

INTEROFFICE MEMO

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FROM: Mark Allen-01 *MA*

DATE: March 1, 1988

SUBJECT: Your Request for Policy on Lead Containing Trade Sales
Paints

The Consumer Product Safety Act was enacted by Congress in 1972 basically to protect consumers against unreasonable risk of injury from hazardous products.

The Act prohibits the sale of lead containing paints to consumers with a few exceptions. The Consumer Product Safety Commission, which is responsible for regulating consumer products, defines lead containing paint as paint or other similar surface coating materials containing lead or lead compounds and in which the lead content (calculated as lead metal) is in excess of 0.06 percent by weight of the total non-volatile content of the paint or the weight of the dried paint film.

Certain "special purpose" coatings are exempt from the ban on lead containing paints, provided they bear certain labeling. These "special purpose" coatings are:

1. Agricultural and industrial equipment refinish coatings.
2. Industrial (and commercial) building and equipment maintenance coatings.
3. Graphic art coatings (i.e., products marketed solely for application on billboards, road signs, and similar uses and for identification marking in industrial buildings).
4. Touchup coatings for agricultural equipment, lawn and garden equipment, and appliances.
5. Catalyzed coatings marketed solely for use on radio-controlled model powered aircraft.

Any such "special purpose" lead containing paint sold to consumers must bear the following label warnings (in addition to any required by the presence of other hazardous ingredients):

Page 2

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(FRONT PANEL)

WARNING!

CONTAINS LEAD. DRIED FILM OF THIS PAINT MAY BE HARMFUL IF EATEN OR CHEWED
See Other Cautions on (Back or Side) Panel

(BACK PANEL) Do not apply on toys and other children's articles,
furniture, or interior surfaces of any dwelling or facility which may be
accepted or used by children.

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

Use only with adequate ventilation.

KEEP OUT OF THE REACH OF CHILDREN

Our label hazard text publishing program DOCS includes these warnings on
all labels for these "special purpose" lead containing consumer paints.

In answer to your specific question about 381-XX, we can use lead chromate
pigment in this product because it meets definition two of "special
purpose" coatings. We must, however, label this product with the warnings
above.

Please call if you have any questions.

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