

State legislation alert

**PAINT &
COATINGS
ASSOCIATION**

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January 15, 1974
NO. 34 (Florida)

TO: All NPCA Members in Florida
NPCA Legislative Committee
All Officers, Florida Paint and Coatings Association

Subject: Florida House Bill No. 2501; proposed Lead Based Paint Bill.

Encl: Copy of letter to Representative Cherry.

1. Status: Although the Florida legislature is not scheduled to convene until April 2, 1974, subject bill has been prefiled by Representative Gwen Sawyer Cherry (D.-Dist. #106), 636 N. W. Second Avenue, Miami, Florida, 33136. Referred to Committee on Health and Rehabilitative Services.

2. Synopsis:

This bill is virtually identical to the law enacted by the State of Illinois in 1973. Set forth below is a digest of its pertinent provisions.

A. Defines "lead bearing substance" as any paint or other surface coating material containing more than 0.5% lead by weight, calculated as lead metal, in the total non-volatile content of liquid paint, or such lower standards as may be later established at the Federal level; or more than 1 milligram per square centimeter in the dried paint film.

B. Would prohibit the use of "lead bearing substances" on:

1. interior surfaces of a dwelling;
2. interior surfaces of structure or dwelling used for the care of children;
3. fixtures or other objects used, installed, or located in or on any interior surface of a dwelling (or intended to be so used, installed, or located) and which, in the ordinary course of use, are accessible to and chewable by children;
4. toys or other articles used by and chewable by children, or furniture.

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C. Would prohibit the sale of the following if they contain a "lead bearing substance":

- a. toys or furniture;
- b. fixtures or other objects intended to be used, installed or located in a dwelling and which, in the ordinary course of use, are accessible to and chewable by children.

D. Would prohibit the sale or giving away of any "lead bearing substance" which may be "used" by the general public unless it is labeled in accordance with federal regulations. In the absence of such regulation, the label shall be:

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

Do not apply on toys, or other children's articles, furniture,
or interior surfaces of any dwelling or facility which may be
occupied or used by children.

KEEP OUT OF THE REACH OF CHILDREN."

(NOTE. This section would clearly permit the continued use
of Recommended Label No. 14 in the NPCA "Labeling Guide".)

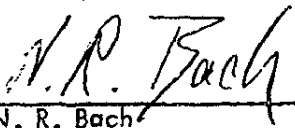
E. The bill also contains extensive provisions dealing with the detection and removal of lead bearing substances from existing dwellings, lead poisoning screening, educational programs, etc.

3. Comments:

The Illinois law incorporates almost all of the numerous amendments advocated by NPCA and industry members in discussions with the Illinois State Health authorities and in testimony in the legislature.

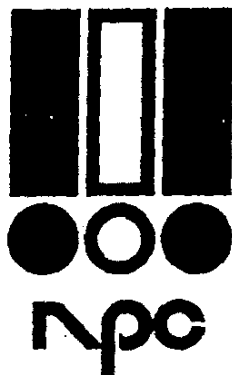
With the two modifications explained in the attached letter concerning "furniture" and the labeling requirement, it is felt that subject bill is one which we can support. All addressees are requested to advise their representatives in the Florida legislature accordingly.

Copies of H.B. 2501 can be obtained from your representative or from NPCA upon request.



N. R. Bach
Counsel

January 11, 1974



Honorable Gwendolyn Sawyer Cherry
(D.-Dist. #106)
636 N. W. Second Avenue
Miami, Florida 33136

Dear Representative Cherry:

I am writing concerning Florida House Bill 2501 which you recently introduced in the House of Representatives.

By way of background, NPCA is a trade association representing the manufacturers of more than 90 percent of the dollar volume of paints, varnishes, lacquers and allied products produced in this country. In addition, it is the spokesman for the major suppliers of raw materials from which these products are made. Our membership includes companies large and small, from nearly every state in the Union, including approximately 30 corporate members from the State of Florida. Of course, many of our members from other States produce and market coatings and articles on which coatings are utilized for sale within your State. As a result, we have a substantial interest in this proposal.

The primary objective of this bill, to control and eliminate childhood lead poisoning, is fully supported by NPCA. Toward this end, we have actively supported other legislative proposals with this objective at all levels of government, Federal, State, and local.

Therefore, at the outset let me assure you that our Association and its individual members share your concern over the serious problem of lead poisoning of children. We know this problem exists today, particularly in metropolitan areas, we know it can be prevented, and we will continue to work to help eradicate this preventable disease. In this effort, we have not and will not attempt to place any adverse economic impact on our industry in a position paramount to the health of our children. Most assuredly, the health of children is now, and must always be, the primary consideration.

After reviewing H.B. 2501, I note that it is virtually identical to the law enacted by the State of Illinois last year. We worked with the health department officials and the legislature in Illinois on numerous amendments to the bills as introduced there and the final version we feel, represents a constructive and realistic approach toward the solution of the problem.

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We do ask your consideration of two minor changes in your bill. First, we feel that the word "furniture" in Section 2 (1)(d) and Section 2(2) should be further defined. Standing alone, it could be interpreted to cover furniture for use in offices, factories, commercial buildings, etc., as well as those items of household use which in the ordinary course of use are not accessible to and chewable by children and therefore do not present a hazard. I have in mind here such things as picture frames, wall mirror frames, overhead cabinets, etc., etc. It is, therefore, urged that the same modifying language as pertains to "fixtures or other objects" be applied to "furniture" so that it would read "residential furniture which, in the ordinary course of use, is accessible to and chewable by children."

The other point on which we ask your consideration is in Section 2(4), dealing with the labeling requirement. We feel that the word "used" in line 16 on page 3 should be changed to "purchased". We concur fully in the intent of this section to provide a proper warning on household products (as distinguished from those purely industrial products used in factory application and usually available only in large containers) and feel that the word "purchased" more clearly expresses the intent.

We commend you for focusing on the lead poisoning problem and, with the modifications above, support your proposed legislation. I would welcome hearing from you concerning this matter.

Sincerely,


N. R. Bach
Counsel

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