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"The response was very poor"

NPCA Representative Warns Against Ostrich Tactics

By Larry L. Thomas

ON JANUARY 13, 1971, President Nixon signed into law, "The Lead-Based Paint Poisoning Prevention Act," a bill supported by the National Paint and Coatings Association. Most of the Act's provisions dealt with the primary problem of old heavily leaded paints found on the walls of dilapidated housing.

Like everybody else involved, we are anxious to see that the cause of lead paint poisoning is eliminated. Part of the bill, however, covered modern "Lead-Based Paints" (those defined as having more than one per cent lead in their non-volatile content) and prohibited their use on residential structures constructed or rehabilitated with the use of any federal funds. Our main concern here was to see that exterior uses of lead-based paints, that do not present a hazard, were not restricted. The one per cent lead limitation was not thought to present a problem since it had been recommended for interior paints since 1955.

Shortly after the passage of this bill, however, the one per cent standard came under an attack led primarily by Congressman Ryan of New York. Almost daily articles began appearing in the "Congressional Record" demanding that the paint industry "Quit poisoning children by getting the lead out of their products." No facts, just a lot of pure emotional appeal.

Larry Thomas is a counsel for the National Paint and Coatings Association. This talk was presented to the Management Group of the New York Paint, Varnish and Lacquer Association at its January meeting. —Ed.

This eventually lead to a "Citizen-initiated" petition signed by Mr. Ryan and others, calling for the Food and Drug Administration to issue government regulations under the Federal Hazardous Substances Act. These would ban (except for trace amounts) all lead from paint products packaged in household containers.

The FDA began checking into this and found that there was no record of any children being harmed by the use of one per cent lead in paints. It did discover, however, that it was now technologically feasible for the paint industry to produce interior paints at a .5 per cent lead level. Therefore, in the interest of providing a greater margin of safety, the FDA proposed an alternative to the Ryan petition. Its approach would make any paint or other surface coating containing more than .5 per cent lead a "Hazardous Substance" under the Federal Hazardous Substances Act, requiring special labeling to prevent product misuse.

Both the FDA and the Ryan petition were published together in the Federal Register of November 2, and 60 days were given for interested parties to comment. As you may know, we urgently requested all our members to comment supporting the FDA proposal. We believe that this proposal will get the job done and without unnecessarily burdening the paint industry with intolerable standards for lead content. We asked our members to comment not only on these proposals, but on the proposal to implement the part of the "Lead-Based Paint Poisoning Prevention Act," affecting us. Comments submitted on these are presently under consideration by the Federal Bureaus involved. In the meantime, some other developments have come to our attention.

First, NPCA has presented its position in regard to two ordinances before the Chicago City Council. One would prohibit the use of any paints or other substances containing more than 0.03 per cent lead by weight on all interiors and possibly all exteriors of residences. Another would set up tough labeling requirements for both the products not meeting the standard, and those that do meet it.

Also, we learned last week that Congressman Ryan and Senator Kennedy have proposed amendments to the "Lead-Based Paint Poisoning Prevention Act," both of which call for a reduction of the one per cent lead level in paints to a 0.06 level.

It's certain from this that there's going to be more government control over the use of lead, and perhaps other heavy metals in paints in the not-too-distant future. This is true at the local as well as federal level. Unfortunately we do not know at this time exactly when these regulations will be imposed, and how tough they will be. The FDA received many comments, including a statement from the prestigious American Academy for Pediatrics claiming that the use of anything over 0.06 per cent lead in household paint production poses a hazard to children. We in Washington are making every effort to see that when these regulations are finalized they are sensible and realistic, and provide adequate time for orderly compliance.

What, then, are the paint manufacturers responsibilities in this regard? Perhaps the best way to point some of these things out is to consider the role your trade association is playing here. When you're talking about government regulations, an association can no longer afford to react with a predictable "They can't do this to us" attitude. We at NPCA must fully understand our industry's problems and its strong points in order to play a knowledgeable role in communicating its position to Congress, federal agencies and the general public.

Management performs an important function when it keeps its Association posted as to how certain government regulations affect them and when and if they can meet the standards set out in the regulations. Perhaps even more important is for management to help make sure that "what its association is saying industry is doing, reflects pretty much what industry is doing." One of the things that has really hurt us in regard to the "lead" problem is that serious questions were raised as to whether, as the Association claimed, the paint industry was adhering to a voluntary one per cent lead standard for interior paints.

Listen to what Dr. Vincent Guinee, director of New York City's Bureau of Lead Poisoning Control, had to say about this:

"I'm in favor of the industry standard. The disappointing aspect is that the voluntary standard has appeared to be accepted by the industry. But it was violated by a number of paint companies, including some of the biggest ones. This invites governmental regulation where there need not be any, if they do their own policing."

As you can see by this, even though the so-called "tests" made on our products were selective and incomplete, the claims based on them have been very damaging. In a situation like this, when our credibility has been damaged, and when there is some evidence that voluntary standards are not working, it's mighty tough to hold a position that government controls are not necessary.

Another point here is direct involvement in government proceedings. We asked our members to submit comments directly to the federal agencies proposing regulations regarding the use of lead and other heavy metals in paints. We especially needed support of the FDA proposal, since it is reasonable and would provide uniformity for labeling of goods in interstate commerce. **The response was very poor.** This hurts the Association by casting doubt on whether we are representing the views of industry. Not only that, but the government could seriously question whether our industry is really concerned with what they're doing. This, I believe is an impression none of us wants to see created. If the FDA proposal fails, in favor of more restrictive and unnecessary regulations, paint manufacturers will be forced into an expensive change in the manufacturing of their products—and for no good reason. None of us wants to see this happen.

Finally, it's up to both the Association and industry not to take an "ostrich approach" in matters such as we've been discussing. If we bury our heads in the sand, expecting the social and economic issues making new demands on us somehow just to go away, we may be in for quite a shock. We could raise up our heads just in time to be "steamrollered" by new, and even tougher, government controls than the ones we're faced with today.

Enterprise Paint Appoints Caprel

William T. Caprel

Chicago, Feb. 23—Enterprise Paint Manufacturing Company, a division of Insilco, has announced the appointment of William T. Caprel as purchasing agent.

Mr. Caprel joined Enterprise in 1970 as an assistant purchasing agent. He was graduated from Elmhurst College, Elmhurst, Ill., with a B.A. degree in business administration.

Mr. Caprel is a member of the Chicago Paint, Varnish and Lacquer Association.