

CC: Members - House
Committee on Banking
and Currency

Wilmington, Delaware
March 15, 1973

Honorable Lawrence G. Williams
House of Representatives
Washington, DC 20515

Dear Mr. Williams:

The purpose of this letter is to express our endorsement and support of the proposed amendments to the Lead-Based Paint Poisoning Prevention Act (Public Law 91-695) as represented by H.R. 3743 which you introduced February 5, 1973. We understand that the bill will be scheduled for consideration by the House Committee on Banking and Currency and consequently, we have sent copies of the letter to members of that Committee.

Proposed Section 301(b), requiring research on paint films to determine a "safe" level of lead in residential paint products, parallels a concept that the Du Pont Company, a major supplier of residential paints, has urged in the past as part of a reasoned approach to lead control. We believe that such research, conducted by the Secretary of Health, Education and Welfare in an objective, responsible manner will yield results acceptable to all parties concerned--the consuming public, the medical profession and the paint industry. If the proposed amendment is adopted, Du Pont will offer its analytical expertise in the coatings field for the Secretary's use, should he desire to use it.

Regardless of where or by whom the research is conducted knowledgeable people recognize that definitive information on "safe" lead levels must be developed rapidly (1) in the interest of public health and safety, (2) to allow units of local government to develop rational programs for the removal of hazardous coatings and (3) to allow the consumer to continue to obtain useful coatings at reasonable prices. Your proposal offers such an opportunity.

Proposed Section 501(3) changing the definition of "lead-based paint" to mean "any paint containing more than five-tenths of 1 per centum lead by weight . . .," recognizes the reality of controls on lead-containing consumer paints already in existence in regulations issued by the Food and Drug Administration under the Federal Hazardous Substances Act (Public Law 86-613). We strongly support your efforts to obtain consistency in statutory and regulatory definitions.

It is our impression that the revised definition has the potential to increase demands for Federal monies that may be granted under Title II of the Act. In the period 1955-1971, the paint industry operated under the voluntary American National Standards Institute specification Z66.1, a standard which specified a 1% maximum lead content in paints suitable for use on "chewable" surfaces. Therefore, if the proposed Section 501(3) definition is applied to Title II, many residential finishes of modern vintage would appear to be eligible for removal under local control programs proscribing 0.5% products. We do not believe that it is your intent to encourage units of local government to require that paint be stripped from surfaces of housing unnecessarily, in

order to qualify for Title II funds. In addition, the proposed research program to determine safe lead levels, may indicate that coatings of recent origin are, in fact, safe and should not be removed. Accordingly, we suggest that H.R. 3743 be amended to authorize Federal regulatory officials to (1) designate a lead content in existing coatings, above which removal may be required under present Section 201(a)(2) of the Act and (2) that the designated level shall be congruous with results obtained in the research program conducted under the provisions of proposed Section 301(b).

We wholeheartedly support proposed Section 504 dealing with effect upon state law. We submit that the proliferation of inconsistent and incompatible lead controls by local units of government in the last year, is and will continue to be an undue burden on commerce. For the common good, this is best eliminated by exercising the preemptive power of the Federal government.

Cordially,

R. E. Heckert
Vice-President & General Manager

REH:mlb