



HEB CRM 12
DECEMBER 3 1971

CHICAGO PAINT, VARNISH AND LACQUER ASSOCIATION

SUITE 1710 • 33 N. DEARBORN ST. • CHICAGO, ILLINOIS 60602

November 30, 1971

TO PAINT MANUFACTURING COMPANIES -

Lead!!

Enclosed herewith is a summary of an ordinance introduced in the Chicago City Council amending certain sections of the building code.

Also enclosed is a copy of a companion ordinance specifying labeling required on all paints, whether or not they contain harmful amounts of lead or other metals.

A meeting of all paint manufacturers affected by this ordinance will be held next Monday, December 6, 1971, at 1:00 P.M., at the Tower Club, 20 W. Wacker Drive, 39th floor, Chicago, to consider these proposed ordinances and develop plans to present our case at the public hearing, and to otherwise take action to oppose it.

Very truly yours,

Edward F. O'Toole
General Counsel

EFO/et
encls.

P. S. No luncheon will be served.

*Tried to bring up at staff mtg
twice but no one would
listen as guilty of proposed
ordinance*

0007-SWP-036425

N21804

LEAD PAINT

Building Code Amendments pending.

1. No person shall use or apply lead based substances in or upon any exposed surface of any dwelling or dwelling unit or any fixtures or other objects used, installed, or located in or upon any exposed surface of any dwelling or dwelling unit. No person shall use or apply toxic heavy metal based substances as substitutes for lead based substances.
2. "Dwelling" and "Dwelling Unit" would mean a structure all or part of which is designed for human habitation.
3. "Exposed Area" would mean in or upon a dwelling or dwelling unit, any exterior surface that is readily accessible to children, and any interior surface.
4. "Lead based substances" would mean any substance containing more than one-half of one percent (0.5 of 1%) by weight of its non-volatile content.

Effective January 1, 1978 the permissible percentage of lead would drop to three-hundredths of one percent (0.03 of 1%).

5. "Toxic heavy metal based substances" would mean any substance containing antimony, arsenic, cadmium, mercury or selenium having total metal content exceeding five hundredths of one percent (0.05 of 1%).
6. "Surface" shall mean outermost layer of a dwelling or dwelling unit, including walls, ceilings, floors, stairs, windows, window sills, window frames, window casings, doors, door frames, baseboards, and woodwork of a dwelling or dwelling unit.
7. Ordinance would become effective 18 days after passage and publication.

0007-SWP-036426

0007-SWP-000117751

LABELING

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO

Section 1. The municipal Code of Chicago, Chapter 100, is hereby amended by adding a new Section to be numbered 100-29.3, underscored below as follows:

"100-29.3. Effective March 1, 1972, no person shall sell, or hold for sale any lead based substance or toxic heavy metal based substance, as defined in Section 78-17.2D, of this Code, (including paint, lacquer, putty and other surface coating material) unless said lead based or toxic heavy metal based substance is in a secure container bearing a label on its principal display panel on which appears the following statement:

"WARNING: CONTAINS
POISONOUS IF EATEN. DO NOT USE INSIDE APARTMENTS OR HOMES,
ON OUTSIDE SURFACES WITHIN THE REACH OF CHILDREN, OR ON
TOYS, FURNITURE, OR OTHER OBJECTS THAT MIGHT BE CHEWED BY
CHILDREN."

"The blank space in the warning label which follows the word 'contains' shall be filled in with either the word 'Lead' and/or toxic heavy metal substance which is present in the amount specified in the definitions contained in Section 78-17.2D.

"Effective March 1, 1972, no person shall sell or hold for sale any non-lead based substance or non-toxic heavy metal based substance, as defined in Section 78-17.2D, of this Code, (including paint, lacquer, putty and other surface coating material) unless said non-lead based substance or non-toxic heavy metal based substance is in a secure container bearing a label on its principal display panel on which appears the following statement:

"CONTAINS NO MORE THAN ONE-HALF OF ONE PERCENT (0.5%) LEAD AND NO MORE THAN A TOTAL OF FIVE HUNDREDTHS (0.05%) OF TOXIC HEAVY METAL SUBSTANCES. MAY BE USED ON INTERIOR SURFACES."

"Effective January 1, 1973, no person shall sell or hold for sale any non-lead or non-toxic heavy metal based substance, as defined in Section 78-17.2D, of this Code, (including paint, lacquer, putty and other surface coating material), unless said non-lead based substance or non-toxic heavy metal based substance is in a secure container bearing a label on its principal display panel on which appears the following statement:

(cont'd).

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"CONTAINS NO MORE THAN THREE HUNDREDTHS OF ONE PERCENT (0.03%) LEAD AND NO MORE THAN A TOTAL OF FIVE HUNDREDTHS OF ONE PERCENT (0.05%) OF OTHER TOXIC HEAVY METAL SUBSTANCES. MAY BE USED ON INTERIOR SURFACES.

"The statements on labels required under the provisions of this Section shall be in type size as provided in the following:

"The statement shall be presented in such a manner as to be generally parallel to the declaration of identity and to the base on which the package rests as it is designed to be displayed.

"The square inch area of the principal display panel shall be: in the case of a rectangular container, one entire side, which properly can be considered to be the principal display panel, the product of the height times the width of that side;

In the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference; or

In the case of any other shaped container, 40 percent of the total surface of the container, unless such container presents an obvious principal display panel (e.g. the top of a triangular or circular package or the top of a can), the area shall consist of the entire such surface.

"Determination of the principal display panel shall exclude tops, bottoms, flanges at tops and bottoms of cans and shoulders and necks of bottles or jars.

"The height of any letter or number in the required substance declaration shall be not less than that shown in Table I with respect to the square-inch area of the panel, and the height of each number of a common fraction shall meet one-half the minimum height standards.

"No number or letter shall be more than three times as high as it is wide.

-(cont'd)

0007-SWP-036428

0007-SWP-000117753

"TABLE 1. MINIMUM HEIGHT OF NUMBERS AND LETTERS

<u>Square-Inch Area of Principal Display Panel</u>	<u>Minimum Height of Numbers and Letters</u>	<u>Minimum height label information blown, formed, or molded on surface container.</u>
<u>5 square inches and less</u>	<u>1/16th inch</u>	<u>1/8 inch</u>
<u>Greater than 5 square inches and not greater than 25 square inches.</u>	<u>1/8th inch</u>	<u>3/16 inch</u>
<u>Greater than 25 square inches and not greater than 100 square inches.</u>	<u>3/16th inch</u>	<u>1/4 inch</u>
<u>Greater than 100 square inches and not greater than 400 square inches.</u>	<u>1/4 inch</u>	<u>5/16 inch</u>
<u>Greater than 400 square inches.</u>	<u>1/2 inch</u>	<u>9/16 inch</u>

"Any person violating any of the provisions of this Section shall
be fined not less than Fifty Dollars (\$50.00) nor more than
Five Hundred Dollars (\$500.00) for each offense.

Section 2. This ordinance shall take effect ten (10) days from
the date of its due passage and publication."

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0007-SWP-000117754