

National Paint, Varnish and Lacquer Association

I N C O R P O R A T E D

1500 RHODE ISLAND AVE., N.W., WASHINGTON 5, D. C.

OFFICERS

PRESIDENT—
JOSEPH F. BATTLE, WASHINGTON
VICE PRESIDENT—
BERNHARD MAUTZ, MADISON
TREASURER—
H. BRAITH DAVIS, BALTIMORE
SECRETARY—
M. VANDENDRIESSCHE, WASHINGTON

OFFICE OF THE PRESIDENT

August 26, 1954

REGIONAL VICE PRESIDENTS

NEW ENGLAND—WILBUR L. RICE, PROVIDENCE
EASTERN—E. F. COX, PHILADELPHIA
CENTRAL—LEO S. GUTHMAN, CHICAGO
SOUTHERN—O. C. GREGORY, JR., RICHMOND
SOUTHWESTERN—R. W. BLAIR, JR., DALLAS
WESTERN—JOHN V. VAUGHN, LOS ANGELES

DIVISIONAL VICE PRESIDENT

WHOLESALE DISTRIBUTORS DIVISION
H. B. WEATHERS, RICHMOND

TO MEMBERS OF THE
EXECUTIVE COMMITTEE:

Precautionary Labeling

You will recall that a special report on the activities of the Association Subcommittee on Model Labeling was presented by Mr. Miles Zoller to the Committee at its last meeting. Recent developments have created an urgent situation, on which I would appreciate having your views.

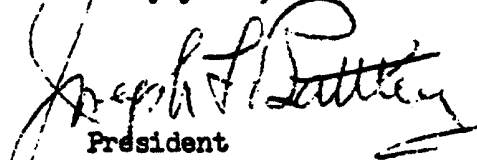
On August 11, the American Standards Association Subcommittee Z-66 drafted a proposed standard for the safe labeling of coatings for children's toys and furniture (copy enclosed). I have firmly opposed the creation of any such standard for our industry by the American Standards Association. It is my position that the paint, varnish and lacquer industry should handle this matter itself. To implement this view our Subcommittee on Model Labeling held several meetings to consider precautionary labeling. Copies of the minutes of the last two meetings of this Subcommittee and the Report of the Subcommittee on Model Labeling concerning Precautionary Labels are enclosed.

The suggested labels set forth in the report have been drafted to comply with existing laws and regulations and to meet what the Subcommittee felt was a minimum basis for precautionary labeling of industry products. The suggested labels would be made part of an industry-wide educational campaign to meet legislative proposals such as those now pending in New York City and Chicago and efforts such as the ASA Z-66 report.

I would appreciate your comments and vote as to whether the suggested labels should be advocated by the Association in time to present our case at the New York City Health Department hearing on September 13.

With warm personal regards,

Sincerely yours,


President

JFB:me
enclosures

N 3907

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WHOLESALE DISTRIBUTORS DIVISION
H. B. WEATHERFORD, RICHMOND

DR. LEONA BAUMGARDNER
Commissioner of Health
City of New York
125 Worth Street
New York 13, New York

Dear Dr. Baumgardner:-

Your Department has been considering labeling requirements for paints or coatings containing lead. In this connection, you have met with Dr. A. J. Lanza and Mr. Clarence Slocum, representatives of the New York Paint, Varnish and Lacquer Association. I believe it would be helpful to you and your colleagues if you were informed of our interests and efforts to solve this important problem nationally in a realistic and practical manner. As you must know, other municipalities are considering various proposals for an effective answer.

This Association, which has an active membership of over 1500 manufacturers of paint, varnish, lacquer and allied products, and of the materials used in their manufacture, representing about 94 percent of the total national volume of such products, has always been alert to and active in the matter of toxicity of our products. We have been noted for being leaders in that field. In fact, we ourselves discontinued, many years ago, using any harmful products in the finishes we furnish manufacturers of children's toys and furniture.

First, let me convey to you and your Department our sincere appreciation of your Department's cooperation in our contacts with you on this public health problem. We agree that the solution lies in a widespread education, reaching not only parents but all persons in a position to do something to correct the bad habits or tendencies of children. This should be the major part of any public health program. Our program also includes the study of necessary, reasonable and effective labeling. The Association, as evidence of its intentions, has in preparation model precautionary labels, which will apply to approximately 95 percent of the industry's products when completed.

Furthermore, we use our information and publicity facilities and personnel for a nation-wide, educational program through all media available to warn of the danger of lead poisoning of children with defective nutrition.

Another phase of our efforts is the searching and studying of all available technical, scientific and toxicological records and information on all raw materials used by us.

PROGRESS THROUGH COOPERATION NCA 00 00447

N 3907.01

We have initiated prompt and complete studies or investigations of all lead poisoning cases attributed to paint or eating of paint chips. These will be conducted at local levels. We are ready to cooperate with your Department in this regard and will be glad to furnish you details of our case investigation procedure.

Our Subcommittee on Model Labeling, composed of industry members, toxicologists, scientists, label experts, and lawyers in addition to its other work has been actively engaged in a study of the lead poisoning problem and precautionary labels for paint products. I have asked Mr. R. J. Eckart, President of Sapolin Paints, Inc., New York City, and Chairman of this Subcommittee, and Mr. Clarence Slocum, Vice President, Devco and Reynolds Company, New York City, a Subcommittee member, and Mr. D. C. Arnold, President of the New York Paint, Varnish and Lacquer Association to call on you as representatives of this Association to discuss the Association's desire to cooperate and its position in this matter and our facilities that will be made available to you and others with similar interests. Therefore, I hope you will advise them what we can do to help your Department, but especially to continue our effective and cordial working relationship.

I assure you this Association is ready to help you and your Department in solving this public health problem.

With kind regards,

Sincerely yours,

Joseph F. Battley
President

JFB:me

cc - Jerome Trichter
Assistant Commissioner

National Paint, Varnish and Lacquer Association

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DIVISIONAL VICE PRESIDENT

WHOLESALE DISTRIBUTORS DIVISION
H. B. WEATHERFORD, RICHMOND

DR. HERMAN N. BUNDENSEN
Chicago Board of Health
54 W. Hubbard Street
Chicago 10, Illinois

Dear Dr. Bendensen:-

Your Department has been considering labeling requirements for paints or coatings containing lead. In this connection, you have met with Messrs. Linus O. Smith, Raymond J. Vonesh, and Edward F. O'Toole, representatives of the Chicago Paint, Varnish and Lacquer Association. I believe it would be helpful to you and your colleagues if you were informed of our interests and efforts to solve this important problem nationally in a realistic and practical manner. As you must know, other municipalities are considering various proposals for an effective answer.

This Association, which has an active membership of over 1500 manufacturers of paint, varnish, lacquer and allied products, and of the materials used in their manufacture, representing about 94 percent of the total national volume of such products, has always been alert to and active in the matter of toxicity of our products. We have been noted for being leaders in that field. In fact, we ourselves discontinued, many years ago, using any harmful products in the finishes we furnish manufacturers of children's toys and furniture.

First, let me convey to you and your Department our sincere appreciation of your Department's cooperation in our contacts with you on this public health problem. We agree that the solution lies in a widespread education, reaching not only parents but all persons in a position to do something to correct the bad habits or tendencies of children. This should be the major part of any public health program. Our program also includes the study of necessary, reasonable and effective labeling. The Association, as evidence of its intentions, has in preparation model precautionary labels, which will apply to approximately 95 percent of the industry's products when completed.

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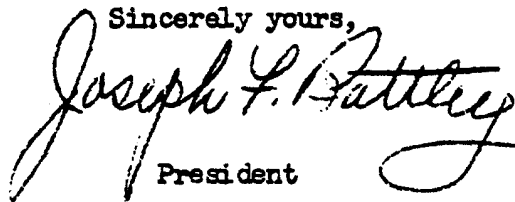
Another phase of our efforts is the searching and studying of all available technical, scientific and toxicological records and information on all raw materials used by us.

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Our Subcommittee on Model Labeling, composed of industry members, toxicologists, scientists, label experts, and lawyers in addition to its other work has been actively engaged in a study of the lead poisoning problem and precautionary labels for paint products. I have asked Mr. A. R. Wolff, Vice President of Enterprise Paint Manufacturing Company, Chicago, and Mr. C. C. McInnes of the American Mineral Spirits Company, Chicago, to call on you as representatives of this Association to discuss the Association's desire to cooperate and its position in this matter and our facilities that will be made available to you and others with similar interests. Therefore, I hope you will advise them what we can do to help your Department, but especially to continue our effective and cordial working relationship.

I assure you this Association is ready to help you and your Department in solving this public health problem.

With kind regards,

Sincerely yours,

President

JFB:me

cc - Dr. Robert B. Mellins
Chicago Board of Health

Revised Draft
August 17, 1954
Z66.1

Proposed American Standard For
SAFE LABELING OF COATINGS FOR CHILDREN'S TOYS AND FURNITURE

Foreword

A Sectional Committee on Hazards to Children, Z66, was organized on March 12, 1953 by the American Standards Association, under the sponsorship of the American Academy of Pediatrics.

The presently defined scope of this committee's activity is promulgation of "Specifications, tests and procedures to minimize home hazards to children which might result in physical injury or poisoning."

Toward this end a subcommittee was appointed to deal with the identification or labeling of paint products to indicate that they are safe to use in painting objects or surfaces which might be chewed by children.

In view of scope and objectives of the work of the Z66 Sectional Committee and of this subcommittee, the consideration of the subject was limited to the potential hazards to children such as might come from the handling and use of painted articles. Here the hazard would be from toxicity of coatings chewed off and swallowed. Study of this problem was suggested because of a number of reports of cases of lead poisoning in children resulting from swallowing dried lead paint, chewed off from various surfaces to which the child had access. Such surfaces were predominantly painted interior woodwork.

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N 3907.03

This standard therefore deals with the toxicity hazards which may be encountered through the chewing off and swallowing of the dried coatings of articles accessible to children, including interior woodwork.

Members and Alternates of the Subcommittee on Safe Labeling of Coatings for Children's Toys and Furniture are the following:

Members: Dr. A. G. Cranch (Chairman), Consulting Toxicologist, Union Carbide and Carbon Corporation (3)*

Mr. S. T. Barker, Assistant Director, Bureau of Environmental Sanitation, New York State Department of Health (1)

Mr. Manfred Bowditch, Director of Health and Safety, Lead Industries Association (8)

Mr. R. J. Eckart, Vice-President, Sapolin Paints, Inc. (5,6)

Dr. J. H. Foulger, Director of Medical Research, E. I. du Pont de Nemours & Co. (3,5,6)

Dr. T. B. Givan, State Chairman, Section 2, American Academy of Pediatrics (4)

Dr. May R. Mayers (3)

Mr. D. A. Merson, Vice-President, National Lead Co. (5,6,7,8)

Mr. C. W. Slocum, Vice-President, Devco and Reynolds Co. (5,6,7)

Mr. Jerome Trichter, Assistant Commissioner, New York City Department of Health (2)

Alternates: Mr. S. B. Coolidge, Vice President, Sherwin-Williams Co. (5,6) for Mr. Merson

Mr. A. D. Duncan, Vice-President, The Glidden Co. (5,6,8) for Mr. Slocum

Mr. H. L. Parker, Vice-President, Benjamin Franklin Paint and Varnish Co. (5,6) for Mr. Eckart

*Numbers in parenthesis indicate representation in the following categories:

1. New York State Department of Health.
2. New York City Department of Health.
3. Toxicology.
4. American Academy of Pediatrics.
5. Paint manufacturing.
6. National Paint, Varnish and Lacquer Association.
7. New York Paint, Varnish and Lacquer Association.
8. Lead Industries Association.

NCA 00 00452

Draft of Proposed American Standard
SPECIFICATIONS FOR RESIDUAL SURFACE COATING MATERIALS
TO MINIMIZE HAZARDS TO CHILDREN

1. Scope

These specifications cover the requirements for coatings (such as paints, enamels, lacquers, etc. applied in liquid form) which are deemed suitable from a health standpoint to be used to paint children's toys or furniture or interior surfaces so that the danger of poisoning will be minimized if, by chance, some of this coating should be chewed off and swallowed by a child.

2. Specifications

A liquid coating material to be deemed suitable, from a health standpoint, for use on articles such as furniture, toys, etc., or for interior use in dwelling units where it might be chewed by children:

- (a) Shall not contain lead compounds of which the lead content (calculated as Pb) is in excess of 1 per cent of the total weight of the contained solids (including pigments and drier).
- (b) Shall not contain compounds of antimony, arsenic, cadmium, mercury, selenium, or barium (when soluble in dilute hydrochloric acid) introduced as such in the formulation of such coatings.

3. Marking

Coatings complying with this standard may be marked: "Conforms to American Standard Z66.1-19__*. The coating obtained by normal applications of this material will not cause poisoning if the coating is accidentally chewed and swallowed by a child."

*Date to be filled in when Standard is approved.

MINUTES
SUBCOMMITTEE ON MODEL LABELING
July 15, 1954 Statler Hotel
New York, N. Y.

The Chairman called the meeting to order at 10:30 a. m.

Present

R. J. ECKART, Chairman
JOSEPH F. BATTLE, President
PAUL R. CROLL
JEROME J. CROWLEY
JOHN H. FOULGER
SANFORD J. HILL
BRUCE HOMER for T. J. McDOWELL
W. E. LUTZ
C. C. McINNES
ARTHUR MINICH
FRANK R. PITT
C. W. SLOCUM
MILES M. ZOLLER

Staff

DANIEL L. BOLAND
LAURENCE KIEFER
JOHN C. MOORE

Absent

HENRY J. WITSON
A. R. WOLFF
JOHN V. VAUGHN

President Battley reviewed some of the statements he made at the June 15 meeting stressing the importance of the work of this Committee. He suggested each committee member carefully read the proposed course of action prepared by Mr. Tom McDowell, copy attached.

This committee activity should not be tied down to labeling but should include a suggested educational program. He further stated our industry must do its own precautionary labeling work unhampered by A.S.A. or any other organization.

President Battley highly commended Mr. Clarence Slocum for a fine job done on the proposed New York labeling laws and regulations and on the fire regulations. Chairman Eckart also commended Mr. Slocum and stated A.S.A. has called on our industry to propose ways of assuring use of paints safe for children. Private labeling to cover every present and possibly later city or state regulation would be prohibitive. Therefore, we as an industry must produce the answer.

Mr. Slocum mentioned a conference with Dr. A. G. Cranch, Union Carbide and Carbon Corp., Dr. Wheatley of Metropolitan Life Insurance, Mr. Bowditch, Lead Industries Associates and Dr. Lanza, Medical Association, New York City.

It is their opinion a total of 1% lead in the form of pigment, drier, or as an impurity would be safe in a one-coat dry paint film. This is equivalent to about 1 milligram of lead per 2 sq. in. However, usually more than one coat of paint is applied thus compounding the potential danger. Mr. Slocum said the group suggested a label stating the ingredients "conform to A.S.A. standard" rather than say "less than 1% lead" or "safe for interior use". Mr. Slocum further stated the New York Board of Health is particularly zealous and could influence action of A.S.A. Committee Z-66. Mr. Slocum had several "no-lead" paints tested and found some as high as 3% lead apparently as impurities, as the labels did not indicate otherwise. Mr. Slocum read a letter from Dr. A. G. Cranch, (copy attached).

Mr. Slocum stated it was the original plan of the New York City Board of Health to require paint, containing more than 1% lead, be labeled "Poison".

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President Battley believes U. S. Public Health Service or similar Government agency approval would have more influence on the consuming public than an A.S.A. standard. He is definitely opposed to having labels carry an A.S.A. approval.

Dr. Foulger stated we recognize certain paints should not be used on children's toys and furniture and labels should designate (1) "This paint is suitable for ---" or (2) "This paint conforms to --- standard".

Mr. Pitt stated use of the word "suitable" as the best suggestion. Mr. Minich thought some statement like "When used according to directions" should be added to the "suitable" clause.

President Battley pointed out that the industry has always taken the lead in such matters and does not depend on others to do our job for us or force us into an untenable position. The use of the phrase on labels "This paint is suitable for ---", President Battley believes is reasonable and could be an answer to our precautionary label problems and proposed we endeavor to get A.S.A. to approve the use of "This paint is suitable for use on children's toys and furniture".

However, as consumers rarely read the label there must also be an educational program directed to the consumer, public health authorities, welfare agencies, doctors and others covering such important facts as:

- (1) Paints supplied for original application to children's toys and furniture are carefully formulated with raw materials that are suitable for each type article. The paint manufacturers for years have met the requirements and specifications of toy manufacturers to accomplish this purpose.
- (2) It is in the repainting of such items where caution must be exercised in the selection of the right paint. Care must be taken to purchase paints recommended by the manufacturer as suitable for children's toys and furniture.
- (3) When children begin chewing on wood, metal and other materials, whether or not they are painted, medical advice should be obtained to determine whether there is a dietary deficiency in the child or whether some other problem needs correction.
- (4) Wholesale and retail paint outlets must be adequately informed through education to furnish the public with the correct advice and the right product for refinishing children's toys and furniture.
- (5) The Association should conduct a public information program to supplement the educational efforts of our members.
- (6) The Association and the industry should establish and maintain effective relations with the medical profession and public health authorities to assure better understanding of the industry's problems and its desire to aid public health.

Dr. Foulger stated he was less concerned with the potential bad effects of lead in paint than with other ingredients, such as odorless solvents and chromium compounds. Many odorless paint users do not provide adequate ventilation and thereby get into trouble.

Mr. Slocum stated that the American Pediatrics Society report had established that lead was not as fatal as Aspirin. Paint was almost at the bottom of the list of items hazardous to children.

Both Mr. Lutz and Dr. Foulger pointed out we do not have adequate clinical reports to prove fatal poisonings of children are attributable to paint, other than a few lead poison cases, some of which are doubtful. We must establish a means for checking each case of claimed lead poisoning and also claims that any paint or paint ingredient caused death. This evidence is essential to properly present our position to Legislatures and Boards of Health. The Committee believes the Association should arrange to follow up the histories of lead poison cases or any other cases where poisoning is claimed to be caused by paint.

President Battley pointed out that A.S.A. has been, to his knowledge, trying to standardize paints for seven years. The matter was considered by our Executive Committee which decided the Association should not belong to A.S.A. General Battley stated that the problem will be presented to the Executive Committee on July 28 for their advice.

Chairman Eckart believed the information on the label is not as important as education of the consumer.

Mr. Lutz suggested the industry consider promoting use of white paints for children's toys and furniture as lead is not essential for such paints. This certainly could be done for cribs.

Mr. Slocum believes an educational campaign is essential and stated he had seen short articles in the daily papers that helped but we need more.

President Battley said that the information in the papers likely originated with the Association. A booklet is being prepared for radio broadcasting showing paints are suitable for application to children's toys and furniture. Also just before Christmas there will be information published to help the local firemen, etal, to select the right paint to use on old toys.

Chairman Eckart suggested each case of lead poisoning be followed up to determine facts and this information be properly distributed to local and state health authorities.

President Battley further stated the Industrial Product Finish Manufacturer does produce safe paints for children's toys and furniture. There is no record of lead poisoning in children where the original toy or furniture finish was the only one involved. The Association has some information on this subject and will inform both Chicago and New York Associations of the details. It was suggested that the Industrial Product Finish Steering Committee at their next meeting and at the Chicago Convention issue a statement officially verifying this for use in consumer education.

Mr. Slocum stated the New York City Board of Health is not as sure of its position as at first. Education here has produced good results.

There was some discussion of ingredients not considered safe or suitable. Such a list is needed by the paint manufacturer. Dr. A. G. Cranch is now perusing a list of ingredients included on labels of paints sold in Virginia and may list those safe for use in paints for children's toys and furniture. Dr. Foulger pointed out there was a difference between "toxic" and "safe". One milligram of lead can be inhaled every day without producing lead poisoning. In Zinc

NCA 00 00456

Chromate the uncombined Sodium Chromate is a hazard. President Battley stated that the Association would begin immediate preparation of such a list and that Dr. Foulger's Toxic Materials Committee could be of aid in listing the unsafe paint raw materials as could the Industry Suppliers Committee and the Legislative Committee.

Discussion centered around dates of important action by other agencies. Mr. Slocum stated the New York City Board of Health proposed to have regulations by September 1. The A.S.A. Committee Z-66 meets on August 11. Probably, as many are working on the problem official local and state action can be delayed awaiting definite industry recommendations.

RECOMMENDATIONS

Mr. Pitt moved, seconded by Mr. Crowley, that our representative on A.S.A. Z-66 Committee strongly urge division of the lead problem into (1) finishes for toys and children's furniture; (2) interior finishes on which no action should be taken at this time as insufficient evidence is available to allow a sound decision.

Mr. Slocum moved, and Dr. Foulger seconded that:

- (1) An educational program conducted by the Association should be started as soon as possible. Unanimously adopted.

Mr. Slocum moved and Dr. Foulger seconded that:

- (2) The Association prepare a list of paint raw materials that might be hazardous and distribute this information to members. Unanimously adopted.

Mr. Eckart moved and it was seconded that:

- (3) The Association set up machinery to investigate each future poisoning case attributed to the eating of paint, whether or not fatal. Unanimously adopted.

Mr. Crowley believes that the fact that non-toxic paints are on the market and available is newsworthy and should be publicized.

Mr. Pitt pointed out the need for a special study of presently used precautionary labels to produce a set of such labels for suggested use by our industry and moved the designation of three members to perform the work. The motion was carried and Chairman Eckart asked Messrs. Hill, Lutz, and McInnes to work on this problem. A meeting of the group was set for 9:30 a.m. Wednesday, August 11, in New York City.

It was decided the general subcommittee should meet in New York City 9:30 a.m. Thursday, August 12.

The meeting adjourned.

Respectfully submitted,

John C. Moore

JOHN C. MOORE
Technical Director

NCA 00 00457

Suggested Course of Action
for NPVL Association Re
Labeling Laws

T. J. McDowell

Our industry has suffered from a period of bad publicity mostly arising from incidents where it was easier to blame the results onto paint than to seek further for the true cause. These incidents ranged from several large fires that caused a considerable loss of life to the deaths of small children laid to lead poisoning allegedly incurred while chewing on various painted surfaces.

The legislators from various states are constantly being contacted by pressure groups to pass a law - any law will do - to eliminate this hazard to our children.

Unfortunately, any laws that have been passed to date have failed to alleviate the situation as these laws do not get at the root of the evil, but rather only look good on the statute books and remove the pressure from the legislature as an indication of its desire to do something about it.

It appears that the best course to pursue from the standpoint of the industries interested in the use of lead as a pigment and otherwise is to launch a campaign of education directed at the legislatures to forestall any further unnecessary legislation, at the pressure groups who are promoting the passage of these laws, at the user and sellers of these products so that the proper use is made of them and the hazards reduced to a minimum and most important of all at the general public to remove the false impressions from their minds and educate them in the proper use, the precautions to be taken and the real causes of these unfortunate occurrences.

To make this program of education effective, it should be directed in the following channels to accomplish its end; as the program develops other means will undoubtedly appear.

1. A procedure should be established whereby on receipt of a report that there has been an occurrence which could be charged to the protective coating industry whether it be the alleged poisoning of a child, a fire, or what have you, a trained investigator be immediately assigned to check thoroughly all angles of the case so that the truth will be determined and the fault properly assessed. If the fault lies with the product, corrective measures can be taken, and if not, the resulting publicity will lay the blame where it belongs. The Association has enough members located throughout the country so that such occurrences could be promptly reported to the Association's National Headquarters.

2. An educational program be implimented for the purpose of bringing to the medical profession the true facts regarding lead poisoning, its cause, cure and diagnosis so that when a patient is brought in that has had contact with or probable exposure to lead, the snap judgment is not "lead poisoning" without using the proper clinical methods to determine the fact. This can be done through lectures to medical societies, literature placed in the hands of the profession, or through its accredited journals and publications.

3. The Association should carry on an educational program within its own membership, its sales people, jobbers and dealers. The correct information

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passed on by a clerk in a paint or hardware store could prevent the groundwork from being laid for these cases, instructions as to the right product, methods of application, sanitary precautions to be observed, hazards involved given first-hand by the salesman who after all, has the only direct contact with the customer - would be extremely helpful.

4. Through the means of press releases to the various newspapers around the country, the public could be educated in the know-how of the use of our products; hazards should be frankly discussed, proper precautions instilled in their minds so that the number of these incidents can be reduced.

5. Material should be prepared for presentation to the various public officials whenever a movement has started to pass some label laws or other regulations so that they can show the true facts involved and demonstrate that the suggested legislative program would not accomplish the results desired. Make it possible for them to truthfully state that the industry itself is doing its own policing and the punitive or remedial legislation is unnecessary. This material must be directed at Public Health officials as well as the law-makers.

The tragedy of a few years ago at Hyattsville, Maryland, and the more recent cases in New York and Chicago, would never have been prevented by stringent label laws...only education at the source is going to accomplish these results. Because the can from which the paint was taken had a poison label, certainly would not save the life of a child who, because of a dietary deficiency, chews the paint from the porch rails five or six years later.

The medical profession would be our best source of help, if we can get the story to them and the story is there to be told.

UNION CARBIDE AND CARBON CORPORATION

30 East Forty-Second Street

New York 17, N. Y.

July 13, 1954

Mr. Clarence W. Slocum, Vice President
Devco and Reynolds Company, Inc.
Delancey and Rutherford Sts.
Newark 5, New Jersey

My dear Mr. Slocum:

When I talked to you this morning, I was to try to get a copy of the label draft which Dr. Lanza and I had been considering in the mail to you tonight. Since then I have been in continuous touch with Manfred Bowditch and then with Mr. Ainsworth of the American Standards Association. The upstart of this is that we believe we are in a position to have any action by the New York or Chicago boards of health deferred until we can complete our subcommittee report on the standard for paints. It is therefore suggested that no further circulation be given to any tentative label until the committee has met again so that we can draft a label with the authority of the American Standards Association and not consider any "interim labeling". To this end we are arranging for a meeting of the subcommittee next week, and Mr. Ainsworth assures us that if the subcommittee can agree on a standard, he feels there can be put through the necessary steps for adoption by the American Standards Association by September or at the latest October.

I am very sorry that you will be away next week when we hope to have the meeting of the subcommittee, but Manfred Bowditch is getting in touch with Mr. Butler, your alternate, and we hope that all the members of the Committee will be able to attend.

Sincerely yours,

MEDICAL CONSULTANT

A. G. Cranch, M. D.
jl

NCA 00 00460

N 3907.06

MINUTES OF MEETING
SUBCOMMITTEE ON MODEL LABELING
August 12, 1954 Hotel New Yorker
New York, N. Y.

Present

R. J. ECKART, Chairman
A. R. WOLFF, Vice Chairman
PAUL R. CROLL
JOHN E. FOULGER
SANFORD J. HILL
BRUCE HOMER for T. J. McDOWELL
W. H. LUTZ
C. C. McINNES
ARTHUR MINICH
C. W. SLOCUM
HENRY J. WHITSON
PAUL WHITFORD for MILES M. ZOLLER

Staff

DANIEL L. BOLAND
JOHN C. MOORE

Absent

JEROME J. CROWLEY
FRANK R. PITT
JOHN V. VAUGHN

Visitors

A. B. HOLTON
DR. ROBT. MELLINS
(Chicago Board
of Health)

The Chairman called the meeting to order at 9:45 a.m. and asked Mr. Slocum to report on the August 11 meeting of American Standards Association (ASA) Subcommittee 266 relating to recommendations on paints suitable for application to children's toys and furniture.

Mr. Slocum reported the meeting was well attended. The paint industry was represented by Messrs. Eckart, Foulger, Whitson, Holton and Slocum. A. S. A. was requested by the American Academy of Pediatrics to draw up health standards for objects with which children may come in contact. Paint is one of those objects. After much discussion the following Z-66 Committee resolution was approved for submittal to the A.S.A. Standards Committee:

"A liquid coating to be deemed suitable from a health standpoint for use on articles such as furniture, toys, etc., or for interior use in dwelling units where it might be chewed by children.

- (1) Shall not contain lead compounds of which the lead content (calculated as Pb) is in excess of one per cent of the total weight of the contained solids (including pigments and drier).
- (2) Shall not contain compounds of antimony, arsenic, cadmium, mercury, selenium, barium (when soluble in dilute hydrochloric acid) introduced as such in the formulation of such coatings.

Coatings complying with articles 1 and 2 above, may be marked "Conform with American Standard Z66-1 for use on surfaces which might be chewed by children."

* * *

As first proposed, Chromium compounds were included under item 2, but were deleted as no proof has been presented where oral poisoning is caused by zinc chromate. A few members wanted the allowable maximum amount of lead reduced to 0.1% but this proposal was rejected by the Z-66 committee. The words in item 2 "when soluble in dilute hydrochloric acid" refers only to Barium. However, the details of this test were not discussed at the Z-66 meeting. The proposed standard re-

fers specifically to intentional use of the designated metals in a formula. If these metals exist as impurities in paint raw materials they are not included.

Particular note of use of the words "deemed suitable" in the proposed standard was made. The proposal first stated "considered safe". There is a wide difference as this change produces a non-rigid standard. Mr. Slocum, upon completing this report, stated "We need to thoroughly discuss this proposed standard". He also said, "The question is 'Should we have a paint industry standard'".

Dr. Foulger stated the procedure of voting on A.S.A. proposed standards on health matters gives every member of the committee one vote and a majority rules. This voting method materially influences the nature of standards. He pointed out the A.S.A. can only suggest standards and cannot enforce them. Dr. Foulger stated that the standard, as revised, is very innocuous. Considerable change from the original proposal had resulted. He expressed the belief acceptance of the standard would not cause the paint industry any trouble. His belief was partly based on recognition of the fact that considerable toxicological work had been performed by some of the leading authorities in the country, and that work should not be discarded. He stated that the question presented to the Subcommittee was what are the alternatives to the A.S.A. standard?

Mr. Eckart remarked that the paint industry could follow the standard but did not have to refer to an A.S.A. standard.

Mr. Boland expressed the belief the A.S.A. standard, if adopted, would be made a part of legislation and official health regulations.

Mr. Hill remarked the A.S.A. proposal likely resulted from inaction of others to offer a better solution.

Upon a request from Mr. Slocum for a statement of Association policy on the subject, Mr. Boland explained that General Battley could not be present but had discussed the Association policy with him the previous day. He then stated that the Association was opposed to standards and also to any proposals which might have the effect of law and thereby affect the individual formulations of products of the industry. He stated that the A.S.A. project was directed against a problem which could not be solved by labeling, but by education of parents and other interested parties and advocated extreme care in adoption of the A.S.A. standard on the ground that it would not correct the situation. The problem is one for solution by the lead industries and our industry and must be considered fully by the Association's Executive Committee. If the A.S.A. standard resulted in blanket acceptance by public bodies and legislative groups it would be better to have the industry take advantage of all the work done by the Z-66 Committee and the paint industry adopt its own standard based on a workable educational and legislative approach.

Dr. Foulger stated any action of this or any other committee does not preclude our having the opportunity to appear before state or local authorities. The A.S.A. action is not the solution to the problem of keeping children from being exposed to harmful elements or from being poisoned for that matter. It will take 50 years to correct a situation that has taken hundreds of years to produce.

Mr. Slocum read a clipping from the August 4 or 5 New York Times relating to labeling regulations which referred to cooperation between the Manufacturing Chemists Association Inc., and local Health Authorities. Mr. Slocum further remarked we should arrive at a decision to use a standard of our own or expect

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others to legislate one.

Mr. Hill believes the New York City regulations for labeling of dangerous substances can be interpreted to include paint even though at present we think paint will likely be excluded. We should take the initiative to avoid specific regulations concerning warning labels for lead. True, the present paint labels are certainly better than some the regulations are aimed at. He pointed out that many different government divisions have authority to issue regulations which may affect labeling of our products. In New York City it is the Department of Health and in New Jersey it is the Department of Labor. In other cities or states other agencies are proposing regulations. It seems industry has not pointed the way and produced a possible solution. M.C.A. has partially answered the problem and their suggested labeling is receiving recognition. Mr. Hill suggested we should join and help them.

Mr. Slocum remarked that Dr. Lanza, who is representing the paint industry, has been given until September 1 to produce an answer for the New York City health authorities. If no satisfactory reply is given the resulting regulations may be worse than now contemplated. Action must be taken now in New York City. Mr. Slocum further noted that Mr. Rabin of the New York health authorities proposed at the Z-66 meeting that paint containing lead in excess of 1% be labeled:

"WARNING

This paint contains more than ... percent of lead - UNSAFE - POISONOUS. Should not be used for children's toys or furniture, or on surfaces which may be chewed by children."

Mr. Eckart said City of Chicago desires only interior paint of less than 1% lead be allowed to be sold there.

Mr. Minich remarked Dr. Lehman of the Pure Food & Drug Department at Washington, D. C., has approved use of "Harmful if taken internally".

Mr. Eckart stated the discussion on the A.S.A. standard had arrived at a point where Mr. Lutz, Chairman of the Task Group to prepare suggested precautionary labels, should report.

Mr. Lutz stated that the Task Group selected to draft suggestions for precautionary labels for industry's products had met at the Hotel New Yorker the preceding day. Those present at this meeting, in addition to himself, were Dr. Foulger, Mr. Hill, Mr. Homer, Mr. McInnes, Mr. Moore and Mr. Boland.

Mr. Lutz stated the proposed labels should cover approximately 90% of the industry's products and were submitted as a minimum requirement to comply with existing laws and to specify the hazards if any. He believes the proposals could serve as a basis for an Association program concerning further legislation and could be submitted to members for their individual consideration and acceptance. They are mere suggestions only.

Mr. Lutz read the report of the Task Group and moved the report be included in the minutes of the meeting with any amendments. This was seconded by Mr. Croll and approved by the Committee. (See attached for approved suggested precautionary labels).

Mr. Eckart inquired why Classes IA and IB in the report relating to flash point could not be combined by using the words "Caution-Combustible". Dr. Foulger

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replied that a hazard should never be understated or overstated. Mr. Boland pointed out such a combination would conflict with existing laws.

Mr. Hill stated there was nothing to prevent anyone from over labeling but he considered it inadvisable.

Mr. Lutz remarked these proposed precautionary labels state what we are for not what we are against. No one is obligated to use these labels. They do conform to ICC regulations. Some discussion in the Task Group had centered around use of words "Do not take internally". The Group believe such a statement should not be included in the proposals.

Mr. Lutz believes we should (1) alert our industry to the potential dangers and (2) stem the tide of adverse legislation.

At this point Dr. Mellins of the Chicago Board of Health arrived and was requested by Chairman Eckart to discuss the attitude of the Chicago health authorities regarding precautionary labeling.

Dr. Mellins first desired to know what the Paint Association was doing to help aid the health authorities.

In reply, Mr. Boland pointed out President Battley had appointed this Subcommittee to consider the problem of lead poisoning and precautionary labeling. The Subcommittee had met several times and had recommended action as follows:

- (1) An educational program conducted by the Association.
- (2) The Association prepare a list of paint raw materials that might be hazardous and distribute this information to members.
- (3) The Association set up machinery to investigate each poisoning case attributed to the eating of paint, whether or not fatal.

Mr. Boland described the various departments of the Association which were being geared to intensive work on an industry and nation-wide educational program. He referred to the Publicity, Industry Relations, Clean Up-Paint Up-Fix Up Bureau, Trade Sales and Industrial Product Finishes Division, all of which would function in some manner.

Dr. Foulger thought the best method of securing detailed and authentic information on each alleged child lead poison case was to ask the Casualty and Liability Insurance Companies to handle. They are definitely interested and have the medical and other background to best secure the information desired by us.

Mr. Slocum believes the public school students should be enlisted in a campaign to keep younger brothers and sisters from chewing painted surfaces.

Dr. Mellins, in reply to a question, said he had talked to Mr. Trichter of the N.Y. City Dept. of Health. The N. Y. health officials are not completely satisfied with the A.S.A. standard as drafted, but realize it would be helpful in labeling requirements.

In Chicago, Dr. Mellins advised, there was considerable agitation for action concerning lead poisoning and that Dr. Bundesen, Chicago Health Commissioner, had

been under pressure from the newspapers and various groups. He said he had succeeded in having action deferred in view of the A.S.A. Z-66 project. He pointed out that his main concern was with window sills and other interior surfaces which might be chewed by children.

He expressed his gratification to hear of the Association program and asked to be placed on the mailing list for any of the Association releases relating to lead poisoning.

Dr. Mellins believes it is highly important to learn all possible about each alleged case of lead poisoning of children. It should be a reportable disease. The mere fact that a child died from alleged lead poisoning is not sufficient. We must be sure of the cause and determine how the child got the lead into its system and then use that information in an educational campaign. Dr. Mellins further stated there has been an increased use of paints by the non-professional person and they are not familiar with all the hazards involved. The Paint Industry should include on the label, information of possible hazards. Another problem is a precautionary label for exterior paints containing lead.

After examining the proposed precautionary labels being considered by the Subcommittee he said the proposed label is good as far as it goes but an additional precaution is needed - "Contains lead and do not apply on surfaces that may be chewed by children" or words to that effect.

After some discussion it was decided Messrs. Wolff and McInnes would work with Dr. Bundesen, head of the Chicago Board of Health, and Messrs. Slocum and Eckart would contact the New York City Health Authorities, and explain the Association's activities and our desire to help the health authorities solve the problem of the alleged lead poisoning of children.

Respectfully submitted,


JOHN C. MOORE, Director
Technical Division

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REPORT OF SUBCOMMITTEE
ON MODEL LABELING
CONCERNING PRECAUTIONARY LABELS

Approved August 12, 1954 - New York, N. Y.

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It was agreed that paints be grouped as follows for precautionary labeling:

GROUP I - Products containing a solvent flashing below 150°F. and having no significant amounts of lead or other harmful compounds.

Flash Point
above 80°F.

Caution! Combustible

Keep away from heat and open flame. Keep container closed when not in use. Use with adequate ventilation. Avoid prolonged or repeated contact with skin. Avoid prolonged breathing of vapor or spray mist.

Flash Point
above 20°F.
to 80°F., in-
clusive

Warning! Flammable

Keep away from heat, sparks, and open flame. Keep container closed when not in use. Use with adequate ventilation. Avoid prolonged or repeated contact with skin. Avoid prolonged breathing of vapor or spray mist.

Flash Point
20° or below

Danger! Extremely Flammable

Keep away from heat, sparks, and open flame. Keep container closed when not in use. Use with adequate ventilation. Avoid prolonged or repeated contact with skin. Avoid prolonged breathing of vapor or spray mist.

NOTE 1: It was agreed that reference to "Do not take internally" be omitted except in the case of clear liquids, such as thinners. Regardless of flash point, these clear liquids should bear appropriate Group I

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label plus warning "Do not take internally". The Subcommittee makes this recommendation because clear liquids may be attractive nuisances or mistaken for beverages.

NOTE 2: Flash Point determinations, in all cases, refer to Tag Open Cup Method, as specified in A.S.T.M. Method D 1314-54T.

Regulatory bodies may specify a different flash point method. In such cases, efforts will be made to have the above standard method adopted.

NOTE 3: The Subcommittee recommends that products containing "odorless" solvents bear appropriate Group I labels with the warning "Use with adequate ventilation" prominently displayed in bold face type, meaning type larger than the caution statement.

GROUP II - Products containing lead compound and solvent:

Flash Point
above 80°F.

Warning: Combustible
Contains Lead Compound

Keep away from heat and open flame. Keep container closed when not in use. Use with adequate ventilation. Avoid breathing vapor or spray mist. Avoid prolonged or repeated contact with skin. Wash thoroughly after handling and before eating or smoking. Keep away from feed and food products.

Flash Point
above 20°F.
to 80°F.

Warning: Flammable
Contains Lead Compound

Keep away from heat, sparks, and open flame. Keep container closed when not in use. Use with adequate ventilation. Avoid breathing vapor or spray mist. Avoid prolonged or repeated

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contact with skin. Wash thoroughly after handling and before eating or smoking. Keep away from feed and food products.

Flash Point
20°F. or
below

Danger! Extremely Flammable
Contains Lead Compound

Keep away from heat, sparks, and open flame. Keep container closed with not in use. Use with adequate ventilation. Avoid breathing vapor or spray mist. Avoid prolonged or repeated contact with skin. Wash thoroughly after handling and before eating or smoking. Keep away from feed and food products.

NOTE 1: It was agreed not to include phrase "Avoid breathing dust and fumes" because hazard is connected with surface preparation. The Subcommittee agreed that such hazard be covered in directions-for-use and not in precautionary statement.

GROUP III - Products containing significant amounts of harmful compounds other than lead, and solvent.

The Subcommittee recognizes that there may be harmful substances used in paint, other than lead, but due to formulation variables, it is impossible to establish a general warning label. The paint manufacturer is cautioned to alert himself to such hazards and give careful consideration to appropriate precautionary labeling.

The Subcommittee recommends particular vigilance in labeling Group III products - intended for use in children's furniture or toys. The Subcommittee also recommends that labeling of Group III

products containing hazardous chemicals be guided by MCA Manual L-1 Warning Labels applying to those particular chemicals.

GROUP IV - Paint and Varnish Removers

- A. Non-Flammable Removers, such as specified in Fed. Spec. TT-R251C, Type II. Such removers contain substantial amounts of Methylene Chloride.

CAUTION!
Contains Methylene Chloride

Use with adequate ventilation. Avoid prolonged or repeated contact with skin. Avoid prolonged or repeated breathing of vapor. Do not take internally.

- B. Flammable Removers, such as specified in Fed. Spec. TT-R.251C, Type I. Such removers contain substantial amounts of benzol.

DANGER! EXTREMELY FLAMMABLE
VAPOR HARMFUL - POISON
Contains Benzol

Keep away from heat, sparks, and open flame. Keep container closed. Use only with adequate ventilation. Avoid prolonged or repeated breathing of vapor. Avoid prolonged or repeated contact with skin.

NOTE 1: The Subcommittee recommends that any N.P.V. & L.A. bulletin refer to the exceptional requirements of the Commonwealth of Massachusetts relative to benzol.

It was recommended that proposed precautionary labels be published as part of the N.P.V. & L.A. compilation "Labeling Laws and Regulations".

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