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ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C.

CONSOLIDATED DDT HEARING

HEARING EXAMINER'S RECOMMENDED
FINDINGS, CONCLUSIONS, AND ORDERS
(40 CFR 164.32)

Issued: April 25, 1972

Edmund M. Sweeney
Hearing Examiner

ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C.

HEARING EXAMINER'S RECOMMENDED FINDINGS, CONCLUSIONS, AND ORDERS. (40 CFR 164.32)

In the Matter of:

A. Relating to PR Notice 71-1 issued January 15, 1971 in re DDT-

I.F.&R. No.	Petitioner	I.F.&R. No.	Petitioner
63	Stevens Industries, Inc.	87	Thompson-Hayward Chemical Co.
64	W. R. Grace & Company	88	Meherrin Agricultural & Chem. Co.
66	Cotton States Chemical Co.	89	Triangle Chemical Company
70	Woolfolk Chemical Works, Ltd.	90	Carolina Chemicals, Inc.
71	Octagon Process, Inc.	91	Southern Agric. Chemicals, Inc.
73	Micro Chemical Co., Inc.	92	Helena Chemical Company
74	Cleveland Chemical Co.	93	Kaiser Agricultural Chemicals
75	Coahoma Chemical Co., Inc.	96	Wyco, Inc.
77	Helena Chemical Co.	100	Valley Chemical Co.
78	Howerton Gowen Chemicals, Inc.	101	Olin Corporation
80	Cotton Producers Assoc.	102	Borden, Inc.
82	Daly-Herring Co.	103	Riverside Industries
83	Parramore & Griffin Co., Inc.	105	USDA (Plant Protection Div.)
84	Staple Cotton Services Assoc.	106	The Wallerstein Company
85	Standard Spray & Chem. Co.	107	Planters Chemical Company
86	FCX, Inc.	148	Riverside Industries

B. Relating to PR. Notice 71-3 issued March 12, 1971 in re TDE-

I.F.&R. No. 209 Olin Corporation

C. Relating to PR Notice 71-5 issued March 18, 1971 in re TDE-

I.F.&R. No. 121 Helena Chemical Company
I.F.&R. No. 149 Stark Bro's Nurseries and Orchards Co.
I.F.&R. No. 184 Olin Corporation
I.F.&R. No. 210 Borden, Inc.

D. Intervenor

The Secretary of Agriculture
I.F.&R. No. 97 H. P. Cannon & Son, Incorporated
I.F.&R. No. 223 Eli Lilly and Company
National Agricultural Chemical Association
Environmental Defense Fund, National Audubon Society, Sierra Club and West Michigan
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D. CONCLUSIONS OF LAW

Based upon the evidence and the Findings of Fact in this case, I make the following Conclusions of Law:

1. Under the Act, its implementations, the governing rules of practice, and other laws applicable, this Hearing Examiner has jurisdiction over the subject matter and the parties to this proceeding.

2. The intervenors were accorded and exercised all rights commensurate with the full requirements of their participation herein.

3. The registrations involved here were properly issued under the Act.

4. Notices of Cancellation identified as PR Notices 71-1, 71-2 and 71-5, were properly issued under the Act on the dates stated and they applied to the registrations herein.

5. The Petitioners seasonably filed objections to the pertinent notices of cancellation and requested a public hearing.

6. The quantum of proof herein is the preponderance of the evidence.

7. The labels involved herein are in substantial compliance with the Act.

8. DDT as offered under the registrations involved herein is not misbranded as defined in sections 2.z.(2)(c), 2.z.(2)(d), and 2.z(2)(g) of the Act.

9. DDT is not a carcinogenic hazard to man.

10. DDT is not a mutagenic or teratogenic hazard to man.

9, 6,
10, 11

11. The uses of DDT under the registrations involved here do not have a deleterious effect on freshwater fish, estuarine organisms, wild birds, or other wildlife.

12. The adverse effect on beneficial animals from the use of DDT under the registrations involved here is not unreasonable on balance with its benefit.

13. The use of DDT in the United States has declined rapidly since 1959.

14. DDT as offered under the registrations involved herein is not misbranded as defined in sections 2.z.(2)(c), 2.z.(2)(d), and 2.z.(2)(g) of the Act because it does not create a risk that is unreasonable on balance with the benefit.

15. The continued registration of the products involved herein is not contrary to the provisions of Sections 2.z.(2)(c), 2.z.(2)(d), and 2.z.(2)(g) of the Act (7 U.S.C. 135(z)(2)(c), 135(z)(2)(d), 135(z)(2)(g)).

16. The Petitioners have met fully their burden of proof.

17. There is a present need for the continued use of DDT for the essential uses defined in this case.

18. P.R. Notices 71-1, 71-3, and 71-5 should be vacated, except where otherwise treated by specific order.

19. The pertinent registrations, corrected to indicate only the essential uses defined in Admission No. 2, herein, should be restored to the same force and effect each carried just prior to the issuance of P.R. Notices 71-1, 71-3, and 71-5.