

REGULATIONS FOR LEAD POISONING PREVENTION PROGRAM --

THE COMMONWEALTH OF MASSACHUSETTS

NOTE. These FINAL regulations amend and supersede the Proposed regulations forwarded as an attachment to "L&L" Bulletin No. 9.

COPY

REGULATIONS FOR LEAD POISONING PREVENTION PROGRAM

Authority

These regulations are adopted by the Lead Poisoning Control Director of the Department of Public Health pursuant to G.L., c. 111, s. 190. Where required by G.L., c. 111, s. 196(b), adoption has been concurred in by a majority of the Advisory Committee for the Lead Poisoning Prevention Program appointed pursuant to G.L., c. 111, s. 190.

Definitions

1. As used in these regulations the following words shall have the following meanings:
 - 1.1 "Director", the Lead Poisoning Control Director
 - 1.2 "Advisory Committee", the Advisory Committee for the Lead Poisoning Prevention Program
 - 1.3 "Commissioner", the Commissioner of Public Health
 - 1.4 "Department", The Department of Public Health.
2. These regulations shall take effect April 1, 1973 and shall remain in effect until expressly rescinded. Regulations granting exemptions for certain products may be temporarily rescinded by the Director whenever he finds that continued exemption would result in evidence of a grave and immediate danger to health. Within thirty days after any such temporary rescission the producer of a product as to which an exemption has been so temporarily rescinded shall have an opportunity for a hearing before the Director and the Advisory Committee after which the regulation may be permanently rescinded.
- 3.1 The "amount of lead that produces the danger of lead poisoning" when present in existing paint, plaster, or other surface covering, shall be deemed, pursuant to G.L., c. 111, s. 194, to be 0.6% lead by dry weight, or 1.3 mg lead per square centimeter of surface.

0007-SWP-037059

- 3.2 Evaporated, whole, or condensed milk or baby food shall be deemed to contain hazardous amounts of lead if they contain more than 0.3 parts per million of lead.
- 3.3 Glazed tableware, cooking ware, or utensils or other food or drink containers shall be deemed to be lead based if, when tested by being filled with 4% acetic acid for 18 to 24 hours at a temperature of 20 to 24 degrees C. with care to prevent evaporation, the acetic acid is found to contain more than 7 parts per million of lead. Details of the test are described in ASTM standard method C 738
- 3.4 Porcelain coatings baked on metal at greater than 1000 degrees F shall be deemed to be lead based if, when immersed in sufficient 4% acid to cover completely for 18 to 24 hours at 20 to 24 degrees C., the acetic acid is found to contain more than 7 parts per million of lead as in 3.3.
4. The following points and surface coverings when "lead-based" within the meaning of c.111, s. 196(a) shall be exempt from the prohibitions of G.L., c. 111, s. 196(b), upon the terms and conditions expressly indicated hereunder, which shall be in addition to all other terms and conditions governing such exemptions set forth in these regulations. No product shall be exempt unless the manufacturer notifies the Director of the amount of lead in the product by dry weight and the means by which this concentration has been verified and unless the wholesaler of said product informs the Director of the means he exercises to assure the marketing of the product only in specified channels. Such written notifications must be submitted to the Director by July 1, 1973. Thereafter such information on new products, changed products or changes in manner of distribution must be submitted before a product may be exempted. Exempted lead-based points and coverings after October 1, 1973 must be labelled as described below on front and back of container:

<u>Container Size</u>	<u>Wording</u>	<u>Type Size</u>
Less than 1/2 pint or 8 oz. by weight	POISON-CONTAINS LEAD	Equal to largest type on label but at least 10 points
1/2 pint or 1 pint	POISON-CONTAINS LEAD Do not use on toys, furniture, homes, or any structure where children could chew or eat this paint	Equal to largest type on label but at least 10 points
1 quart	POISON-CONTAINS LEAD Do not use on toys, furniture, homes, or any structure where children could chew or eat this paint	First three words 24 point type - remainder 12 point type
1 gallon or more	POISON-CONTAINS LEAD Do not use on toys, furniture, homes, or any structure where children could chew or eat this paint	First three words 48 point type - remainder 18 point type

0007-SWP-037060

- 4.1 Lead-based paints for application to artists canvases.
- 4.2 Touch-up paints for metal machinery, appliances, vehicles, water craft when sold in containers small enough to preclude any reasonable risk of use on buildings or furniture.
- 4.3 Lead primers for application to small craft hulls. Such primers may be sold at retail only through boatyards, marinas, ship chandleries, and businesses dealing in marine sales.
- 4.4 The following type paints are exempt from the prohibitions of G.L., c. 111, s. 196(b) if in addition to meeting the previous terms and conditions they are not available for sale to the general public nor sold in containers of less than 2 gallons.
 - 4.4.1 Original finish paints intended for factory application upon manufactured products not intended for use in homes or other structures where children commonly spend periods of over one half hour, such as schools, day care centers, etc.
 - 4.4.2 Lead primers for structural metals, vehicles and watercraft.
 - 4.4.3 Automotive, agricultural, and industrial equipment refinish paints.
 - 4.4.4 Industrial and commercial building maintenance paints including traffic and safety marking paints.
 - 4.4.5 Graphic art paints marketed for application to billboards, road signs, and similar uses.

Approved and adopted by the Director of the Lead Poisoning Control Program with the concurrence of a majority of the Advisory Committee on Lead Poisoning Prevention, March 21, 1973.

A true copy attest.
Director, Lead Poisoning Control Programs

0007-SWP-037061