rehabilitation of the disabled. As one step in this direction, Congress required the States in 1950 to exempt $50 of earned income of blind aid recipients from consideration in determining the amount of the grant. As a second step, Congress in 1956 proclaimed self-care and self-support to be one of the purposes of the public assistance provisions of the Social Security Act.

Sixth. This bill, if enacted into law, would simply restore an important States right—the right to provide at State expense, a more liberal program of aid to the blind than the Federal Government chooses to allow. Since under the provisions of this legislation, the Federal Government would only provide participating funds for those individuals who would qualify under the present strict Federal definition of need, the plan could not possibly increase the cost to the Federal Government. It would in fact in time provide a real financial benefit to the Federal Government. Through more liberal State financed welfare programs geared to rehabilitation and self-support, more blind people will make their way off of the relief rolls and will encourage our nonsighted citizens to make the most of their productive years, and by so doing, to become more useful citizens.

The text of the bill is as follows:

A bill to amend title X of the Social Security Act to provide that, without an increase of Federal participating funds, a State plan for aid to the blind may utilize a more liberal needs test than that presently specified in such title

Be it enacted, etc., That (a) clause (8) of section 1002 (a) of the Social Security Act is amended by inserting after "provide" the following: "(unless this clause is inapplicable by reason of the last sentence of this subsection)."

(b) Section 1002 (a) of such act is further amended by adding at the end thereof the following new sentence: "A State plan for aid to the blind shall not be required to meet the requirements of clause (8) if in lieu thereof it provides that the State agency, in determining need, shall take into consideration less of the other income and resources of the individual claiming aid to the blind than would be required to be considered under claus (8) or shall disregard more than the first $50 per month of earned income, or that the State agency shall pay a fixed sum to all individuals eligible for aid to the blind; but payments under section 1003 shall be made, in the case of any such plan, only with respect to expenditures thereunder which would be included as expenditures for the purposes of section 1003 if the plan met the requirements of clause (8)."

SEC. 2. (a) The amendments made by this act shall be effective on and after July 1, 1959.

(b) Effective July 1, 1959, section 344 of the Soical Security Act Amendments of 1950 is repealed.

NATIONAL RADIO MONTH AND THE FIRST AMENDMENT

(Mr. McCORMACK asked and was given permission to address the House for 10 minutes and to revise and extend his remarks.)

Mr. McCORMACK. Mr. Speaker, radio was undreamed of when this country was founded. Yet today it holds major meaning and may be said to be the very breath of life in the first amendment to the Constitution of the United States. When the Constitution enjoins the Congress from making any law abridging the freedom of speech it extends the infinite blessings of this prohibition by the very nature of things to the electronic miracles of communication. Without electronic communication, as we live today, it is almost impossible to think either of the democratic process or modern civilization in the free world.

It is for these reasons that I attach such great importance to National Radio Month during May. I say "great importance" because the dignity of man is interwoven profoundly in the relationship of a people and their Government. Government—Federal, State, local—has been brought into such intimate contact with the people that the thongs of freedom, of government by consent, and government by participation of the citizen in the decisions of government, have been strengthened as much by radio, as formerly they were strengthened by the invention of the printing press.

Radio stands out as a phenomenon unparalleled in its time, unless it is by TV, in the acceleration of modern industrial progress. All mankind benefited from an enlightened conspiracy among science, invention, capitalism, and free enterprise. Under democratic government these combined in the United States to bring the impact of this instrument we call radio to such fruition that in a matter of a few decades hardly an ear among 172 millions of Americans is not—at the turn of a dial—within hearing of some broadcasting station, some network, some sound carrying with it news or entertainment, information or instruction, edification or the advertising that helps to keep our economy dynamic.

A self-governed people can never in the future say that inadequate communication was responsible for any of its ills.

Of course in the diversity of projects so all-enveloping as radio there are flaws. The burden now is upon those who manage and manipulate communications. It is in this connection that I would like to take this opportunity to congratulate the radio industry proper and the National Association of Broadcasters for a job that is on the whole commendable. I know they join me in the hope of even greater improvement in the future. The slow but constantly advancing character of betterment in their management indicates their awareness of the problems involved in the monumental responsibility that falls upon them with compelling directness.

Statistically emphasis, even repetition, should be given to the fact that 97 percent of all homes in America are radio equipped. There are 150 million radio sets in the United States distributed among our people. In fact in the rural areas practically every home has its radio. I am reliably informed that 66 million people listen daily to the radio. In 1 month this durable, tireless, relatively inexpensive device, in its way over a period of time even less expensive than our newspapers, reaches no less than almost 90 percent of the [illegible]ult population of our country. [illegible] let me add, is no replacement and no substitute for the home newspaper, but it is certainly a remarkable complement to printed journalism, and an enormous source of public information in its own right.

In the face of this revolutionary change in communication we have to reflect that the idea of the transmission and reception of signals by means of electric waves without a connecting wire was once called radiotelegraphy or radiotelephony and in its current state of development is quite within the memory of contemporary man. Its theoretical origins go back to 1864, and then to 1887, bringing up such names respectively as Clerk-Maxwell and Prof. H. Hertz. Later with further discoveries came Edouard Branly and Sir Oliver Lodge. Finally Guglielmo Marconi in 1895 applied these theories practically until in 1901 he signaled the letter "S" across the Atlantic.

The following year—1902—the world heard the first transatlantic message by wireless.

Then came the electron tube in connection with which such names are notable as that of Fleming, DeForest, and Langmuir. Radio moved out of the mind of man into the laboratory. It then drove with positively massive results into the factory providing a vast new source of wealth altogether apart from its services as an instrument of communication to the whole of mankind. The radio industry today has jumped from the production of 12 million receiving sets in 1940 to 55 million in 1951, according to 1 research organization, and 53 million in 1957. If we unite radio manufacture with radio broadcasting we have, of course, an American industry of the first magnitude, and industry that only began to exist after World War I. When I speak of the acceleration of industry under capitalism and free enterprise and democratic government this is what I mean.

Research that I had instituted for this statement reveals a wealth of further data that is, on the whole, illustrative of superior management by private industry and, with the usual exceptions, enlightened regulation by Government. All this was achieved without enslaving our scientists, without bribing them, without segregating them, and without intimidating them. They and the industrialists and financiers and entrepeneurs who followed them, and the tens of thousands of employees in the field, made their enormous cumulative contribution to civilization and the democratic process as free men and women. We do not claim radio as a totally American idea as I have shown. The genius of man from varied backgrounds and cultures, under our flag and under other flags, gave us this great gift. But I like to think that under free government here or in Western Europe or anywhere the genius of man gets its freest play for the good of all. I like to think that this is done under a policy that does not push science and does not subject it to the indignity of either compulsion or of sudden flat-

15th of t[redacted], prior to the new FDA ruli[redacted]ed:

> The precedent established by the Aramite decision has opened the door, even if only a little, to the use of carcinogens in our foods. That door should be slammed shut and locked.

It is my firm purpose to do just that.

Surely there is nothing of greater importance to any nation than the health of its people.

We have a serious responsibility in this field. It is urgent that we meet it as soon as possible, and as completely as possible.

AMENDMENT OF SOCIAL SECURITY ACT

(Mr. CURTIS of Missouri, at the request of Mr. TEAGUE of California, was given permission to extend his remarks at this point in the RECORD.)

Mr. CURTIS of Missouri. Mr. Speaker, I have introduced today a bill to amend title X of the Social Security Act to provide that, without an increase in the Federal participating funds, a State plan for aid to the blind may utilize a more liberal-needs test than that presently specified in such title. This bill is consonant with the spirit and avowed purposes of title X wherein enabling legislation was enacted to encourage each State "to furnish financial assistance as far as practicable under the conditions of such State, to needy individuals who are blind and of encouraging each State, as far as practicable under such conditions, to help such individuals attain self-support or self-care."

Title X of the Social Security Act provides grants to States for aid to the blind. The grants cover four-fifths of blind-aid payments up to $30 per month and one-half above $30 not to exceed $60 per month. Accordingly, under a State plan for aid to the blind that qualifies for a title X grant, the Federal Government pays out $39 out of a $60 per month blind-aid payment.

Title X has been in effect since 1935. Since 1950, all 48 States have had plans which qualify for Federal reimbursement. Prior to 1950, however, Missouri and Pennsylvania had in effect laid plans for the blind which had failed to conform to the Federal interpretation of the so-called needs test amendment of 1939. That amendment provided: "A State agency shall, in determining need, take into consideration any other income and resources of an individual claiming aid to the blind"—section 1002 (a) (8). From 1937 to 1950 the blind people of Missouri and Pennsylvania and their State legislatures consistently refused to accept Federal matching funds if it meant scrapping their more liberal State blind pension and enacting in lieu thereof a more restrictive law which would conform to Federal requirements.

In 1950 Congress approved special legislation which permitted Missouri and Pennsylvania to retain their more liberal aid to the blind programs and still receive Federal participating funds. Under this special provision, the Federal Government provides participating funds only for those individuals who meet the strict requirements of the Federal law. The remaining eligible blind people of Missouri and Pennsylvania are paid entirely from State money. The exact language of the amendment reads:

> In the case of any State * * * which did not have on January 1, 1949, a State plan for aid to the blind approved under title X, * * * the Administrator shall approve a plan of such State for aid to the blind for the purposes of this title X, even though it does not meet the requirements of clause (8) of subsection (a), if it meets all other requirements of title X for an approved plan for aid to the blind; but payments under section 1003 shall be made, in the case of any such plan, only with respect to expenditures thereunder which would be included as expenditures for the purposes of section 1003 under a plan approved under title X without regard to the provisions of this section.

The amendment to the Social Security Act was originally enacted to terminate on June 30, 1955. Its life has since been twice extended, first to June 30, 1957, and now to June 30, 1959. The bill which I have just introduced proposes a solution that will put to rest, once and for all, the issues presented by the Missouri and Pennsylvania plans. Accordingly, this bill is proposed to take effect on July 1, 1959.

The Missouri and Pennsylvania programs are primarily more liberal than Federal requirements in the following regards:

One. Missouri has two separate plans, one plan which is supported entirely by State funds, provides for those blind persons who meet the eligibility requirements of the State law, but do not meet the more restrictive requirements of the Federal law. The other plan is supported by Federal and State participating funds and provides only for those persons who meet the more strict Federal definition of need. Pennsylvania has only one plan but the Federal eligible and ineligible recipients are separated as a bookkeeping transaction.

Second. In Missouri and Pennsylvania a flat fixed amount of $60 is paid to each recipient each month. This is in contrast to the variable individual payments of the Federal law.

Third. In Missouri a blind person is allowed to earn $175 a month and still qualify for the full amount of the pension while under present Federal law only $50 per month is allowed as exempt earnings. In Pennsylvania a blind person is allowed to earn $148.33 and still qualify for the full amount of the grant.

Fourth. In Missouri and Pennsylvania the amount of cash and property that a blind person may have and still qualify for the full pension is more liberal than under the Federal provisions.

A study of the Missouri and Pennsylvania plans discloses, I think, quite well how far these two States have gone in their efforts to encourage the rehabilitation of its nonsighted citizens. They have enlarged their economic opportunities to the end that they may render themselves independent of public assistance and become entirely self-supporting. These programs have proved highly successful and have paved the way for more enlightened socio-economic legislation in the other 46 States. I have long been impressed with the wisdom of the words of Justice Brandeis who said "it is one of the happy incidents of the Federal system that a single courageous State may, if its citizens choose, serve as a laboratory; and try novel and economic experiments without risk to the rest of the country." The value of this thesis is demonstrated by the Missouri and Pennsylvania plans. Our aid to the blind program should be directed to the ends of rehabilitation and helping our nonsighted people to become useful and productive citizens. The above described needs test tends to hurt our efforts at rehabilitation. Its effect is to destroy initiative and desire to make the most of the blind's productive years. The bill which I have introduced today is intended to preserve the minimum standards of clause (8) but it still allows the States to develop their programs in accordance with modern thinking and to encourage more liberal provisions provided that the States are willing to finance their expanded programs out of State funds.

This bill, then, would resolve the following Federal-State issues which have been raised by the present title X of the Social Security Act, to wit:

First. It would preserve to the States their right to provide improved social-welfare programs for the blind wholly financed out of State funds.

Second. It makes it possible for Missouri and Pennsylvania to retain permanently, and for other States to adopt, if they wish to do so, any or all of the distinctive features of the Missouri-Pennsylvania plan of aid to the blind.

Third. The amount of each State's Federal grant would continue to be measured by the present standards and on like terms to all States. The definition of the means test that is contained in clause (8) of section 1002 (a) would apply to all States for the purpose of determining the part of any State's expenditures that will be covered by the Federal grant.

Fourth. No limitation or requirement on the allowable exceptions from the means test in the direction of greater liberality would be imposed upon any State plan in order to retain a title X Federal grant for federally eligible cases. In order to prevent the States from circumventing the minimum standards of the Federal program by transferring recipients to a drastically less adequate State program, the States are permitted to increase, but not decrease the extent to which the recipients' earnings, or income, or other resources will be accepted from the means test.

Fifth. It would eliminate the forced conformance to the antiquated needs test and would certainly encourage the other 46 States to develop plans that are consonant with this desirable thesis of rehabilitation and self-help. It would further bring Federal public assistance policy into conformity with the new congressional and general emphasis on

million on certain other raw agricultural commodities.

After consideration of the test data submitted, which included evidence that the chemical induced malignant tumors in test animals, FDA concluded that the safety of Aramite was questionable, and published a zero tolerance.

Thereupon, the United States Rubber Co. withdrew its original petition and submitted a new petition requesting tolerances for Aramite of 1 part per million in or on the same commodities. In conformance with a certain provision of the pesticide amendment, the company also requested that the new petition be referred to an advisory committee of experts for study and recommendations.

This committee met in Washington on July 27, 1955, and following a morning and an afternoon session, issued three recommendations:

1. That a residue tolerance of 1 part per million be established for aramite under the provisions of Public Law 518, 83d Congress.

However, the committee apparently was not convinced that aramite was harmless, because it also recommended:

2. That the petitioner be advised to secure acceptable data on the chronic toxicity and carcinogenicity of aramite at feeding levels between zero and 500 parts per million in the mouse, rat, and dog.

3. That the entire problem be reviewed by this or another committee in 1957, when further laboratory and other data are available.

These, surely, were strange recommendations for scientists to make. They admitted that they felt that the data which they reviewed were insufficient and incomplete, and, in particular, suggested that more information be secured regarding the cancer inducing propensities of aramite. Yet, at the same time, they were perfectly willing that the public be exposed to a certain amount of it.

It is all the more strange when we consider that the committee had before it reports of tests which showed that aramite, when fed in certain concentrations, produced liver injury and malignant tumors in test animals.

The Food and Drug Administration accepted the recommendations of the advisory committee, withdrew its previous ruling, and published a tolerance of 1 part per million of aramite. Once again, as so often in the past, the public became a guinea pig.

Now, over two and a half years later, additional tests show that aramite, fed at a significantly lower concentration than that considered by the advisory committee, tended to cause liver tumors in rats, and produced liver damage and malignant tumors in the livers and bile ducts of dogs.

Here, it seems to me, is a perfect example of the apparent willingness of government to accommodate big business and let the public take the risk.

At the time of its original ruling, the Food and Drug Administration had on hand evidence to show that aramite, so far as the public health was concerned, was at least a suspicious product. Under the law, FDA was not required to accept the recommendations of the advisory committee and grant any tolerance of the chemical.

The Food and Drug Administration is to be commended on admitting its mistake and publishing its present proposed ruling. However, that does not remove the possible effect that aramite may have had on the public during the period in which its residues have been permitted.

Mr. Speaker, the significance of FDA's former ruling on Aramite was that for the first time a precedent was set that might give legal sanction to the introduction of so-called "safe" quantities of cancer-inciting additives into food.

I first brought this to the attention of the Congress on February 21, 1957, when I placed in the CONGRESSIONAL RECORD a letter written to me by a noted cancer researcher, Dr. William E. Smith.

Dr. Smith has had a brilliant research career and at various times has been on the staffs of the Harvard Medical School, the Rockefeller Institute for Medical Research, the Sloan-Kettering Institute for Cancer Research, and was at one time an associate professor of industrial medicine at New York University. At present, he is doing research at the Fairleigh Dickinson University and is secretary of the Cancer Prevention Committee. Dr. Smith is a dedicated scientist, and a courageous man who has not hesitated to tangle with the industries in attacking practices which he has felt might endanger the public health.

It was after several discussions and much correspondence with Dr. Smith that I revised my earlier food additive bill, H. R. 4014, and introduced H. R. 7798, which contains the carcinogen prohibition, and is the only additive bill which does so, except for an identical bill, H. R. 7938, introduced by the distinguished gentlewomen from Missouri [Mrs. SULLIVAN].

Here I should like to pause a moment to express my appreciation for the strong support that our much admired colleague from St. Louis has given in this food additive issue. She has spoken eloquently on the floor of the House on this subject, has given radio talks, has conferred with women's groups and consumer organizations. Her interest and concern have been a most valuable contribution.

The carcinogen provision, which I have mentioned, follows the unanimous recommendation of the International Union Against Cancer at its symposium in Rome in August 1956. This symposium was attended by over 40 cancer experts from some 20 countries.

The recommendation stated:

The conference recommends that, as a basis for active cancer prevention, the proper authorities of various countries promulgate and enact adequate rules and regulations prohibiting the addition to food of substances having potential carcinogenicity.

The two following recommendations were also unanimously approved:

1. Food additives should be permitted only if, after long-term administration to at least two species of animals (one preferably a nonrodent), orally and parenterally, in amounts which must be considerably higher than would be present in food, and, after observation of the animals over their lifetime, and through at least two generations in at least one suitable species, they have no toxic effect.

2. Any substance which causes cancer in man or which, when tested under these conditions, is shown conclusively to be a carcinogen at any dosage level, for any species of animal, following administration by any route, should not be considered innocuous for human consumption.

The original tests showed that Aramite did not meet these criteria of safety. The later tests were even more conclusive regarding its potentiality for harm. Of course, the International Union Against Cancer is not an American organization, although some distinguished Americans are members of it, but it does represent the advanced thinking of a world group of cancer authorities.

H. R. 7798 not only follows the recommendations of the International Union Against Cancer but also conforms with recommendations of the American Cancer Society.

A letter sent to the Subcommittee on Health and Science on July 22, 1957, by Mr. James S. Adams, chairman of the legislative committee of the American Cancer Society, states as follows:

We strongly urge that your committee recommend legislation to the Congress to strengthen the Food and Drug Administration and that this legislation embrace the following principles:

1. That the proponent of any proposed chemical additive be required to conduct tests which will demonstrate that the additive is safe for human consumption in the manner in which it will be used, and that these tests include one to determine whether the additive may be carcinogenic to experimental animals. The adequacy of these tests should be determined by the Food and Drug Administration.

2. That permission to use the additive be withheld until its safety has been demonstrated to the satisfaction of the Food and Drug Administration by the proponent.

3. That no substance shall be approved found to induce cancer in man, or after tests provided in No. 1 above, found to induce cancer in animals.

H. R. 7798 is supported by such authorities as Dr. William C. Hueper, the distinguished head of the Environmental Cancer Section of the National Cancer Institute, who testified before the committee in an unofficial capacity; Dr. Francis E. Ray, director of the cancer research laboratory of the University of Florida; Dr. Alton Ochsner, head of the Ochsner Clinic of New Orleans, and a famous cancer surgeon; and Dr. W. Coda Martin, president of the American Academy of Nutrition. It is also supported by a very large number of consumer organizations and labor unions, members of which have a direct interest as consumers.

Mr. Speaker, it is appalling to think that 1 out of every 4 persons in this country will at some time or another suffer from cancer. While we may not yet completely understand the part that chemical additives play in the cancer picture, enough is known to put us on our guard.

In my last appearance before the Health and Science Subcommittee on the

his leadership in matters pertaining to Illinois transcends party lines. It is not unusual for the entire Illinois groups, Democrats and Republicans, to assemble in TOM'S office for guidance on important legislation which means so much to the development of the Chicago area and to the welfare of the people of Illinois.

His interests, however, are not limited to his own district, nor his own State. He is forever in the forefront of progressive legislation in the national interest, and his vast reservoir of knowledge gained through his many years of public service is readily made available by him to others.

So, this afternoon, it is a distinct pleasure to join my colleagues in saying, "Happy birthday" to TOM O'BRIEN. My sincere best wishes go with the greeting, as I express the hope I may have the good fortune to look to this distinguished leader from many years for advice and counsel.

Mr. BOYLE. Mr. Speaker, both as a personal friend of long standing and as a member of the Illinois delegation, it is my distinct honor to take the floor and salute, congratulate, and compliment the great dean of the Illinois delegation, THOMAS J. O'BRIEN, on the occasion of his 80th birthday.

Starting his career of public service as a constable in 1906, he has spent a lifetime in serving his fellow men. Through the years he has devoted his time and energy in rendering an honorable account of his stewardship.

With God on his side and the winds of good health in his sails, may a kindly providence reward our dean for his many accomplishments and favor him with many more years in which to continue his fine leadership of the Illinois delegation. We wish him many happy returns of the day.

SOUND SCHOOL-AID LEGISLATION

(Mr. UDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL. Mr. Speaker, one of the most troublesome problems which has confronted recent Congresses is the question of devising sound school-aid legislation. This search has been intensified by the challenge, implicit in the sputniks, that the race for intellectual supremacy may be the decisive arena in our conflict with the Communist world.

To date major Federal aid to education bills have failed to win majority support largely for the reason that particular features of each bill have aroused widespread opposition. For example, fear of Federal control of education has been a dominant stumbling block for many of our colleagues. Others have pointed a critical finger at the bureaucratic pyramiding involved in most proposals and its attendant expense; and still others have objected to various bills on the ground that they were not addressed to the total problem of education.

Today I have introduced a bill which, I believe, will meet the real needs of education, and simultaneously satisfy these objections. This legislation is simplicity itself; it has no Federal controls whatsoever; not a single additional Federal employee need be hired to supervise its operation; it will provide for an even-handed distribution of Federal funds; and lastly it will permit each State to further its major educational objectives by distributing these funds through existing State aid pipelines.

More important, it puts to use the machinery and experience of our oldest Federal aid to education—the 68-year-old grant college assistance program.

In addition, it embodies the merits contained in the Scrivner amendment, and rejects the bad features of that proposal.

Likewise it embraces the soundest applicable provisions of the Kelley bill, without incorporating elements in that proposal which were unacceptable to many members.

Following the guidelines laid down by the second Morrill Act of 1890, as amended, this legislation would function as follows:

First. Funds would be appropriated anually by Congress—as a starting point I have suggested that the first year's appropriation should be $500 million.

Second. These funds would be allocated to the States under a flat-grant formula based on the school age population of each State.

Third. Payments would be made directly to the States quarterly by the Secretary of the Treasury under this objective formula and without the intervention of any Federal discretion.

Fourth. Each State would distribute the funds to local school districts for teachers' salaries, school facilities, and equipment in accordance with current State-aid programs.

Fifth. Again following the pattern of the land-grant college program, at the close of every fiscal year each State educational agency would make a report to the United States Commisioner of Education on how the funds have been used. In turn, these reports would be transmitted to the Congress by the Commissioner together with his recommendations.

There would be no Federal administrative control whatsoever of education under this act. The States would administer the grants under the Federal statute and the Congress itself would evaluate the results with the assistance of the Commissioner. I am informed this system has worked flawlessly under the Morrill Act.

Mr. Speaker, the local real property tax base is no longer a reliable indicator of income or ability to pay taxes. Neither is it adequate since in 1956 the locally assessed valuation totalled only $210 billion for all States combined. This tax base is inadequate to bear most of the annual school tax load of approximately $7 billion in addition to a major share of the cost of other necessary local public services, and is so unevenly distributed in every State that school districts find adequate public-school financing increasingly difficult.

The States now supply nearly $5 billion annually to school districts from State tax sources. In 1958, approximately 50 percent of these State funds are being distributed to local school districts under grants varied according to need. Even so, the States have not succeeded in providing enough funds to finance adequate programs of education in all districts. Additional State funds are increasingly difficult to obtain, partly because the financial incentives offered by the Federal Government to State legislatures through matching grants for welfare, health, highways, and other services give them priorities on State appropriations. My proposal would tend to provide some equity for education without placing it in direct competition with other public services through Federal matching funds.

The basic purpose is the overdue recognition of education as an extremely important long-term determiner of the national security. Our potential enemies have said they can excel the United States in world influence through superior education and without resort to arms. The challenge is clear and realistic. It is unthinkable that the National Government shall look the other way while creating conditions by its own actions which make impossible an educational system of the quality the national interest requires.

CHEMICALS IN OUR FOOD CAN CAUSE CANCER

(Mr. DELANEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELANEY. Mr. Speaker, for many years I have been pressing for the enactment of legislation to prohibit the use of chemical additives in foods unless adequate tests have first demonstrated that they are safe for use.

A recent ruling proposed by the Food and Drug Administration points up the necessity for this legislation.

This is a ruling against a pesticide called Aramite, which is known to induce cancer in test animals.

For over 2 years, cancer experts have been warning that this pesticide is not safe for human consumption in any amount.

Nevertheless, FDA has permitted its use on apples, blueberries, cantaloups, celery, cucumbers, grapefruit, grapes, green beans, lemons, muskmelons, oranges, peaches, pears, plums, raspberries, strawberries, sweet corn, tomatoes, and watermelons.

My food additive bill, H. R. 7798, in addition to requiring the pretesting of chemical additives to prove safety, would specifically ban the introduction into food of any cancer-inducing chemical.

There has been strong opposition to this provision, but the Aramite story shows why it is needed.

Back in February 1955, as required by Public Law 83–518—the pesticide amendment to the Federal Food, Drug, and Cosmetic Act—the United States Rubber Co. filed with FDA a petition requesting the establishment of tolerances of 2 parts per million for residues of Aramite, in or on certain fruits and vegetables, and tolerances of 5 parts per

15th of this month, prior to the new FDA ruling, I stated:

The precedent established by the Aramite decision has opened the door, even if only a little, to the use of carcinogens in our foods. That door should be slammed shut and locked.

It is my firm purpose to do just that.

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AMENDMENT OF SOCIAL SECURITY ACT

(Mr. CURTIS of Missouri, at the request of Mr. TEAGUE of California, was given permission to extend his remarks at this point in the RECORD.)

Mr. CURTIS of Missouri. Mr. Speaker, I have introduced today a bill to amend title X of the Social Security Act to provide that, without an increase in the Federal participating funds, a State plan for aid to the blind may utilize a more liberal-needs test than that presently specified in such title. This bill is consonant with the spirit and avowed purposes of title X wherein enabling legislation was enacted to encourage each State "to furnish financial assistance as far as practicable under the conditions of such State, to needy individuals who are blind and of encouraging each State, as far as practicable under such conditions, to help such individuals attain self-support or self-care."

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Title X has been in effect since 1935. Since 1950, all 48 States have had plans which qualify for Federal reimbursement. Prior to 1950, however, Missouri and Pennsylvania had in effect laid plans for the blind which had failed to conform to the Federal interpretation of the so-called needs test amendment of 1939. That amendment provided: "A State agency shall, in determining need, take into consideration any other income and resources of an individual claiming aid to the blind"—section 1002 (a) (8). From 1937 to 1950 the blind people of Missouri and Pennsylvania and their State legislatures consistently refused to accept Federal matching funds if it meant scrapping their more liberal State blind pension and enacting in lieu thereof a more restrictive law which would conform to Federal requirements.

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In the case of any State * * * which did not have on January 1, 1949, a State plan for aid to the blind approved under title X, * * * the Administrator shall approve a plan of such State for aid to the blind for the purposes of this title X, even though it does not meet the requirements of clause (8) of subsection (a), if it meets all other requirements of title X for an approved plan for aid to the blind; but payments under section 1003 shall be made, in the case of any such plan, only with respect to expenditures thereunder which would be included as expenditures for the purposes of section 1003 under a plan approved under title X without regard to the provisions of this section.

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One. Missouri has two separate plans, one plan which is supported entirely by State funds, provides for those blind persons who meet the eligibility requirements of the State law, but do not meet the more restrictive requirements of the Federal law. The other plan is supported by Federal and State participating funds and provides only for those persons who meet the more strict Federal definition of need. Pennsylvania has only one plan but the Federal eligible and ineligible recipients are separated as a bookkeeping transaction.

Second. In Missouri and Pennsylvania a flat fixed amount of $60 is paid to each recipient each month. This is in contrast to the variable individual payments of the Federal law.

Third. In Missouri a blind person is allowed to earn $175 a month and still qualify for the full amount of the pension while under present Federal law only $50 per month is allowed as exempt earnings. In Pennsylvania a blind person is allowed to earn $148.33 and still qualify for the full amount of the grant.

Fourth. In Missouri and Pennsylvania the amount of cash and property that a blind person may have and still qualify for the full pension is more liberal than under the Federal provisions.

A study of the Missouri and Pennsylvania plans discloses, I think, quite well how far these two States have gone in their efforts to encourage the rehabilitation of its nonsighted citizens. They have enlarged their economic opportunities to the end that they may render themselves independent of public assistance and become entirely self-supporting. These programs have proved highly successful and have paved the way for more enlightened socio-economic legislation in the other 46 States. I have long been impressed with the wisdom of the words of Justice Brandeis who said "it is one of the happy incidents of the Federal system that a single courageous State may, if its citizens choose, serve as a laboratory; and try novel and economic experiments without risk to the rest of the country." The value of this thesis is demonstrated by the Missouri and Pennsylvania plans. Our aid to the blind program should be directed to the ends of rehabilitation and helping our nonsighted people to become useful and productive citizens. The above described needs test tends to hurt our efforts at rehabilitation. Its effect is to destroy initiative and desire to make the most of the blind's productive years. The bill which I have introduced today is intended to preserve the minimum standards of clause (8) but it still allows the States to develop their programs in accordance with modern thinking and to encourage more liberal provisions provided that the States are willing to finance their expanded programs out of State funds.

This bill, then, would resolve the following Federal-State issues which have been raised by the present title X of the Social Security Act, to wit:

First. It would preserve to the States their right to provide improved social-welfare programs for the blind wholly financed out of State funds.

Second. It makes it possible for Missouri and Pennsylvania to retain permanently, and for other States to adopt, if they wish to do so, any or all of the distinctive features of the Missouri-Pennsylvania plan of aid to the blind.

Third. The amount of each State's Federal grant would continue to be measured by the present standards and on like terms to all States. The definition of the means test that is contained in clause (8) of section 1002 (a) would apply to all States for the purpose of determining the part of any State's expenditures that will be covered by the Federal grant.

Fourth. No limitation or requirement on the allowable exceptions from the means test in the direction of greater liberality would be imposed upon any State plan in order to retain a title X Federal grant for federally eligible cases. In order to prevent the States from circumventing the minimum standards of the Federal program by transferring recipients to a drastically less adequate State program, the States are permitted to increase, but not decrease the extent to which the recipients' earnings, or income, or other resources will be accepted from the means test.

Fifth. It would eliminate the forced conformance to the antiquated needs test and would certainly encourage the other 46 States to develop plans that are consonant with this desirable thesis of rehabilitation and self-help. It would further bring Federal public assistance policy into conformity with the new congressional and general emphasis on

rehabilitation of the disabled. As one step in this direction, Congress required the States in 1950 to exempt $50 of earned income of blind aid recipients from consideration in determining the amount of the grant. As a second step, Congress in 1956 proclaimed self-care and self-support to be one of the purposes of the public assistance provisions of the Social Security Act.

Sixth. This bill, if enacted into law, would simply restore an important States right—the right to provide at State expense, a more liberal program of aid to the blind than the Federal Government chooses to allow. Since under the provisions of this legislation, the Federal Government would only provide participating funds for those individuals who would qualify under the present strict Federal definition of need, the plan could not possibly increase the cost to the Federal Government. It would in fact in time provide a real financial benefit to the Federal Government. Through more liberal State financed welfare programs geared to rehabilitation and self-support, more blind people will make their way off of the relief rolls and will encourage our nonsighted citizens to make the most of their productive years, and by so doing, to become more useful citizens.

The text of the bill is as follows:

A bill to amend title X of the Social Security Act to provide that, without an increase of Federal participating funds, a State plan for aid to the blind may utilize a more liberal needs test than that presently specified in such title

Be it enacted, etc., That (a) clause (8) of section 1002 (a) of the Social Security Act is amended by inserting after "provide" the following: "(unless this clause is inapplicable by reason of the last sentence of this subsection)."

(b) Section 1002 (a) of such act is further amended by adding at the end thereof the following new sentence: "A State plan for aid to the blind shall not be required to meet the requirements of clause (8) if in lieu thereof it provides that the State agency, in determining need, shall take into consideration less of the other income and resources of the individual claiming aid to the blind than would be required to be considered under claus (8) or shall disregard more than the first $50 per month of earned income, or that the State agency shall pay a fixed sum to all individuals eligible for aid to the blind; but payments under section 1003 shall be made, in the case of any such plan, only with respect to expenditures thereunder which would be included as expenditures for the purposes of section 1003 if the plan met the requirements of clause (8)."

SEC. 2. (a) The amendments made by this act shall be effective on and after July 1, 1959.

(b) Effective July 1, 1959, section 344 of the Soical Security Act Amendments of 1950 is repealed.

NATIONAL RADIO MONTH AND THE FIRST AMENDMENT

(Mr. McCORMACK asked and was given permission to address the House for 10 minutes and to revise and extend his remarks.)

Mr. McCORMACK. Mr. Speaker, radio was undreamed of when this country was founded. Yet today it holds major meaning and may be said to be the very breath of life in the first amendment to the Constitution of the United States. When the Constitution enjoins the Congress from making any law abridging the freedom of speech it extends the infinite blessings of this prohibition by the very nature of things to the electronic miracles of communication. Without electronic communication, as we live today, it is almost impossible to think either of the democratic process or modern civilization in the free world.

It is for these reasons that I attach such great importance to National Radio Month during May. I say "great importance" because the dignity of man is interwoven profoundly in the relationship of a people and their Government. Government—Federal, State, local—has been brought into such intimate contact with the people that the thongs of freedom, of government by consent, and government by participation of the citizen in the decisions of government, have been strengthened as much by radio, as formerly they were strengthened by the invention of the printing press.

Radio stands out as a phenomenon unparalleled in its time, unless it is by TV, in the acceleration of modern industrial progress. All mankind benefited from an enlightened conspiracy among science, invention, capitalism, and free enterprise. Under democratic government these combined in the United States to bring the impact of this instrument we call radio to such fruition that in a matter of a few decades hardly an ear among 172 millions of Americans is not—at the turn of a dial—within hearing of some broadcasting station, some network, some sound carrying with it news or entertainment, information or instruction, edification or the advertising that helps to keep our economy dynamic.

A self-governed people can never in the future say that inadequate communication was responsible for any of its ills.

Of course in the diversity of projects so all-enveloping as radio there are flaws. The burden now is upon those who manage and manipulate communications. It is in this connection that I would like to take this opportunity to congratulate the radio industry proper and the National Association of Broadcasters for a job that is on the whole commendable. I know they join me in the hope of even greater improvement in the future. The slow but constantly advancing character of betterment in their management indicates their awareness of the problems involved in the monumental responsibility that falls upon them with compelling directness.

Statistically emphasis, even repetition, should be given to the fact that 97 percent of all homes in America are radio equipped. There are 150 million radio sets in the United States distributed among our people. In fact in the rural areas practically every home has its radio. I am reliably informed that 66 million people listen daily to the radio. In 1 month this durable, tireless, relatively inexpensive device, in its way over a period of time even less expensive than our newspapers, reaches no less than almost 90 percent of the total adult population of our country. Radio, let me add, is no replacement and no substitute for the home newspaper, but it is certainly a remarkable complement to printed journalism, and an enormous source of public information in its own right.

In the face of this revolutionary change in communication we have to reflect that the idea of the transmission and reception of signals by means of electric waves without a connecting wire was once called radiotelegraphy or radiotelephony and in its current state of development is quite within the memory of contemporary man. Its theoretical origins go back to 1864, and then to 1887, bringing up such names respectively as Clerk-Maxwell and Prof. H. Hertz. Later with further discoveries came Edouard Branly and Sir Oliver Lodge. Finally Guglielmo Marconi in 1895 applied these theories practically until in 1901 he signaled the letter "S" across the Atlantic.

The following year—1902—the world heard the first transatlantic message by wireless.

Then came the electron tube in connection with which such names are notable as that of Fleming, DeForest, and Langmuir. Radio moved out of the mind of man into the laboratory. It then drove with positively massive results into the factory providing a vast new source of wealth altogether apart from its services as an instrument of communication to the whole of mankind. The radio industry today has jumped from the production of 12 million receiving sets in 1940 to 55 million in 1951, according to 1 research organization, and 53 million in 1957. If we unite radio manufacture with radio broadcasting we have, of course, an American industry of the first magnitude, and industry that only began to exist after World War I. When I speak of the acceleration of industry under capitalism and free enterprise and democratic government this is what I mean.

Research that I had instituted for this statement reveals a wealth of further data that is, on the whole, illustrative of superior management by private industry and, with the usual exceptions, enlightened regulation by Government. All this was achieved without enslaving our scientists, without bribing them, without segregating them, and without intimidating them. They and the industrialists and financiers and entrepeneurs who followed them, and the tens of thousands of employees in the field, made their enormous cumulative contribution to civilization and the democratic process as free men and women. We do not claim radio as a totally American idea as I have shown. The genius of man from varied backgrounds and cultures, under our flag and under other flags, gave us this great gift. But I like to think that under free government here or in Western Europe or anywhere the genius of man gets its freest play for the good of all. I like to think that this is done under a policy that does not push science and does not subject it to the indignity of either compulsion or of sudden flat-

his leadership in matters pertaining to Illinois transcends party lines. It is not unusual for the entire Illinois groups, Democrats and Republicans, to assemble in TOM'S office for guidance on important legislation which means so much to the development of the Chicago area and to the welfare of the people of Illinois.

His interests, however, are not limited to his own district, nor his own State. He is forever in the forefront of progressive legislation in the national interest, and his vast reservoir of knowledge gained through his many years of public service is readily made available by him to others.

So, this afternoon, it is a distinct pleasure to join my colleagues in saying, "Happy birthday" to TOM O'BRIEN. My sincere best wishes go with the greeting, as I express the hope I may have the good fortune to look to this distinguished leader from many years for advice and counsel.

Mr. BOYLE. Mr. Speaker, both as a personal friend of long standing and as a member of the Illinois delegation, it is my distinct honor to take the floor and salute, congratulate, and compliment the great dean of the Illinois delegation, THOMAS J. O'BRIEN, on the occasion of his 80th birthday.

Starting his career of public service as a constable in 1906, he has spent a lifetime in serving his fellow men. Through the years he has devoted his time and energy in rendering an honorable account of his stewardship.

With God on his side and the winds of good health in his sails, may a kindly providence reward our dean for his many accomplishments and favor him with many more years in which to continue his fine leadership of the Illinois delegation. We wish him many happy returns of the day.

SOUND SCHOOL-AID LEGISLATION

(Mr. UDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL. Mr. Speaker, one of the most troublesome problems which has confronted recent Congresses is the question of devising sound school-aid legislation. This search has been intensified by the challenge, implicit in the sputniks, that the race for intellectual supremacy may be the decisive arena in our conflict with the Communist world.

To date major Federal aid to education bills have failed to win majority support largely for the reason that particular features of each bill have aroused widespread opposition. For example, fear of Federal control of education has been a dominant stumbling block for many of our colleagues. Others have pointed a critical finger at the bureaucratic pyramiding involved in most proposals and its attendant expense; and still others have objected to various bills on the ground that they were not addressed to the total problem of education.

Today I have introduced a bill which, I believe, will meet the real needs of education, and simultaneously satisfy these objections. This legislation is simplicity itself; it has no Federal controls whatsoever; not a single additional Federal employee need be hired to supervise its operation; it will provide for an even-handed distribution of Federal funds; and lastly it will permit each State to further its major educational objectives by distributing these funds through existing State aid pipelines.

More important, it puts to use the machinery and experience of our oldest Federal aid to education—the 68-year-old grant college assistance program.

In addition, it embodies the merits contained in the Scrivner amendment, and rejects the bad features of that proposal.

Likewise it embraces the soundest applicable provisions of the Kelley bill, without incorporating elements in that proposal which were unacceptable to many members.

Following the guidelines laid down by the second Morrill Act of 1890, as amended, this legislation would function as follows:

First. Funds would be appropriated anually by Congress—as a starting point I have suggested that the first year's appropriation should be $500 million.

Second. These funds would be allocated to the States under a flat-grant formula based on the school age population of each State.

Third. Payments would be made directly to the States quarterly by the Secretary of the Treasury under this objective formula and without the intervention of any Federal discretion.

Fourth. Each State would distribute the funds to local school districts for teachers' salaries, school facilities, and equipment in accordance with current State-aid programs.

Fifth. Again following the pattern of the land-grant college program, at the close of every fiscal year each State educational agency would make a report to the United States Commisioner of Education on how the funds have been used. In turn, these reports would be transmitted to the Congress by the Commissioner together with his recommendations.

There would be no Federal administrative control whatsoever of education under this act. The States would administer the grants under the Federal statute and the Congress itself would evaluate the results with the assistance of the Commissioner. I am informed this system has worked flawlessly under the Morrill Act.

Mr. Speaker, the local real property tax base is no longer a reliable indicator of income or ability to pay taxes. Neither is it adequate since in 1956 the locally assessed valuation totalled only $210 billion for all States combined. This tax base is inadequate to bear most of the annual school tax load of approximately $7 billion in addition to a major share of the cost of other necessary local public services, and is so unevenly distributed in every State that school districts find adequate public-school financing increasingly difficult.

The States now supply nearly $5 billion annually to school districts from State tax sources. In 1958, approximately 50 percent of these State funds are being distributed to local school districts under grants varied according to need. Even so, the States have not succeeded in providing enough funds to finance adequate programs of education in all districts. Additional State funds are increasingly difficult to obtain, partly because the financial incentives offered by the Federal Government to State legislatures through matching grants for welfare, health, highways, and other services give them priorities on State appropriations. My proposal would tend to provide some equity for education without placing it in direct competition with other public services through Federal matching funds.

The basic purpose is the overdue recognition of education as an extremely important long-term determiner of the national security. Our potential enemies have said they can excel the United States in world influence through superior education and without resort to arms. The challenge is clear and realistic. It is unthinkable that the National Government shall look the other way while creating conditions by its own actions which make impossible an educational system of the quality the national interest requires.

CHEMICALS IN OUR FOOD CAN CAUSE CANCER

(Mr. DELANEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELANEY. Mr. Speaker, for many years I have been pressing for the enactment of legislation to prohibit the use of chemical additives in foods unless adequate tests have first demonstrated that they are safe for use.

A recent ruling proposed by the Food and Drug Administration points up the necessity for this legislation.

This is a ruling against a pesticide called Aramite, which is known to induce cancer in test animals.

For over 2 years, cancer experts have been warning that this pesticide is not safe for human consumption in any amount.

Nevertheless, FDA has permitted its use on apples, blueberries, cantaloups, celery, cucumbers, grapefruit, grapes, green beans, lemons, muskmelons, oranges, peaches, pears, plums, raspberries, strawberries, sweet corn, tomatoes, and watermelons.

My food additive bill, H. R. 7798, in addition to requiring the pretesting of chemical additives to prove safety, would specifically ban the introduction into food of any cancer-inducing chemical.

There has been strong opposition to this provision, but the Aramite story shows why it is needed.

Back in February 1955, as required by Public Law 83–518—the pesticide amendment to the Federal Food, Drug, and Cosmetic Act—the United States Rubber Co. filed with FDA a petition requesting the establishment of tolerances of 2 parts per million for residues of Aramite, in or on certain fruits and vegetables, and tolerances of 5 parts per

million on certain other raw agricultural commodities.

After consideration of the test data submitted, which included evidence that the chemical induced malignant tumors in test animals, FDA concluded that the safety of Aramite was questionable, and published a zero tolerance.

Thereupon, the United States Rubber Co. withdrew its original petition and submitted a new petition requesting tolerances for Aramite of 1 part per million in or on the same commodities. In conformance with a certain provision of the pesticide amendment, the company also requested that the new petition be referred to an advisory committee of experts for study and recommendations.

This committee met in Washington on July 27, 1955, and following a morning and an afternoon session, issued three recommendations:

1. That a residue tolerance of 1 part per million be established for aramite under the provisions of Public Law 518, 83d Congress.

However, the committee apparently was not convinced that aramite was harmless, because it also recommended:

2. That the petitioner be advised to secure acceptable data on the chronic toxicity and carcinogenicity of aramite at feeding levels between zero and 500 parts per million in the mouse, rat, and dog.

3. That the entire problem be reviewed by this or another committee in 1957, when further laboratory and other data are available.

These, surely, were strange recommendations for scientists to make. They admitted that they felt that the data which they reviewed were insufficient and incomplete, and, in particular, suggested that more information be secured regarding the cancer inducing propensities of aramite. Yet, at the same time, they were perfectly willing that the public be exposed to a certain amount of it.

It is all the more strange when we consider that the committee had before it reports of tests which showed that aramite, when fed in certain concentrations, produced liver injury and malignant tumors in test animals.

The Food and Drug Administration accepted the recommendations of the advisory committee, withdrew its previous ruling, and published a tolerance of 1 part per million of aramite. Once again, as so often in the past, the public became a guinea pig.

Now, over two and a half years later, additional tests show that aramite, fed at a significantly lower concentration than that considered by the advisory committee, tended to cause liver tumors in rats, and produced liver damage and malignant tumors in the livers and bile ducts of dogs.

Here, it seems to me, is a perfect example of the apparent willingness of government to accommodate big business and let the public take the risk.

At the time of its original ruling, the Food and Drug Administration had on hand evidence to show that aramite, so far as the public health was concerned, was at least a suspicious product. Under the law, FDA was not required to accept the recommendations of the advisory committee and grant any tolerance of the chemical.

The Food and Drug Administration is to be commended on admitting its mistake and publishing its present proposed ruling. However, that does not remove the possible effect that aramite may have had on the public during the period in which its residues have been permitted.

Mr. Speaker, the significance of FDA's former ruling on Aramite was that for the first time a precedent was set that might give legal sanction to the introduction of so-called "safe" quantities of cancer-inciting additives into food.

I first brought this to the attention of the Congress on February 21, 1957, when I placed in the CONGRESSIONAL RECORD a letter written to me by a noted cancer researcher, Dr. William E. Smith.

Dr. Smith has had a brilliant research career and at various times has been on the staffs of the Harvard Medical School, the Rockefeller Institute for Medical Research, the Sloan-Kettering Institute for Cancer Research, and was at one time an associate professor of industrial medicine at New York University. At present, he is doing research at the Fairleigh Dickinson University and is secretary of the Cancer Prevention Committee. Dr. Smith is a dedicated scientist, and a courageous man who has not hesitated to tangle with the industries in attacking practices which he has felt might endanger the public health.

It was after several discussions and much correspondence with Dr. Smith that I revised my earlier food additive bill, H. R. 4014, and introduced H. R. 7798, which contains the carcinogen prohibition, and is the only additive bill which does so, except for an identical bill, H. R. 7938, introduced by the distinguished gentlewomen from Missouri [Mrs. SULLIVAN].

Here I should like to pause a moment to express my appreciation for the strong support that our much admired colleague from St. Louis has given in this food additive issue. She has spoken eloquently on the floor of the House on this subject, has given radio talks, has conferred with women's groups and consumer organizations. Her interest and concern have been a most valuable contribution.

The carcinogen provision, which I have mentioned, follows the unanimous recommendation of the International Union Against Cancer at its symposium in Rome in August 1956. This symposium was attended by over 40 cancer experts from some 20 countries.

The recommendation stated:

The conference recommends that, as a basis for active cancer prevention, the proper authorities of various countries promulgate and enact adequate rules and regulations prohibiting the addition to food of substances having potential carcinogenicity.

The two following recommendations were also unanimously approved:

1. Food additives should be permitted only if, after long-term administration to at least two species of animals (one preferably a nonrodent), orally and parenterally, in amounts which must be considerably higher than would be present in food, and, after observation of the animals over their lifetime, and through at least two generations in at least one suitable species, they have no toxic effect.

2. Any substance which causes cancer in man or which, when tested under these conditions, is shown conclusively to be a carcinogen at any dosage level, for any species of animal, following administration by any route, should not be considered innocuous for human consumption.

The original tests showed that Aramite did not meet these criteria of safety. The later tests were even more conclusive regarding its potentiality for harm. Of course, the International Union Against Cancer is not an American organization, although some distinguished Americans are members of it, but it does represent the advanced thinking of a world group of cancer authorities.

H. R. 7798 not only follows the recommendations of the International Union Against Cancer but also conforms with recommendations of the American Cancer Society.

A letter sent to the Subcommittee on Health and Science on July 22, 1957, by Mr. James S. Adams, chairman of the legislative committee of the American Cancer Society, states as follows:

We strongly urge that your committee recommend legislation to the Congress to strengthen the Food and Drug Administration and that this legislation embrace the following principles:

1. That the proponent of any proposed chemical additive be required to conduct tests which will demonstrate that the additive is safe for human consumption in the manner in which it will be used, and that these tests include one to determine whether the additive may be carcinogenic to experimental animals. The adequacy of these tests should be determined by the Food and Drug Administration.

2. That permission to use the additive be withheld until its safety has been demonstrated to the satisfaction of the Food and Drug Administration by the proponent.

3. That no substance shall be approved found to induce cancer in man, or after tests provided in No. 1 above, found to induce cancer in animals.

H. R. 7798 is supported by such authorities as Dr. William C. Hueper, the distinguished head of the Environmental Cancer Section of the National Cancer Institute, who testified before the committee in an unofficial capacity; Dr. Francis E. Ray, director of the cancer research laboratory of the University of Florida; Dr. Alton Ochsner, head of the Ochsner Clinic of New Orleans, and a famous cancer surgeon; and Dr. W. Coda Martin, president of the American Academy of Nutrition. It is also supported by a very large number of consumer organizations and labor unions, members of which have a direct interest as consumers.

Mr. Speaker, it is appalling to think that 1 out of every 4 persons in this country will at some time or another suffer from cancer. While we may not yet completely understand the part that chemical additives play in the cancer picture, enough is known to put us on our guard.

In my last appearance before the Health and Science Subcommittee on the

15th of this month, prior to the new FDA ruling, I stated:

> The precedent established by the Aramite decision has opened the door, even if only a little, to the use of carcinogens in our foods. That door should be slammed shut and locked.

It is my firm purpose to do just that.

Surely there is nothing of greater importance to any nation than the health of its people.

We have a serious responsibility in this field. It is urgent that we meet it as soon as possible, and as completely as possible.

AMENDMENT OF SOCIAL SECURITY ACT

(Mr. CURTIS of Missouri, at the request of Mr. TEAGUE of California, was given permission to extend his remarks at this point in the RECORD.)

Mr. CURTIS of Missouri. Mr. Speaker, I have introduced today a bill to amend title X of the Social Security Act to provide that, without an increase in the Federal participating funds, a State plan for aid to the blind may utilize a more liberal-needs test than that presently specified in such title. This bill is consonant with the spirit and avowed purposes of title X wherein enabling legislation was enacted to encourage each State "to furnish financial assistance as far as practicable under the conditions of such State, to needy individuals who are blind and of encouraging each State, as far as practicable under such conditions, to help such individuals attain self-support or self-care."

Title X of the Social Security Act provides grants to States for aid to the blind. The grants cover four-fifths of blind-aid payments up to $30 per month and one-half above $30 not to exceed $60 per month. Accordingly, under a State plan for aid to the blind that qualifies for a title X grant, the Federal Government pays out $39 out of a $60 per month blind-aid payment.

Title X has been in effect since 1935. Since 1950, all 48 States have had plans which qualify for Federal reimbursement. Prior to 1950, however, Missouri and Pennsylvania had in effect laid plans for the blind which had failed to conform to the Federal interpretation of the so-called needs test amendment of 1939. That amendment provided: "A State agency shall, in determining need, take into consideration any other income and resources of an individual claiming aid to the blind"—section 1002 (a) (8). From 1937 to 1950 the blind people of Missouri and Pennsylvania and their State legislatures consistently refused to accept Federal matching funds if it meant scrapping their more liberal State blind pension and enacting in lieu thereof a more restrictive law which would conform to Federal requirements.

In 1950 Congress approved special legislation which permitted Missouri and Pennsylvania to retain their more liberal aid to the blind programs and still receive Federal participating funds. Under this special provision, the Federal Government provides participating funds only for those individuals who meet the strict requirements of the Federal law. The remaining eligible blind people of Missouri and Pennsylvania are paid entirely from State money. The exact language of the amendment reads:

> In the case of any State * * * which did not have on January 1, 1949, a State plan for aid to the blind approved under title X, * * * the Administrator shall approve a plan of such State for aid to the blind for the purposes of this title X, even though it does not meet the requirements of clause (8) of subsection (a), if it meets all other requirements of title X for an approved plan for aid to the blind; but payments under section 1003 shall be made, in the case of any such plan, only with respect to expenditures thereunder which would be included as expenditures for the purposes of section 1003 under a plan approved under title X without regard to the provisions of this section.

The amendment to the Social Security Act was originally enacted to terminate on June 30, 1955. Its life has since been twice extended, first to June 30, 1957, and now to June 30, 1959. The bill which I have just introduced proposes a solution that will put to rest, once and for all, the issues presented by the Missouri and Pennsylvania plans. Accordingly, this bill is proposed to take effect on July 1, 1959.

The Missouri and Pennsylvania programs are primarily more liberal than Federal requirements in the following regards:

One. Missouri has two separate plans, one plan which is supported entirely by State funds, provides for those blind persons who meet the eligibility requirements of the State law, but do not meet the more restrictive requirements of the Federal law. The other plan is supported by Federal and State participating funds and provides only for those persons who meet the more strict Federal definition of need. Pennsylvania has only one plan but the Federal eligible and ineligible recipients are separated as a bookkeeping transaction.

Second. In Missouri and Pennsylvania a flat fixed amount of $60 is paid to each recipient each month. This is in contrast to the variable individual payments of the Federal law.

Third. In Missouri a blind person is allowed to earn $175 a month and still qualify for the full amount of the pension while under present Federal law only $50 per month is allowed as exempt earnings. In Pennsylvania a blind person is allowed to earn $148.33 and still qualify for the full amount of the grant.

Fourth. In Missouri and Pennsylvania the amount of cash and property that a blind person may have and still qualify for the full pension is more liberal than under the Federal provisions.

A study of the Missouri and Pennsylvania plans discloses, I think, quite well how far these two States have gone in their efforts to encourage the rehabilitation of its nonsighted citizens. They have enlarged their economic opportunities to the end that they may render themselves independent of public assistance and become entirely self-supporting. These programs have proved highly successful and have paved the way for more enlightened socio-economic legislation in the other 46 States. I have long been impressed with the wisdom of the words of Justice Brandeis who said "it is one of the happy incidents of the Federal system that a single courageous State may, if its citizens choose, serve as a laboratory; and try novel and economic experiments without risk to the rest of the country." The value of this thesis is demonstrated by the Missouri and Pennsylvania plans. Our aid to the blind program should be directed to the ends of rehabilitation and helping our nonsighted people to become useful and productive citizens. The above described needs test tends to hurt our efforts at rehabilitation. Its effect is to destroy initiative and desire to make the most of the blind's productive years. The bill which I have introduced today is intended to preserve the minimum standards of clause (8) but it still allows the States to develop their programs in accordance with modern thinking and to encourage more liberal provisions provided that the States are willing to finance their expanded programs out of State funds.

This bill, then, would resolve the following Federal-State issues which have been raised by the present title X of the Social Security Act, to wit:

First. It would preserve to the States their right to provide improved social-welfare programs for the blind wholly financed out of State funds.

Second. It makes it possible for Missouri and Pennsylvania to retain permanently, and for other States to adopt, if they wish to do so, any or all of the distinctive features of the Missouri-Pennsylvania plan of aid to the blind.

Third. The amount of each State's Federal grant would continue to be measured by the present standards and on like terms to all States. The definition of the means test that is contained in clause (8) of section 1002 (a) would apply to all States for the purpose of determining the part of any State's expenditures that will be covered by the Federal grant.

Fourth. No limitation or requirement on the allowable exceptions from the means test in the direction of greater liberality would be imposed upon any State plan in order to retain a title X Federal grant for federally eligible cases. In order to prevent the States from circumventing the minimum standards of the Federal program by transferring recipients to a drastically less adequate State program, the States are permitted to increase, but not decrease the extent to which the recipients' earnings, or income, or other resources will be accepted from the means test.

Fifth. It would eliminate the forced conformance to the antiquated needs test and would certainly encourage the other 46 States to develop plans that are consonant with this desirable thesis of rehabilitation and self-help. It would further bring Federal public assistance policy into conformity with the new congressional and general emphasis on

rehabilitation of the disabled. As one step in this direction, Congress required the States in 1950 to exempt $50 of earned income of blind aid recipients from consideration in determining the amount of the grant. As a second step, Congress in 1956 proclaimed self-care and self-support to be one of the purposes of the public assistance provisions of the Social Security Act.

Sixth. This bill, if enacted into law, would simply restore an important States right—the right to provide at State expense, a more liberal program of aid to the blind than the Federal Government chooses to allow. Since under the provisions of this legislation, the Federal Government would only provide participating funds for those individuals who would qualify under the present strict Federal definition of need, the plan could not possibly increase the cost to the Federal Government. It would in fact in time provide a real financial benefit to the Federal Government. Through more liberal State financed welfare programs geared to rehabilitation and self-support, more blind people will make their way off of the relief rolls and will encourage our nonsighted citizens to make the most of their productive years, and by so doing, to become more useful citizens.

The text of the bill is as follows:

A bill to amend title X of the Social Security Act to provide that, without an increase of Federal participating funds, a State plan for aid to the blind may utilize a more liberal needs test than that presently specified in such title

Be it enacted, etc., That (a) clause (8) of section 1002 (a) of the Social Security Act is amended by inserting after "provide" the following: "(unless this clause is inapplicable by reason of the last sentence of this subsection)."

(b) Section 1002 (a) of such act is further amended by adding at the end thereof the following new sentence: "A State plan for aid to the blind shall not be required to meet the requirements of clause (8) if in lieu thereof it provides that the State agency, in determining need, shall take into consideration less of the other income and resources of the individual claiming aid to the blind than would be required to be considered under claus (8) or shall disregard more than the first $50 per month of earned income, or that the State agency shall pay a fixed sum to all individuals eligible for aid to the blind; but payments under section 1003 shall be made, in the case of any such plan, only with respect to expenditures thereunder which would be included as expenditures for the purposes of section 1003 if the plan met the requirements of clause (8)."

SEC. 2. (a) The amendments made by this act shall be effective on and after July 1, 1959.

(b) Effective July 1, 1959, section 344 of the Soical Security Act Amendments of 1950 is repealed.

NATIONAL RADIO MONTH AND THE FIRST AMENDMENT

(Mr. McCORMACK asked and was given permission to address the House for 10 minutes and to revise and extend his remarks.)

Mr. McCORMACK. Mr. Speaker, radio was undreamed of when this country was founded. Yet today it holds major meaning and may be said to be the very breath of life in the first amendment to the Constitution of the United States. When the Constitution enjoins the Congress from making any law abridging the freedom of speech it extends the infinite blessings of this prohibition by the very nature of things to the electronic miracles of communication. Without electronic communication, as we live today, it is almost impossible to think either of the democratic process or modern civilization in the free world.

It is for these reasons that I attach such great importance to National Radio Month during May. I say "great importance" because the dignity of man is interwoven profoundly in the relationship of a people and their Government. Government—Federal, State, local—has been brought into such intimate contact with the people that the thongs of freedom, of government by consent, and government by participation of the citizen in the decisions of government, have been strengthened as much by radio, as formerly they were strengthened by the invention of the printing press.

Radio stands out as a phenomenon unparalleled in its time, unless it is by TV, in the acceleration of modern industrial progress. All mankind benefited from an enlightened conspiracy among science, invention, capitalism, and free enterprise. Under democratic government these combined in the United States to bring the impact of this instrument we call radio to such fruition that in a matter of a few decades hardly an ear among 172 millions of Americans is not—at the turn of a dial—within hearing of some broadcasting station, some network, some sound carrying with it news or entertainment, information or instruction, edification or the advertising that helps to keep our economy dynamic.

A self-governed people can never in the future say that inadequate communication was responsible for any of its ills.

Of course in the diversity of projects so all-enveloping as radio there are flaws. The burden now is upon those who manage and manipulate communications. It is in this connection that I would like to take this opportunity to congratulate the radio industry proper and the National Association of Broadcasters for a job that is on the whole commendable. I know they join me in the hope of even greater improvement in the future. The slow but constantly advancing character of betterment in their management indicates their awareness of the problems involved in the monumental responsibility that falls upon them with compelling directness.

Statistically emphasis, even repetition, should be given to the fact that 97 percent of all homes in America are radio equipped. There are 150 million radio sets in the United States distributed among our people. In fact in the rural areas practically every home has its radio. I am reliably informed that 66 million people listen daily to the radio. In 1 month this durable, tireless, relatively inexpensive device, in its way over a period of time even less expensive than our newspapers, reaches no less than almost 90 percent of the total adult population of our country. Radio, let me add, is no replacement and no substitute for the home newspaper, but it is certainly a remarkable complement to printed journalism, and an enormous source of public information in its own right.

In the face of this revolutionary change in communication we have to reflect that the idea of the transmission and reception of signals by means of electric waves without a connecting wire was once called radiotelegraphy or radiotelephony and in its current state of development is quite within the memory of contemporary man. Its theoretical origins go back to 1864, and then to 1887, bringing up such names respectively as Clerk-Maxwell and Prof. H. Hertz. Later with further discoveries came Edouard Branly and Sir Oliver Lodge. Finally Guglielmo Marconi in 1895 applied these theories practically until in 1901 he signaled the letter "S" across the Atlantic.

The following year—1902—the world heard the first transatlantic message by wireless.

Then came the electron tube in connection with which such names are notable as that of Fleming, DeForest, and Langmuir. Radio moved out of the mind of man into the laboratory. It then drove with positively massive results into the factory providing a vast new source of wealth altogether apart from its services as an instrument of communication to the whole of mankind. The radio industry today has jumped from the production of 12 million receiving sets in 1940 to 55 million in 1951, according to 1 research organization, and 53 million in 1957. If we unite radio manufacture with radio broadcasting we have, of course, an American industry of the first magnitude, and industry that only began to exist after World War I. When I speak of the acceleration of industry under capitalism and free enterprise and democratic government this is what I mean.

Research that I had instituted for this statement reveals a wealth of further data that is, on the whole, illustrative of superior management by private industry and, with the usual exceptions, enlightened regulation by Government. All this was achieved without enslaving our scientists, without bribing them, without segregating them, and without intimidating them. They and the industrialists and financiers and entrepeneurs who followed them, and the tens of thousands of employees in the field, made their enormous cumulative contribution to civilization and the democratic process as free men and women. We do not claim radio as a totally American idea as I have shown. The genius of man from varied backgrounds and cultures, under our flag and under other flags, gave us this great gift. But I like to think that under free government here or in Western Europe or anywhere the genius of man gets its freest play for the good of all. I like to think that this is done under a policy that does not push science and does not subject it to the indignity of either compulsion or of sudden flat-

DRAFT STATEMENT ON BACKGROUND OF DELANEY AMENDMENT

During the 81st Congress, in 1949, a Select Committee to Investigate the Use of Chemicals in Foods and Cosmetics - better known as the Delaney Committee,named after its chairman, Congressman James J. Delaney - was created in the House of Representatives to study the need to amend the present Food, Drug,and Cosmetic Act in this respect. After extended hearings, the committee on June 30, 1952, filed a report urging the amendment of this law so that the chemicals employed in or on foods would be subjected to the same safety requirements as existed in the law for new drugs.

(Bills to accomplish the objectives of the report were introduced during the 83rd and subsequent Congresses by Congressman Delaney and referred to the Committee on Interstate and Foreign Commerce. Finally, during the 85th Congress, a bill was reported out of the committee - H.R. 13254,- the Food Additives Amendment of 1958 - to the floor. An amendment was suggested to this bill by Mr. Delaney (Section 409 (c) (3) (A)) to read:

> Provided,that no additive shall be deemed safe if it is found to induce cancer when ingested by man or animal, or if it is found, after tests which are appropriate for the evaluation of the safety of food additives, to induce cancer in man or animal.

The bill - H.R. 13254 - with the Delaney Amendment passed the House of Representatives on August 13, 1958, and was signed into law on September 6 of that year.

In the 87th Congress, the Drug Industry Act of 1962 added the following amendment after the Delaney clause:

> except that this proviso shall not apply with respect to the use of a substance as an ingredient of feed for animals which are raised for food production, if the Secretary finds (i) that, under the conditions of use and feeding specified in proposed labeling and reasonably certain to be followed in practice, such additive will not adversely affect the animal for which such feed is intendedm and that no residue of the additive will be found (by methods of examination prescribed or approved by the Secretary by regulations, which regulations shall not be subject to subsections (f) and (g) of this section) in any edible portion of such animal after slaughter or in any food yielded by or derived from the living animal;

Although repeated attempts have been made over a period of years to soften or to eliminate the Delaney clause , it still remains on the books as one of the safeguards of consumer health. To quote a recent rebuttal offered to those who would "nibble away" at the rigid strictures of the clause: "Moreover, there is clear evidence that to establish 'safe tolerances' would constitute a giant backward step in public protection- offered in the name of science."

Title 21 Sec. 348 (c) (3)

After Delaney clause the following amendment was added by the Drug Industry Act of 1962: "except that this proviso shall not apply with respect to the use of a substance as an ingredient of feed for animals which are raised for food production, if the Secretary finds (i) that, under the conditions of use and feeding specified in proposed labeling and reasonably certain to be followed in practice, such additive will not adversely affect the animal for which such feed in intended, and (88) that no residue of the additive will be found ~~in~~ (by methods of examination prescribed or approved by the Secretary by regulations, which regulations shall not be subject to subsections (f) and (g) of this section) in any edible portion of such animal after slaughter or in any food yielded by or derived from the living animal;

A PROPOSAL FOR REVISION OF THE FEDERAL FOOD, DRUG AND COSMETIC ACT (21USC 321 et seq) SO AS TO EXEMPT FROM THE "DELANEY CLAUSE" (21USC348 (c)(3)) OF THE FOOD ADDITIVES AMENDMENT SUBSTANCES INTENDED FOR FEEDING ONLY TO ANIMALS WHEN NO RESIDUES THEREOF WILL RESULT IN HUMAN FOOD

The Proposal

There is attached hereto as Appendix A a draft of a proposed revision to the "Delaney Clause" to exempt therefrom substances intended for feeding only to animals when it is shown that, under the conditions of intended use, no residue of such substance is found in edible tissues or products of such animals.

The Need for Such a Revision

The need for this revision arises as a result of the interplay between the Delaney Clause and the exemptions from the definition of the term "food additive" contained in 21USC321 (s), as those provisions have been interpreted by the federal Food and Drug Administration (FDA) to apply to animal feeds containing either diethylstilbestrol (DES) or any of the organic arsenicals.

The effect of this interplay, as interpreted by FDA, has led to the following two highly inequitable results:

(1) No newly developed drug can be incorporated in any feed containing DES or an organic arsenical, although numerous drugs cleared by FDA prior to September 6, 1958 can continue to be used in those feeds.

(2) Those feed manufacturers who had obtained an effective new drug application (NDA) for an animal feed or feeds containing DES or any "new drug" arsenical, prior to enactment of the Food Additives Amendment on September 6, 1958, can continue to market such feed or feeds. On the other hand, those feed manufacturers who had not obtained effective NDA's for such a feed or feeds cannot market any feed containing DES or those arsenicals!

The magnitude of the inequity brought about by these two results comes into sharp focus when you consider that about 70% of the manufactured cattle feeds currently available contain DES, and about 70-80% of manufactured broiler feeds, and a high percentage of swine feeds, contain organic arsenicals!

In view of the established commercial position of DES and the arsenicals, and their relatively low cost, it is unlikely that the high percentage of feeds in which they are used will be reduced for a consider-

able time yet to come.

The practical effect of result (1) above is to reduce the potential market for newly developed drugs for feed use, for the foreseeable future, to about 30% of the total market. When this fact is considered in the light of the cost of research and development of such drugs, and of obtaining the data to obtain clearance by FDA, it becomes apparent why many drug manufacturers have substantially curtailed research for such drugs.

The practical effect of result (2) above is that those feed manufacturers who obtained NDA's for feeds containing DES or the "new drug" arsenicals prior to enactment of the Food Additives Amendment are assured of a virtual monopoly in the marketing of manufactured feeds as against all those manufacturers who did not receive such prior FDA clearance.

How This "Interplay" Brings About Such Inequitable Results

In order for a substance which is added to food to be subject to the Delaney clause, it must, of course, be a "food additive." There are, however, in Section 201(s) of the Act (21USC321(s)) certain so called "exemptions" from the definition of the term "food additive", the most important of which are for:

(a) substances generally recognized as safe among experts qualified by scientific training and experience to evaluate safety (called the "generally recognized as safe" exemption), and

(b) substances used in accordance with a sanction or approval granted, prior to enactment of the Food Additives Amendment, pursuant to certain statutes, including the Food, Drug and Cosmetic Act (called the "prior sanction" exemption).

Numerous feed manufacturers received effective NDA's for feeds containing DES, alone and in combination with a number of the older drugs, and for the organic arsenicals, alone and in combination with a number of the older drugs, prior to enactment of the Food Additives Amendment.

Since enactment of that Amendment, however, FDA has been refusing, on the basis of the Delaney clause, to make effective any NDA's for feeds containing DES or the arsenicals, and has been refusing to amend existing NDA's for such feeds to allow new drugs to be added. The reason for these refusals is that DES has been found to induce cancer in some laboratory animals, and it is suspected by some scientists that the organic arsenicals may also induce cancer in some animals.

FDA takes the position that the "prior sanction" exemption obtained as a result of the NDA's which were made effective prior to the Amendment is "personal", and not an exemption for the drug or drugs involved. In other words, FDA takes the view that the holders of those NDA's have "prior sanction" exemptions for the feeds covered by those NDA's and may continue to market them, whereas any feed manufacturer who does not have such a "prior sanction" exemption is, in FDA's view, barred by the Delaney clause from obtaining FDA clearance to market exactly the same feed or feeds.

The ludicrous effect is that some feed manufacturers can market feeds containing DES and such arsenicals as are new drugs, while their competitors are precluded from marketing the very same feeds.

Moreover, FDA has ruled that these "prior sanction" exemptions do not apply when any drug, other than one covered inthe original NDA, is incorporated in those feeds. As a result of this ruling, FDA has, on the basis of the Delaney clause, been refusing to clear any newly developed drug for use in feeds containing DES or the "new drug" arsenicals.

In the case of those organic arsenicals used in feed which are no longer new drugs, a further ludicrous situation has developed. FDA has ruled that those arsenicals have a "generally recognized as safe" exemption from the Amendment when used alone in feeds, or in combination with some of the older drugs. FDA has also ruled, however, that when any newly developed drug, no matter how safe it is, is added to such feeds, the exemption no longer applies, and, moreover, that the Delaney clause prohibits marketing such feeds!

An example will help to illustrate the commercial inequity which results from this situation - Broiler feeds containing an arsenical and penicillin can be marketed by anyone since such feeds have a "generally recognized as safe" exemption. It is not permitted, however, to substitute for penicillin one of the newer antibiotics, even though the safety of such substitute is firmly established! FDA would say the combination of an arsenical with a newly developed antibiotic is barred by the Delaney clause.

Explanation of the Revision to the Delaney Clause Proposed In Appendix A

Fundamentally, the revision to the Delaney clause proposed in Appendix A would authorize the Secretary of Health, Education and Welfare to grant clearance for administration to animals only of a substance, such as DES and the organic arsenicals, when it can be shown that, under the conditions of intended use, such substance is safe for such animals, and no residues of such substances will be found in edible tissues or products of such animals "when tested by a method of assay having a level of sensi-

tivity satisfactory to the Secretary.

The words in quotes in the preceeding paragraph are included in the proposal in recognition of the scientific fact that no assay procedure can demonstrate absolute zero since each procedure is limited by its level of sensitivity.

This proposed revision is in essence the one proposed last year by former Secretary Flemming when he testified before the House Committee on Interstate and Foreign Commerce during hearings on the Color Additives bill (HR 7624). The statement, dated May 9th, 1960, which he submitted to the Committee contained the following:

> "*** we would oppose any change in the Delaney anticancer clause of the Food Additives Amendment other than the proposal I incorporated in my January 26th testimony. At that time I stated that we believe the Delaney clause should be modified to provide that additives used in animal feed which leave no residue either in the animal after slaughter or in any food product obtained from the living animal be exempt from the provisions of the clause."

In the case of feeds containing DES, it seems fairly clear that this proposed revision, if enacted, would obviate the two inequitable results described earlier. The latest assay procedure which has been developed for DES is sensitive to less than two parts per billion, which should certainly be a level of sensitivity satisfactory to the Secretary. Moreover, several times last year Secretary Flemming announced that the public can purchase beef with assurance that it does not contain detectable levels of DES.

Whether or not this proposed revision will obviate the present inequitable situation concerning use of organic arsenicals in feeds, depends upon whether absence of residues can be demonstrated by an assay procedure having a level of sensitivity satisfactory to the Secretary. The fact that arsenic is present natively in animal tissue is a complicating factor. It is hoped that, if this proposed revision is enacted into law, the legislative history will make it clear that the existence of background levels of arsenic in animal tissue should be taken into consideration by the Secretary in making a determination as to whether the absence of residues of added arsenic has been shown.

Appendix A

"(3) No such regulation shall issue if a fair evaluation of the data before the Secretary -

"(A) Fails to establish that the proposed use of the food additive, under the conditions of use to be specified in the regulation, will be safe:

Provided, that no additive shall be deemed to be safe:

(i) if it is found to induce cancer when ingested by man or animal, or (ii) if it is found, after tests which are appropriate for the evaluation of the safety of food additives, to induce cancer in man or animal; unless such additive is intended for feeding to animals only, and it is shown that, under the conditions of intended use:

(I) no residue of such additive is found in the edible tissues or products of such animals when tested by a method of assay having a level of sensitivity satisfactory to the Secretary; and

(II) such additive is safe for feeding to such animals; or"

(New Matter Underlined)

Title 21 Sec. 348 (c) (3)

After Delaney clause the following amendment was added by the Drug Industry Act of 1962: "except that this proviso shall not apply with respect to the use of a substance as an ingredient of feed for animals which are raised for food production, if the Secretary finds (i) that, under the conditions of use and feeding specified in proposed labeling and reasonably certain to be followed in practice, such additive will not adversely affect the animal for which such feed in intended, and (88) that no residue of the additive will be found ~~in~~ (by methods of examination prescribed or approved by the Secretary by regulations, which regulations shall not be subject to subsections (f) and (g) of this section) in any edible portion of such animal after slaughter or in any food yielded by or derived from the living animal;

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
PUBLIC HEALTH SERVICE
FOOD AND DRUG ADMINISTRATION
ROCKVILLE, MARYLAND 20852

Honorable James J. Delaney
House of Representatives
Washington, D. C. 20515

Dear Mr. Delaney:

Commissioner Edwards has asked us to keep you informed of our activities to assure the safety of food additives.

On June 25, 1971, FDA published a proposal in the Federal Register to remove saccharin from the GRAS (Generally Recognized As Safe) list and establish a provisional regulation prescribing conditions of safe use. The review of the comments submitted to us on the proposal has been completed, and we will shortly publish a final order in the Federal Register. Enclosed is a copy of the order.

If you have any questions on this order or would like additional copies, please let us know.

Sincerely yours,

M. J. Ryan, Director
Office of Legislative Services

Enclosure

NEWS

PUBLIC HEALTH SERVICE
FOOD AND DRUG ADMINISTRATION
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Home phone: (301) 567-3148

72-7

FOR IMMEDIATE RELEASE:
Friday, January 28, 1972

The Food and Drug Administration today removed saccharin from the GRAS (Generally Recognized As Safe) list of food additives and issued an interim, provisional regulation restricting use of the artificial sweetener while additional safety reviews are being completed. Today's action made final a preliminary order issued June 25, 1971, for public comment.

The interim order limits saccharin use in accord with a National Academy of Sciences/National Research Council recommendation of no more than one gram per day for the average adult. One gram of saccharin is equal to seven 12 oz. bottles of the standard diet drink. One gram of saccharin is equal to 60 of the small saccharin tablets. Each tablet is equal to one teaspoon of sugar.

The order requires saccharin disclosure on the labels of all beverages, foods, and food mixes in which use is permitted.

In announcing publication of the new order, Charles C. Edwards, M.D., Commissioner of Food and Drugs, emphasized that the action is an interim step designed to "freeze" saccharin use

- more -

at present levels pending final outcome of current research on safety of the non-nutritive sweetener.

Chronic feeding studies with saccharin in animals are being conducted in FDA laboratories and by others. Preliminary reports from one of these, Wisconsin Alumni Research Foundation, indicate no injury when saccharin constitutes 0.05% of the daily diet -- a level comparable to the one gram limit set by the FDA's regulation. At much higher levels, 5% of the daily diet, or approximately 100 times the maximum permitted by the new regulation, some test animals developed bladder tumors. An intensive review is now under way to determine whether or not these tumors are cancerous.

Saccharin has been widely used in the food supply for over 80 years without any evidence of human harm. The tentative adverse findings in rats occurred at a level roughly equivalent in humans to 875 bottles of a typical diet soft drink per day.

"The FDA, with the assistance of the NAS, will continue to weigh the evidence as it becomes available and should experimental findings demonstrate that saccharin involves a risk to public health, the FDA will withdraw approval for use of saccharin in foods," said Commissioner Edwards.

"In the meanwhile, the interim food additive order adequately protects the public," he said.

Attached is a detailed status report on saccharin as well as a copy of the FEDERAL REGISTER order announced today.

Attachments

STATUS REPORT - SACCHARIN

1. Current Activity

A. A two-year rat feeding study being conducted at the Wisconsin Alumni Research Foundation (WARF) for the Sugar Research Foundation is nearing completion. Final results are expected in the next few weeks. The WARF project apparently will be the first to report among a number of government and privately sponsored animal research programs currently gathering data on saccharin safety for human use.

B. As a part of its continuing commitment to evaluate all new saccharin data, the FDA has been sending experts to Wisconsin to monitor final phases of the study and to obtain data necessary for confirmatory analysis.

C. Although this feeding study is still in progress, preliminary reports indicate abnormal findings of bladder tumors in some animals exposed to extremely high dietary levels of saccharin. Bladder tumors were found at the 5% of total diet feeding level. This is equivalent to a dosage of 2.5 gm/Kg. body weight. A comparable human dosage for a 70 Kg (154 lb.) adult would equal 175 gms per day for a lifetime, roughly equivalent to 875 bottles of a typical diet soft drink per day. Clearly, the animal exposure is many times higher than the highest expected daily usage in humans. Rats tested at 0.05% of total diet show no adverse effects so far. This exposure is more comparable to that in humans. Further details, including

possible carcinogenicity in the bladder abnormalities, are under continuing consideration. If saccharin were found to induce cancer, the law would require it to be banned from food.

D. Currently, other studies of saccharin in laboratory animals are being conducted in the USA and abroad. Most of these studies will be completed within the next few months. Additional data will, therefore, be available in the near future.

E. Although lifetime animal studies by FDA scientists are still incomplete, no abnormal findings are evident in its work to this point. Except for the preliminary and still tentative report from WARF, the FDA is unaware of adverse findings from non-FDA research.

F. As a longer range research objective, FDA plans to evaluate hazards posed by substances causing tumors in animals when given at relatively high doses by performing additional studies using larger numbers of animals exposed to test substances at levels more comparable to human use. Such studies will be one of the primary responsibilities of the National Center for Toxicological Research at Pine Bluff, Arkansas, jointly sponsored by FDA and EPA.

II. Recent Activity

A. In June 1971, the FDA formally proposed to remove saccharin from the GRAS (Generally Recognized as Safe) list of food additives and place the substance under limited regulatory control "pending outcome of current research."

B. The June action followed a special NAS/NRC study requested by the FDA Commissioner in 1970 to review all available information on saccharin.

The NAS/NRC panel stated that "on the basis of available information, the present and projected usage of saccharin in the United States does not pose a hazard."

The NAS/NRC reviewers further concluded: (1.) that in the interest of safety, limitations on daily intake should be established; and (2.) that an intake of up to 15 milligrams per kilogram of body weight per day would not constitute an appreciable hazard to humans. (This is equivalent to about 1 gram per day for an adult weighing approximately 155 pounds)

The NAS/NRC also recommended further research and that saccharin be "frozen" at then current use levels until the further research could be carried out. NAS/NRC asked that "when work now in progress and additional tests recommended in this report are completed, the question of safety of saccharin for use in foods should again be reviewed."

These recommendations and findings were reflected in the FDA proposal published in the FEDERAL REGISTER June 25, 1971.

This FDA saccharin proposal was the first step in an overall Agency program to review more than 600 food additives on the current GRAS list. The decision was made to initiate steps to remove saccharin from the list of substances generally recognized as safe because FDA criteria for consideration as GRAS do not allow listing of substances requiring limitations on use for safety reasons.

III. Background

A. Saccharin has been used as a non-nutritive sweetner in foods and beverages for nearly a century. It is the oldest known artificial sweetner.

B. With the removal of cyclamates from the market two years ago, saccharin is the only artificial sweetner currently available. It is 300 to 500 times as sweet as sugar and ten times as sweet as cyclamate.

C. Until the final action on the June 1971 proposal by FDA, the only restrictions on its use were those imposed by good manufacturing practices, current labeling regulations requiring its declaration, or its limited acceptance by some people due to a bitter aftertaste.

D. Many physicians consider saccharin useful in the management of diabetes because it permits sweetening of foods without adding carbohydrate and thus encourages patient adherence to dietary regimens. Many diabetic patients have found that it relieves the monotony of the carbohydrate-restricted diabetic diet. It is also used in the management of obesity. Saccharin has no specific therapeutic effect on diabetes or any other disease.

E. A number of questions have been raised about the safety of saccharin use by humans. Reviews of the scientific evidence supporting safety have been accomplished periodically in recent years. This includes reviews conducted by the NAS/NRC at FDA request in 1968 and again in 1970.

IV. Comment

A. FDA's position on saccharin has reflected the 1970 conclusions by the NAS/NRC study that saccharin is safe, based on the "80-year history of saccharin use by man without evidence of adverse effects," plus a lack of evidence of carcinogenicity in the animal studies reviewed to that time.

B. The FDA also has followed the NAS/NRC recommendation that additional studies be made over longer periods of time to further evaluate safety. This is now being done through research studies by FDA, the National Cancer Institute and by a number of private sponsors, including the Sugar Research Foundation through WARF.

C. The FDA bears direct responsibility and must consider all questions of saccharin use in both foods and drugs.

D. The use of saccharin in food is closely prescribed by the Delaney clause in the 1958 Food Additives Amendment to the Food, Drug, and Cosmetic Act of 1938. This clause disallows the use of any substance as a food additive if shown to induce cancer when fed to animals.

E. Use of saccharin in drugs is a more complex matter. The Delaney clause does not apply to such use and under present law final judgments rest with the FDA.

F. Present use of saccharin in drugs is twofold:

1. It is used in the management of diseases or conditions such as diabetes or obesity.

2. It is used as a sweetening agent to make certain drugs palatable. The principal application is in pediatric therapy.

V. Conclusions

A. With respect to food usage of saccharin:

1. FDA will continue to monitor the WARF study pending completion and review of final results; other testing in progress is also being monitored.

2. The NAS/NRC, at the request of FDA, has agreed to review the final WARF study results when available, along with other experimental research data expected in the near future. Specifically, NAS/NRC, in the course of its continuing review, will:

(a) evaluate the scientific validity of all available laboratory findings, and

(b) recommend when those findings are sufficient to conclude that saccharin is or is not carcinogenic when administered orally to test animals.

3. FDA is publishing in the FEDERAL REGISTER a final order removing saccharin from the GRAS List and providing limited food additive approval to restrict the use of saccharin in foods pending results of continuing scientific review. A copy of the FEDERAL REGISTER Notice is attached.

4. Further decisions on saccharin use in foods will be made on the basis of all available scientific findings and their application as prescribed by law.

B. The use of saccharin in drug products is subject to the same risk-to-benefit assessment as are other substances in drugs. Therefore:

1. FDA will continue to weigh the evidence as it becomes available, including the necessity and feasibility of saccharin use in the formulation of drugs and in the management of medical conditions where dietary regulation is important.

2. The FDA has requested expert advice from the Institute of Medicine on these matters as the basis for appropriate action under the Food, Drug, and Cosmetic Act.

TITLE 21--FOOD AND DRUGS

CHAPTER I--FOOD AND DRUG ADMINISTRATION,
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B--FOOD AND FOOD PRODUCTS

PART 121--FOOD ADDITIVES

SACCHARIN AND ITS SALTS

In the FEDERAL REGISTER of June 25, 1971 (36 F.R. 12109), the Commissioner of Food and Drugs proposed removing saccharin and its salts from the generally recognized as safe (GRAS) list in § 121.101(d) (21 CFR 121.101(d)) and permitting their continued use within safe limits by adding a new regulation (§ 121.4001) providing provisional food additive status for saccharin and its salts used as sweeteners to obtain a significant reduction in the calorie value of the food. Twenty-one letters containing various comments were received in response to the proposal. These comments have been analyzed and as a result several changes have been made in the proposed regulation. In general, most of the comments agreed with the purpose of the proposal.

Seven comments were concerned with uses of saccharin for technological purposes other than calorie reduction. These technological purposes were to reduce bulk and mask flavors in vitamin and mineral preparations, to enhance the flavor of individual flavor chips used in nonstandardized bakery products, and to retain the flavor and physical properties of chewing gum. Information provided in these comments indicates that the contribution to the daily intake of the additive from these uses would be demonstrably small.

Thus, the Commissioner considers it appropriate to permit these specific technological uses. Petitions will have to be filed in order to obtain authorization for additional technological uses not provided for in the regulation.

Five comments concerned the proposed limitation of saccharin to 7 milligrams per fluid ounce in beverages containing other sweeteners. This proposed limitation has been deleted in the interest of simplification and because the overall limitation of 12 milligrams per fluid ounce in beverages and fruit juices will adequately restrict the use of saccharin to safe levels during the period provided. The dry beverage bases are also included in the limitation for saccharin in beverages. The limitation is to be applied to the beverage prepared from the base according to the label directions.

A few comments were received relating to the specific wording of the other limitations. Some revisions in text have been made in the interest of clarity. Comments were made relating to the need for declaring a size of serving. Rather than attempt to establish serving sizes for commodities of varying densities, the Commissioner has decided to establish the limitation for saccharin on the basis of a serving of designated size. This will require a label statement concerning the size of a normal serving and thereby indicate the amount of saccharin in that serving.

A majority of comments concerned the labeling requirements on the basis that the statement of saccharin concentration in milligrams per fluid ounce or per serving will be in addition to the percentage statements already

required by §§ 125.7 and 3.72 (21 CFR 125.7 and 3.72). No additional label declaration will be required in the case of combinations of nutrient and non-nutritive sweeteners in "diet beverages" because § 3.72, which deals with such products, presently requires the declaration of saccharin content both by percentage and by milligrams per fluid ounce. Similar declarations in the case of other foods would not appear to be an excessive labeling burden. Such joint declaration would further assume that no future label change would be needed if either requirement were later deleted.

Several of the comments concerned the need for time in which to implement labeling changes. A reasonable time will be allowed for labeling changes by requiring that the changes be reflected in the next order of labels and, in any event, that new labels be used on all products sold after July 1, 1972.

This approval of saccharin for limited use in food is an interim measure. Studies on chronic feeding of saccharin to animals are being conducted by the Food and Drug Administration and other groups. Preliminary results indicate possible adverse effects. Should the experimental findings indicate that continued use of saccharin and its salts does involve a significant risk to the public health, action will be taken as warranted to minimize such risk. Notwithstanding this provisional regulation, it is possible that this action would include the withdrawal of approval for use of saccharin in food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended:

1. By deleting § 121.101(d)(4).

2. By adding a new Subpart H consisting at this time of one section, as follows:

SUBPART H--FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION, OR IN CONTACT WITH FOOD, FOR LIMITED PERIODS OF TIME

§ 121.4001 Saccharin, ammonium saccharin, calcium saccharin, and sodium saccharin.

The food additives saccharin, ammonium saccharin, calcium saccharin, and sodium saccharin may be safely used as sweetening agents in food in accordance with the following conditions, if the substitution for nutritive sweeteners is for a valid special dietary purpose and is in accord with current special dietary food regulations and policies or if the use or intended use is for an authorized technological purpose other than calorie reduction:

(a) Saccharin is the chemical 1,2-benzisothiazolin-3-one-1,1-dioxide ($C_7H_5NO_3S$). The named salts of saccharin are produced by the additional neutralization of saccharin with the proper base to yield the desired salt.

(b) The food additives meet the specifications of the "Food Chemicals Codex."

(c) Authority for such use shall expire June 30, 1973, unless revised sooner.

(d) The additives are used or intended for use as a sweetening agent only in special dietary foods, as follows:

(1) In beverages, fruit juice drinks, and bases or mixes when prepared for consumption in accordance with directions, in amounts not to exceed 12 milligrams of the additive, calculated as saccharin, per fluid ounce.

(2) As a sugar substitute for cooking or table use, in amounts not to exceed 20 milligrams of the additive, calculated as saccharin, for each expressed teaspoonful of sugar sweetening equivalency.

(3) In processed foods, in amounts not to exceed 30 milligrams of the additive, calculated as saccharin, per serving of designated size.

(e) The additives are used or intended for use only for the following technological purposes:

(1) To reduce bulk and enhance flavors in chewable vitamin tablets, chewable mineral tablets, or combinations thereof.

(2) To retain flavor and physical properties of chewing gum.

(3) To enhance flavor of flavor chips used in nonstandardized bakery products.

(f) To assure safe use of the additives, in addition to the other information required by the act:

(1) The label of the additive and any intermediate mixes of the additive for manufacturing purposes shall bear:

(i) The name of the additive.

(ii) A statement of the concentration of the additive, expressed as saccharin, in any intermediate mix.

(iii) Adequate directions for use to provide a final food product that complies with the limitations prescribed in paragraphs (d) and (e) of this section.

(2) The label of any finished food product containing the additive shall bear:

(i) The name of the additive.

(ii) The amount of the additive, calculated as saccharin, as follows:

(a) For beverages, in milligrams per fluid ounce;

(b) For cooking or table use products, in milligrams per dispensing unit;

(c) For processed foods, in terms of the weight or size of a serving which shall be that quantity of the food containing 30 milligrams or less of the additive.

(iii) When the additive is used for calorie reduction, such other labeling as is required by Part 125 or §§ 3.72 of this chapter.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER except for the labeling changes required by § 121.4001(f). These labeling changes must be reflected in all labels ordered after the date of publication of this order and, in any event, must be reflected in labels used on all affected products sold after July 1, 1972.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: Jan. 25, 1972.

Charles C. Edwards

Remarks by Hon. James J. Delaney, M. C. (D., 7th Dist., N. Y.)

in the House of Representatives, April , 1958.)

CANCER and CHEMICALS

Mr. Speaker, for many years I have been pressing for the enactment of legislation to prohibit the use of chemical additives in foods unless adequate tests have first demonstrated that they are safe for use.

A recent ruling proposed by the Food and Drug Administration points up the necessity for this legislation.

This is a ruling against a pesticide called Aramite, which is known to induce cancer in test animals.

For over two years , cancer experts have been warning that this pesticide is not safe for human consumption in any amount.

Nevertheless, FDA has permitted its use on apples, blueberries, cantaloups, celery, cucumbers, grapefruit, grapes, green beans, lemons, muskmelons, oranges, peaches, pears, plums, raspberries, strawberries, sweet corn, tomatoes and watermelons.

My food additive bill, H. R. 7798, in addition to requiring the pre-testing of chemical additives to prove safety, would specifically ban the introduction into food of any cancer-inducing chemical.

This committee met in Washington on July 27, 1955, and following a morning and an afternoon session, issued three recommendations:

"1) That a residue tolerance of 1 part per million be established for Aramite under the provisions of Public Law 518, 83rd Congress."

However, the committee apparently was not convinced that Aramite was harmless, because it also recommended:

"2) That the petitioner be advised to secure acceptable data on the chronic toxicity and carcinogenicity of Aramite at feeding levels between zero and 500 parts per million in the mouse, rat and dog.

"3) That the entire problem be reviewed by this or another committee in 1957, when further laboratory and other data are available."

These, surely, were strange recommendations for scientists to make. They admitted that they felt that the data which they reviewed were insufficient and incomplete, and, in particular, suggested that more information be secured regarding the cancer inducing propensities of Aramite. Yet, at the same time, they were perfcetly willing that the public be exposed to a certain amount of it.

It is all the more strange when we consider that the committee had before it reports of tests which showed that Aramite, when fed in certain concentrations, produced liver injury and malignant tumors in test animals.

I have been fighting for this protection for a long time.

In addition to requiring the pre-testing of chemical additives to show safety, my present additive bill, H. R. 7798, contains a provision which would specifically ban the introduction into food of any chemical additive found to induce cancer in man, or, after tests, found to induce cancer in animals.

There has been strong opposition to this provision, but the Aramite story shows why it is needed.

Back in February, 1955, as required by Public Law 83-518 (the pesticide amendment to the Federal Food, Drug, and Cosmetic Act), the United States Rubber Company filed with FDA a petition requesting the establishment of tolerances of 2 parts per million for residues of Aramite, in or on certain fruits and vegetables, and tolerances of 5 parts per million on certain other raw agricultural commodities.

After consideration of the test data submitted, which included evidence that the chemical induced malignant tumors in test animals, FDA concluded that the safety of Aramite was questionable, and published a zero tolerance.

Thereupon, the U. S. Rubber Company withdrew its original petition and submitted a new petition requesting tolerances for Aramite of 1 part per million in or on the same commodities. In conformance with a certain provision of the pesticide amendment, the company also requested that the new petition be referred to an advisory committee of experts for study and recommendations.

The Food and Drug Administration accepted the recommendations of the advisory committee, withdrew its previous ruling, and published a tolerance of one part per million of Aramite. Once again, as so often in the past, the public became a guinea-pig.

Now, over two and a half years later, additional tests show that Aramite, fed at a significantly lower concentration than that considered by the advisory committee, tended to cause liver tumors in rats, and produced liver damage and malignant tumors in the livers and bile ducts of dogs.

Here, it seems to me, is a perfect example of the apparent willingness of government to accomodate big business and let the public take the risk.

At the time of its original ruling, the Food and Drug Administration had on hand evidence to show that Aramite, so far as the public health was concerned, was at least a suspicious product. Under the law, FDA was not required to accept the recommendations of the advisory committee and grant any tolerance of the chemical.

The Food and Drug Administration is to be commended on admitting its mistake and publishing its present proposed ruling. However, that does not remove the possible effect that Aramite may have had on the public during the period in which its residues have been permitted.

Mr. Speaker, the significance of FDA's former ruling on Aramite was that for the first time a precedent was set that might give legal sanction to the introduction of so-called "safe" quantities of cancer-inciting additives into food.

I first brought this to the attention of the Congress on February 21, 1957, when I placed in the Congressional Record a letter written to me by a noted cancer researcher, Dr. William E. Smith.

Dr. Smith has had a brilliant research career and at various times has been on the staffs of the Harvard Medical School, the Rockefeller Institute for Medical Research, the Sloan-Kettering Institute for Cancer Research, and was at one time an associate professor of industrial medicine at New York University. At present, he is doing research at the Fairleigh Dickinson University and is secretary of the Cancer Prevention Committee. Dr. Smith is a dedicated scientist, and a courageous man who has not hesitated to tangle with the industries in attacking practises which he has felt might endanger the public health.

It was after several discussions and much correspondence with Dr. Smith that I revised my earlier food additive bill, H. R. 4014, and introduced H. R. 7798, which contains the carcinogen prohibition, and is the only additive bill which does so, except for an identical bill, H. R. 7938, introduced by the distinguished gentlewoman from Missouri (Mrs. Sullivan).

(Here I should like to pause a moment to express my appreciation for the strong support that our much admired colleague from St. Louis has given in this food additive issue. She has spoken eloquently on the floor of the House on this subject, has given radio talks, has conferred with women's groups and consumer organizations. Her interest and concern have been a most valuable contribution.)

The carcinogen provision, which I have mentioned, follows the unanimous recommendation of the International Union Against Cancer at its Symposium in Rome in August, 1956. This symposium was attended by over 40 cancer experts from some 20 countries.

The recommendation stated:

"The Conference recommends that, as a basis for active cancer prevention, the proper authorities of various countries promulgate and enact adequate rules and regulations prohibiting the addition to food of substances having potential carcinogenicity."

The two following recommendations were also unanimously approved:

"1) Food additives should be permitted only if, after long-term administration to at least two species of animals (one preferably a non rodent), orally and parenterally, in amounts which must be considerably higher than would be present in food, and, after observation of the animals over their life-time, and through at least two generations in at least one suitable species, they have no toxic effect.

"2) Any substance which causes cancer in man or which, when tested under these conditions, is shown conclusively to be a carcinogen at any dosage level, for any species of animal, following administration by any route, should not be considered innocuous for human consumption."

The original tests showed that Aramite did not meet these criteria of safety. The later tests were even more conclusive regarding its potentiality for harm. Of course, the International Union Against Cancer is not an American organization, although some distinguished American are members of it, but it does represent the advanced thinking of a world group of cancer authorities.

Mr. Speaker, during the past year the Subcommittee on Health and Science has given a great deal of time and serious study in considering the food additive bills pending in this Congress.

As I have stated, my bill, H. R. 7798, together with H. R. 7938, is the only bill which specifically bans the use of carcinogens. H.R. 7798

~~In this, it~~ not only follows the recommendations of the International Union Against Cancer, but also conforms with recommendations of the American Cancer Society.

A letter sent to the Subcommittee on Health and Science on July 22, 1957, by Mr. James S. Adams, Chairman of the Legislative Committee of the American Cancer Society, states as follows:

"We strongly urge that your Committee recommend legislation to the Congress to strengthen the Food and Drug Administration and that this legislation embrace the following principles:

"1) That the proponent of any proposed chemical additive be required to conduct tests which will demonstrate that the additive is safe for human consumption in the manner in which it will be used, and that these tests include one to determine whether the additive may be carcinogenic to experimental animals. The adequacy of these tests should be determined by the Food and Drug Administration.

"2) That permission to use the additive be withheld until its safety has been demonstrated to the satisfaction of the Food and Drug Administration by the proponent.

"3) That no substance shall be approved found to induce cancer in man, or after tests provided in No. 1 above, found to induce cancer in animals."

H. R. 7798 is supported by such authorities as Dr. William C. Hueper, the distinguished head of the Environmental Cancer Section of the National Cancer Institute, who testified before the committee in an unofficial capacity, Dr. Francis E. Ray, Director of the Cancer Research Laboratory of the University of Florida, Dr. Alton Ochsner, head of the Ochsner Clinic of New Orleans and a famous cancer surgeon, and Dr. W. Coda Martin, President of the American Academy of Nutrition. It is also supported by a very large number of consumer organizations and labor unions, members of which have a direct interest as consumers.

Mr. Speaker, it is appalling to think that one out of every four persons in this country will at some time or another suffer from cancer. While we may not yet completely understand the part that chemical additives play in the cancer picture, enough is known to put us on our guard.

In my last appearance before the Health and Science Subcommittee on the 15th of this month, prior to the new FDA ruling, I stated: "The precedent established by the Aramite decision has opened the door, even if only a little, to the use of carcinogens in our foods. That door should be slammed shut and locked."

It is my firm purpose to do just that.

Surely there is nothing of greater importance to any nation than the health of its people.

We have a serious responsibility in this field. It is urgent that we meet it as soon as possible, and as completely as possible.

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Mr. Speaker, for over two and a half years the use of a pesticide capable of inducing cancer in animals has been permitted on certain of our fruits and vegetables.

During this time, it has been legal for a residue of one part per million of this pesticide (known as Aramite,) to remain on apples, blueberries, cantaloups, celery, cucumbers, grapefruit, grapes, greenbeans, lemons, muskmelons, oranges, peaches, pears, plums, rasberries, strawberries, sweet corn (kernels) but not the forage thereof, tomatoes and watermelons.

In what I consider an indefensibly belated action, last Saturday the Food and Drug Administration published in the Federal Register a proposed ruling which would rescind the present regulation permitting a residue tolerance of one part per million of this chemical, and ~~XXXXXXXXXXXX~~ instead establish a zero tolerance, thus prohibiting the interstate shipment of raw agricultural commodities containing any trace of it.

Mr. Speaker, for many years I have been fighting for the enactment of legislation to prohibit the use of chemical additives in foods unless adequate tests have demonstrated that they are safe for use.

My. present bill, H. R. 7798, contains a provision which would specifically ban the introduction into food of any chemical additive found to induce cancer in man, or, after tests, found to induce cancer in animals.

There has been strong opposition to this provision, but I think the story of the present FDA ruling will show why it is needed.

As required by Public Law 83-518 (the pesticide amendment to the Federal Food, Drug, and Cosmetic Act) in February, 1955, the United States Rubber Company filed with FDA a petition requesting the establishment of tolerances of 2 parts per million for residues of Aramite in or on certain fruits and vegetables, and tolerances of 5 parts per million on certain other raw agricultural commodities.

After consideration of the test data submitted, FDA concluded that the evidence showed that the safety of Aramite was questionable, and published a zero tolerance.

Thereupon, the U. S. Rubber Company withdrew its original petition and substituted for it a petition requesting tolerances for Aramite of 1 part per million in or on the same commodities. In conformence with a certain provision of the pesticide amendment, the company also requested that the new petition be referred to an advisory committee of experts for study and recommendations.

This committee met in Washington on July 27, 1955, and following a morning and an afternoon session, issued three recommendations.

"1) That a residue tolerance of 1 part per million be established for Aramite under the provisions of Public Law 518, 83rd Congress."

However, the committee apparently was not entirely convinced as to the safety of Aramite, because it also recommended:

"2) That the petitioner be advised to secure acceptable data on the chronic toxicity and carcinogenicity of Aramite at feeding levels between zero and 500 parts per million in the mouse, rat and dog.

"3) That the entire problem be reviewed by this or another committee in 1957, when further laboratory and other data are available."

These, surely, were strange recommendations for scientists to make. They admitted that the data which they reviewed were insufficient and incomplete, and, in particular, suggested that more information be secured regarding the cancer inducing propensities of Aramite. Yet, at the same time, they were perfectly willing that the public be exposed to a certain amount of ~~XXXXXXX~~ the pesticide.

It is all the more strange when we consider that the committeehad before it reports of tests that showed that Aramite, in certain concentrations, produced liver injury and cancer in test animals.

Although not required to, for some reason or other the Food and Drug Administration accepted the recommendations of the advisory committee and published a tolerance of one part per million of Aramite. Once again, the public became a guinea pig.

Now, over two and a half years later, FDA finds that additional tests show that Aramite, fed at a much lower concentration than that considered by the advisory committee, tended to cause liver tumors in rats, and produced liver damage and malignant tumors in the livers and bile ducts of dogs.

Here, it seems to me, is a perfect example of the apparent willingness of the executive branch of the government to accomodate big business and let the public take the risk.

At the time of its original ruling, the Food and Drug Administration had on hand sufficient evidence to show that Aramite, so far as the public health is concerned, is at least a suspicious product. Under the law, FDA was not required to accept the recommendations of the advisory committee and revise its ruling to permit any tolerance of the chemical.

I commend the Food and Drug Administration on admiting its mistake and publishing its present proposed ruling to rescind the tolerance. However, that does not remove the possible effect of Aramite on the public during the period in which its residues have been permitted.

Mr. Speaker, the significance of FDA's former ruling on Aramite was that for the first time a precedent was set that might make possible the introduction of so-called "safe" quantities of cancer-inciting additives into food.

I brought this to the attention of the Congress on February 21, 1957, when I inserted in the Congressional Record a letter written to me by a noted cancer researcher, Dr. William E. Smith. Dr. Smith has had a brilliant research career and at various times has been on the staffs of the Harvard Medical School, the Rockefeller Institute for Medical Research, the Sloan-Kettering Institute for Cancer Research, and was at one time an associate professor of industrial medicine at New York University. At the present time, he is doing research at the Fairleigh Dickinson University and is secretary of the Cancer Prevention Committee. Dr. Smith is a dedicated scientist, and a courageous man who has not hesitated to tangle with the industries in attacking practises which he has felt might endanger the public health.

It was after several discussions and much correspondence with Dr. Smith that I revised my earlier food additive bill, H. R. 4014, and introduced H. R. 7798, which contains the carcinogen prohibition, and is the only additive bill which does so.

This provision follows the unanimous recommeddation of the International Union Against Cancer at its Symposium in Rome in August, 1956.

The recommendation stated:

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The two following recommendations were also unanimously approved:

1) Food additives should be permitted only if, after long-term administration to at least two species of animals (one preferably a nonprodent), orally and aprenterally, in amounts which must be considerably higher than would be present in food, ~~XX~~ so as to give adequate margin of safety, and, after observation of the animals over their life-time, and through at least two generations in at least one suitable species, they have no toxic effect.

2) Any substance which causes cancer in man or which, when tested under these conditions, is shown conclusively to be a carcinogen at any dosage level, for any species of animal, following administration by any route, should not be considered innocuous for human consumption."

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Mr. Speaker, during the past year the Subcommittee on Health and Science has given a great deal of time and study in considering the food additive bills pending in this Congress.

As I have stated, my bill, H. R. 7798, is the only one which specifically bans the use of carcinogens. The Aramite incident emphasizes the necessity of such a provision.

H. R. 7798 not only follows the recommendations of the International Union Against Cancer, but also conforms with the recommendations of the American Cancer Society.

A letter sent to the Subcommittee on Health and Science on July 22, 1957, by Mr. James S. Adams, Chairman of the Legislative Committee of the American Cancer Society, states as follows:

"We believe that in considering the health problem created by the increasing use of chemical additives in food the adage 'an once of prevention is worth a pound of cure' is particularly applicable.

"We strongly urge that your Committee recommend legislation to the Congress to strengthen the Food and Drug Administration and that this legislation embrace the following principles:

"1) That the proponent of any proposed chemical additive be required to conduct tests which will demonstrate that the additive is safe for human consumption in the manner in which it will be used, and that these tests include one to determine whether the additive may be carcinogenic to experimental animals. The adequacy of these tests should be determined by the Food and Drug Administration.

"2) That permission to use the additive be withheld until its safety has been demonstrated to the satisfaction of the Food and Drug Administration by the proponent.

"3) That no substance shall be approved found to induce cancer in man, or after tests provided in No. 1 above, found to induce cancer in animals."

H. R. 7798 is supported by such authorities as Dr. William C. Hueper, the distinguished head of the Environmental Cancer Section of the National Cancer Institute, who testified before the committee in an unofficial capacity, ~~XXX~~ Dr. Francis E. Ray, Director of the Cancer Research Laboratory of the University of Florida, Dr. Alton ~~XX~~ Ochsner, head of the Ochsner Clinic of New Orleans and a famous cancer surgeon, and Dr. W. Coda Martin, President of the American Academy of Nutrition. It is also supported by a large number of ~~XXX~~ consumer organizations and labor unions, members of which have a direct interest as consumers.

Mr. Speaker, it is appalling to think that one out of every four persons in this country will at some time or another suffer from cancer. While we may not yet completely understand the part that chemical additives play in the cancer picture, enough is known to put us on our guard.

To come back to Aramite, in my last appearance before on the 15th of this month the Health and Science Subcommittee/I stated: "The precedent established by the Aramite decision has opened the door, even if only a little, to the use of carcinogens in our foods. That door should be slammed shut and locked."

It is my firm intention to do everything I possibly can to ~~XXXXX/XXXXX~~ slam the door shut, lock it, and keep it locked. To that purpose, I am studying the pesticide section of the Food, Drug and Cosmetic Act, with the thought of introducing an anti-carcinogen ~~XXXXXXXXX~~ amendment to it. Certainly any food additive bill without a carcinogen prohibition would be inadequate.

The large volume of mail which I continue to receive from people all over the country expresses their concern with the chemical additive problem in general, and the chemical additive problem as related to cancer in particular. They cannot understand why action has been so long delayed.

Surely there is nothing of greater importance to any nation than the health of its people. We have a serious responsibility in this field, and it is urgent that we meet it as soon as possible, and as completely as possible.

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