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Answers to "Statements of Issues"

1. The Secretary of Agriculture did not refuse to suspend the stated uses on food crops for human consumption and nonliquid formulations around the home and in recreation areas--he decided that the milder course of action of cancellation of some of these uses better served the best interests of the general public, and that it would adequately protect the health and best interests of each and every individual involved. He did suspend certain other uses, not because these other uses presented a significant danger, but because the evidence that these suspended uses were safe was not as substantiated as that supporting the safety of the cancelled uses. His actions are supported by substantial evidence on the record as a whole.



2. The Secretary's action was neither arbitrary nor capricious. It was not an abuse of discretion, and was not done without a rational basis. First, scientists advised him that 2,4,5-T had teratogenic effects on certain sensitive strains of small rodents when the 2,4,5-T was fed or injected at relatively large dosages. Next, this finding had to be modified when it was discovered by other scientists that the 2,4,5-T used for the tests was grossly contaminated with a dioxin. Third, additional tests with 2,4,5-T containing very low levels of dioxin often failed to ^{increase} induce teratogenic effects in small rodents, but apparently ^{was associated with increased} ~~did cause~~ such effects in a few of the rodents when fed at dosages of 100 mg/kg of live weight to pregnant females in sensitive stages. Now, it must be recognized that the dosages apparently associated with increases in malformed fetuses were approaching the level that would be lethal to the pregnant rodents. Many chemicals, including the essential vitamin A, are teratogenic when administered such toxic dosages. Further, it has been established that DMSO, a carrier used in administering the 2,4,5-T in some of the tests, is in itself teratogenic. The most that could be logically concluded from these data is that 2,4,5-T containing as much as 27 ppm of dioxin might present a hazard to human health. However, those same data also indicate that such a hazard, even if it existed at all, was extremely minute and that the probability of a female of the human race ever being exposed while in sensitive stages of pregnancy, to significant levels of 2,4,5-T containing trace amounts of dioxin ~~was~~ is extremely remote. On the other hand, it is well established that inadequate amounts of food during many stages of pregnancy frequently induce teratogenic effects in test animals, and in humans. The herbicide 2,4,5-T is one of

the chemicals which has greatly increased food production throughout much of the world. This has not only made more food available, but has helped to make it available at a price within the reach of most humans.

The Secretary's decision provided protection in those areas where control over human exposure was least and permitted the continuation, for a limited period, of essential uses of 2,4,5-T in situations where chances of damage to human health were so remote that they could be put into about the same category as being eaten by a tiger on the plains of Kansas. This action provides both adequate protection for people and time for additional study as warranted.

3. The Department of Agriculture agrees that there were some times in its published definition of what is an imminent hazard. However, it also maintains that no imminent hazard existed under any logical definition of imminent hazard, connected with the cancelled uses, and that there is reasonable doubt that an imminent hazard is connected with the uses that were suspended.

4. The Secretary did not fail to properly apply his own definition of imminent hazard when he decided that there existed no serious emergency from the use of 2,4,5-T on food crops. More than 20 years of continuous use without one case of documented injury to a human from eating food from crops treated with 2,4,5-T is ample evidence of the soundness of his decision. But his supporting evidence is by no means restricted to this unscientific, but nevertheless valid, fact.

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