

OFFICERS

PRESIDENT -
JOSEPH F. BATTLE, WASHINGTON
VICE PRESIDENT -
H. BRAITH DAVIS, BALTIMORE
EXECUTIVE VICE PRESIDENT -
LOWELL A. ELLIOTT, WASHINGTON
TREASURER -
E. F. COX, PHILADELPHIA
SECRETARY -
ALLAN W. GATES, WASHINGTON

REGIONAL VICE PRESIDENTS

NEW ENGLAND - D. W. GREENE, PROVIDENCE
EASTERN - R. J. ECKART, NEW YORK
EAST CENTRAL - R. S. MCKAY, II, COLUMBUS
WEST CENTRAL - D. E. EICHELBERGER, KANSAS
SOUTHERN - ALTON J. WARD, MIAMI
SOUTHWESTERN - C. E. LAMBERT, HOUSTON
WESTERN - R. S. BENNETT, SALT LAKE CITY

March 29, 1961

TO MEMBERS OF THE LEGISLATIVE COMMITTEE:

Federal Labeling Law and Next Meeting

We had hoped by now that the proposed rules and regulations for the administration of the Federal Hazardous Substances Labeling Law would have been published in the Federal Register. At the Food and Drug Administration, I am now told that such proposed rules and regulations will not be in form for publication until late this week or early next week.

As you know, when the proposed rules are published, there is a 30-day period allowed for comments, protests and objections. Therefore, if the proposed rules are published on March 30, they could not, under the law, become final for 30 days, but this is not the way the procedure generally works. After comments, objections or protests are received, the Food and Drug Administration will need at least 30 days to study the same, make any necessary revisions and issue an order. The chances are that the final rules and regulations will not be published until early in June, 1961.

We also had hoped to hold a meeting of the Legislative Committee toward the end of this month, in order that we might recommend revised precautionary labels for 1961, which would be in full technical compliance with the Federal Hazardous Substances Labeling Law. This is obviously impossible.

For your consideration, there is enclosed a report of the Subcommittee on Tolerances and an excerpt from the Minutes of the Z66 Subcommittee of the American Standards Association.

Any suggestions or comments that any member of the Legislative Committee may have concerning the enclosures will be welcome and can be discussed at the next meeting of the Legislative Committee, which will be called as soon as the Rules and Regulations for the administration of the Hazardous Substances Labeling Law are available.

A suggestion will be presented to revise the entire format of our Recommended Precautionary Labels, so that they will be directly parallel to the requirements for substances as listed in the Federal Labeling Law. This would mean providing labels for "highly toxic", "toxic", "extremely flammable", "flammable", etc. As you know, self-pressurized containers and flammable solids will be subject to special treatment under the Federal Law. Consideration naturally will be given to the possibility of combining

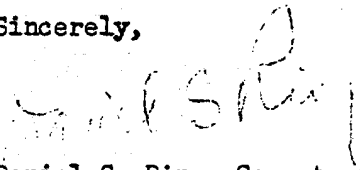
NCA 00 00716

one or more categories, such as is done at the present time with respect to "toxic" and "flammable" substances.

The members of the Tolerances Committee have volunteered to provide as a starting point a format for proposed labels, which will be forwarded to all members prior to the meeting, for their consideration and suggestions.

It is hoped that the full meeting of the Committee can be held during the latter part of May or early part of June. I have already discussed with Food and Drug Administration officials the dilemma which will confront our industry in the event final regulations for labeling are not issued until June. In that event, our industry will have less than 60 days to complete its re-labeling, which is just one third or one-fourth of the required time. When the occasion arises, I am sure that an extension of sufficient time in which to permit re-labeling will be provided.

Sincerely,


Daniel S. Ring, Secretary
Legislative Committee

DSR:rw
Encls.

TOLERANCES SUBCOMMITTEE REPORT

The special subcommittee assigned by the Legislative Committee at its last meeting to recommend revisions in the definition of Group II products in the Recommended Precautionary Labels issued April 12, 1960, met at NPVLA headquarters on January 10, 1961.

Chairman Eckart presided. Dr. John Foulger and Mr. Bruce Homer were present. W. H. Lutz was unavoidably absent.

The following actions were taken:

Definition of products under Group II of the recommended labels:

On lead, it was decided that nothing should be done to disturb the 1% tolerance allowed for this element.

Dr. Foulger made a comprehensive report on the 6 other elements. He based his report upon recognized safety standards with respect to the various elements when present as dust in air that is breathed. He said that the accepted maximum allowable concentration for the following products in milligrams per cubic meter of inhaled air are:

Mercury	0.1 mgm
Selenium	0.1 mgm
Cadmium (oxide fumes)	0.1 mgm
Antimony	0.5 mgms
Arsenic	0.5 mgms
Barium (soluble compound)	0.5 mgms

Translated into terms for a suggested standard in percentage of metallic dry solids of paint film these maximum allowable concentrations would become:

Mercury	.06%
Selenium	.06%
Cadmium	.06%
Antimony	0.3 %
Arsenic	0.3 %
Barium (compounds soluble in 5% hydrochloric acid)	0.3 %

Dr. Foulger reported that his investigation showed that the proportionate figure of 0.30% of metallic dry solids for arsenic and antimony in the paint film would be too high because of the special toxicological properties of these compounds when taken into the human gastrointestinal tract. Therefore, he recommended a tolerance of .06% for each of the 6 elements which he stated gives a wide margin of safety to the figures for both arsenic and antimony. He emphasized that barium compounds should be subject to special comments of interested parties.

NDA 10 00718

N 4172.01

The tolerances recommended by Mr. Lutz through a letter are:

Metal content based on total non-volatile:

Antimony	0.30%
Arsenic	0.01%
Cadmium	0.03%
Mercury	0.06%
Selenium	0.03%
Barium (soluble in 5% HCl.)	1.00%

Mr. Homer made a strong plea for consideration of a 0.1% tolerance for mercury but the subcommittee, after due consideration, felt that the safe margin was .06%.

Upon motion duly made, seconded and unanimously carried, a .06% tolerance for each of the above metallic elements, based upon their ratio as metallic dry solids to the whole paint film, was recommended.

Dr. Foulger and Chairman Eckart, upon inquiry, were told that the Subcommittee saw no reason why the data developed at this meeting should not be used by them as members of the Z66 Subcommittee at its meeting on Tuesday, January 17.

Warning Statements in Labels Under Group II Products

Chairman Eckart pointed out that the present warning statement was of a generalized nature which specified lead but lumped the other six compounds under the words "other compounds" in the phrase: "CONTAINS LEAD OR OTHER COMPOUNDS HARMFUL IF EATEN." After reference to the Federal Hazardous Substances Labeling Law, Section 2 (p) (1) (B) which requires that the common or usual chemical name of the hazardous substances or of each component contributing substantially to the hazard be placed on the label, the Subcommittee unanimously recommended that labels for Group II products be revised so that the warning would refer to the specific hazard when the .06% tolerance above recommended for five elements and the tolerance of 1% for lead were exceeded. The recommendation for barium will be a special one, since a tolerance will be recommended for soluble barium salts contained in barium compounds. This refinement will be specified when the draft for wording the revised Recommended Labels is prepared.

Project for Labeling Uniformity

The Subcommittee further recommends that the National Association seek to bring about in all states with labeling laws uniformity by using the Federal Law as a criterion, and exempting from state labeling laws all labels in compliance with the Federal Law. It also recommends that the Legislative Committee place before the Executive Committee for a policy decision a proposal to give strong backing to formula labeling legislation wherever possible as a deterrent to fraudulent merchandising and deceptive advertising practices.

Practical Analytical Methods

The Subcommittee recommends that the Scientific Section of the National Association be requested to develop, in cooperation with the American Society for Testing Materials, practical analytical methods to be used by members for efficient but

speedy determination in products of the concentration of the seven elements listed in Group II of the Recommended Labels.

Absolute Statements in Advertising and Labeling

The Committee noted an advertising and labeling trend toward absolute statements such as "Non-toxic" and "Lead-Free", which it felt might work to the detriment of the industry because of over-statement of the safety of products. It was recommended that in any new and revised labels members be warned against the use of such absolute statements and that statements such as "lead less than 1%" and "mercury less than .06% of the dried film" be substituted for such absolute statements.

Forms for Revised Labels

The Subcommittee recommends that illustrative forms for the revised labels in 1961 should be set up in boxes for the guidance of members because of the requirements of the Federal Hazardous Substances Labeling Law for conspicuous warning statements.

The Subcommittee also recommends that "Keep from Heat and Open Flame" should be placed on labels in bold face type and that Mr. Homer and Chairman Eckart work out and agree upon a short form for the warning label to be recommended to the Legislative Committee.

Attention was directed to the requirements of the Federal Hazardous Substances Labeling Law that the name and address of the manufacturer appear on the label. During discussion it was pointed out that frequently, especially in the case of paints of questionable quality being sold by bargain operators, fictitious names are used for either the manufacturer or the distributor. It was recommended that a note be inserted in any revision of recommended labels, stating that the true and correct name of the manufacturer and his address are required by law to be placed upon all labels.

Latex and Similar Paints

The Subcommittee recommends for latex and water based paints (polymer types) under Group I of the labels, where no harmful ingredients are contained, that the label contain merely the following:

"Avoid prolonged breathing of spray mist.
Close container after using. Keep Out of
Reach of Children."

With respect to such paints under Group II and other groups, the current labeling procedure was recommended to be continued.

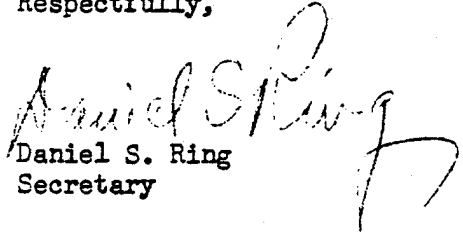
Self-Pressurized Containers

The Subcommittee recommends that the Recommended Precautionary Labels of the Association contain a separate group for self-pressurized dispensers, containing

the following label:

: "Warning. Contents under pressure.
Do not puncture and never throw into
fire or incinerator. Keet at room
temperature and away from direct sun-
light, radiators, stoves, hot water,
and other heat. Exposure to high
temperature may cause this container
to burst. Avoid prolonged or repeated
breathing of spray mist. Keep Out of
Reach of Children. Use with Adequate
Ventilation."

Respectfully,


Daniel S. Ring
Secretary

NOA 000 00721

Excerpt from Minutes of Z66 Subcommittee Meeting of
January 18, 1961

Following remarks on a revision of the Z66.1 Standard....it was agreed that the following changes would be made:

1. That the scope of Z66.1 shall be changed as follows:

"These specifications cover the requirements for coatings (such as paints, enamels, lacquers, etc., applied in liquid form) which are deemed suitable from a health standpoint to be used to paint children's toys or furniture or interior surfaces so that the danger of poisoning will be minimized if, by chance, some of this coating should be ingested by a child.

2. That the specifications in part (a) shall be changed as follows:

"Shall not contain lead compounds of which the lead content (calculated as Pb) is in excess of 1 percent of the total weight of the contained solids (including pigments, film solids, and drier);

3. That the specifications in part (b) shall read:

"Shall not contain compounds of antimony, arsenic, cadmium, mercury or selenium of which the metal content (calculated as Sb, As, Cd, Hg, Se respectively) is in excess of 0.06% of the total weight of the contained solids (including pigments, film solids, and drier) introduced as such in the formulation of such coatings.

4. That a new paragraph (c) shall be inserted and shall read:

"Shall not contain barium compounds of which the soluble barium salts are in excess of 1% of the total weight of their barium compounds."

5. That the new revised standard will have to include practical test methods for determining the seven elements. Barium presents a special problem since it is only the soluble salts which are of concern; the matter is in process of development by this subcommittee and will be taken into consideration at a future meeting. Both Test Methods (as new Section 3) and Markings (as new Section 4) will be on the agenda for the next meeting.

NCA 00 00722

N 4172.02