.C. § 1321(c)(1), provides:

"Whenever any oil or a hazardous substance is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of such oil or substance at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs."

Mr. Russell Train, Administrator  
Page four

(7) Section 311(c)(2), codified as 33 U.S.C. § 1321(c)(2), provides, in part:

"Within sixty days after October 18, 1972, the President shall prepare and publish a National Contingency Plan for removal of oil and hazardous substances, pursuant to this subsection. Such National Contingency Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil and hazardous substance discharges, including containment, dispersal, and removal of oil and hazardous substances, and shall include, but not be limited to -

(A) assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies, including, but not limited to, water pollution control, conservation, and port authorities...

(C) establishment or designation of a strike force consisting of personnel who shall be trained, prepared, and available to provide necessary services to carry out the Plan,...

(D) a system of surveillance and notice designed to insure earliest possible notice of discharges of oil and hazardous substances to the appropriate Federal agency;

(E) establishment of a national center to provide coordination and direction for operations in carrying out the Plan;

(F) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil and hazardous substances...

After publication of the National Contingency Plan, the removal of oil and hazardous substances and actions to minimize damage from oil and hazardous substance discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan."

(8) Section 311(j)(1), codified as 33 U.S.C. § 1321(j)(1), provides, in part:

"Consistent with the National Contingency Plan...

as soon as practicable after October 18, 1972... the President shall issue regulations consistent with maritime safety and with marine and navigation laws... (A) establishing methods and procedures for removal of discharged oil and hazardous substances..."

By Executive Order No. 11735 of August 3, 1973, the President delegated to the Administrator of EPA the following responsibilities under the aforesaid Act:

- (i) the authority of the President under Section 311(b)(3) and (b)(4), quoted above; and
- (ii) the authority of the President under Section 311(j)(1) (A) quoted above.

The National Contingency Plan referred to in the Act, as it appears in Title 40, CFR Part 1510, provides for five phases to the required response of the federal government to a pollution discharge. Section 1510.42, dealing with Phase II -- Evaluation and initiation of action, provides, in part:

- .(a) The OSC [On-Scene Coordinator] shall insure that a report of a discharge is immediately investigated. Based on all available information, the OSC shall: (1) Evaluate the magnitude and severity of the discharge; (2) determine the feasibility of removal, and (3) assess the effectiveness of removal actions...
- (c) The OSC shall insure that adequate surveillance is maintained to determine that removal actions are being properly carried out...
- (d) If the discharger is unknown or otherwise unavailable, the OSC shall proceed with removal actions pursuant to section 311(c)(1) of the act."

Your attention is also directed to sections 1510.43 (Containment and countermeasures), 1510.44 (Cleanup, mitigation and disposal), and 1510.53 (General pattern of response actions).

• Mr. Russell Train, Administrator  
Page six

Thus, at least since 1973, the Administrator of EPA has had both the responsibility and the authority to define hazardous substances, develop and implement programs for preventing, reducing, and eliminating pollution in the nation's navigable waters, and removing or providing for the removal of hazardous substances from these waters.

Despite all of the dire predictions concerning Kepone, we are unable to determine that you have yet declared the chemical as a hazardous substance, in accordance with Section 311(b)(2)(A). If you truly believe Kepone to be the danger that it is assumed to be, and have not already designated it as a hazardous substance, I urge that you do so at once.

I further suggest, in the strongest possible way, that you immediately exercise the authority that is yours under federal law and (1) arrange for the removal of the Kepone where it now exists, and (2) take such steps as are necessary to prevent the spreading of the chemical in the Bay. You have the power to act, and the State insists that you do so. We have no intention of sitting by while EPA contents itself with merely issuing bulletins and forecasts about the potential danger to health and the closing of the Bay.

I have directed our Secretary of Natural Resources, and will direct all other agencies of the State Government, to cooperate with you in resolving this problem.

Sincerely,

Governor



MAILGRAM

Mr. Russell Train, Administrator  
Environmental Protection Agency  
Waterside Mall  
401 M Street, S. W.  
Washington, D. C. 20460

This is in response to the most recent statement attributed to you concerning the potential harm to the Chesapeake Bay from deposits of Kepone in the James River and the southern part of the Bay. You are quoted in the press as stating that finfish containing Kepone above the "action level" have already been found in the Bay, and that if the problem spreads as it is expected to do, the states affected should "close" the Bay.

These statements simply add to the public alarm already aroused and reduce still further public confidence in the safety and wholesomeness of Chesapeake Bay seafood.

Apparently your agency feels that Kepone is a hazardous substance since you have established an extremely minimum action level for Kepone in marine life.

As we interpret the amendments to the Federal Water Pollution Control Act of 1972, you have both the responsibility and the authority to define hazardous substances, develop and implement programs for preventing, reducing and eliminating pollution in the nation's navigable waters, and removing or providing the removal of hazardous substances from them.

We therefore suggest in the strongest possible way that you officially declare Kepone to be a hazardous substance, if you have not already done so and if indeed it is, and that you exercise the authority and responsibility which are yours under Federal law to (1) arrange for the removal of the Kepone where it now exists and (2) take such steps as are productive to prevent the spreading of the chemical in the Chesapeake Bay.

We have directed our appropriate secretaries of Natural Resources and will direct all other agencies of our states to cooperate with you in resolving this problem.

Marvin Mandel  
Governor  
State of Maryland

Mills E. Godwin, Jr.  
Governor  
Commonwealth of Virginia

DRAFT REPLY  
FOR THE GOVERNOR'S SIGNATURE

Editor  
The Washington Star  
225 Virginia Avenue, S.E.  
Washington, D.C. 20061

Dear Sir:

I write in reply to your editorial, "Bluefish and Kepone - A Mess", published in the Sunday, August 1, 1976 Edition.

I would appear from your editorial that you ascribe to me a frivolous approach to the kepone problem. Let me assure you, and your readership, that the facts of the matter belie such an imputation. The very day the Environmental Protection Agency disclosed the presence of a potential problem for Maryland, I directed Dr. Neil Solomon, Maryland Secretary of Health and Mental Hygiene, to form the Maryland Kepone Task Force.

This Task Force has met frequently and addressed itself in an expeditious fashion to the effects kepone might have on Maryland citizens and the State's seafood industry. A copy of the membership of that Task Force is enclosed, in order for you to know the breadth of the disciplines brought together to meet the kepone issue. As you can see from its makeup, members come not only from State agencies, but also from the Federal Environmental Protection Agency and the Food and Drug Administration. Because of the professional qualifications of the members and the areas from which they come, we certainly cannot be accused of being "parochial" or lacking in technical expertise.

Some highlights of the information the Task Force has uncovered follow:

- No kepone at detectable levels was found in blood samples of residents living near the Allied Plant in Baltimore.

- Although soil samples on Allied property adjacent to Swann Park (a Baltimore playground) showed only trace levels of kepone, soil has been removed and a 100 foot wide band of sod replaced in this area, and the Park is back in use.
  
- A subcommittee is studying the best possible means of ultimate disposal of stored waste and sludge containing relatively low levels of kepone at the now vacant Allied Plant. This committee is also studying how to dispose of soil dug from Allied property through which I-95 is being constructed.
  
- Air quality samples taken from various areas both near the plant and at some distance have yielded no appreciable amount of kepone.
  
- A Marine Life subcommittee identified three areas of concern:  
Crabs -- As a result of extensive sampling of bluecrabs from all areas included in the migratory pattern, the committee has determined that only trace levels of kepone - well under the FDA action level - are present. Sediment samples taken concurrently do not indicate any levels of kepone.  
  
Oysters -- All privately leased beds containing seed oysters obtained from the James River in Virginia were sampled and tested. Only one sample out of 30 showed a kepone level above the action level. This bed may not be touched for a year, and the Department of Health and Mental Hygiene must be notified at that time and samples will again be taken. Natural bars sampled have shown no kepone.

Finfish -- Although the Environmental Health Administration has monitored fish sold in wholesale seafood markets, these operations, along with sampling from Bay waters, were intensified. Although samples of fish, including bluefish, have shown trace levels of kepone, the levels found by the Department have not been exceeding the FDA action level.

While it is true, the situation could worsen as a result of continuing incursion of kepone from the James River in Virginia, it has not been necessary, up to this time, to regulate the taking of fish from Maryland waters. It is, however, important for everyone to know that the ultimate solution to the kepone problem in tidal waters is elimination of the source of the chemical in Virginia.

Sincerely,

Governor

JCC:kn

8/17/76

Draft Letter

RE: Editorial, "Who's Minding the Fish Market?"  
August 23, 1976

Editor  
The Baltimore Sunpapers  
Calvert and Centre Streets  
Baltimore, Maryland 21202

Dear Sir:

I write in reply to your editorial, "Who's Minding the Fish Market", published in The Sun, Monday, August 23rd.

First of all, let me assure you that the Kepone Task Force, appointed by Dr. Neil Solomon, Maryland's Secretary of Health and Mental Hygiene, at the behest of Governor Marvin Mandel, has been working constantly to keep abreast of the kepone situation as it pertains to Maryland, and has taken all possible action to contain the problem and protect the public health.

The Task Force has met frequently and addressed itself in an expeditious manner to the effects kepone might have on Maryland's citizens and the State's seafood industry.

The membership of the Task Force is made up of professional people from a variety of disciplines - from air quality to health effects - and contains persons from Baltimore City, State agencies and especially the Federal Food and Drug Administration and Environmental Protection Agency.

A few highlights of action taken by the Task Force are as follows:

- No kepone at detectable levels was found in blood samples of those residents living near Allied Chemical's Baltimore plant who would submit to examination.
- Although soil samples on Allied property adjacent to Swann Park showed only trace levels of kepone, soil has been removed and a 100 foot wide band of sod has been replaced in this area, and the Park is back in use.

-A subcommittee is studying the best possible means of ultimate disposal of stored waste and sludge containing relatively low levels of kepone at the now vacant Allied plant. This committee is also studying how best to dispose of potentially contaminated soil dug from Allied property through which I-95 is being constructed.

-Air quality samples taken from various areas both near the plant and at some distance have yielded no appreciable amounts of kepone.

-A Marine Life subcommittee identified three areas of concern:

Crabs -- As a result of extensive sampling of bluecrabs from all areas within their migratory pattern, the committee has determined that only trace levels of kepone - well below the FDA action level - are present. Sediment samples taken concurrently do not indicate any levels of kepone.

Oysters -- All privately leased beds containing seed oysters taken from the James River in Virginia were sampled and tested. Only one sample out of approximately 30 showed a kepone level above the action level. This bed has been buoyed-off, and cannot be harvested at maturity before additional samples are taken and tested by the Department of Health and Mental Hygiene's Environmental Health Administration. Further, all seed oysters coming from the James must now be certified by the State of Virginia as being within the acceptable limits as established by the FDA. In addition, Maryland Marine Police accompanied each oyster planting boat to make certain the oysters were planted where they were supposed to be planted, and that all such beds could be found in

the future, should the need arise. This action was taken despite the fact that oysters are able to cleanse themselves of kepone within 90 days of contamination. Natural bars sampled have shown no kepone.

Finfish -- Although the Environmental Health Administration has always monitored fish sold in wholesale markets, these operations, along with sampling from Bay waters, were intensified when the kepone problem became known. While it is true that some samples of fish, including bluefish, have shown levels of kepone, the levels found, except in one instance, have not been exceeding the FDA action level.

It is obvious from this very brief overview of the Task Force's activities that Federal and State personnel have been working together on the problem. It should also be noted that EPA members of Maryland's Kepone Task Force has concurred that <sup>more</sup> restrictive measures should not be taken at this time. It was because of his concern that Secretary Solomon has urged that Virginia be ~~compelled to~~ clean up the sources of the chemical in Virginia - sources that Virginia officials have known about for a year. It cannot be overemphasized that until the sources are removed, container or whatever, the ultimate problem cannot be solved.

The clam ban after Agnes was a preventive public health measure; such a measure is not, at this time necessary. The watermen have suffered much at the hands of nature, and they deserve a better fate than suffering at the hands of man.

The Task Force will continue its vigilance to protect the public health, but it will not recommend any restrictive measures if these - in the light of EPA recommendations and FDA standards - are not necessary.

Page 4

All the information listed above has been included in press releases sent to The Sun as well as the rest of the news media, and had these been noted, the editorial writer ~~releases~~ would have known "Who's Minding the Fish Market."

Sincerely,

Donald H. Noren, Chairman  
Maryland Kepone Task Force

DHN:JCC:kn



STATE OF MARYLAND  
DEPT. OF HEALTH AND MENTAL HYGIENE

Date..... 8/19/76 .....

To ..... Mr. Simon McHugh .....

From ..... Max Eisenberg, Ph.D. ....

- |  |   |
|--|---|
| <input type="checkbox"/> Please Note & File                            | <input type="checkbox"/> To be Signed   |
| <input checked="" type="checkbox"/> For Your Information               | <input type="checkbox"/> Please Comment |
| <input type="checkbox"/> Please Note & Return                          | <input type="checkbox"/> Please See Me  |
| <input type="checkbox"/> Please Handle                                 |   |
| <input type="checkbox"/> Please answer, Sending me Copy of your letter |   |
| <input type="checkbox"/> Please Prepare reply for my Signature         |   |

Remarks:



# Environmental News

O'Neill (202) 755-0344

FOR RELEASE AFTER 2:30 P.M., TUESDAY AUGUST 17, 1976.

## TRAIN REPORTS ON KEPONE CONTAMINATION IN CHESAPEAKE BAY

The contamination of Chesapeake Bay seafood by the pesticide Kepone above Federal action levels remains primarily a problem in the southern portion of the Bay--as far north as the mouth of the Rappahannock River, Environmental Protection Agency Administrator Russell E. Train said today. The seafood species hardest hit by the poison continues to be the bluefish, Train added.

"The continuing serious nature of this problem illustrates how dangerous chemical contaminants can be when introduced into the environment without adequate control," Train said. "The problem goes well beyond direct human contamination. The Hopewell, Virginia tragedy discovered in July of last year has proved to be a long term problem also involving food chain contamination and safe disposal of chemically contaminated materials."

Train made the remarks in response to continuing public inquiries on the safety of Chesapeake Bay fish and shellfish.

"Whether Kepone poisoning will spread farther north and infect other seafood there remains a question mark," Train said. "However, the fact that some fish besides blues are turning up with Kepone north of the mouth of the James River

(more)

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indicates that this may be happening. But it is still too early to tell if this trend will continue or when improvement may occur."

Some flounder, croakers and sea trout from the southern portion of the Bay are now exceeding the Federal action level for Kepone, the EPA Administrator stated. The action level for finfish is 0.1 parts per million of Kepone. The Food and Drug Administration sets action levels, based upon recommendations made by EPA. FDA enforces the levels by spot checking foods destined for interstate commerce. Foods containing residues in excess of action levels are prohibited from sale.

"Federal and State officials are continuing to monitor the safety of all Bay seafood," Train said. "The public will be informed immediately of any new results. Thus far crabs, clams and oysters from all portions of the Bay appear to be below the Federal action level. At this time, this is also true for fish in the northern portion of the Bay. But it's difficult to say if or when additional testing may reveal problems in species that now seem to be allright."

Train said that, "The continuing contamination appears to be coming from Kepone in bottom sediments of the James River. Removal through dredging of contaminated soil sediments is under consideration by EPA, the State of Virginia, and the U.S. Army Corps of Engineers. At the present time there is uncertainty about whether dredging might do more harm than good due to the stirring up of sediment and possibly releasing new amounts of Kepone into the water system."

A test dredge for Kepone removal was conducted recently by the U.S. Army Corps of Engineers on a shoal some 10 river miles south of Hopewell. The effects of this dredge are being analyzed.

Train said that studies have shown that James River oysters will purge themselves of Kepone contamination when placed in clean waters. In two or three years, these oysters become mature, edible food. Some 90 percent of Virginia's seed oysters come from the James.

A number of research studies on Kepone's effects on aquatic life are being either conducted or sponsored by EPA. The Agency's research lab at Gulf Breeze, Florida is analyzing the toxicity of Kepone to various saltwater fish and shellfish. A comparable study for freshwater species is now being done by the Interior Department under a \$100,000 EPA grant. EPA has awarded the Commerce Department \$35,000 to research Kepone's impact on oyster reproduction.

(more)

Hopewell was the site of the Kepone production plant operated by Life Science Products Company. It was Kepone-laden wastewater from this plant that is believed responsible for the present contamination of the James River and southern Chesapeake Bay.

The Life Science plant has been dismantled and disposed of in a special landfill. Some 200,000 gallons of wastewater used to clean up the plant site have been neutralized through EPA efforts. A blood sampling study by the Agency of Hopewell residents who were not Life Science employees showed no measurable Kepone residues in 80 percent of the cases. Persons with small amounts of Kepone present exhibited no ill health effects attributable to the poison.

Train emphasized that several cleanup problems remain in Hopewell:

--A 1.5 million gallon lagoon of Kepone contaminated sludge must be treated.

--A disposal method must be found for approximately 300, 55-gallon drums containing heavily contaminated debris from the Life Science plant.

--Soil around the former site of Life Science Products is contaminated with Kepone, and may have to be removed to prevent escape into the atmosphere.

To date, EPA has spent some \$600,000 in activities directly related to the Kepone problem.

# # #

Max Eisenberg 8/19/76 - Kepone

Neil meeting w Max today.

Kepone Tox Force -

Allied plant

Site being coming through - plant being  
demolished - Kepone has been packed  
& is under embargo.

Army may take to Aberdeen

400-55 gal drums.

During demolition workers have to be screened -  
ground water tested.

Beth Steel may just old equip in blast furnace

Fish -

Sampling on water & at wholesale fish  
markets

Blueprint remain below .1 ppm

Blue Rock / Sluiced Bass.

various crabs - Essex - Charles River  
& below

Company description has not been made

Kepone is still registered as a pesticide

Black Fly ~~and~~ company sent letter arguing &

EPA may list the clear than others.

only red flow used was in Fla

small ant - roach jobs.

EPA sampling program along East Coast

→ " now differentiating between Lower Bay

& upper

From Chesapeake " Crabs & oysters of everywhere fulfill OK in

Northen boy "

→ "Only limited amount of action can be taken at this time"

→ unless source eliminated in Va it will not go away or get any better.

Tram is not limited in what he can do?

Q2-500 - some of funds Congress or President

Adm can designate as hazardous material "

# The Washington Star

JOE L. ALLBRITTON, Publisher

JAMES G. BELLOWS, Editor

SIDNEY EPSTEIN, Managing Editor

EDWIN M. YODER JR., Associate Editor

SUNDAY, AUGUST 1, 1976

## Bluefish and kepone — a mess

There is little credit due the state of Virginia in its handling of the Kepone affair, from start to wherever the finish may be. But Virginia is not alone. Maryland's Governor Marvin Mandel has been sprinting to establish his own banal record in the latest kepone chapter — chemical contamination of bluefish.

At his press conference Thursday, Governor Mandel adopted that mental posture contemptuous of what is beyond his ken. More on Marvellous Marv later.

The way things stand now, neither fishermen nor consumers can be confident of whether they should fish or cut bait. Virginia Governor Mills Godwin huddled with federal officials Wednesday on the contamination and said later, "This is not going to be settled next week. It's going to get worse before it gets better." Whatever that means.

The governor last week refused to prohibit taking bluefish in the Chesapeake Bay — but he warned against eating the popular sport and commercial species.

That is about on a par with the "on the one hand" performance a few weeks ago by one of Virginia's top health officials who is a member of Virginia's special Kepone Task Force. A task force subcommittee sent its recommendation to Governor Godwin on the volatile issue; but Dr. Robert S. Jackson, director of the Virginia health department's preventive medicine service, refused at the time to say what it was. But then he added, "My personal feeling is that I would not recommend anybody eat bluefish."

That's a lot of help. Particularly in light of late reports that the recommendation was to prohibit commercial harvest of bluefish in Virginia waters.

The most disturbing part of this unfolding story has been the seeming lack of urgency in deciding the dimension and seriousness of the kepone-contamination threat — at least that is how it appears to us. Blues caught since mid-June in various parts of the lower Chesapeake Bay have contained levels of the suspected cancer-causer that average .17 parts per million — fish containing above .1 part per million may not be sold in interstate commerce. After Wednesday's meeting, Sherwin Gardner, deputy commissioner of the Food and Drug Administration, said his agency's most recent tests on marketplace bluefish showed unacceptable levels of the chemical. The problem, for FDA, is that it is questionable whether the tested batches were intended for interstate shipment and thus under Food and Drug jurisdiction.

In Maryland waters, according to the federal Environmental Protection Agency, tested bluefish do not show unacceptable levels of Kepone; they said, however, that some samples contained .08 parts per million, or .02 ppm below the danger level.

What are we to make of Governor Mandel's recent flat absolution that Bay fish are "completely safe." He added, "There just isn't any problem with Kepone."

We were unaware of the governor's expertise in marine biology and toxicology. At the press conference the other day, Governor Mandel again asserted that Maryland bluefish were absolutely free of significant traces of kepone — the assumption being that he knows what a significant quantity is. Then, incredibly, he followed that assertion by saying, "There is no scientific proof that ingesting it (bluefish) is dangerous at all." There is little scientific "proof" of anything, but there are a whole lot of hypotheses based on empirical data that would recommend caution to most people.

The governor did not stop there. He added a comment that illustrates the problems facing the bay's ecological integrity. If fish caught in Virginia waters cause concern, that is Virginia's fault, he said: "One thing I'm glad of is they take care of their part of the bay and we take care of ours." Such parochialism is appalling.

In addition to which, his comment revealed his lack of information about the fish species under discussion. The blue covers an incredible amount of territory seeking food — from Cape Charles to Maryland waters is a day's journey.

In the wake of these wobbly performances in Richmond and Annapolis, the questions that afflict lay minds have to be nagging. As *The Star's* Outdoors writer, Gene Mueller, put it in a recent column: "What bothers me currently is the apparent effect Kepone has on certain fish species and not on others. . . Is the bluefish simply more susceptible to chemical pollution than other species?"

Obviously, no official wants to be vulnerable to a later charge of having triggered a panic about contamination. But the equivocation since the start of the kepone case is close to unconscionable. The public deserves to know, within the bounds of available evidence, whether or not they should eat bluefish, whether or not other species may be vulnerable to the toxic chemical, whether or not a ban should be instituted.

Despite Governor Marvin Mandel's song-dance-and-funny-sayings routine this is damn serious.

*action  
blue*

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PRESS CONFERENCE

OF

GOVERNOR MARVIN MANDEL

July 29, 1976  
State House, Annapolis, Maryland

CORRESPONDENTS

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Tom Lattanzi, WBAL Radio, Baltimore	Tom Stuckey, Associated Press
John Moran, WNAV Radio, Annapolis	

EDWARD BENNETT WILLIAMS

BARTH: Governor, it is being suggested that Edward Bennett Williams is going to join your defense team. Is that true?

GOVERNOR: I know nothing about it.

BARTH: We can take that to mean, I suppose, that he is not.

GOVERNOR: As far as I know he is not.

HAWKINS: Have you spoken with him?

GOVERNOR: No, I have not. I saw him for a moment up at the convention in New York.

KUR: Is Mr. Weiner still your attorney -- your defense attorney?

GOVERNOR: As far as I know.

KING: Has your counsel talked with Mr. Williams?

GOVERNOR: No, but I am not going to get into any more questions. That's absurd and it isn't even worth talking about.

KEPONE

BARTH: Last week you reassured us about there not being much kepone in the Bay. The Governor of Virginia has said he is afraid there is a lot of kepone in there. How is there this difference? What do you make of that?

GOVERNOR: Well, one thing that I'm glad of is that they take care of their part of the Bay and we take care of ours. Possibly we've done a little better job taking care of ours. I can't answer the question. The problem of kepone arose in the James River, and

(more)

probably that's where their problem is. But I want to say again, and I wish you all would make it clear: There is no proof in the first place that kepone is dangerous anyhow. After I spoke to you I went into it a little further again with some of our people, and they told me that according to the rate set of one -- I don't want to use the wrong figures -- but one part per million could cause a problem. It would mean that if you ate a million pounds of bluefish in your lifetime, you may have a problem. Now if you can eat a million pounds of bluefish in your lifetime, then you may have a problem if you go down to Virginia. That's what the percentage rate means, so that is the danger point. Once you get past a million pounds of bluefish, then you may conceivably have a problem, but they don't know what that problem would be.

KUR: You are not saying that kepone itself isn't dangerous, you are saying that until you reach that level it is not dangerous.

GOVERNOR: No, I am saying they don't even know whether it really is dangerous in itself. There is no medical proof that ingesting kepone that way is dangerous at all.

KUR: Well, maybe not ingesting it but they have proven through scientific studies and in hospitals, and doctors have said that people down there near the plant . . .

GOVERNOR: Who worked with it and worked with it constantly have had some ill effects. It's not dangerous, as far as I know, in the terms that it will kill you or that you could have a longtime effect from it. But what I am saying to you -- and we are talking about the fish -- from what I have been told is that if you eat a million pounds of bluefish during your lifetime, you could reach a danger level. So what I would suggest is when you get to 900,000 pounds, stop eating.

#### SCHOOL CONSTRUCTION

LATTANZI: Governor, yesterday the big seven met and they said that they would band together to oppose the plans for the school construction funds returning to the subdivisions. Will you reconsider?

GOVERNOR: Reconsider what?

LATTANZI: Having the local subdivisions pick it up.

GOVERNOR: I didn't know anyone had suggested that.

HAWKINS: There is a task force studying it.

GOVERNOR: Studying the whole program, but no suggestions have been made; no recommendations have been made, and I can't understand -- probably they may be trying to anticipate a problem, but several of them are serving on the task force themselves. We purposely put several members of the counties on the task force so that all of the problem could be looked at. There have been no recommendations made, and there has been an attempt made and I

(more)

don't think that, as far as I am concerned, that we are going to return the program to the counties.

FENTON: How long do you think it will take, Governor, before the final recommendations are made?

GOVERNOR: I would hope that some recommendations will be made at the next session of the General Assembly.

FENTON: You yourself, do you favor returning it to the political subdivisions or leaving it as it is?

GOVERNOR: No, I don't think that returning the program to the political subdivisions is anyone's intention or desire. There are many questions that we got into the program and I think did a tremendous job over the five-year period of building schools. Now we are getting more into the questions where more of the counties are not coming in and asking to build schools -- and that was the purpose of the program. Now they are starting to want to shift it to remodeling, renovation, more than building new schools. The question is how far do we go in this direction and what do you do.

#### TAXES

O'BOYLE: Governor, you have not asked for a general tax increase in several years. What do you think the chances are this year for that being the case again?

GOVERNOR: I won't be able to answer any questions along those lines until we get the final figures for this past fiscal year that just ended July 1. It will be some time before we get those final figures, and it will be impossible to forecast. In addition to that we will have to wait until we get an updated forecast on revenues, what the next -- that is the '78 fiscal year will look like. There's no way I can answer that question at this point.

O'BOYLE: You have asked a number of your department heads to submit lists of programs that might be eliminated in the coming budget. Are you counting on large cuts in spending to avoid a tax increase?

GOVERNOR: No, we have just asked all of the department heads as we always do -- it's the same type of letter that we send out normally just to give us any information that they have. We have told them that we would like to hear from them as to programs they feel may not be essential. We get very few recommendations along those lines.

#### SCHOOL CONSTRUCTION

HAWKINS: Governor, on the subject of school construction, at the Public Works Board meetings you have indicated that you think it is appropriate that the local subdivisions begin thinking about paying some of the costs of school construction. Do you still feel that way?

GOVERNOR: Some parts of the program, and that's exactly why we are looking at it. For example, if a subdivision feels that it is essential to their program that every school have -- and I am just using this as an example, not saying this is a priority -- if they all felt that they want to have auditoriums in their school and another county doesn't feel that it needs auditoriums in their school, it might be an area there, for example, if a county wants it they can pay for it -- if a county wants to go into some special kind of program. What we are saying is that if there are special areas that counties want to get into, then maybe that that would be a county responsibility -- that the whole State should not be paying for a program in a county that wants to specialize in a certain area.

STUCKEY: Have you given any thought to something along the lines of just saying flatly that the counties should pay 15 percent or just picking a percentage to try to work on a percentage burden basis?

GOVERNOR: I think the committee will be looking into all of those various aspects of it, whether the counties should contribute, whether the counties should participate on a percentage basis, whether they should pick up special projects -- the whole ramification of all of these programs I think they'll be looking at.

#### STATE EMPLOYEES

LATTANZI: The House majority leader has prefiled a bill which says that, if passed, that State employees would be chosen -- in the future would be chosen on the basis of how much per capita their county pays to the State in taxes. What are your views on something like that?

GOVERNOR: I haven't seen that bill and I am sure that everything that the majority leader does he does seriously and with good intention and I wouldn't doubt that. I don't know how it would work because then we'd have to start figuring out how much does the State give back to that county and is it a net loss or a net gain. Maybe the county wouldn't be entitled to any employees under that basis. There are a number of counties, I might say, a number of areas that get more money back from the State than they contribute. I don't think that's serious.

FENTON: Thank you, Governor.

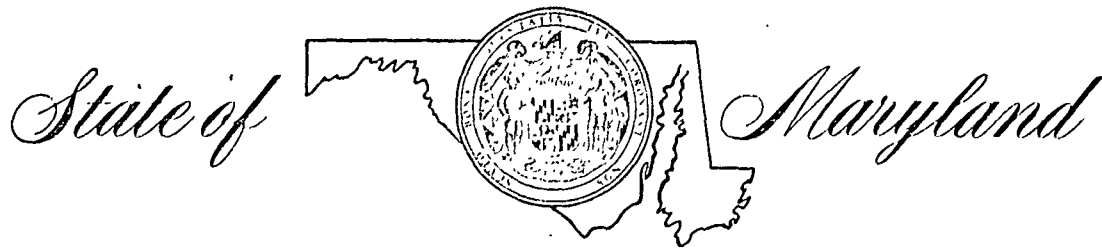
END OF CONFERENCE

**MEMORANDUM**

Copies

**TO** Mr. Simon McHugh **From** Donald H. Noren **Date** May 11, 1976  
**Subject** Minutes of Kepone Task Force meetings

I thought this might be of interest to you. Enclosed is what we have done to date.



DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
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DONALD H. NOREN  
DIRECTOR

KEPONE TASK FORCE

Donald H. Noren - Chairman

Joseph P. Lewandowski	Chief, Division of Water Quality Control Water Resources Administration Department of Natural Resources
Dr. O'Neil Banks	Executive Assistant for Technical Services Division of Labor and Industry Department of Licensing and Regulation
Frank Hoot	Assistant Commissioner of Health for Environmental Health, Baltimore City Health Department
Dr. Max Eisenberg	Assistant to the Director Environmental Health Administration
Dr. Barry Friedlander	Chief, Division of Employee and Occupational Health, Aged and Chronically Ill Administration Department of Health and Mental Hygiene
Dr. Richard Ilka	Division of Employee and Occupational Health Aged and Chronically Ill Administration Department of Health and Mental Hygiene
Alexander J. Ogrinz	Head, Product Safety Section Bureau of Food and Drugs Environmental Health Administration
Gulius D. D'Ambrogi	Director, Bureau of Food and Drugs Environmental Health Administration
Walter A. Miles	Chief, Division of Solid Waste Control Bureau of Sanitary Engineering Environmental Health Administration
George P. Ferreri	Director, Bureau of Air Quality and Noise Control Environmental Health Administration

Morris L. Hennessey	Chief, Division of General Sanitation Bureau of Sanitary Engineering Environmental Health Administration
Dr. Frances J. Warthen	Director, Center for Health Statistics Department of Health and Mental Hygiene
Dr. Jack Blanchard	Chairman, Kepone Task Force Health Effects Division Environmental Protection Agency Washington, D. C.
Francis Alpiser	Hazardous Materials Division Environmental Protection Agency, Region III Philadelphia, Pennsylvania
Richard H. Trainor	Chief, Interstate Division for Baltimore State Highway Administration Department of Transportation
Jon C. Crosby	Office of the Director Environmental Health Administration
Lee Strait	Food and Drug Administration Baltimore, Maryland

Charge to the Secretary's Task Force On  
Present and Potential Health Hazards of Kepone

I am deeply concerned over reports received by me from the Federal Environmental Protection Agency concerning data on the residue of the chemical, kepone, in the South Baltimore area. In addition, I have studied data submitted on the kepone situation in Hopewell, Virginia and its effects on that community and on the James River.

In order that the public health of the people of Maryland be properly safeguarded, I am charging the Kepone Task Force with the mission of collecting and evaluating all available data as it concerns Maryland and to call upon the resources of whatever agencies and individuals from within or without the Department to advise me as to a proper course of action to pursue--both on a short-range and long-range time span.

Because of the important nature of this mission, I am instructing that you move expeditiously and submit a report to me just as soon as possible.

Neil Solomon, M.D., Ph.D.  
Secretary of Health and  
Mental Hygiene



KEPONE TASK FORCE  
Third Floor Conference Room  
First Meeting - 3/11/76

Today, Dr. Solomon's Task Force on Kepone held its first formal meeting, with Donald H. Noren, Director of the Environmental Health Administration presiding.

Mr. Noren assigned the following sub-tasks:

Medical officials will continue to monitor Allied Chemical employees and will expand their investigation of health effects to include persons living adjacent to the plant.

Environmental Health Administration engineers in cooperation with technical people from the Environmental Protection Agency, the Baltimore City Health Department, the State Highway Administration, and the Department of Natural Resources will take additional samples of soil in and around the plant to determine the extent and concentration of contamination. They will also develop a plan for the safe disposal of remaining wastes at the plant.

Air quality engineers will take additional air samples around the plant to determine if there is any residual kepone being emitted even though the processing of kepone ceased at the plant in October, 1975.

The Department of Natural Resources, in conjunction with other State and Federal agencies, will sample and have analyzed sediment and water near the plant.

All available laboratories, experienced in this intricate chemical analytical process, will be utilized, including the State Laboratory system, the Federal Environmental Protection Agency Laboratory in Annapolis and the Federal Food and Drug Administration Laboratory in Baltimore.

Environmental Health Administration personnel will take samples of finfish and shellfish for analysis.

Mr. Noren said that these studies are critical and essential to the well-being of Maryland citizens, and he directed that reports on sub-tasks be made to him in an expeditious manner, so that he can report and make recommendations to Dr. Solomon.

KEPONE TASK FORCE  
Conference Room L-3  
Second Meeting - 3/24/76

Following the initial meeting of the Kepone Task Force, at which time assignments were given out to four sub-committees, a second meeting was held today and reports of those sub-committees returned. The following information by committee assignment is as follows:

Health Effects (Humans): Serum samples of workers at the Baltimore Allied Chemical Plant reveal that the mean level of kepone in those workers in September, 1975 was 525 parts-per-billion. Samples taken in February, 1976 show a mean level of 239 parts-per-billion, a significant drop. It was also reported that in Virginia the mean blood analysis samples of cases of kepone disease showed 8,480 parts-per-billion, while the mean of non-cases was 1,570 parts-per-billion. Since serum results are approximately twice as high as blood analyses, the levels in Baltimore employees is less than one-third the mean result of Virginia's non-cases. In Virginia, community levels revealed that 19 percent of 216 samples (persons) showed levels of from five to fifty parts-per-billion. Of these, 85 percent lived one-quarter mile or closer to the plant.

Allied Chemical officials reported that the half-life of Kepone indicated a mean of 113 days.

The 25 residents of South McComas Street (adjacent to the Allied Plant) will have blood samples drawn and a questionnaire filled out beginning this Saturday, March 27. This will be done on a voluntary basis.

It is appropriate to say that at this time there appears to be no kepone diseases among people potentially exposed in Baltimore.

Disposal Committee: The Environmental Health Administration has taken ten additional earth samples in the area, including two at the Swann Park playground. These samples are under analysis. The Task Force approved covering of the plant area with a layer of clay as a temporary measure. The committee will oversee the decontaminating of remaining kepone-blending machinery, and will develop appropriate methods for disposal of remaining sludge now being stored in metal drums.

Marine Life Committee: Samples of crabs taken at various points on both the Eastern and Western shores reveal trace levels of kepone only, and these traces are way below the action level of 0.4 parts-per-million. Virginia crab-meat sent to Maryland crab packing houses also reveal trace amounts only, as do samples of commercial crabs from North Carolina. Seed oysters from the James River of Virginia and planted in Maryland private beds indicate trace levels of kepone, except for two samples of the most recently planted seed oysters. None of these oysters sampled will be ready for harvesting for at least one year. Sampling of finfish has not yet been completed, but results from Virginia indicate channel catfish and shad are below the action level in kepone revealed.

Air Quality Committee: Two additional air sampling stations have been put in operation to sample air near Allied Chemical. One is located at the Baltimore Gas and Electric Spring Garden Plant, one third of a mile from the Allied Plant. Both have been sampling for three days. They will continue for two weeks, with analysis being conducted as the samples are collected.

KEPONE TASK FORCE  
Conference Room 5-A  
Third Meeting - 4/14/76

The Kepone Task Force met at 1:00 p.m. today with Dr. Max Eisenberg presiding. Present were 24 persons representing all levels of government and all sub-task committees. Reports on progress are as follows:

Health Effects: Dr. Friedlander reported that blood samples were taken from 12 of the 25 residents living in the area of Allied Chemical, from four persons whose work or recreation takes them to Swann Park frequently, and from five other persons whose samples were used as controls. No kepone was found at detectable levels, and the committee recommends discontinuance of health effects testing for kepone in the area.

Disposal: Mr. Samuel Morekas, reporting for the committee, identified three areas of concern: the Swann Park playground, the dumping area on Allied property, and stored waste.

Swann Park: Although kepone in soil samples showed only trace levels, the committee recommended that soil and sod be removed and replaced in a 100 foot wide strip along the fence abutting Allied's property.

Dumping area: Because of the presence of trace amounts of kepone as well as other contaminants, the committee has recommended that Allied's consultant consider, as an interim measure, the spraying of the area with a bituminous substance laced with gravel in order to seal the surface. In addition, test wells at various locations are being drilled in order to ascertain the extent of leeching, if any, of these contaminants into the groundwater. Groundwater is not used for drinking purposes. Results from these tests should be apparent by the next meeting of the Task Force.

Stored waste: Four options are being considered: (1) Incineration of drums not containing arsenic. (2) Incapsulating waste in concrete with disposal in a landfill. (3) Chemical reduction to solids which can be mixed with concrete or molded into inert blocks. (4) Disposal out of State. (5) Coordinate with Virginia's method of disposal.

Air Quality: Two weeks of samples from two high-volume samplers near the Allied property and one sampler (at Simpsonville) as a control, preliminary results have yielded no appreciable amount of kepone. Samples will be taken as I-95 construction continues to determine if kepone levels rise as a result of earth disturbance.

Marine Life: Three areas of concern identified.

Crabs: As a result of extensive sampling from all areas included in the migratory pattern (dredged samples) of crabs, the committee has determined that only trace amounts of kepone - well under the action level - are present in the Maryland blue crab. Sediment samples taken concurrently do not indicate any levels of kepone.

Oysters: All private leased beds containing seed oysters obtained from the James River in Virginia were sampled and tested. Only one sample out of 30 showed a kepone level above the action level. This bed has been ordered to be bouyed-off and may not be touched for a year. At that time, the Department will again sample and test that bed.

Finfish: An extensive description of the life and migratory habits of finfish was given by Benjamin H. Florence, a marine biologist with the Department of Natural Resources. Lee Strait of the Food and Drug Administration gave an update on Virginia's finfish situation. This information bears relevance to Maryland, in that, if Virginia clears a species of finfish, Maryland will not need to sample it. In addition, market wholesale samples will be collected and analyzed.

1. Atrazine level - crebs .4 ppm  
Kepona - is a decomposition compound  
of other pesticides -  
we have been able to show this to date

Samples in Torque area + dredge along  
all major tributaries -  
no one was above atrazine level

.14 .2 in Potomac area possible  
runoff from AChid plant - now  
checking going on

2. Lead system .3 attn level  
went to 3000 in AA ch area  
only to pinata bars -  
23 tested . 22 are below  
2 right on border  
but not ready for lower for a  
few more years.

4/10/68  
no Dec.

3. Pinata - not enough info yet

Kejone Tesh Force

27

Ferrari - to set up air sampling station  
near the plant.

Allied proposes to cover contaminated area  
with 6" layer of clay  
Health people want to complete more tests  
but will work closely w/ Allied people

Memo

To: Sec Coulter  
Solomon  
Wahle

Fr 8M

Subj: Environmental Council Meeting, 3/11/76 10AM.

The agenda for this meeting will include a discussion of the Dickerson HWY facility in light of Don Snyder's 2/13/76 letter to LT Gorbace, & subsequent events.

If time permits an exploration of <sup>the</sup> California Flea problem

Sec Setting

EPA recommended to FDA a value  
FDA can accept, although, unilaterally

Action level is one time shot - average  
situation.

See Stuart - FDA Div for Bald Kipon  
system don't see to low just  
crab levels are high in Va  
Duke is dredging crabs now.

We are processing Va Crabs but once  
poached - they become bad crabs.

Analytical work is very difficult - easy to come up with  
erroneous results - in Va, EPA & FDA found using outside

→ to use FDA in Puerto

Two weeks until action level  
is announced  
in order that we can have  
net for the action level



3/10/6

Max Eisenberg - Keynote

his meeting w/ Lee Strait (9) FDA Director for  
Baltimore Region

FDA was not aware crabs were now being taken  
in Southern Bay.

Will probably announce "action level" sometime  
in the next two weeks - current thinking is  
that it will be somewhere in the range of levels  
set for fin fish (.1) and oysters/clams (.3 ppm)

→ Va crabs tested are above these action levels.

→ Oysters and shell that have been tested so far  
seem to be OK.

Standard setting

"Action levels" are recommended to FDA by  
EPA - FDA can either accept, alter or  
reject unilaterally - this is done in  
emergency situations such as this as a one time  
shot.

Lab Work.

Analytical work in this area is very difficult -  
it is easy to come up with erroneous results.

EPA + FDA found they could not successfully  
use outside labs in testing products from  
Virginia waters.

(Max may use FDA for some of our testing)  
EPA lab ok to test sludge + sediment

Crabs being processed in Md plants come from Va  
but once processed are called Md crabs.

Governor Mandel

March 10, 1976

Simon McHugh

Update on Kepone Problem in Crabs  
Conversation with Dr. Max Eisenberg (DHMH)

1. The Food and Drug Administration has just recently found out that crabs were being taken from Virginia waters (some of which are processed in Maryland).
2. The plan is to issue "action levels" of Kepone content, after EPA recommendations, sometime in the next few weeks. The levels will fall generally in the range of .1 ppm to .3 ppm, the current levels for finfish and oysters/clams. The crabs they have tested in Virginia to date are generally above the action levels.
3. The good news - oysters and shad that have been tested are below the action levels.
4. The Task Force is to meet tomorrow. Health is making the necessary lab tests as quickly as possible.

SFM:jm

318 - Gov.

Jack Friedlander  
Mac Eschler

Adult crabs do not move up the Bay.

Crabs start migrating up sometime around  
June.

Salinity high enough in lower bay for  
crabs to reproduce - they come up  
from very small & grow in fresh  
waters.

Males once they come up - stay up  
females - once fertilized - go back  
to the Bay James River and  
spit out 1 to 3 groups of eggs.



Blue Crabs active level shellfish  
oyster/clam <sup>.3 ppm</sup>

Shad - .1 ppm

Blue Crabs 60, ~~to~~ - 100 million lbs per yr.

Bluefish

John Blanchard - EPA 755-5670

Task Force - State, Fed, City

City closing Swan Park Playground

Train → Mathias scand people. Snyder - concern but not alarm

Snyder - soil & sediment samples indicate further testing is in order.

Don-Max Eisenberg

NEWS RELEASE FROM THE OFFICE OF GOVERNOR MARVIN MANDEL  
FOR IMMEDIATE RELEASE, March 3, 1976

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(For further information contact Frank A. DeFilippo, 267-5091)

Governor Marvin Mandel today directed Maryland's Secretary of Health and Mental Hygiene to cooperate fully with the Federal Environmental Protection Agency in testing Kepone levels at the Allied Chemical plant and surrounding areas in Baltimore.

In ordering Dr. Neil Solomon to make available his department's testing and monitoring facilities to Federal officials, the Governor emphasized that there is no immediate cause for alarm because of EPA's interest in Kepone levels at the Allied plant.

"This is more a case of prevention than of actual danger," Governor Mandel said. "We want to make certain there is no potential hazard to the health of either the workers at Allied or residents in the immediate area."

EPA officials have advised the Governor that minimal levels of Kepone have been detected at the Allied site in Baltimore, and have asked the Governor to provide facilities and equipment for testing workers and residents in the area.

Kepone is a chemical component used in the manufacture of fertilizer. Its potential danger to employees and others who come into contact with the chemical was first discovered at a plant in Hopewell, Virginia, where workers developed nervous disorders through contact with Kepone.

Federal officials are scheduled to meet with Dr. Solomon and City health officials later today to devise testing and monitoring programs.

#####

2:30  
5th floor - Jan Albert. X6196  
Don Snyder - - Statement after meeting  
Kejane

Allied - Baltimore  
Soil samples in Field and  
Stored Oct 75

Found levels above background level  
1400 ppm in plant  
10 ppm on playground outside fence.

hard to study epidemiological effects  
plant water  
people using playground  
& homes in area

Not situation like Hopewell.  
good safety control.

Meeting in Balt this PM.

Media after meeting.

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→ Called Train last night  
↳ talked to Mathias

Mayor Sheffer.

2:30 -

John DeBuff - 396-4387  
Mr Watson

Kepon - carcinogen  
sterility  
serious disorders  
femur - loss of nervous  
sensitivity

Dan Snyder -

Allied - Rose St. off Lanou

Kepon - pesticide - in late 50s

Allied - Fogwell

(Life Science Products) closed 7/26/75

Bulletin Board

Concentrated before shipped here &

made into 50%, 25%, 12.5% Kepon pesticides  
90% shipped overseas. (Germany & So America)

To be classified by carcinogen  
hard to find one it gets into environment

Samples taken & tested at Arrajolis -

EPA has issued "stop sale" order to Allied (Balt) as of 1/28/6

↳

Under Review - stop sale order does not prevent

.125 } Registered  
25 } pesticides  
50 }

export - 30,000 lbs there both registered & unregistered

EPA

413 - Walked through the process. (blending  
of the pesticides) dissolve in kerosene & soybean  
oil.

Each emission source filtered -

Kepon insoluble <sup>at PH</sup> but become soluble  
as PH increases.

PH 7 - Kepon = 2 ppm

- Soil to be dug up to sink pits for road  
construction - on Allied grounds

- 7 row houses on Marcomas St.

200 yd ESE of plant.

Playground 300 yd So

6 samples in  
all

Plant - 1472 PPM - wash out area for filters  
 Playground 10 PPM  
 Horn loss - .73 PPM Kepone  
 105 " Air.

Life Span 10,000 - 20,000 PPM = 1% of Soil

Kepone - used for ant / roach baits in homes.  
 in water .125% mixture  
 no used in agricultural crops.

Kepone found in Mollusks is from breakdown  
 of mirex (mirex) -

→ Snyder

Air Health damage in Hazel = damage to workers &  
 family from exposure - Allied when making  
 Kepone observed OSHA laws & here no problem.

Air = 25 micrograms  
 per cu m

Allied has pollution control devices  
 that are 99% effective. Cloth filter  
 air pollution control equip is adequate.

[7 lb of Kepone = 2000 lb batch of fertilizer]  
 how Kepone is not dusty.

Leaking or run off has not been measurable

Fellow from Balt City Health Dept.

1. State Roads Comm - to drive piles & cover w 6" concrete
2. Plant employs use all OSHA equip.
3. Allied has sponsored study at Hopkins -

II. Water pollution - just rejected by DNR in Dec.

- Bill Reilly - EPA Dep Dir Enforcement -  
 inspection found no water discharge  
 from plant - EPA now analyzing sediment



in vicinity of plant.

Some arsenic run off in cooling water

### Summary

- Solid waste problem 1440 ppm -  
at plant site - construction

- 108 ppm in dirt adjacent to play area

- Look at houses & people

1. Extent of soil & solid waste problem
2. " possible pollution in Bay -  
sediment analysis.
3. May have been historical air pollution problem  
need to study.