

292 Madison Avenue

New York, N. Y. 10017

April 21, 1971

To D. M. Borcina

FROM J. F. Smith

SUBJECT: CONTACTS WITH FEDERAL AGENCIES CONCERNING IMPLEMENTATION OF
PUBLIC LAW 91-695

Situation: Title IV of the law states unequivocally: The Secretary of HEW shall take such steps...as may be necessary...to prohibit the use of lead-based paint in residential structures...constructed by the Federal Government, or with Federal assistance in any form.

It is obvious, from talking with the various Government agencies involved, that they believe the new legislation prohibits the application of lead pigments to "interior" walls such that sufficient lead would accumulate to become a hazard to children if eaten.

It would appear that these agencies have not yet defined "exterior surfaces to which children may be commonly exposed," and the indication is now that for expediency's sake, it will ultimately include the whole exterior of residences.

The following are call reports:

Mr. Bill Darnell
Corps of Engineers
Military Construction Division
Fort Belvoir, Virginia
Telephone: 202-693-6882

Mr. Darnell is responsible for promulgation of paint specifications for army barracks and other residential buildings. He pointed out that the Corps has always had optional systems to those containing lead, however, they are now considering dropping lead altogether. He would be happy to discuss this matter with any interested delegation from LIA. He pointed out that the Secretary of HEW is now authorized by law to eliminate lead paints from dwellings, and he is expecting a directive to further define how this is to be done--and to what extent--in the near future.

Regarding Steel Structures, he suggested we talk with Mr. F. W. Shanks in the Rock Island, Illinois, office, as they have control over this facet of the "Corps of Engineers Guide Specifications." Shanks also has control over contents of "Engineering Manual for Civil Works Structures."

April 20, 1971

Mr. Bernard General
Naval Facilities Engineering Command
Code 0436-B
Washington, D.C. 20390
Telephone: OX-5-3262

Mr. General is the man responsible for writing specifications for paints for all of the Task Groups of Federal Construction Councils of BRAB. He says they will wait for HEW interpretations on law before making any major change concerning lead pigments for exterior applications. He did say that in their "Painting Criteria Specs" that he would put a note that lead based paints like 102 should not be used for interiors and porches, railings, etc. Mr. General said Jim Lewis of National Lead was upset after a conversation with him the other day and must have misunderstood him--he (Mr. General) has talked with their lawyers concerning whether steel structures are included and lawyers don't feel that law covers anything not specifically mentioned. However, if the Secretary of HEW says it covers more, they will go along with it.

He wants me to send Lead and Pediatrics Bulletin, as well as all lead poisoning literature, etc.. Regarding optional systems to replace lead, he says there are two good substitutes such as 105 and 52324.

Dr. Irwin Billick
Department of Housing &
Urban Development
Office of Research & Technology
451 Sevanth Street, S.W.
Washington, D.C. 20410

It is Dr. Billick's responsibility to determine the best method(s) for implementing the removal and control procedures written into 91-695. He was very pleased to talk with LIA and asked our help in attacking the problem. He is interested in any ideas we may have on methods of removal--detection of the paint, etc. He also wants to use our literature on childhood lead poisoning to acquaint his department with the problem and what has been done in the past to attack it. Right now, he is confining his entire activities to removal from interiors. He is not sure that they will be worrying about exteriors for some time to come.

Billick asked me or Jerry Cole to contact him about April 30 to see if we can provide further assistance.

Billick said Joe Wright, who is in a different department of HUD was drafting a "circular" concerning HUD's interpretation of the new law. I am at this time trying to contact Mr. Wright to verify this if possible.

LIA25014

Mr. Robert E. Novick, Dir.
Bureau of Community Environmental
Management
Dept. of Health Education & Welfare
15-87 Parklawn Building
Rockville, Maryland 20852

Novick has been charged by the Secretary of H.E.W. with the responsibility of interpreting the provisions of Public Law 91-695 and is planning meetings of Government agencies and industry involved in supply and procurement of lead-based paints.

As of April 20, 1971 they held a meeting with health department representatives of the cities of Philadelphia, Chicago, Baltimore, New York and others at which they discussed the cities recommendations to the Federal Government on how the provisions of the Bill could be implemented.

The next meeting planned will be with Federal agencies, no date set, including Department of Defense, HUD and mental retardation people.

The third meeting planned will be with industry representatives.

Mr. Gallagher is Mr. Novick's assistant and will be directly responsible for arranging the latter meetings. Object of the meetings will be to discuss public law 91-695 and to determine more precisely the intent of the act. For instance, the definition of exterior etc. I asked if our Association could be apprised of developments concerning the meeting. He suggested we drop him a line and request to be involved in the meeting. This is being done.

My general feeling is that, there is, at this time, no intent by the Agencies I talked with to extend the meaning of public law 91-695 beyond its present scope. No one expressed an opinion that lead pigments should be excluded from paint systems for structural steel, and other anti-corrosive applications.

In short, the object is to carry out the provisions of Title IV prohibiting the use of lead based paint in and on residential structures financed by the Federal Government.