

Interview with Dr. Max Eisenberg, Friday May 11, 2007

Aaron Whitcomb and I met with Dr. Eisenberg at his office in Linthicum. Dr. Eisenberg decline to let us tape our interview.

Dr. Max Eisenberg
Assistant to the Director
Environmental Health Administration

Dr. Eisenberg informed us that the Kepone Task Force was created to deal with Kepone and the potential environmental and economic hazards it could cause the Bay and other waterways. He told us one of the main problems was that no standards to measure Kepone were available. The Maryland Task Force coordinated their studies with that of Virginia and the Food and Drug Administration to established standards. Dr. Eisenberg reiterated the focus of the study was Kepone and not Arsenic. Swann Park was not really an issue.

Dr. Eisenberg stated that the task force generated its own information, i.e. different members of the task force did their own testing. According to Dr. Eisenberg, Allied was cooperative but he does not recall seeing any numbers or information from Allied. Dr. Eisenberg emphasized that the main focus was Hopewell Va. (the James river area) where the Kepone was manufactured. The product was then shipped to Baltimore to be refined and packaged. He stated that when they tested the plant in South Baltimore they were not surprised to find levels of Kepone. Once the Kepone was found the park was closed as a "conservative step". He did state that at the time there was no good way to test for Kepone. He does not recall any subsequent monitoring of the site.

Dr. Eisenberg stated that the problem's solution required the participation of the Federal (EPA & FDA) and State governments. He again stated that Swann Park and Arsenic were not key issues to the task force.

Dr. Eisenberg informed us then when an acceptable way to set Kepone standards in fish was developed the problem cease to exit.

Dr. Max Eisenberg
1099 Winterson Rd., Suite 280
Linthicum, Maryland 21090-226
410-684-3777

SPI4

Stephen G. Wright interviewing Dr. Oneil Banks, Kepone Task Force.

Q. Dr. Banks can I have your name and again your position at the time?

A. I'm Dr. Oneil Banks and in 1975 I was Executive Assistant Commissioner for Technical Services and Maryland Occupational Safety and Health in the Division of Labor and Industry heading the Maryland Industrial Hygiene Program.

Q. And you are familiar with the Kepone Task Force?

A. I was a member yes.

Q. Can you tell me a little bit about the Kepone Task Force?

A. After the Kepone hit the press from Hopewell, VA and at the time that I came to Maryland there was a good deal of concern about possible hazards since the Kepone from Hopewell came to the Allied Chemical Plant in Baltimore to be re-processed and the intention was that it would then be sold as a pesticide.

Q. Okay, and as part of that task force, you made a study of the Kepone problem at that area?

A. Yes, essentially I've been to Hopewell for the Congressional Hearings there on the Kepone. Then we looked at the Kepone situation in Baltimore. The Kepone Task Force was formed with representatives from those agencies concerned and reached decisions and monitored the situation with respect to Kepone until it was all removed from the United States.

Q. Okay, the decisions that the Task Force made were based on information gleaned from what sources?

A. Various members of the Task Force. The Department of Natural Resources would have been the ones who sampled the water in the Inner Harbor and the Bay. The Dept. of Health and Mental Hygiene would have done sampling of soil, perhaps air in the area. Allied Chemical of course would have supplied data that they had soil samples, air samples and the like.

Q. Okay, do you recall the data from Allied?

A. After this length of time, no I do not.

Q. Do you recall, if you remember any numbers? If they were out of the ordinary you think you would have remembered?

A. The Kepone levels- essentially we did not find any Kepone contamination.

- Q. Now there has also been a question raised on Arsenic, can you tell me about the arsenic studies or research?
- A. After the Kepone Task Force found no contamination from Kepone, the representative from the Environmental Protection Agency, raised the question of whether there was any Arsenic contamination present in the water of the Inner Harbor or the Chesapeake Bay because Allied had previously also worked with Arsenic at that location. At this point and time I had mentioned that Arsenic was a required nutrient for shrimp and crabs, the EPA representative was highly indignant said that this was, this could not possibly be true. However, the representative from Natural Resources had assured the Committee that it was indeed true that without Arsenic in the Bay we would have no crabs. The EPA was then quiet from then on about this and I believe that later there was some mention of Arsenic levels in the soil and in the Swan Park area. These Arsenic levels that I'm aware of would have been sufficiently low that unless a person ate a couple pounds of the soil everyday there would have been no toxic hazard. However, Allied Chemical had volunteered that they would remove the top layer of contaminated soil, install a clay cap, replace it with fresh top soil and sod it or seed it, so that the park could once more be re-opened.
- Q. Based on the afore mentioned levels of Arsenic found, this scraping away of a couple of inches and sodding and re-seeding the Task Force agreed that that was acceptable?
- A. Yes, it was more than should have been necessary and a very generous offer from Allied to take care of it.
- Q. And again, you're not sure whether you saw any records from Allied or not?
- A. No, anything that we had and I probably after each meeting with the Task Force, brought several pages of information back which went into the files and who no whatever happened to them.
- Q. That was my next question, do you know where the files are?
- A. No.
- Q. What was the City's involvement in this Kepone Task Force?
- A. Definitely representatives from the City, I believe a representative named Frank Hoot, and he was either the Chairman or one of the top people in the Kepone Task Force.
- Q. I know there was a Don Noren.

Q. (Aaron speaking) It looks like he was the Chairman of the Task Force. Dr. Banks when the Task Force agreed to recommendations of taking off the top layer of dirt and putting a clay cap on top of Swan Park and then putting more dirt top soil either seeded or sodded, were there any more recommendations made to come back in the future to test the site and see if the levels-----?

A. No, essentially the Kepone Task Force was dissolved after the Kepone was all gone. Kepone was all we had any authorization to be concerned about the question of Arsenic was purely peripheral and its quite possible that individual agencies that had been represented on the Kepone Task Force might have continued to monitor it, but not as part of the Task Force.

Q. (Stephen again) and the basic responsibility for this was the Maryland State and Environmental Protection Agency, did they oversee the Task Force or study?

A. It would have been the State Department of Health and Mental Hygiene. I believe at that point and time, it was before it was split into two departments and they were the ones responsible for the State and Environmental Protect.

Q. Again, the State ran test as far as the Kepone went, that was negative?

A. Right.

Q. There was a test on the Arsenic and you determined that that was acceptable levels?

A. Right.

Q. Okay, this was based on the Task Force testing and possibly numbers supplied by Allied?

A. Right.

Q. Okay, but again you don't necessarily remember any information supplied by Allied?

A. We were not really concerned about arsenic.

Q. Right, your basic thing was Kepone and this was the main thing.

Q. (Aaron) Dr. Banks, one more question I have. Could you explain to me what Kepone is and your knowledge of Kepone?

A. Kepone was a new pesticide that Allied Chemical researched and had developed in Virginia. They needed to get material made up to do some initial marketing on it. Two of the Chemists from Allied in Virginia rented an abandoned filling

station, made a contract with Allied that they would make the Kepone for Allied, did so under terrible conditions without industrial hygiene supervision. Shipped the crude Kepone that they manufactured to Allied in Baltimore where it was then under care of experience people including competent Industrial Hygienist so we never had a problem in Maryland.

Q. Kepone was used as a pesticide for?

A. I do not know.

Q. (Stephen) Did you happen to keep any reports or notes personally?

A. No, whatever I had would have been given to my Secretary in Maryland Occupational Safety & Health, it would have been filed. The next morning I might have asked for the Kepone file, but I left there in 1980 and I don't know after that.

Q. There is a list of people on the Kepone Task Force and just for our general information, do you know where----- there are a few I think are deceased, but do you know possibly the addresses or locations of any of the others?

A. I don't know. I have not seen any of these people in ----- I guess I saw Max Eisenberg maybe 15 – 20 years ago, but that's the most recent, I do not know what may have happened to any of these persons.

Q. Ernie do you have any questions. (Aaron) The only other thing ----- (the end) because the battery died.

SGW/AAW/irs

CONFIDENTIAL