

U.S. Congress.

UNITED STATES



OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS
SECOND SESSION

VOLUME 116—PART 3

FEBRUARY 9, 1970, TO FEBRUARY 19, 1970
(PAGES 2777 TO 4246)

Smoke and grime still belch over the Midlands, harbors remain foul and many a river stays rancid and algae-covered. Trash dumps and auto graveyards still mark the landscape. The horrible and dangerous coal tipples blight the mining areas. And so on.

But, with the possible exception of oil and tar on the beaches, the situation is getting no worse. That is the appraisal of Lord Kennet, who, as parliamentary secretary of the Ministry of Housing and coordinator of department of programs, is the nearest thing there is to an antipollution boss.

His thesis is that, with rare and usually quickly solved exceptions, there is no contaminating factor in the environment, including noise, that defies a technical solution. All it takes is money.

"Like the diffuse pluralistic beehive that it is," Kennet declares, "the British body politic [is] renewing and adjusting itself to the problem of pollution."

Since the Labor government came to power, it has put through 11 national laws of far-reaching impact on clean air, fisheries, mines, rivers, sewage, medicines, farm chemicals and nuclear installations. It has seen to it that public authorities spend a quarter of a billion dollars a year on sewerage and sewage disposal. It has made industries covered by the Alkali Act spend half that again in the past 10 years on capital expenditures and close to three-quarters of a billion on running costs to keep down pollution. It requires clean exhausts on all trucks (although it has not yet got around to California-style regulations for passenger cars).

The picture that emerges is of a nation armed with many controls against pollution and able to enact most of the rest it needs without the harrowing political struggle that would ensue in the United States. But it faces a wall of economic difficulties.

The obstacles to a clean environment are neither technological nor legal, but simply economic. On whom do you saddle the costs?

You cannot make cement without dust, or steel without fumes. You raise the price of both, whatever the mechanics of the economic arrangements, when you require a catchment of the dust and fumes. If you want milk minus the antibiotics fed to cows, the farmer's efficiency declines and the milk cost rises. If you force the packager to give up tin cans and plastic wrappers, or install equipment to dispose of them, you can do it by subsidizing the industry or paying more for municipal services. Either way, any way, the consumer-tax payer pays in the end.

There is no escaping the imperative: "Pollution control equals short-term economic disadvantage," Kennet points out.

So, unless you want to submit, cursing but helpless, to the offal of industrial progress—or alternatively, revert to a peasant economy—there is no option but to pay up.

The path to a better quality of life, in terms of quiet, cleanliness, beauty and natural amenities, will be painful and rugged and costly indeed, but this nation seems to have set its foot on it.

As a token of intent, the government has authorized the creation of a Royal Commission on Environmental Pollution. It is the first such body created by the present government that is to be permanent, its life and functions continuing indefinitely.

No government, Labor or Tory, likes to let recommendations of a Royal Commission lie around unattended to. Accordingly, the new body has a chance to strike powerful blows in service of a new social objective.

PESTICIDES AND THE FARMWORKER

Mr. MONDALE. Mr. President, the New Yorker magazine of October 11, 1969, contains an article by Berton Roueche that reads like an exciting de-

tective story, but all too unfortunately contains truth, not fiction, about the shocking realities of pesticide poisoning.

The article tells of a young boy who almost died of pesticide poisoning, but was saved only after careful detective work. The author details the advanced threat on the boy's life at the time initial care was sought. A sense of urgency was created because doctors were unable to quickly and positively diagnose the specific illness. Hours elapsed before it was determined that the youngster suffered from chemical poisoning, rather than shigellosis, or dysentery, or diabetes. Then, although the child responded favorably to treatment, shortly after returning home from 1 week hospitalization, he again became ill. The second illness triggered a search to determine the source of the harmful chemical. It was discovered that it was on a pair of the boy's bluejeans. A search was begun for other families that may have purchased bluejeans from a similar lot, and a solution was sought to the important question of how the bluejeans initially got doused with the chemical. The chemical was eventually identified as the organic-phosphate—phosdrin, and by tracing back to manufacturers and shippers, it was discovered that the chemical had apparently spilled in the same truck that was also shipping bluejeans. The chemical was spilled and was absorbed in the bluejeans which were thereafter sold in the normal course of business, without knowledge of their poisonous qualities.

The article describes a daily series of events that too often occurs, though possibly in not so complicated a form.

Organic phosphates are particularly lethal chemical pesticides that are used in huge quantities by our Nation's agricultural industry. Organic phosphates can kill, and can kill quickly. They have practically a one for one chemical similarity with commonly used CBW agents, and they act by depressing the cholinesterase activity of the nervous system. Exposure to organic phosphates can cause nausea, vomiting, convulsions, respiratory paralysis, long-term psychological effects, and death depending upon the degree of exposure.

The general public, and particularly the farmworker, knows very little about these highly potent chemicals. As confirmed in the New Yorker article, even doctors have a difficult time analyzing chemical poisoning and, even upon analysis, medical antidotes are not necessarily effective.

The use of the organic phosphates that are so lethal, and that cause poisoning which is so difficult to diagnose, is indicative of the serious gaps in this Nation's entire effort regarding agricultural chemical research, and occupational health and safety protection.

Practically the only protections that we have against the use of these chemicals are registration and labeling requirements. Yet, registration and labeling do not make pesticides failsafe, and "proper handling" is hypothetical. This is best evidenced by HEW's testimony at hearings of the Migratory Labor Subcommittee, of which I am chairman, that there could possibly be as many as 800 deaths and over 80,000 injuries each year

due to pesticides. Most of these would be the result of organic phosphate poisoning.

Neither does registration and labeling solve the problem of negligence associated with the actual application of the pesticides, or of drift, or of fatalities traceable to illiteracy—farmworkers have an average educational attainment of only 6 years—or of inadequate comprehension of the English language—many agricultural workers speak Spanish.

It is clear that we must act immediately to solve the crisis situation that has developed. As chairman of the Senate Subcommittee on Migratory Labor, I am giving serious consideration to a number of possible legislative remedies.

A comprehensive program, adequately funded, that provides for the ongoing study and research of the effects of pesticides on farmworkers is an important first step.

Passage of strong and enforceable occupational health and safety legislation that must include all agricultural workers is essential.

A program of aggressive prosecution of all pesticide manufacturing violations must be instituted, and recent inadequacies in government enforcement activities revealed by the GAO must be corrected.

It is clear that the Department of Health, Education, and Welfare must be given increased authority to move quickly to ban the use of dangerous pesticides, including those, such as DDT, that have been found to have long-range harmful effects. We should give serious consideration to banning all lethal organic phosphors in favor of less toxic chemicals.

The Public Health Service must be given increased operating funds to monitor and control major areas of commercial agribusiness where pesticides are used.

Increased research funds are necessary to develop effective pesticide poisoning antidotes, and to train doctors to more quickly diagnose pesticide poisoning.

I find it particularly shocking that farmworkers are not even given notice of the use of pesticides, and that records showing the type of pesticide, or the amount and mixture used, or the method of application, are not readily available to the farm worker or the public, notwithstanding the tragic effects on the public's health. This situation also must be corrected.

Mr. President, I ask unanimous consent that the New Yorker article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New Yorker magazine, Oct. 11, 1969]

ANNALS OF MEDICINE—THE DEAD MOSQUITOES

Dr. John P. Conrad, Jr., a senior associate in a suburban pediatric group practice in Fresno, California, excused himself to the mother of the young patient in his consultation room and crossed the hall to take a telephone call in his office. The call was a request from a general practitioner on the other side of town named Robert Lanford to refer a patient to Dr. Conrad for immediate hospitalization and treatment.

That morning—it was now around four o'clock in the afternoon (on October 4, 1961)—an eight-year-old boy whom I'll call Billy Cordoba had been brought to Dr. Lanford's office by his mother. Billy had been sent home sick from school. He was pale, his eyes had a glassy look, and his heart was a little fast. Dr. Lanford had examined him, found nothing significantly out of order, and sent him home to rest. But Billy was now back in his office, and there was no longer any doubt that he was sick. The manifestations of his illness now included a ghostlier pallor, a glassier look, a notably faster heart, rapid and irregular breathing, muscle twitches, diarrhea, nausea, vomiting, and abdominal pain. He was also confused in mind and almost comatose. Something about his inharmonious symphony of symptoms had prompted Dr. Lanford to make a urine-sugar test, and the results were strongly positive, that suggested a frightening possibility. He was afraid that Billy was a hitherto unsuspected diabetic on the brink of diabetic coma. In any event, he said, the boy was in urgent need of sophisticated help. Dr. Conrad agreed. He told Dr. Lanford that he shared his sense of urgency, and that he would arrange at once for Billy's admittance to Valley Children's Hospital.

Mrs. Cordoba drove her son to the hospital. Billy was admitted there at five o'clock. He was put to bed, and a sample of blood was taken for immediate laboratory analysis to confirm or deny the presence of diabetes. That had been ordered by Dr. Conrad when he made the admittance arrangements. When he himself reached the hospital, at a little before six, the results of the blood studies had been noted on Billy's chart. Dr. Conrad read them with a momentary lift of spirit. The relevant values (blood glucose, blood carbon dioxide, blood sodium, blood potassium, blood pH) were close enough to normal to make it comfortably certain that despite the earlier positive urinalysis the boy was not a diabetic. But that was all. Or practically all; the studies did now show a morbid elevation in the white-blood-cell count. Other than that, the studies had no positive diagnostic significance. Dr. Conrad replaced the chart and went into Billy's room to take his first look at his patient. It was anything but reassuring. The boy was clearly sicker than he had been two hours before. Dr. Conrad sat down and began with care the standard physical examination. His findings were even more discordant than those recorded by Dr. Lanford. Billy's pulse was fast, his breathing was fast, his temperature was 100 degrees, his skin was pale and clammy, the pupils of his glassy eyes had shrunk to pinpoints, his face and arms were twitching, he was drooling saliva, and he appeared to be in almost constant abdominal pain. Twice during the short examination the pain was so great that he screamed. He was still confused, still comatose, still nauseated, still diarrhetic. Dr. Conrad finished the examination and sorted out his impressions. They led in two distinctly different directions. One possibility was shigellosis, or bacillary dysentery. The other was chemical poisoning.

"I didn't particularly favor the idea of shigellosis," Dr. Conrad says. "It was simply suggested by some of the clinical evidence—the high white-cell count and the gastrointestinal symptoms. And I didn't favor it at all for very long. A shigella infection produces a rather distinctive kind of damage that can be detected by microscopic examination of a stool specimen. It isn't conclusive, but it's reliable enough to be useful. Well, I asked the laboratory for a report and the answer came back in a matter of minutes. Negative. I wasn't much surprised. Chemical poisoning had always been by far the stronger possibility. The very bizarreness of the symptoms was suggestive of poison. Certain particular symptoms were even more suggestive. Stupor. Abdominal pain. Salivation. But the

real tipoff was those pinpoint pupils. What I had in mind was an insecticide—specifically, one containing an organic phosphate. That isn't as inspired as it may sound. Fresno County is a big agricultural county. It produces everything from cantaloupes to cotton, and it uses tons of highly toxic chemicals. Including organic phosphates. Then Mrs. Cordoba said something that seemed to make my hunch a certainty. I was asking her the usual questions for Billy's personal history, and she remembered a remark that Billy made when he came home sick from school. The Cordobas live on the edge of town, and there are cultivated fields all around the stop where Billy waits for the bus. That morning, Billy said, there was a spray rig working in one of the fields and a spray plane flying back and forth overhead. Organic phosphates can enter the body in various ways, but the commonest route is absorption through the skin. Also, they work very fast. Symptoms can begin with a couple of hours of exposure. And it doesn't take much of the stuff to cause a lot of trouble. The fatal skin dose is only about five drops.

"I was practically certain that Billy had been poisoned by some organic-phosphate insecticide. I was sure enough to start treatment on that assumption. I followed the standard procedure. I ordered intravenous fluids to restore the loss of body fluids through sweating, salivation, and diarrhea, and a regimen of atropine—one milligram injected intramuscularly every two hours. Atropine is a lifesaving drug in organic-phosphate poisoning, because it relieves the threatening symptoms. It doesn't however, get at the source. It doesn't eliminate the poison. The next step in the treatment involves a drug called PAM—pralidoxime chloride. But I couldn't take that step—not until I was absolutely certain. PAM is a little too specific to prescribe on mere suspicion. The definitive test for organic-phosphate poisoning is a blood test that measures the levels in the plasma and the red cells of an enzyme called cholinesterase. Cholinesterase is a kind of neutral moderator. Its presence controls the accumulation of an ester that governs the transmission of impulses of the parasympathetic nervous system. Organic phosphates destroy cholinesterase, and the destruction of cholinesterase allows an excessive accumulation of the ester. The result is a powerful overstimulation of the parasympathetic nerves. The cholinesterase test is too elaborate for the average small hospital laboratory. The only laboratory equipped to do that kind of thing here is in the Poison Control Center at Fresno Community Hospital, down in the center of town. I drew a sample of blood and rounded up a messenger and got on the telephone to Dr. Bocian—Dr. J. J. Bocian, the director there. That was around seven o'clock. Dr. Bocian called me back around eight-thirty. He had the results of the test. Billy's plasma cholinesterase level was only forty per cent of normal, and his red-cell level was a scant seventeen. His illness was definitely organic-phosphate poisoning.

"It was gratifying to know that I'd made a good guess. And that I'd been able to make it in time. But the really gratifying thing was Billy's response to atropine. By the time I had Dr. Bocian's definite diagnosis, Billy was just as definitely out of danger. His vital signs were all good. Moreover, he was beginning to look more alert. His pupils were coming back to normal size. And he wasn't salivating the way he had been. I was so satisfied that I decide to hold off on PAM. Atropine would continue to counteract the potentially dangerous neuromuscular symptoms, and time would do the rest. It would gradually bring the cholinesterase levels back to normal. I stayed at the hospital until about ten o'clock, and went home feeling pretty good. I had diagnosed the nature of Billy's illness, and he was responding well to treatment. And I thought I knew just how his illness had come about.

"But I was wrong about that. It wasn't the spray rig or the spray plane at the bus stop. It couldn't have been either of them. Mrs. Cordoba or her husband or somebody made some inquiries. Those rigs weren't spraying an organic phosphate. Or any kind of insecticide. The fields they were working were cotton fields, and they were spraying a defoliant to strip the plants for mechanical picking. But I wasn't mistaken about Billy. He continued to do just fine. I kept him on atropine and intravenous fluids for a total of forty-eight hours. His symptoms all subsided and his serum cholinesterase levels began to improve. At the end of the second hospital day, he showed a plasma level of forty-two per cent of normal and a red-cell level of almost thirty-two. By the sixth day, the plasma level had risen to ninety-two per cent of normal. The red-cell concentration is always slower to recover. It requires the formation of new cells. But it was up to forty per cent. There was no reason to keep him in the hospital any longer. I could follow him the rest of the way as an out-patient. So I ordered his discharge."

Billy was discharged from Valley Children's Hospital to convalesce at home on October 9th. That was a Monday. He remained at home, sleeping and eating and resting, until the following Monday, October 16th. That afternoon, by prearrangement, Mrs. Cordoba drove him back across town to Dr. Conrad's office for what was expected to be a final physical examination and dismissal. Their appointment was for four o'clock, and they were on time.

"Billy looked fine," Dr. Conrad says. "And he was fine. Blood count, blood pressure, chest, pupils—everything was completely normal. So that was the happy ending of that. I walked Billy and his mother out to the waiting room and said goodbye and went back to my office and closed the case and rang for my next patient. I saw that patient and then the next and then the receptionist called. She sounded almost frightened. Mrs. Cordoba was in the waiting room and she was practically hysterical. Billy was sick again. He was out in the car—too sick to even walk.

"It was true. I found Mrs. Cordoba and we went out to the car, and there he was, and he looked terrible. He looked shocky. His skin was cold and clammy with sweat, and he was salivating and breathing very fast, and he didn't seem to be able to move his legs. I didn't even go back in the building to say I was leaving. I just slid in beside Billy and told Mrs. Cordoba to head for the hospital. The hospital was only a block up the street, but, on the way she told me what had happened. There wasn't much to tell. They had started home from my office, and they were almost there when all of a sudden Billy said he was sick. That was all she knew. She had turned around and driven right back to see me. But it was perfectly plain that this was the same thing all over again. Only worse—much worse. Dr. Bocian confirmed it later on in the evening. The serum cholinesterase levels were very low. The plasma level was down to twenty-seven per cent of normal, and the red-cell level was only twenty. I got Billy started on atropine and intravenous fluids, but he didn't respond as he had before. Two hours after I got him into the hospital, he was seized with severe abdominal cramps and began to vomit. Then he developed diarrhea. It was time for PAM. I ordered an intravenous injection of five hundred milligrams. The next three hours were a little anxious, but then he began to improve. And the next morning he was very much better. He had had another five hundred milligrams of PAM, and his cholinesterase levels were up enough to show that he was improving.

"That gave me a chance to think. Organic-phosphate poisoning is not a notifiable disease in California, so there had been no reason for me to report Billy's case to the Fresno County Public Health Department, but now I

thought perhaps I should. I thought I had a lead that they might want to follow up. The lead was this: For a week at home, Billy had been as good as well. Then he got up and drove over here to my office, and less than an hour later he was critically ill again with organic-phosphate poisoning. I'm not an epidemiologist, but it seemed to me that the probable source of his exposure wasn't far to look for. It almost had to be either something in the family car or something he was wearing. When I got to my office on Wednesday morning, I called the Health Department and talked to Mary Hayes. Dr. Hayes has since left the Department but she was then the acting health officer, and she was very interested in my story. She said she would have somebody look into it. She called me back on Friday afternoon. They had the answer—or part of it, anyway. The source was Billy's clothes—his blue jeans. They were brand-new blue jeans that his mother had bought at a salvage store, and he had worn them only twice. He had worn them to school on the morning of October 4th and to my office on the afternoon of October 16th. The Department had had the jeans tested and had found them contaminated with some form of organic phosphate.

"By that time, of course, Billy was recovering very nicely, and I could relax and begin to think about him as a case. It fascinated me. I'd never had a more dramatic experience in all my years of practice. Well, I'm on the staff at Fresno General Hospital and I make teaching rounds there on Monday, Wednesday, and Friday mornings, and I was so fascinated by Billy and his poisoned blue jeans that I told the internes and residents about them on my next rounds. That was on Monday—Monday, October 23rd. The next day, I got a call from one of the residents, a doctor named Merritt C. Warren. He had a new patient on his service—an eight-year-old boy. We can call him Johnny Morales. Johnny had become sick at school that morning and had been admitted to the hospital by his family physician around noon. His initial symptoms were sweating, dizziness, and vomiting. He reached the hospital in a stumbling, mindless stupor. His pulse was fast, his respiration was weak and shallow, his face was contorted by muscular twitches, and the pupils of his eyes were contracted to pinpoints. He also had abdominal cramps. The family physician had tentatively diagnosed Johnny's trouble as acute rheumatic fever. Dr. Warren thought differently. He said he thought it was another case of poisoned pants. That was the way he put it. I thought he was probably right. And he was. Dr. Bocian confirmed it by a serum cholinesterase test a couple of hours later."

The inquiry by the Fresno County Public Health Department into the case of Billy Cordoba was conducted by an investigator in the Division of Environmental Health named R. E. Bergstrom. Mr. Bergstrom, who was then senior sanitarian in the Division (he is now its director), received the assignment within an hour of Dr. Conrad's report to Dr. Hayes on the morning of October 18th. He and a colleague named Tiyo Yamaguchi were at the Cordoba house within an hour.

"We spent the rest of the day out there," Mr. Bergstrom says. "There and around the neighborhood. Mrs. Cordoba told us about the spraying operation near the bus stop. We followed that up and confirmed what she had learned herself. It was a standard cotton-defoliation spray—magnesium chloride and dinitro. We went through the Cordoba house and the garage out back looking for anything in the way of a garden spray or insect bomb that might include an organic phosphate. Nothing. We examined the family car. Nothing. That left Billy's clothes, and Mrs. Cordoba showed us his blue jeans. She told us about them. They had been bought new about a month before at the salvage depot of the Valley Motor Lines.

They were cheap, and she bought five pairs. But Billy had worn only one pair. And he had worn them only twice—to school that day and then to Dr. Conrad's office. I looked at Yamaguchi and he looked at me. We knew we had found what we were looking for. It had only to be proved. We wrapped up the jeans—all five pairs—for laboratory analysis. The Bureau of Vector Control of the California State Department of Public Health has a research station here, and we took the jeans over there the next morning. The first thing we wanted to know was whether they were contaminated. The Bureau had a quick and easy test for that. They breed mosquitoes at the station for experimental purposes, and they simply tossed the worn pair of jeans in with one of the colonies. I tell you, it was a sight to see. Those mosquitoes just curled up and died. It took only fifteen minutes. At the end of that time, every mosquito in the colony was dead. Not only that. There was another breeding colony about twenty feet away, and in about five more minutes all *those* mosquitoes were dead, too. The poison was that volatile.

"The next thing we wanted to know was the identity of the poison. We thought it was an organic phosphate, but was it? There is a color-reaction test that reveals the presence of phosphate. It takes a little longer than the mosquito test, but the Bureau had the chemistry to do it. We left the jeans with them to work on, and drove back into town and down to the office of the Valley Motor Lines. It wasn't a very satisfactory visit. About all we learned was that there had been a sale of blue pants at their salvage depot in September, and that all the jeans had been sold. They supposed the jeans had been damaged, but they didn't know in what way. They didn't know where the jeans had come from. They didn't know the number of jeans in the batch. All company records were stored at their main office, in Montebello, down in Los Angeles County. And, of course, they had no idea who had bought the jeans at the sale. We left them with the understanding that they would recover the relevant records. When we got back to the office, I called our friends at the Bureau of Vector Control. They were a lot more helpful. They had run the color-reaction test, and they had the result. It was positive for phosphate.

"That wasn't any great surprise, of course, but it was crucial. It established that Billy's blue jeans were in fact the source of his phosphate poisoning. All we needed to establish now was the source of the poison. And not just where it came from but also what it was. There are at least twenty-five commercial phosphate pesticides in common use. Like Parathion, for example. And Malathion. And Fenthion and Phosdrin and Diazinon and Dicapthan and Trithion and TEPP. And so on. So it might be easier to find out where it come from if we knew what particular phosphate pesticide we were looking for. Well, that kind of information can be got. It takes a little time, but it's possible by certain tests to identify an unknown phosphate pesticide. The Bureau couldn't do the analysis, but they knew who could—the Division of Chemistry of the California State Department of Agriculture, up in Sacramento. They said they would make the necessary arrangements. We should have a report in a week or ten days. The following day, we looked in at the Valley Motor Lines again. They still hadn't recovered the blue-jeans records. And the day after that it was the same. Apparently, it wasn't easy to get records out of Montebello. And then we heard about Johnny Morales. Dr. Conrad must have telephoned the news to Dr. Hayes. At any rate, we had the simple facts by the morning of October 25th. We went over to the hospital—it's just across the street—and talked to Dr. Warren and to Mrs. Morales,

and finally to Johnny himself. Johnny was still pitifully sick, but he had been treated in time with atropine and PAM, and he was off the critical list. His story was Billy Cordoba's story all over again. There was a new pair of blue jeans. They came, like Billy's from the Valley Motor Lines' salvage depot. They carried the J. C. Penney label. So did Billy's. And, as we very soon found out, they were also heavily contaminated with an organic phosphate. Johnny had worn the jeans for the first time on October 20th. He wore them to school that day and got sick around midmorning and was sent home. His mother put him to bed, and in a few days he was well. Then he put on his jeans again and went back to school, and ended up at Fresno General Hospital.

"Johnny's new jeans brought the total accounted for up to six. Mrs. Morales had bought only one pair. We still didn't know how many jeans had been sold in the sale, but it was certain that there were more than that. Dr. Hayes got in touch with all the local media. She called in the *Bee* and radio station KMJ and KMJ-TV, and it was all in the paper and on the air that evening, with a warning about the still unaccounted-for jeans and an appeal to the buyers to bring them in to the County Health Department for examination. The response was immediate, and good. As a matter of fact—although we didn't know it for a couple of weeks or more—it was one hundred per cent. We received a total of ten pairs of J.C. Penney jeans from six different buyers. They represented five families and an institution for children. We checked them out for recent illness and found four cases with much the same clinical picture. Four boys, in four of the five families. They were all recovered now, and they had all been differently diagnosed. Brain tumor was one diagnosis. Another was bulbar polio. One of the others was encephalitis. In retrospect, however, the signs and symptoms were unmistakably those of organic-phosphate poisoning, and when their jeans were tested, that confirmed it. But it was also a little peculiar. Not because they all recovered without specific treatment. That could be explained by light contamination or brief exposure, or both. The peculiar thing was that only those four got sick. What about the fifth family and the institution? They had each bought two pairs of jeans, and the jeans had been worn, but none of the boys who wore them had been even mildly ill. As I say, it seemed a little peculiar—until it turned out that those jeans were not contaminated. And the reason they were not contaminated was that they had been washed. And the reason nobody got sick was that they had been washed before they were worn. Billy and Johnny and the four other boys had worn their jeans the way most kids do. Just as they came from the store."

The transformation of Billy Cordoba's solitary seizure of organic-phosphate poisoning into a looming epidemic also changed the stature of the investigation. It was now imperative that the records of the Fresno blue-jeans sale be recovered from the Montebello office of the Valley Motor Lines, but doing so appeared to be beyond the strength of the Fresno County Public Health Department. Its exhortations did not carry across the state and into Los Angeles County. What was needed was the stronger voice of the California Department of Public Health. Accordingly, on October 26th Dr. Hayes invited that agency to take over the direction of the larger investigation, and her invitation was accepted. It was, however, immediately obvious to the Department of Public Health that in this instance the interrogational powers of a more specialized state agency would be even more compelling. That agency, whose assistance it sought and at once received, was the Public Utilities Commission,

which at that time was charged with enforcing motor-carrier safety regulations.

The Public Utilities Commission's investigation was carried out by members of its Operations and Safety Section. They began their inquiry on October 27th. Six days later—on Thursday, November 2nd—they were pleased to receive from the Division of Chemistry of the Department of Agriculture (by the way of the Bureau of Vector Control of the Department of Public Health) the ultimate test reports on Billy Cordoba's blue jeans. It read, "The stained portion of the jeans contained Phosdrin, 4.8% by weight. The contaminant was specifically identified as Phosdrin by its characteristic infra-red absorption curve. . . ." This was useful information. They now were looking for a particular pesticide. That would make a difference in their progress through the labyrinth of bills of lading, manifests, and invoices. It remained only to link the contaminated J. C. Penney jeans in time and place with a quantity of Phosdrin.

They did so in just two weeks. The chain of circumstances that led to the poisoning of Billy Cordoba and the others had its innocent beginning some eight months before at Bayly Manufacturing Company, in the nearby town of Sanger. On February 3, 1961, a shipment of Bayly blue jeans—two large bales and a carton—consigned to a J. C. Penney store in Los Angeles was picked up at the Bayly plant by the Triangle Transfer Company, a Sanger trucking firm, and taken to the Fresno terminal of the Valley Motor Lines for transshipment south. Within an hour or two of its arrival in Fresno, the shipment was loaded aboard a Valley Lines trailer with a conglomeration of other freight. This freight consisted of machinery, machine parts, metal pumps, and a hundred and twenty gallons of emulsifiable concentrate of Phosdrin, in one-gallon and five-gallon cans. The Phosdrin was the product of De Pester Western, Inc., a Fresno manufacturer, and was consigned to the Valley Chemical Company, at El Centro, down on the Mexican border.

The Valley Lines trailer left Fresno the following morning with the miscellaneous load, and that evening it reached the company terminal at Montebello, where the Phosdrin was unloaded for transshipment. Two days later, on February 6th, it was put on board a truck operated by the Imperial Truck Lines, a Los Angeles firm, for the final leg of its journey. The Imperial driver made the usual precautionary inspection of his load before signing the delivery receipt, and found that one of the Phosdrin cans had sprung a leak. He traced the leak to a little puncture about three inches below the top of a five-gallon can. After some discussion, he signed the delivery receipt, but noted a formal exception to the shipment on the ground that around a gallon of Phosdrin concentrate had been lost from the punctured can. (How the puncture occurred was never determined, but the loss was estimated in a subsequent claim by the Valley Chemical Company at one and one-eighth gallons, valued at twenty-four dollars and fifty cents.)

Meanwhile, the shipment of blue jeans was delivered that same day by the original Valley Lines trailer to a J. C. Penney store in the Los Angeles suburb of Westchester. A shipping clerk there noticed a dark stain on the paper wrapping of one of the bales of jeans. He asked the driver about it, but the driver didn't know. He had never seen it before. The clerk went in and brought out the manager, and the manager told the Valley Lines driver that a damage claim would be filed if any of the jeans turned out to be soiled. Sixteen pairs of jeans were found to be stained with some unknown oily substance, and a claim for damages was filed on February 8th. The claim was acknowledged by the Valley Motor Lines, and the sixteen pairs of jeans

were stored in the J. C. Penney warehouse for pickup by the Valley Lines. They remained there all spring and all summer—until September 6th. Then they were finally picked up and returned to Fresno. On September 19th, they were put on cut-rate sale at the company's salvage-depot store. The jeans by then apparently looked all right. They might also by then have been as safe as they looked. It is possible. Seven months of storage in a warehouse subject to swings of heat and cold and damp and dry might well have caused much of the Phosdrin to volatilize and vanish. But the J. C. Penney warehouse was a new and modern warehouse. It was air-conditioned.

The Public Utilities Commission's report of these findings to the State Department of Public Health ended on a reassuring note. It concluded, "The staff's investigation of the personnel records and waybills of the two carriers involved failed to disclose any evidence of employee illnesses on the days in question or subsequent thereto, and failed to disclose any evidence that foodstuffs or other personal effects, including clothing, had been contaminated."

The Commission's report was not, however, the end of its interest in the matter. It at once instituted an investigation into the general operations, safety practices, equipment, and facilities of the Valley Motor Lines and the Imperial Truck Lines, and on February 14, 1962, a public hearing on the results of that investigation was held at Fresno. Both companies were found guilty of carelessness, and admonished and fined. The Valley Lines was fined five thousand dollars—the maximum penalty—and the Imperial Lines was fined twenty-five hundred dollars.

A DEMOCRATIC PARTY STATE OF THE UNION PROGRAM

Mr. SCOTT. Mr. President, I was privileged to hear the state of the Union program put on yesterday by our friends in the Democratic Party. And I was proud of them, for, though Democrats, most of the points they made had a distinctly Republican flavor. We heard them talking, for instance, about the high cost of living and high interest rates—all brought about by 8 years of Democratic mismanagement.

We heard them talk about the high cost of defense, which went up and up and up under the costly cost-effective programs of Robert McNamara, and which is coming down under a Republican President and a Republican Secretary of Defense. We heard them talk about pollution, virtually ignored under 8 years of Democratic administration, but one of President Nixon's highest priorities. We heard them talk about the poor and the hungry. I recall their talking about the poor and the hungry also in 1960 and 1964 and 1968. I do not recall that their trickle-down, topheavy programs worked very well. We have had much talk in the last 8 years and a lot of money spent on wasteful and ineffective programs. Now a Republican President is working on new approaches and sensible programs, I am looking forward to seeing how well a Democrat-controlled Congress cooperates.

We heard them talk about crime in the streets, but it is the mollycoddling of criminals by law enforcement officials that is at least partly responsible for the rise in violent crime, and it is the Democrats' failure to pass President Nixon's crime package that has hampered the

war against crime in the last year. And we heard them complain about the President's refusal to spend money on poorly planned, porkbarrel education programs that snowballed without reason in the 1960's. But they did not point out that \$40 billion in tax moneys and another \$16 billion in nontax moneys is spent on education in these United States annually.

Finally, we heard them talk about how they are acting responsibly in the field of Federal spending. I congratulate them on that. It is about time. The horse is nearly out of the barn.

But I must admit that the program was a bit confusing overall. Our Democratic friends seem unable to separate the problems of the city from the county, the county from the State, and the State from the Federal Government. Nor are they able to separate the ineffectiveness and lack of vision of yesterday's Democrat administrations and Democrat Congresses from the concerns and programs of today's Republican administration and Republican Members of Congress.

Their state of the Union message, in sum, is an itemization of their own failures and the inadequacies of their own answers.

Confession, apparently, is good for the soul of the entire Democratic Party.

Mr. President, this is the first time a petition in bankruptcy was ever filed in living color.

NOMINATION OF JUDGE CARSWELL

Mr. MONDALE. Mr. President, on January 30, I announced my opposition to Judge Carswell's nomination. Any remaining doubts I might have had about my inability to vote for Judge Carswell would have been dispelled by testimony in the last few days of the Judiciary Committee hearings on the nomination.

The evidence that civil rights litigants repeatedly were denied a fair hearing in Judge Carswell's court has already received wide attention. The distinguished Senator from Massachusetts (Mr. KENNEDY) has placed some of this testimony in the Record. These facts are there and speak loudly for themselves.

The testimony to which I refer confirms the second main defect of this nomination: the nominee's utter lack of distinction—as a lawyer or judge. An appointee to the Supreme Court must be a man of significant stature at the bar or bench. Judge Carswell is not.

His proponents cannot confuse the issue. It is not a matter of scholastic pedigree. Nor are voluminous scholarly writings a prerequisite. The history of the Court and its great Judges makes this clear. The question is simply this: Has Judge Carswell, whom a distinguished student of the Supreme Court found the least qualified nominee in this century, demonstrated one iota of distinction beyond the ordinary? Has Judge Carswell shown any measure of outstanding legal ability or judicial temperament worthy of the Supreme Court. Sadly, he has not.

Most telling of all, perhaps, was the testimony of a distinguished professor of constitutional law who not only supported Judge Haynsworth but who testified on Judge Haynsworth's behalf. He