

May 20, 1971

Lead Industries Association
292 Madison Avenue
New York, New York 10017

Present at the meeting to discuss Public Law 91-695 were:

J. L. Kimberley, Executive Vice President, L.I.A.
Jerome F. Smith, Manager, Technical Affairs and
Advertising, L.I.A.
Roger D. Walker, Vice President, Chemicals & Metals Division,
Eagle-Picher
Jefferson Hudson, President, Chemicals & Metals Division,
Eagle-Picher
Richard Hunt, Manager, Washington office, NL Industries
Bruce McKinney, Quemetco
Henry Whitson, NL Industries
Robert I. Beil, President, McGregor Lead Company
J. S. Nordyke, Hammond Lead Products, Inc.

After much review and discussion, the following conclusions were reached:

1. 91-695 is not, of itself, a threat to the use of lead pigments for metal protective purposes in steel structures. There may be some limited ban with regard to their use on exposed metal in housing.
2. 91-695 does not presently ban anything, and will not until the directives are issued by H.E.W. and H.U.D.

Robert E. Novick of H.E.W. has the duty of preparing the H.E.W. directive after due consultation. When that is done, Dr. Irwin Billick of H.U.D. will issue a formal directive. H.U.D. is now operating under a temporary order which bans the use of lead based paints.

3. There is feeling at NPVLA, some paint manufacturers, pre-primed lumber producers, and such influential people as Dr. Paul Campbell at the National Bureau of Standards, to the effect that lead-based wood primer paints for exterior use should not be banned. Since Title 4 gives H.E.W. some discretion with regard to what "may be necessary or appropriate" in the way of prohibitions, the door is not closed to this use. It can be closed only by directive.

We concluded that L.I.A. should not actively join in an effort to keep this use free, but to support and encourage

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all who will do so. We feel that the presence of L.I.A. could be detrimental. If L.I.A. is asked any questions with regard to possible hazards, they should be answered with complete frankness. We would, of course, take a positive position with regard to other toxic hazards. We think that practical reasons of several kinds will prevent further use of lead-based exterior wood primer paints.

4. While there is no present visible threat to the use of lead-based paints for structural uses, we must be alert to the dangers from over zealous functionaries who have a way of misinterpreting laws or directives. We must inform L.I.A. of any state, county or local bills, or proposed ordinances, which come to our attention, so that unwise provisions can be forestalled.

We must be prepared to testify factually to the consequences of removing lead pigments from metal protective paints, both from the standpoint of the results on protection and on the comparative hazard.

5. There is one federal government, 50 states, 3,600 counties, and who knows how many municipalities, all of whom know about lead and all of whom can be expected to take some kind of legislative action. Most of these will have little background for their decisions. We must do everything possible to keep L.I.A. and NPVLA informed of any actions proposed, or hearings to be held at any level of government. (I have asked Bill Spangenberg to prepare a letter to go to all of our agents, asking them to inform us promptly of any such actions or proposed actions.)

John S. Nordyke
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cc. J. L. Smith