



News Release

FOR FURTHER INFORMATION
Contact: Gary G. Jones
Phone: 517/636-1017
Midland, Michigan

April 23, 1979

The Dow Chemical Company today filed motions with the Chief Administrative Law Judge of the Environmental Protection Agency seeking prompt initiation of a broad fact-finding hearing on EPA's proposed cancellation of the registration of two herbicides. At the same time Dow announced its immediate withdrawal from the Agency's recently begun "suspension" hearings.

"We have participated in two days of "suspension" hearings before a three-man panel of EPA employees, Dow attorney Michael J. Traynor said, "to determine if 2,4,5,-T and silvex herbicides should remain off the market during the upcoming six-month to two-year cancellation process. It has become apparent that the fundamental issues, which are the long-term safety and benefits of these products, will not be considered, therefore we are withdrawing from the "suspension" hearings and pressing for prompt commencement of the broader cancellation hearings.

"Specifically," Traynor said, "our requests are that EPA promptly assign an Administrative Law Judge (ALJ) and schedule a pre-hearing conference so we can move forward with a full examination and ultimate government dicision on the risks and benfits of these products.

"It would be a waste of time and resources to continue with the "suspension" hearings because EPA's administrator has made his opinion clear when he ordered the "emergency suspension" on February 28. We believe that a hearing panel composed of three EPA employees will find it difficult to recommend that he reverse his position. The situation calls for independent review and the position of Administrative Law Judge has been established for such a reason. An ALJ is insulated from possible internal Agency pressures," Traynor said, "and can refer scientific questions to the National Academy of Sciences for expert resolution. His recommendation will be submitted to the EPA Administrator for final disposition.

"Although we are withdrawing from the "suspension" hearings, we are most anxious to begin cancellation hearings where a full record supported by 40,000 technical reports and papers and a history of 30 years of safe use can be placed before the ALJ. We belive that such a full and impartial hearing is essential for the exoneration of these very important products," the Dow attorney concluded.

EDITOR'S NOTE

On February 28 EPA issued an "emergency" suspension of 2,4,5-T and silvex citing a "correlation" between forest spraying and increased spontaneous abortions in an area in Oregon. Dow and 20 other plaintiffs petitioned the U.S. District Court in Michigan to lift the suspension, charging there were fatal deficiencies in the Oregon study. The petition was "reluctantly" denied on April 12.