FDA REGULATION LIMITS PAINT LEAD LEVEL TO .06%

The Food and Drug Administration has published a regulation which would reduce the maximum permissible lead content in certain "paint and other similar surface-coating materials" to 0.5% by December 31, 1972 and .06% by December 31, 1973, and ban from interstate commerce all household products with greater amounts after these dates. This action would also activate the provisions of the Federal Hazardous Substances Act dealing with repurchase of Banned Hazardous Substances. The exact impact of this requirement is not certain at this time, but it could be financially disastrous for manufacturers and dealers.

While it may be possible for all members of the industry to comply with a .06% lead level if given adequate time to reformulate and properly test their products, NPCA does not feel that the time table prescribed by the FDA regulation provides the adequate time, particularly since all household paints (both exterior and interior) are covered. Furthermore, NPCA feels strongly that the .06% level should not be prescribed until appropriate research, including animal-feeding studies, has proved that levels in excess of that figure are a significant hazard.

The new regulation is published under the provisions of the Federal Hazardous Substances Act.

NPCA has objected strongly to FDA and to the Senate Labor and Public Welfare Subcommittee on Health /which was conducting hearings on Senate Bill 3080 (see page 15 of this issue of Coatings) 7 on the .06% lead limitation. In a press statement immediately after the FDA action, NPCA Executive Vice President Robert A. Roland said "the regulation...does nothing to address the real, identified problem of lead poisoning present now in major metropolitan areas." He added that "the paint industry had been sacrificed on the altar of politics," and that "the regulations would impact seriously on small retailers and manufacturers."

The NPCA Legal Division is studying the regulation in detail. A special meeting of the NPCA Executive Committee has been called by President Ralph Baudhuin to consider action challenging this unreasonable regulation. A Legal Bulletin providing copies of the regulation and a complete analysis is under preparation and will be sent this week.

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