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March 17, 1983

Mr. Robert Davis
City of New Bedford
City Planning Dept.
New Bedford, MA 02746

Dear Mr. Davis:

I am enclosing for your information copies of two documents relating to EPA's Rulemaking Proceeding under Section 5(e) of the Toxic Substances Control Act. The first document is a copy of a Federal Register notice dated October 21, 1982, amending EPA's regulations governing to use and disposed of PCB's. (47 Fed. Reg. 46980) The copy is, I'm afraid, of rather poor quality, but it is the best I can do with the copy I have. As the notice explains, EPA's exclusion from the TSCA regulations of materials containing less than 50 parts per million (ppm) PCBs was invalidated by the U.S. Circuit Court of Appeals for the District of Columbia on October 30, 1980, in a lawsuit brought by the Environmental Defense Fund. Environmental Defense Fund v. EPA, 836 F.2d 1267 (1980). The new regulations confirmed the 50 ppm cut-off, while further rulemaking is being conducted to regulate disposal of some items containing less than 50 ppm. Please note that further information and copies of relevant documents may be obtained from the address in the third paragraph of the first page of the notice.

The second document was compiled in the course of the rulemaking, as EPA's response to industry comments on the health effects of PCBs. This document represents the Agency's present official position on the effects of PCBs. I believe it represents the kind of review of health data that you have been suggesting the Agency should undertake.

If you have further questions on these matters, please feel free to contact either myself, at 223-4635, or Jerry Sotolongo, at 223-1591.

Yours sincerely,

Charles C. Bering
Office of Regional Counsel

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