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Description Notes In re: 2,4,5-Trichlorophenoxyacetic Acid; I. F. & R Docket No. 295

UNITED STATES OF AMERICA
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR



In re:

2,4,5-trichloropheno-
xyacetic acid

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I.F. & R. Docket No. 295

Motion to Intervene

The Secretary of Agriculture of the United States (hereinafter the Secretary) moves to intervene in the above-captioned administrative proceeding which has been instituted pursuant to section 6(b)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. The purpose of the hearing is to consider all registered uses of 2,4,5-trichlorophenoxyacetic acid (hereinafter 2,4,5-T), as well as the use of 2,4,5-T on rice which was the subject of a cancellation notice on May 1, 1970.

The Secretary is charged with broad responsibilities in connection with the total agro-business of the Nation, as well as a variety of other responsibilities designed to protect the public health and enhance the public welfare. These responsibilities include considerations relative to the attainment of adequate quantities of marketable food, timber, and fiber. The use of

the herbicide 2,4,5-T is directly relative to the responsibilities of the Secretary.

Concomitant with the foregoing responsibilities, the Secretary is desirous of providing the Administrative Law Judge and the Administrator of the United States Environmental Protection Agency with all available scientific expertise of the Department of Agriculture relevant to the use of 2,4,5-T. The Secretary's participation in this administrative proceeding, will help to insure that a full and complete record is developed, thereby providing a solid predicate upon which to base the ultimate decision as to the use of 2,4,5-T.

Also, the Secretary was granted permission to intervene in the earlier proposed hearings involving the use of 2,4,5-T on rice. Since one of the purposes of this hearing is to consider the use of 2,4,5-T on rice, it would be incongruous not to permit the Secretary to intervene in this hearing after such permission was granted earlier.

We have a profound interest in this case. We believe it is imperative to human welfare to elicit rational judgments respecting the availability of the chemicals used as tools to assure an adequate supply of food, fiber, timber and energy for man. The herbicide 2,4,5-T is one such chemical.

In view of the foregoing, we submit that this administrative proceeding demands a comprehensive and systematically objective fact-finding effort. Only such an endeavor can provide an adequate foundation for a meaningful evaluation that separates objective fact from subjective conjecture, a vital prerequisite for a sagacious conclusion based on a proper assessment of the known risks versus the known benefits from continued use of 2,4,5-T. Of and by itself, this concern imputes wide-ranging significance to this case.

But an even more vital facet of this matter causes this administrative proceeding to assume dimensions that are monumental. Some sensationalistic charges, based on unknown and unquantifiable potential risks, have been made against the use of 2,4,5-T. Charges inundated with emotion are particularly attractive to the most casually informed person; such allegations are often the basis of unwarranted alarm. In our opinion it is therefor needful to judiciously juxtapose emotion-laden claims against known realities in order to create an atmosphere that is conducive to the acceptance of objective judgment. In this regard it is exceedingly tempting--albeit profoundly unwise--to couch questions in a manner that requires an answer implying "absolute" guarantees of "no risk" for man and his environment. These assurances cannot be given. And

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despite the attraction of such an approach, thoughtful reflection reveals that that avenue inevitably leads to meaningless and misleading rhetoric, because it results in the adoption of simplistic expedients for the resolution of complex issues.

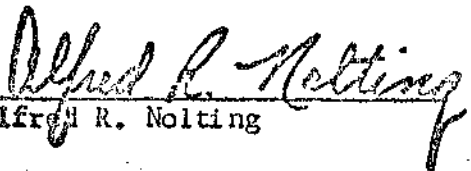
One advocate, Harrison Wellford, has said the "banning of 2,4,5-T is becoming the Dreyfus case of pesticide regulation. * * * At stake is the question of who is to set standards upon which the proposed safety of a pesticide (or any chemical) is to be judged".


To the extent that Mr. Wellford's statement accurately characterizes the impact of this proceeding, we intend to devote our most serious concern to the matter. We believe that it is in the best public interest to protect man and his environment; to provide man with the necessities of life; and to enhance the quality of life. We also believe that the provident use of chemicals helps achieve such objectives. Accordingly, in this proceeding we are especially committed to the development of a record that will be replete with concrete scientific fact and the articulation of the best available philosophies regarding the application of such fact to conclusions affecting the well-being of mankind. In return, we fully anticipate a decision that unequivocally enunciates a rule of reason in the debate about the

employment of chemical substances and their relation to public health, welfare, and the environment.

For the foregoing reasons, the Secretary respectfully requests to intervene as a party in this proceeding.

Respectfully submitted,


Alfred R. Nolting


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