



Lead Industries Association, Inc. ■ Zinc Institute, Inc.

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Philip E. Robinson
Executive Vice President

December 5, 1973

SUBJECT: LEAD IN GASOLINE
REGULATIONS

TO: Members of Lead Industries Association, Inc.

On Wednesday, November 28, 1973, the Environmental Protection Agency announced "final regulations to protect public health by reducing the amount of lead in all grades of gasoline."

The restrictions on lead content of gasoline will move from 1.7 grams per gallon by January 1, 1975 down to 0.5 grams per gallon by January 1, 1979.

On the day of the announcement, the Lead Industries Association wrote Russell E. Train, EPA Administrator, protesting the issuance of these regulations, citing the lack of evidence of adverse health effects from lead in gasoline, and noting EPA's own statement that the regulations would result in a penalty of at least 100 million barrels of oil annually. A copy of this letter is enclosed.

Your association has long taken the position, documented by many studies, that lead emissions do not pose a health hazard to the general public. EPA significantly revised its health document prior to - and as a support for - the new regulations. Yet, our study of the material convinces us once again that EPA has not been able to establish a health justification for restricting lead content in gasoline.

Because of the modifications in the documentation as well as the changes in the allowable content of lead in gasoline, LIA has urged the Administrator of EPA to provide a reasonable period for public comment on all aspects of the regulations.

To Members of LIA

-2-

December 5, 1973

We intend to send copies of the LIA letter to Mr. Train to members of Senate Environmental Subcommittee together with a summary report on the history of lead in gasoline regulations which was presented to Mr. Train shortly after he became EPA Administrator.

In the event you wish to make further distribution of the letter and the summary report, please let us know how many copies you desire.

Cordially,



PER:so'h
Att:

**Lead Industries Association, Inc.**

232 Madison Avenue • New York, N. Y. 10017 • Telephone: (212) 679-6000

November 28, 1973

Mr. Russell E. Train
Administrator
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Dear Mr. Train:

On behalf of the Lead Industries Association, Inc., I wish to formally protest the unnecessary and wasteful final regulations announced by the Environmental Protection Agency this afternoon for the reduction of the lead content in gasoline. We are also extremely disturbed that no opportunity is to be provided for the general public and non-governmental experts to comment on the health basis, costs and energy penalty of these regulations. Because the regulations are, in our opinion, sufficiently different from those proposed by the EPA in February 1972 and again in January 1973, we feel it is unjust and improper to prohibit comments on this important issue that can have a major detrimental impact on the general public and affected industries.

There continues to be no health basis for requiring the restrictions for lead in gasoline. Despite numerous revisions of its health document on lead, the EPA has not been able to establish scientifically that restrictions of the lead content in gas will reduce the incidence of lead poisoning or that continued use of lead additives will result in a deterioration of the environment with subsequent adverse health effects on the general public.

In view of the serious energy crisis facing the country today, we question the wisdom of a measure that will result in a serious wastage of valuable and scarce crude oil. EPA's own studies predict a minimum wastage of well over 100 million barrels annually. Estimates from responsible sources outside EPA and government predict a more alarming drain on our critical energy resources from the implementation of the regulations. It is difficult to understand how such an enormous energy wasting measure can be countenanced at this time, especially inasmuch as no commensurate public health benefit has been established.

We urge you therefore to undertake a thorough reevaluation of the decision announced this afternoon and, as a first step, provide for a reasonable time period in which the public may be permitted to comment on all aspects of the regulations. In view of the admitted complexity of this issue and its potential social and economic cost without compensatory health benefit, we believe such a reevaluation to be entirely justified and necessary.

Sincerely,

Philip E. Robinson
Executive Vice President

PER: add

International Lead Zinc Research Organization, Inc.
Lead Industries Association, Inc.

EPA Lead in Gasoline Regulations

The following review and recommendations on the above subject are respectfully submitted to the Administrator of the U. S. Environmental Protection Agency.

I. History

Since the introduction of tetraethyllead as an antiknock additive in 1923, the possible effects of the production and use of lead alkyl antiknock compounds on health have been continuously and exhaustively studied. It is probably justified to conclude that more data exist on the health effects, or lack of them, of lead than on any other environmental constituent at issue. These data have been reviewed and discussed by numerous scientific bodies and at conferences and symposia over the years. The most recent of these in Amsterdam, in 1972, and in Raleigh, this week, were cosponsored by EPA. The possible hazard posed by lead in the environment has been the subject of discussion, but one fact remains. This fact was stated in 1972 by the National Academy of Sciences, which conducted an exhaustive review of the literature on lead for the EPA:

" . . . lead attributable to emission
and dispersion into general ambient
air has no known harmful effects"¹

During the past three years, the EPA has attempted to justify a health case against lead to support proposed regulations aimed at restricting or eliminating the use of lead alkyl antiknock compounds. A brief chronology of events is as follows:

1. January 30, 1971 - Announcement of Advance Notice of Proposed Rule Making
2. February 23, 1972 - Announcement of proposed regulations calling for the general availability of lead free gasoline and a phase-down of the permissible concentration of lead in leaded gasolines. The purpose of the requirement of general availability of lead free gasoline was to protect anticipated automotive emission control devices, i.e. catalysts. The phase down regulations were proposed on the assumption that they were needed to protect the public health. It was stated by EPA that the proposed regulations

- 2 -

were designed to effect a 60% removal of lead from the atmosphere in order to attain an airborne concentration of no greater than 2 ug Pb/m³ air in all urban areas. The basis for the choice of the 2 ug/m³ goal was an EPA document, based on the "available evidence" entitled, "Health Hazards of Lead." Public hearings and a 90-day comment period followed and an additional document "Atmospheric Lead and Public Health" was issued as a supplement to the original document. Both documents were critically reviewed by the medical and scientific community. The basis of the 2 ug/m³ goal was severely criticized.

3. June 14, 1972 - Announcement of a request for additional information from the medical and scientific community on seven questions relating to the health effects of lead in the environment.

A 30-day comment period ensued during which EPA solicited and received a great amount of information

4. January 10, 1973 - Promulgation of regulations requiring the general availability of lead-free gasoline and reproposal of regulations aimed at a "phase down" of the permissible concentration of lead in gasoline regulations.

A totally new document, "EPA's Position on the Health Effects of Airborne Lead," was then cited as the basis for EPA's position for reproposing essentially the same regulations which were proposed on February 23, 1972.

Recognizing the substantive change in the health justification, the Administrator called for comment from the public and scientific community on the new document. Mr. Ruckelshaus also stated:

" However, because of the controversy that exists, not only outside the Government but within the Government, Government health people themselves, it seems to me necessary to get a full public airing of this standard, this regulation relating to the health effects of lead.

- 3 -

" And I must say that, while we have made a lot of decisions since the formation of this agency, I have never been involved in one around which so much controversy swirled.

" There is deep and, I believe, honest disagreement relating to the Health effects of lead in gasoline.

" And for that reason I believe that there is a need to give a full public airing to the question of the public-health impact of lead in gasoline."²

The comment period which followed again produced critical review of the new health document. Much of the scientific data and interpretations submitted to EPA did not support its position -- viz. lead must be removed from gasoline to protect the public health.

5. Presently, there exists yet a new draft health document, "EPA's Position on the Health Implications of Airborne Lead (July 25, 1973)" which we understand will serve as EPA's health basis for the promulgation of final rules on leaded grades of gasoline. Our review of this document has led us to conclude that, although there are new sections and, to some extent, a new approach to the issues, EPA has again failed to give objective consideration to valid scientific data, interpretations, and conclusions which did not support its basic position -- viz. lead must be removed from gasoline to protect the public health.

It is clear from the history above that EPA has not given adequate consideration to the weight of scientific and medical information which does not support its position.

II. Current Issues in the Health Debate

Basically, the EPA's position is that airborne lead can either be absorbed directly through the lungs or settle out of the air to contaminate dirt which may be consumed by children. It is believed by EPA that through these routes airborne lead contributes to excessive lead exposure in urban adults and children.

Environmental scientists recognize presence of a substance in the environment does not necessarily establish (1) that it is a hazard, nor (2) does it necessarily establish its source. With regard to these points, EPA has expressed serious concern about the lead content of dust and dirt in and near homes with small children. In fact, this has become a major point in EPA's argument that the lead content of gasoline must be reduced - on the assumptions that (1) children ingest significant quantities of such dust, (2) such dust is biologically available to a significant extent and (3) such dust arises from automobile exhaust.

The questionable validity of these points was clearly shown at the recent EPA-NIEHS Conference on Low Level Lead Toxicity held on October 1st and 2nd, 1973. Data in one showed that residence in an area of high level lead in dirt and dust had a minimal effect on the absorption of lead by children.³ Other information presented demonstrated that (1) lead in dust from airborne sources is not ingested to any greater extent in children with lead poisoning than without lead poisoning and (2) that lead-containing dust in older housing arises from old lead paint.⁴ A third author confirmed that the source of high lead-containing dust in homes is old lead paint by showing that such dust is not present in newer homes in the same area.⁵

In his conclusions on the Conference, Dr. Emil Pfitzer stated:

" The preponderance of evidence also identifies lead in paint plaster and dust in older housing as the major sources related to current health problems although substantial efforts are being made to identify and control other sources."⁶

One implication is clear -- efforts to eliminate lead in gasoline will do nothing to assist in controlling the pediatric lead problem. It is clear that this most recent information raises additional questions about the validity of EPA's lead in gasoline dust theory. In addition, respected authorities, both inside and outside of government, have expressed grave reservations that EPA's position on lead in gasoline is likely to result in any benefit to public health. A document prepared by EPA - a so-called "Devils Advocacy" position - is the evidence that such opinion exists.

III. Consequences of the Removal of Lead from Gasoline

Before making a decision with such far-reaching implications, the Administrator should weigh the postulated health benefit to be attained by a phase-down of the lead content of gasoline against the adverse consequences of such action.

Serious concern has been expressed by knowledgeable individuals and groups over the following:

1. The environmental and public health implications of changes in fuel composition likely to result from the removal of lead from gasoline.
2. Higher gasoline refining costs which must eventually be borne by the consumer.
3. The unnecessary wastage of crude oil.

- 5 -

Serious expressions of concern about the effect of lead restrictions on point 1 have come from the Department of Health, Education and Welfare.⁸ The views of the Office of Science and Technology, and the Department of Interior have been quite unfavorable toward EPA's position because of the tremendous costs to the consumer and the wastage of crude oil during the current shortage. 9, 10

Most recently, the Senate Committee on Public Works has expressed its concern regarding the cost/benefit implications of any required changes in fuel. Chairman Jennings Randolph has requested that the National Academy of Sciences include such considerations in the cost/benefit studies which his committee has requested. 11

Recommendation

The Administrator has the somewhat unenviable task of making a judgment, based on the best available information, of whether the risk to public health from the continued use of lead in gasoline at current levels, outweighs the environmental risks and cost in both terms of dollars and energy wastage. The results of research programs of the lead industry have convinced us that the continued use of lead in gasoline poses no health risk and, therefore, the proposed "phase-down" regulations represent only penalties with no consequent benefit to public health. Our view has been buttressed by the views of many objective scientific and medical experts with whom we have consulted. Certainly, we have shared our data with EPA and expressed our views on this issue at every available opportunity.

We feel that the Administrator recognizes that strong feelings on this issue exist both in the lead industry and in the EPA. Therefore, to insure that the Administrator receives objective and expert opinions on this matter, we strongly urge that he personally seek out and consider the views of those outside EPA and the lead industry who are recognized experts on the health effects of lead. Those with expertise and experience in pediatric lead poisoning are in a position to place in perspective the contribution, if any, of lead from automobile exhaust to the childhood lead problem. We suggest that the Administrator seek the counsel of recognized experts in this field. We recommend that the Administrator also personally seek out the views of recognized, objective medical scientists dealing with environmental matters. We respectfully request the opportunity to submit the names of individuals who meet the above criteria.

In summary, since the decision regarding the lead phase-down regulations must rest on the Administrator's conclusions regarding the health effects of lead, we sincerely feel that he should personally avail himself of the best and most objective advice he can obtain.

- 6 -

We would hope that he will look for such advice outside the lead industry and outside the EPA.

Jerome F. Cole, Sc.D.
Deputy Director
Manager, Environmental Health
International Lead Zinc Research Organization, Inc.

Director, Environmental Health
Lead Industries Association, Inc.

October 5, 1973

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