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NATIONAL
PAINT &
COATINGS
ASSOCIATION

January 22, 1973
No. 6 (New York)

STATE LEGISLATION ALERT

TO: All NPCA Members in New York
NPCA Legislative Committee
All Officers, Buffalo Paint and Coatings Association
All Officers, New York Paint and Coatings Association
All Officers, Philadelphia Paint and Coatings Association

Subject: New York Senate Bill No. 64; Prohibiting sale of spray
paints and indelible markers to children; and
New York Senate Bill No. 691; Requiring special packag-
ing for household products; and
New York Senate Bill No. 728; Lead-based paint.

A. SPRAY PAINTS AND INDELIBLE MARKERS (Senate Bill No. 64)

1. Status: Introduced on January 3, 1973 by Senator Wm. T. Conklin
(Republican - District #21, Kings County), 7905 Colonial Road,
Brooklyn, N. Y. 11209.
2. Brief Synopsis:
 - a. Would prohibit any person, firm, partnership, company
or corporation operating a place of business where
spray paints and indelible marking pens are sold or
offered for sale from selling these items to any person
under eighteen years of age.
 - b. The effective date, if enacted, would be the first day
of September next succeeding the date on which it be-
comes law.
3. Comments:

The bill is obviously intended to combat the growing graffiti
problem in New York. However, it is felt that it places an
undue restriction on product sales rather than solving the
graffiti problem by curtailing improper use of these products
and punishing offenders.

B. SPECIAL PACKAGING FOR HOUSEHOLD PRODUCTS (Senate Bill No. 691)

1. Status: Introduced by Senator Frederick A. Meyerson
(Democrat - District #16, Kings County), 14 Van Siclen Ct.,
Brooklyn, N. Y. 11207.
2. Brief Synopsis:
 - a. Would require all household products intended for sale to the general public, which would be harmful to a normal six year old child if ingested or harmful in the event of contact with external parts of the body and which are packaged in metal, plastic, or glass containers, to be packaged in containers having as their single means of access a double lock cap.
 - b. "Double lock cap" means one requiring a twist, push or pull action in a particular combination or sequence to open; one which requires a separate tool to open; or one which because of its complexity requires the understanding of written instructions to open. The intent is to exclude those devices which can be opened readily by children six or under and a device fulfilling this request shall be deemed to be a double lock cap.
 - c. The Department of Health would maintain a list of approved closures.
3. Comments:

The preemption clause in the federal Poison Prevention Packaging Act (P.L. 91-601) prohibits states from establishing special packaging standards for any household substance for which a Federal standard is in effect. No Federal special packaging standard is in effect for paint and similar surface coating materials; however, Federal standards have been approved for turpentine and methyl alcohol (methanol), which go into effect in April 1973.

C. LEAD-BASED PAINT (Senate Bill No. 728)

1. Status: Introduced by Senator Frederick A. Meyerson.
2. Brief Synopsis:
 - a. Would prohibit use of lead-based paint on interior walls, ceilings, baseboards, or window sills of any apartment or room in any multiple dwelling.
 - b. Would require the owner of any multiple dwelling to remove, no later than July 1, 1974, any lead-based paint from the interior walls, ceilings, baseboards, and window sills of any apartment or room in a multiple dwelling. In lieu of removal, the owner may cover the paint with a permanently-

adhering coating substance approved by the Department of Health.

- c. Lead-based paint is defined as paint containing more than 1% of metallic lead based on the total non-volatile content.
 - d. The provisions of this bill would not apply in any political subdivision which has enacted legislation, effective no later than June 30, 1975, intended to detect, treat, and prevent lead-based paint poisoning.
3. Comments:

The 1% standard is consistent with the federal "Lead-Based Paint Poisoning Prevention Act" (P.L. 91-695) and exceeds the 0.5% standard established by FDA effective January 1, 1973. The exclusion provision (d.above) may cause numerous towns, cities, municipalities, etc., to enact their own ordinances dealing with lead-based paint.

Your representative on the New York legislature should be able to provide you with copies of these bills in the shortest time. NPCA will also furnish copies on request.

N. R. Bach

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Counsel