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Protests Concerning FDA Lead Regulation Made By Three Industry Organizations

Washington, D.C., April 20. Protests in connection with the recent lead regulation of the Food and Drug Administration have been filed by three of the major coatings industry organizations—the Federation of Societies for Paint Technology, the National Decorating Products Association, and the National Paint and Coatings Association.

The FDA regulation restricts lead content of packaged retail paints to 0.06 per cent.

Officials of the organizations said the challenges were filed within the 30-day period allowed following publication of the regulation in the Federal Register. Publication was made on March 11.

Copies of the protest letters were given to *American Paint Journal* by the Federation of Societies for Paint Technology and the National Decorating Products Association, but a copy of the protest letter sent by the National Paint and Coatings Association was not immediately available.

The protest made by the National Decorating Products Association does not challenge the lead content level per se. Rather, it questions the propriety of FDA to prohibit retailers from merchandising the leaded paints for a reasonable length of time after the manufacturers' compliance dates. It asks for an amendment to permit longer time for sale of the paints than that specified in the regulation.

The Federation's letter was sent under the signature of Jean P. Tras, the Food Company, Hudson, Ohio, president. The letter from the National Decorating Products Association was sent by Robert E. Pettit, St. Louis, executive vice president.

The Federation letter states that it represents "the 6,000 members of the

Federation of Societies for Paint Technology." The texts of the letters follow:

From the Federation:

Commissioner, Food and Drug
Administration
c/o Hearing Clerk
Room 6-88
5600 Fishers Lane
Rockville, Maryland 20852
Dear Commissioner:

On behalf of the 6,000 members of the Federation of Societies for Paint Technology, I must protest vigorously the establishment of lead limits for paints as proposed in the Federal Register, Vol. 37, No. 49, pp. 5219-5272, 11 March, 1972.

Our members have, for nearly fifty years, dedicated themselves to providing a maximum of product utility to consumers. Thus, we recognize the absolute necessity of protecting the public, including children, from hazards arising from exposure to our products. We are, however, certain that the establishment of an arbitrary limit of 0.06 per cent lead would seriously decrease the performance and durability of many of the affected coatings products without contributing materially an added increment of safety. We challenge the scientific accuracy of the rationale used to establish 0.06 per cent lead as a safe toxicological limit for many diverse types of modern paints since careful analysis of data available on the rate of dissolution of lead from dried paints proves that this factor has been grossly exaggerated during past estimations of lead-in-paint toxicity.

Assessment of Lead Hazard of Various Paints

The degree of hazard of lead-bearing paints ingested by children suffering

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from pica logically is dependent upon many physical factors including: the lead content of ingested paint chips, the thickness (or weight) of paint accessible to children and the rate of dissolution of lead during gastro-intestinal retention. The importance of these factors is illustrated by the following table:

Paint System	Wt. of Paint Per Unit Area (Mg./cm ²)	Lead Content of Dried Paint (Per Cent)	Degree of Dissolution of Lead During Digestion (Per Cent Solubilization)	Calculated Average Permissible Ingestion (cm ² /day)
Old heavily leaded paints				
10 coats, exterior lead/oil house paint	93	61	25	0.01
10 coats, leaded interior enamel	56	27	25	0.04
Modern quality coatings				
10 coats, exterior house paint	62	0.5	1.0	49
10 coats, interior alkyd enamel	41	0.5	1.0	75
Factory-applied refrigerator enamel	4.2	0.5	0.25	1500
Factory-applied toy enamel	4.1	0.5	0.25	3000

These data prove that limitation of household paints to 0.5 per cent lead will decisively reduce hazard to children; that these products are 2000 to 5000 times safer than old heavily leaded paints. It is further evident that it is practically impossible for a child to ingest enough 0.5 per cent lead paint from toys or household appliances to cause lead poisoning.

Effect of Lead Restrictions on Product Quality

Years of laboratory experimentation and exposure testing have proven the efficacy of lead compounds in contributing specific properties to durable paint films. Lead-bearing pigments and additives provide not only a wide selection of colors and light fastness but also promote weather resistance, hardness, scrub resistance and other forms of du-

rability. Limitation of lead to 0.5 per cent of the non-volatile content can met, by expanding the use of an commercially available non-lead ingredients, without perceptible change product quality. Further restriction to 0.06 per cent lead, however, would mean the complete elimination of le-

ad compounds as active ingredients of coatings since such minute amounts of lead may well be unintentionally added as trace contaminants of other, non-lead raw materials. It is the abandonment of these last, low-concentration lead additives and tinting pigments which would deprive customers of adequate product quality.

Recommendations for Responsible Actions

To protect the consuming public from inordinately inferior quality of household and appliance paint products, we strongly recommended the following:

1. Establishment of 0.5 per cent lead content of nonvolatile portion of coatings intended for, or packaged in a form, suitable for, use around the household in accordance with paragraphs 191.9-6 (i, b) and ii, b).
2. Exemption of industrial coatings

(factory-applied finishes which are always applied as thin, highly chemical-resistant films) from further restriction of lead content.

3. Delay of establishment of more restrictive limits (below 0.5 per cent lead) for both exterior and interior household paints until unequivocal evidence on the rate of dissolution of lead from dried paint chips is determined through controlled experimentation and given public hearing.

In substantiation of the above protests and recommendations, we submit herewith Exhibits A-E and pledge our Federation to the active support of future efforts to protect both the health and welfare of the public.

Sincerely,

(Signed) J. P. TEAS

President

Federation of Societies
for Paint Technology

From the NDPA:

April 5, 1972

Hearing Clerk

Department of Health, Education
& Welfare

Room 6-6A

5600 Fishers Lane

Rockville, Maryland 20852

Dear Sir:

The National Decorating Products Association, representing paint and wallpapering retailers and distributors throughout the United States, hereby files the following objection concerning the FDA regulation published in the Federal Register on March 11, 1972:

The timetable, as set forth in the regulation that is limiting the lead content in paint to $\frac{1}{16}$ of one per cent after December 31, 1972 and 0.06 per cent after December 31, 1973 does not, in our opinion, provide ample time to absorb products currently being produced having greater lead content and to move such products off the shelves of our stores.

If the current regulation is meant to limit production of these products to

the specified lead content as of the dates cited in the regulation, there has been no corresponding provision for the marketing of these products through our channels of distribution, nor provision for our stores to be able to sell these products for a reasonable length of time after they have been delivered to our stores.

We would, therefore, like to see the regulation amended to provide that the $\frac{1}{16}$ of one per cent lead content restriction applying to manufacturers of paint beginning December 31, 1972, shall apply to retailers and distributors of paint 18 months later, or beginning on July 1, 1974. Similarly, we would like to see the regulation amended to provide that the 0.06 per cent lead content restriction applying to manufacturers of paint beginning December 31, 1973, shall apply to retailers and distributors of paint 18 months later, or beginning on July 1, 1975.

These changes would, we believe, be in keeping with the intent of the Food and Drug Administration and yet allow our members time to move merchandise off their shelves. Otherwise, products being produced by manufacturers currently in accordance with the FDA regulation would have no acceptance in moving through our channels of distribution, since the retailer or distributor would be placed in the position of not knowing that he would have ample time to re-sell items purchased in good faith in accordance with the regulation that has been promulgated.

Sincerely,

(Signed) Robert E. Petit

Executive Vice President

Grow Declares Dividend

New York, April 19- The board of directors of Grow Chemical Corp., national producer of specialty chemical coatings, has declared a quarterly cash dividend of eight cents per share payable April 28 to shareholders of record April 18.

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