



E. I. DU PONT DE NEMOURS & COMPANY
INCORPORATED

WILMINGTON, DELAWARE 19898

November 24, 1970

Honorable Alan Cranston
4241 New Senate Office Building
Washington, D. C. 20510

Dear Senator Cranston:

The following letter concerning the lead-based paint elimination bill H.R. 19172 now pending before the Senate Subcommittee on Health, was sent by telegram to its chairman Senator Yarborough, on November 23, 1970, to be entered into the record of the Subcommittee's hearings:

E. I. du Pont de Nemours and Company is a Delaware Corporation located at 1007 Market Street, Wilmington, Delaware 19898. Best known as a supplier of basic fibers and chemicals to other processors, Du Pont also enjoys a substantial volume of business in the industrial, commercial, and consumer paint field. Du Pont does not, however, manufacture any lead compounds listed in Section 7 Part 3 of H.R. 19172.

SUMMARY

As a supplier of paints in the industrial, commercial, and consumer paint fields, we fully support Congressional intent behind H.R. 19172 to prevent any health hazard to small children by eliminating lead-based paints from the child's environment. We suggest, however, that the established usefulness of lead-based paints to the Federal Government in such areas as structural steel, and in other areas where such paints are made inaccessible to small children by construction treatment, should not be overlooked.

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To amplify, the purpose of this letter is to express our concern over certain provisions of H.R. 19172, 91st Congress, which is now pending before your Committee. We wholeheartedly support the intent of H.R. 19172 to support local programs covering the elimination of lead-based paints from interior surfaces of residential housing, the evaluation of methods of removal of existing lead-based paint films, and the detection and treatment of lead-based paint poisoning. However, we are concerned that the provisions of Section 4 may be interpreted in a manner not within the intent of the Congress.

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Section 4 provides that: "The Secretary of Housing and Urban Development shall take such steps and impose such conditions as may be necessary or appropriate to prohibit the use of lead-based paint in all future Federal construction and rehabilitation, and in the construction or rehabilitation, after the date of the enactment of this act, of any building or structure with Federal assistance in any form."

It is the expressed intent of Congress, by enacting Section 4, to prevent the exposure of small children to lead compounds by eliminating lead-based paint from the child's environment. We support this concept. However, the Section 4 proscription goes far beyond that related to a child's habitat by prohibiting the use of lead-based paint in all Federal construction or rehabilitation of any structure. Thus, the prohibition will extend to painting systems used on structural steel, and other applications under the jurisdiction of the Secretary of Housing and Urban Development. It is not inconceivable that this prohibition may be held to apply to all construction or rehabilitation purchased with Federal funds. Such prohibition will deprive the Federal Government of the known economic and performance advantages of lead-containing paints, including those specified in at least 65 Federal paint specifications.

State and local governments, private contractors, and the public may likewise be deprived of the benefits of these and similar coatings because local governments, charged under the act with the responsibility of establishing acceptable lead control programs, will tend to follow the Federal pattern of control and enact their own versions of Section 4.

Accordingly, we respectfully request that Section 4 of H.R. 19172 be revised to read:

"The Secretary of Housing and Urban Development shall take such steps and impose such conditions as may be necessary or appropriate to prohibit the use of lead-based paint on the interior surfaces of:

- A. Dwellings to which the provisions of Title VIII of Public Law 90-284 apply, and
- B. Places used for the care of children

provided however, that such prohibition shall not apply to the use of lead-based paint on surfaces, the construction treatment of which insures no possibility of access to children."

Honorable Alan Cranston

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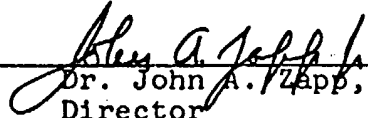
November 24, 1970

The Du Pont Company respectfully requests that this letter be placed in the record of the Subcommittee's hearings on lead-based paint elimination.

Respectfully submitted,

E. I. DU PONT DE NEMOURS AND COMPANY

By: _____


Dr. John A. Zapp, Jr.
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