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April 13, 1962

TO MEMBERS
OF THE SCIENTIFIC COMMITTEE:

Labeling Bulletin

For your information I am enclosing a Legal Bulletin just issued, dealing with the labeling of paints containing lead.

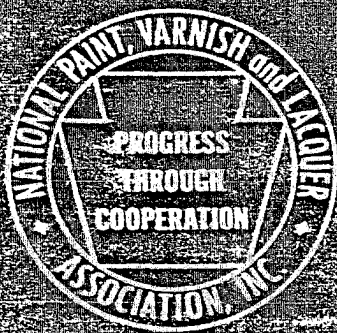
I am also enclosing a booklet on "Housekeeping in Paint, Varnish and Lacquer Manufacturing Plants," which was mentioned at the recent meeting.

Yours truly,

Francis Scofield

FRANCIS SCOFIELD
Technical Director

FS:lk
enc.



Legal Bulletin

1500 Rhode Island Avenue, N. W.

Washington 5, D. C.

April 12, 1962

Lead Paint Labeling under Federal and State Laws

Medical and pharmacological authorities recognize that lead-containing paint formulations are not "toxic" under the standards and tests set up by the Federal Hazardous Substances Labeling Act and the F.D.A. regulations for its administration. Insofar as our labeling practices are concerned, this simply means that no labeling is required for lead under the Federal law.

This is not the case in state and municipal jurisdictions with lead paint laws. There has been no change in the requirements for warnings now in effect in these jurisdictions. Such laws are aimed at the harm which an accumulation of lead will produce in the systems of children who, over a period of weeks or months, eat old lead paint chips or flakes from the walls or woodwork of substandard dwellings. The focal point of lead-paint laws is the paint film; the focal point of the Federal labeling law is the substance in the container.

In jurisdictions having lead-paint laws, special care must be taken in the case of paints custom-mixed at the retail counter. When a lead-containing colorant is added to a base substance and the mixture contains more than 1 per cent lead as metal in the non-volatile portion, the container in which such paint is sold must contain the lead warning against use of the paint on interior surfaces. Many containers of the base product are slack-filled to permit the addition of a colorant at the counter, and some contain advice to use the product on bathrooms, kitchens and other interior surfaces. Such advice runs counter to the requirement for the warning not to use lead paints on such surfaces.

In such cases, the manufacturer who wishes to protect the dealers and customers has two alternatives when the final product is in the lead-paint range. He can follow the Baltimore rule by using the lid label with the standard lead warning or a sticker label for the side of the can, also obliterating any advice for use on interiors; or he can provide base-product containers separately labeled for lead paints and other base-product containers with labels allowing interior use for the non-lead paints. Appropriate instructions for use of the respective cans or labels must be given dealers or distributors who add colorants for the customer.

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