

W. H. REYSEN

JUL 1 1973

NATIONAL
PAINT &
COATINGS
ASSOCIATION

June 28, 1973



TO: All NPCA Members
NPCA Legislative Committee

Subject: Federal Lead in Paint Legislation - New Bill H.R. 8920.

1. The Subcommittee on Housing of the House Banking and Currency Committee has now completed action on the "lead in paint" legislation. After considering the matter for two days, the Subcommittee voted to report out a "clean bill", H.R. 8920, which incorporates the several amendments adopted during the two day session.

The new bill includes all the provisions we have advocated and supported over the past months. More specifically, it includes:

- a. A requirement for a research program by HEW on multiple layers of dried paint film in order to determine the safe level of lead in residential paint. A report of the research findings together with legislative recommendations must be made to Congress by December 31, 1974. (Note: The Senate passed version, S. 607, contains the same research requirement but the report to Congress would be due by October 1, 1973)
- b. A lead content standard of 0.5%. The provision for a 0.06% standard was deleted by the Subcommittee. (Note: The Senate bill provides for a 0.06% standard on January 1, 1974 except that if prior thereto the Secretary of HEW based on the research studies determines that another level, not to exceed 0.5%, is safe, then such other level shall go into effect January 1, 1974.)
- c. A Federal preemption provision. (Note: The Senate bill contains no such provision)

This action by the Subcommittee is precisely what we had sought, namely, the inclusion of the provisions of the three industry supported bills - H.R. 3743 (Williams), H.R. 5905 (Zwach), and H.R. 6469 (Slack).

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2. While not all of the Subcommittee members were present during the deliberations, the following members actively supported and spoke on behalf of our position:

Richard Hanna (D. 34th, Cal.); John Rousseler (R. 24th, Cal.); Ben Blackburn (R. 4th, Ga.); Robert Stephens, Jr. (D. 10th, Ga.); Garry Brown (R. 3rd, Mich.); and J. William Stanton (R. 11th, Ohio).

These members, together with the authors of the three industry backed bills, deserve our thanks and appreciation.

3. The bill now goes to the full House Banking and Currency Committee.

N.R. Bach

N. R. Bach
Counsel

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ADDITIONAL LATE BULLETIN !!

The full House Banking and Currency Committee considered the bill (H.R. 8920) this morning June 28, 1973 and approved it as is - without any amendments.

It will now go to the House floor with the provisions intact for federal preemption, 0.5% lead-content standard, and HEW research report date of December 31, 1974.

N. R. Bach

N. R. Bach
Counsel

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Maine Passes Lead Poisoning Control Act

A new Lead Poisoning Control Act (H.B. 1448), recently passed by the Maine legislature, defines any substance containing more than 0.5% lead as "lead-based".

As a result of NPCA representation and testimony the Maine lead bill was adopted setting a 0.5% lead standard rather than a 0.06% limit, which was originally proposed. NPCA efforts also succeeded in modifying the definition of certain surface areas included in the bill's final version.

The new law, effective 90 days after the present legislative session adjourns, will:

1) Prohibit the use of lead base substances on "exposed surfaces" of dwellings, as well as any fixtures and other objects located on exposed dwelling surfaces; toys; and household furniture. "Exposed surfaces" is defined as all dwelling interior surfaces and those exterior surfaces readily accessible to children under 6.

2) Prohibit the sale of lead base substances intended for use on exposed dwelling surfaces.

3) Prohibit the sale of toys, household furniture and fixtures finished with a lead base substance.

4) Prohibit the sale of any lead base substance unless it bears the following warning statement—or alternate wording approved by the Maine Department of Health and Welfare—:

WARNING
CONTAINS LEAD—HARMFUL
IF EATEN, UNLAWFUL TO
APPLY ON TOYS, HOUSEHOLD
FURNITURE, WINDOW SILLS
OR OTHER EXPOSED SURFACES
OF ANY DWELLING.
KEEP OUT OF REACH OF CHILDREN

NPCA has submitted a request to the Maine Department of Health and Welfare asking that "Recommended Label No. 14" from NPCA's *Paint Industry Labeling Guide* be permitted for use on those products purchased by the general public. In addition, NPCA has requested that the "Recommended Label for Industrial Coatings Containing Lead Compounds" in the Guide be permissible for purely industrial products not sold to the general public.

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c. Local - Columbus, Ohio adopts new Ordinance. *LEG BULL 13 7-9-73*

The new Columbus Ordinance was adopted on June 25, 1973 and goes into effect on July 26, 1973. Briefly, it contains a 0.5% lead-content standard or such lower standard as may

be established at the Federal level; prohibits the sale or use of certain "lead-based coatings"; and sets forth labeling requirements for both trade sales and industrial producers. The Attachment sets forth the provisions and requirements of the ordinance in some detail and should be reviewed by all members doing business in the City of Columbus.

Columbus, Ohio Adopts 0.5% Lead Ordinance; Effective July 26, 1973

The City of Columbus, Ohio adopted on June 25 an ordinance, effective July 26, 1973, requiring a 0.5% lead content standard in paint and other surface coatings.

In summary, the new ordinance

1) Defines lead-based coatings as "any paint, lacquer, or other applied liquid surface coating or putty which contains more than 0.5% lead" or any lower standard if established at the Federal level.

2) Prohibits the sale and application of lead-based coatings on: a) exposed interior or exterior dwelling surfaces, b) dwelling fixtures readily accessible or hazardous to children, and c) furniture, toys, playground equipment, cooking, eating or drinking utensils, as well as food or liquid containers.

3) Sets labeling requirements, effective August 24, 1973, for a) lead-based coatings presently in dealer or manufacturer inventories for sale to the general public, and b) lead-based coatings manufactured after July 26 and before August 24, for sale to the general public. These products must include the following warning statement similar to "Recommended Label No. 14" in NPCA's Labeling Guide. (Stick-on labels are permitted):

WARNING (10 pt. caps.)
CONTAINS LEAD (12 pt. caps.)
DOY FILM OF THIS PAINT MAY BE (12 pt. caps.)
HARMFUL IF EATEN OR CHEWED

Do not apply on toys and other children's articles, furniture, or interior surfaces of any dwelling which may be occupied by children.

Do not apply on those exterior surfaces of dwelling units, such as windows, sills, porches, doors or railings, to which children may be commonly exposed.

KEEP OUT OF REACH OF (10 pt. caps.)
CHILDREN

4) Sets labeling requirements for lead-based coatings, for sale to the general public, manufactured after August

WARNING (10 pt. caps.)
CONTAINS LEAD COMPOUND (12 pt. caps.)
Do not apply to toys, furniture or other surfaces which might be chewed by children.

Wash hands thoroughly after using and before eating or sleeping.

There is no placement requirement for this label.

5) Prohibits the sale or manufacture of the following items if they include any substance containing metallic lead at or above 0.3 milligrams per square centimeter" (i.e., approximately 4 coats of paint containing 1% lead or 3 coats of paint containing 0.5% lead): fixtures, objects, toys or furniture, cooking, eating or drinking utensils, or containers for food and liquid which may be chewed or eaten by children.

7) Requires the removal of loose, chipped, peeling and flaking paint or plaster, containing more than 0.3 milligrams per square centimeter of lead, from interior and exterior surfaces, as well as fixtures of dwellings.

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ATTACHMENT

COLUMBUS, OHIO - LEAD BASED PAINT ORDINANCE

LED. BULL 13 7-9-73

1. The City of Columbus, Ohio adopted a new ordinance dealing with "lead-based" paint on June 25, 1973. This ordinance becomes effective on July 26, 1973.

A brief synopsis of the ordinance, as well as information on precise labeling requirements, are set forth below.

II. Brief Synopsis

- A. Defines "lead-based coating" as any paint, lacquer, or other applied liquid surface coating or putty which contains more than 0.5% lead, or such other standard, not to exceed 0.5%, as may hereafter be established by Federal law.
- B. Prohibits sale and use of lead-based coatings which are intended for use on:
1. exposed interior or exterior surfaces of a dwelling;
 2. fixtures located in a dwelling and which are readily accessible or hazardous to children; and
 3. furniture, toys, playground equipment, cooking, eating, or drinking utensils, food or liquid containers.

C. Labeling Requirements (as interpreted by NPCA)

1. Within 30 days of the effective date of the ordinance, that is, by August 24, 1973, the label set forth below must be on:
 - a. All lead-based coatings (more than 0.5% lead content) in dealer or manufacturer inventories for sale to the general public, and
 - b. All lead-based coatings to be manufactured after the effective date of the ordinance and before August 24, 1973 for sale to the general public within Columbus.

STICK-ON LABELS ARE PERMITTED.

WARNING CONTAINS LEAD DRY FILM OF THIS PAINT MAY BE HARMFUL IF EATEN OR CHEWED. Do not apply on toys and other children's articles, furniture, or interior surface of any dwelling which may be occupied or used by children.

(18 pt. caps)

(12 pt. caps)

(12 pt. caps)

Cont'd over

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Do not apply on these exterior surfaces of dwelling units, such as window sills, porches, stairs, or railings, to which children may be commonly exposed.

(10 pt. type)

KEEP OUT OF REACH OF CHILDREN

(10 pt. caps)

Note. The above label is substantially identical with Recommended Label No. 14 in the NFCA "Labeling Guide".

2. All lead-based coatings for sale to the general public manufactured after August 24, 1973 also must bear the above label, however the following part must be on the principal display panel:

WARNING

(18 pt. caps)

CONTAINS LEAD

(12 pt. caps)

DRY FILM OF THIS PAINT MAY BE HARMFUL
IF EATEN OR CHEWED

(12 pt. caps)

See other cautions on (Side or Back) panel

(10 pt. type)

3. All lead-based coatings manufactured after August 24, 1973, for sale other than to the general public (that is, industrial products), must bear the following label:

WARNING

(18 pt. caps)

CONTAINS LEAD COMPOUND

(12 pt. caps)

Do not apply to toys, furniture, or other surfaces which might be chewed by children.

Wash hands thoroughly after using and before eating or smoking.

(10 pt. type)

This label is the same as the Recommended Label for Industrial Coatings Containing Lead Compounds in the NFCA Labeling Guide. There is no placement requirement.

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D. Prohibits the sale or manufacture of the following items if they contain any substance containing metallic lead at or above 0.3 milligrams per square centimeter:

1. Fixtures, objects, toys or furniture which may be chewed or eaten by children; and
2. Cooking, eating or drinking utensils, or containers for food or liquid which may be chewed or eaten by children.

(Note: 0.3 milligrams per square centimeter equates to approximately 4 coats of paint containing 1% lead or 9 coats of paint containing 0.5% lead.)

E. The ordinance also contains requirements for the removal of old paint or plaster from interior and exterior surfaces, and fixtures, of dwellings. The requirement applies to paint or plaster containing lead in excess of 0.3 milligrams per square centimeter and which is loose, chipped, peeled, or flaking.

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