

November 25, 1958

D. R. Carter

CHEMICAL DIVISION
Cincinnati, Ohio

File: Labeling Regulations
National Paint, Varnish & Lacquer Ass'n.

Dear Don:

We are in receipt of your letter of 19 November transmitting subject correspondence originating from the Chicago Paint, Varnish & Lacquer Association.

Our comments on the proposal for a federal paint labeling act are made in the order of the questions raised. We certainly should subscribe to the promulgation of a federal labeling act covering paint products insofar as it should serve to insure uniformity of labeling. A warning label carrying a sufficient statement of hazard, should circumvent further legislation from being directed specifically to lead, which through the assiduous efforts of the paint industry, has been sacrificed to appease the pediatric societies and other do-gooders who apparently are not aware of the relative toxicity of other compounds contained in paints.

We would suggest answering the questions raised as follows:

- (a) The law should apply to both retail and industrial containers. The paint manufacturer undoubtedly prefer that industrial containers not be labeled, since the federal law should encompass raw materials. The labeling of industrial containers is necessary if the law is to prove worthwhile.
- (b) The law should apply to all substances tabulated since in the non-solids states all the tabulated ingredients represent varying degrees of toxicity.
- (c) Pigment products of known toxicity should be included.

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(d) An ingredients statement is apparently repulsive to the paint manufacturer but nonetheless, is needed if the federal law is to circumvent new legislation and supplant existing labeling regulations. In general the ingredients statement for the labeling of hazardous compounds can be restricted to the naming of the toxic or hazardous compounds. The pediatric societies sponsoring lower regulatory groups will insist on a naming of the toxic compound on the basis of its necessity for prescribing the proper antidote. Unfortunately the type of label that would satisfy the health department will not necessarily satisfy existing state legislations that are designed to classify quality of product, etc. such as Virginia or Indiana.

(e) The law should specifically set forth the precautionary labels or the desire to obtain uniformity in labeling will undoubtedly be defeated. If a different precautionary label is prescribed by the governmental agency for each and every toxic compound or hazardous compound contained in the paint, the number of labels, even though uniform for a given product, will present a insurmountable problem for the paint manufacturer.

We feel rather strongly that with the concurrence of the paint industry, a simple label could be adopted that would prove acceptable to all regulatory bodies, do-gooders, etc. Such a label might be drafted as follows:

"WARNING: Contains hazardous compounds.* Should not be taken internally or used on surfaces likely to be chewed by children.

Pigment β by Wt., ZnO - 35%, TiO₂ - 20%, etc. (typical label analysis by weight)

* Lead chromate."

We realize that this is rather long-winded but felt that you would want full comment in order that you can make the reply to the Association.

Very truly yours,

Paul Whitford

PA/cs