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NATIONAL PAINT, VARNISH AND LACQUER ASSOCIATION

Legislative Forum

October 19, 1959

Haddon Hall
Atlantic City, New Jersey

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LEGISLATIVE FORUM

MONDAY, OCTOBER 19, 1959

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The Legislative Forum of the National Paint, Varnish and Lacquer Association, Incorporated convened at ten o'clock a.m., in the Tower Room of Haddon Hall, Atlantic City, New Jersey; Mr. Frank R. Pitt, the DeVilbiss Company, presiding.

CHAIRMAN PITT: I wish to welcome you to the Legislative Forum which opens this part of the convention proceedings this morning. We are fortunate, indeed, to have Mr. O'Toole and Mr. Homer speak to us on two subjects which are, I think, of paramount importance to everyone who is faced with the problem of complying with the increasing amount of legislation which has been enacted and which undoubtedly will be enacted within the next few years.

It seems to me that the legislative committee of the National Paint, Varnish and Lacquer Association does as fine a job of public relations as any department or function of that Association. They say that the primary purpose of a Public Relations Department is to create a proper image of a person or of a business or Association. And I certainly believe that the Legislative Committee of the National Paint,

Varnish and Lacquer Association has over the years created a very favorable public image of what the paint industry is trying to do in order to safeguard the health of the persons who are using its products.

Contrary to the attitude which has been adopted by some associations, and fortunately for us not by any members of our association as far as I know, we have not been opposed to reasonable regulations which will safeguard and protect even the foolish and foolhardy and unthinking and those who do not read directions and precautionary directions as to how products of the industry, as diversified as they are, should be properly, safely used. Our history has been one of cooperating with public authorities and I can't help but feel that in the long run, it has brought great dividends and benefits to the members of the Association.

In recent years, beginning about four or five years ago, a new trend took place as far as positive requirements of labeling is concerned and that was broad legislation, not singling out the paint industry alone, but singling or -- rather grouping together all household products which might be considered as hazardous and compelling the labeling of all of such products in order that people might use them

properly and in some cases when there has been a misues, directions being given as to how corrective measures or action could be taken in order to safeguard the health of the persons who were using such products.

Chemical Specialties Association, MCA Manufacturing Chemist's Association, two groups which are perhaps even more widely effected by such legislation as is the paint industry; among those persons who have been in the forefront of discussions with legislative leaders in the homes of their respective State Legislatures and later on with the Commissioners State Commissioners of Health, Agriculture, Industry, whatever the department of the particular state might be which has been designated by the legislation as being responsible for implementing legislation, is our first speaker this morning who is a member of the Illinois Bar and for many years, counsel for the Chicago Paint, Varnish and Lacquer Association, a gentleman who is known to all of you, I am sure, Edward F. O'Toole, Esquire. I am therefore happy to call on Ed to talk to us on the subject of "Hazardous Household Products Laws."

MR. EDWARD F. O'TOOLE (Legal Representative, Chicago Paint, Varnish and Lacquer Association): Thank you, Frank.

A year ago, we were debating whether or not uniformity in paint labeling legislation could best be achieved under a Federal paint labeling law. I mean by "we," I mean the Legislative Committee of the National Association and the Executive Committee of the National. The proponents of that theory felt that if we had a Federal paint labeling law, it would apply to all products of the paint industry that were in Interstate Commerce and therefore, it would tend to discourage the adoption of state laws which would be at variance with the Federal. The opponents to this theory felt that the products, the household products of the paint industry are not so dangerous as to require the adoption of such a law, and that the industry shouldn't voluntarily come forward and urge the adoption of such a law just for the sake of legislative uniformity.

In other words, they might create a different impression in the minds of the public. Well now, at the Legislative Committee -- or the Legislative Forum a year ago, Sanford Hill, the duPont Company, urged the paint industry to back the C.S.M.A. model labeling law rather than to sponsor Federal or State paint labeling laws. It was his theory that if there was any paint labeling legislation needed beyond that

law that it could come in the form of -- of regulations under the law.

This C.S.M.A. Law is commonly referred to as the "Hazardous Household Substances Law," or the "Hazardous Substances Labeling Act."

Now this was developed, as Frank said, by the C.S.M.A. and the M.C.A. The objective was a law that would apply uniformly to the products of all industries who are industries which were marketing hazardous household products. That's the beauty of this type of law. It doesn't put the finger of danger on the products of any one industry; it would apply to all industries alike.

They wanted a law which would reasonably, yet adequately warn the public on the hazards involved in the handling of those particular products and thus one which would meet the acceptance -- receive the acceptance of the legislatures in the various states.

Now at that time, that law had been passed in three states. I have a -- Connecticut and Kansas and Texas. Since last year this same type of law has been passed in Colorado, Illinois, Indiana, Ohio and Vermont. So we now have eight states that have this law. In addition to that I see a very

distinct possibility that this law will be passed in every state. I say that because I know that a -- a member of the National Conference of Commissioners on Uniform State Laws who has examined this law, particularly the Illinois Law which is no different than the C.S.M.A. one; he's so impressed by the form of this law and the -- the apparent necessity of it that he is going to recommend it to this conference for study and for approval as a uniform State Law.

Now there are Commissioners on Uniform State Laws in every state and if that law is approved as a Uniform State Law, by that conference, which is an offshoot of the American Bar Association, and if it is also approved by the American Bar Association, these Commissioners in the various States are under direct obligation to sponsor the adoption of the law in their respective states.

So we can see a -- a direct possibility of this law being enacted in all states. The lawyer that I referred to is Bert Jenner who has had quite a flare at rewriting laws and particularly uniform laws; and when I heard that he was interested in that I called him up and went over to see him and had a talk with him and gave him the background of it.

He was amazed, he didn't -- he didn't know about that so I -- I told him all about it and told him my interest in the matter and I expressed a feeling that we weren't looking for the legislation but if there is any one thing that we had -- we had to have it was uniformity and he's very much interested in it and is going to -- they're going to study it.

Also, there is -- this same law is pending in Congress. They've had one hearing -- I think the Senate -- they hope to get it passed at the next session which convenes in January.

So, as Frank said, there is a pattern of uniformity in labeling legislation that is developing and so we should consider what this law requires and how it differs from what you've been doing heretofore and which products of the paint industry are subject to this law.

Well, it applies to containers of hazardous substances which are intended or suitable for household use; there's quite a bit of trouble right in there but it does not apply to industrial containers. It requires that the label contain the name of the hazardous substance or the hazardous components.

One of the signal words, "Danger", "Warning" or

"Caution." An affirmative statement of the particular -- the principal hazard. A precautionary measures to be followed or avoided; instructions when necessary for first-aid treatment in case of contact or exposure, if there is a hazard from exposure.

Instructions for handling and storage of packages which require special care in handling or storage; the statement, "Keep out of reach of children," or its equivalent; and finally, the word "Poison," on highly toxic substances.

These laws provide for less than that information on small packages and on packages of substances which present a relatively minor hazard. They authorize the enforcement agency to adopt reasonable rules and regulations as seen necessary to carry out the law.

In Kansas they adopted the 1954 labeling principals published by the National Association as regulations under their Hazardous Household Products Law.

Connecticut has adopted them in part. We have the law in Illinois, goes into effect the first of January and last Friday I received a letter appointing me as a member of an Advisory Committee to develop regulations under the Illinois law. I've also asked that Ray Vonesh be on that.

That Committee is going to meet the first time on October 27th. Now the Illinois law was written strangely enough by the attorney for the Narcotics Commission; it was one of a group of about 10 or 12 laws that they wrote. And the attorney that wrote it admitted that he didn't have too much knowledge on this; he picked it up from here there and everywhere and the original bill was a "doozy" if there ever was one. It applied to industrial and household and -- and it went after deception in sale and it took into consideration insecticides and the like.

It went the whole gamut. Well, they introduced it late and that was fortunate for us; it was a bad law, it was too inclusive and they introduced it late, so we got them to completely change it around to that law.

Now at that time I asked that they repeal the Illinois lead law. Well, they couldn't do it in that Bill with that fast another one -- introduce another one, so it was agreed between myself and this attorney for the Narcotics Commission that they would repeal it at the next session.

So one of the things that this committee is going to consider are what laws in Illinois should be repealed by

virtue of the fact that Illinois has this Hazardous Household Products Law and then of course the other is the regulations.

If they want regulations on paint products, naturally, I would ask that they adopt the 1954 principals published by the National Association as regulations. After all, that's the path of uniformity that has started and we should follow it.

Well, these laws differ in three respects in their requirements from what you have been doing heretofore.

First of all, it requires that you have the name of the hazardous substance or the hazardous components on your label. Concerns that are using a full ingredients statement with or without percentages will be in full compliance with that requirement of the law. But if you don't put your ingredients statement on there you'll have to put the name of the product -- in somewhat like this "Contains lead," or whatever hazardous component that is in the container.

Now the second one is the -- you must have the words, "Keep out of reach of children," on your label or its equivalent. I don't know how you could say that in any fewer words.

MR. FRANK STAMMER: May I interrupt you, Ed?

MR. O'TOOLE: Yes.

MR. STAMMER: Are you referring to the Illinois Law?

MR. O'TOOLE: No, I'm referring to all of these laws because they are all perfectly alike. I probably should have cleared that up. I'm speaking about all of them.

They all require the words, "Keep out of the reach of children." And the expression "Do not apply on toys, furniture or other interior surfaces which might be chewed by children," is not considered an equivalent to that. You'll have to have both of those statements on your label if your paint contains more than 1 per cent lead.

That statement doesn't necessarily have to receive the greatest preference. I had occasion to see a label the other day which put the words "Keep out of the reach of children," as the main heading on the cautionary statement which is wrong. All you have to do is put it at the end or any place else in your cautionary statement and it ought to be larger and stand out from the other printing.

I don't think that that's a harmful statement on your label. As I pointed out to the committee meeting this

morning at breakfast that there are other reasons than dangers for keeping these products out of the reach of children. They might spill them and you'll have to go buy some more; maybe you'll have trouble on a matching color; maybe they'll spill it on the living room carpet; there are other reasons, you don't have to say that that's a dangerous warning.

And the third difference is that the word "Poison" must be on the label of highly toxic substances. Now I'm not familiar, and I've checked pretty well -- I'm not familiar with any products, household products of the paint industry that human experience has shown it's so toxic as to require the word "Poison" on the label under the tests set forth in these laws.

Now we go to the question of which products of the industry are subject to this law. Now Indiana is the only one that has spoken out on this subject so now for a while, Frank, I'm -- gentlemen, I'm going to talk about Indiana.

First I want to say that they've been -- the Indiana State Board of Health has been very cooperative and they never miss an opportunity to express their appreciation

for the fine cooperation that they have received from the paint industry. And we have to give credit to those boys down there in Indiana. They have done a fine job of public relations with the Indiana State Board of Health. They are reasonable, they are very cooperative and we have no difficulty in checking with them from time to time on their interpretations and it's a happy arrangement.

Now the Indiana group arranged for a meeting with the Indiana State Board of Health last June, I believe it was, I was there; and we went over this question of which products were subject to the law. And as a result of that meeting, they issued a letter of August 7th, and they listed in this letter the products that they believe are subject to the Indiana Act.

They have a paragraph after listing them, they have a paragraph which says that "Although many of these products may not classify as a technical poison as defined in the Act, they are hazardous household products and will require proper labeling and filing of formulation data as provided in Section 3(d) of the Act."

Now when the first draft of that letter came out it was sent around to the people who were at that meeting,

I wrote back and I asked them to make the statement absolutely that none of those products were technical poisons. Well, they didn't want to make the statement absolutely; they said that that was true, that was the understanding we had at the time, that none of these products listed in the letter are technical poisons ; they should be regarded as hazardous household products which require the filing of the formulation data and the labels but for which no fee is required, but no not have to be registered as poisons.

So that's behind that paragraph; they were just "hedging" on that and in other words, they just didn't want to stick their neck out in black and white. But that's their interpretations and that's the way you should follow it.

On lead paints, they approved the 1954 labeling principals to the paint association and you'll be interested in understanding their philosophy of it.

They say that the viscosity of lead paints is such that very little will be consumed in an accidental swallow and that immediately, a great portion -- greater portion thereof will be expelled by regurgitation so they're no so concerned about the lead paints. Their primary concern is substances having a low viscosity and especially if they're

relatively transparent. You know, their philosophy has a background of the 1957 poison law. Some of these products they said -- do you remember, under the '57 law, they said you had to register; now they say they're not poisons.

They think in terms of poisons, they've never mentioned flammability. They think in terms of poisons. They mention in here, "Thin paints such as certain metallic paints in which pigments in vehicle solids and separate upon standing." Try to get them to keep that out of there because I knew -- there are a lot of products, lots of paints that will -- the pigment will settle to the bottom and the solvent on top. I asked him about that and the doctor said, "Well, I bought a can of paint in -- I think it was aluminum paint in a 10 cent store and it stood for quite a while and the pigment was all at the bottom and the solvent on the top and it was relatively transparent and that's what we have in mind."

Well, you can't pin this -- pin it down to any specific type of thin paint but that's the background behind the statement they have in their letter.

Now the point I want to make now is that the Indiana Law applies to all hazardous substances put out by the

paint industry; not only these. If there are any more, it applies to them.

This letter was gratuitously issued; it's not provided for in the law, the law doesn't say that the Indiana law is going to apply to such as the Indiana State Board of Health says it applies to. It applies to all, so this is your minimum but it applies to all hazardous products.

Now the only law -- one of these laws that requires any form -- filing the formulation data and labels is the Indiana law. I don't think that it would be in the model -- the uniform state law, I know it's not in the Federal Bill now pending. And it should be opposed. I don't think it is proper; I don't think it is necessary. It's just a hangover in my judgment from the 1957 poison law which required it.

Now that's so much for Indiana. Now what about these other states? Well, Kansas, I mentioned, they've -- they've adopted the paint labeling principals as regulations and Connecticut has in part but the other states have not issued any regulations as yet.

I suppose you could assume that if you comply with the law of Indiana, their interpretation of it, that that would satisfy the others; that that may be a good

philosophy. I think it's the minimum right now, but it seems to me that it would be wiser in the -- take a longer look at this problem and to just do what you are presently required to do. I know and you know better -- how much it costs to keep changing your labels from time to time and so if you are going to do just what you have to then you're going to keep making changes on your labels from time to time and spending a lot of money.

It just seems to me that it would be better to take a sharper look at this and adopt a policy which, in the long run, would comply with a stricter, a real strict interpretation of these laws.

Other states may have a different idea than Indiana and I think public relations-wise it's better to be one step ahead of the law than one step behind it.

Now I believe that the industry would comply with a strict interpretation of all of these laws if you will, first of all, adhere strictly; and I use the word advisedly; strictly to the 1954 labeling principals put out by the National Association. It may be necessary to bring those up to date but until any changes are made in them you should follow those strictly.

I see really no necessity for changing them around; they take into consideration the relative hazards that are involved, flammability and poisoning; there are the two of them and I know that most companies try to follow them but then I see labels -- companies that say they are switching them around considerably.

It seems to me it's very important to develop a pattern of uniformity in that respect so that when we go into a legislature or a Board of Health on this we have behind us the knowledge that the industry is following this pattern and we've got them following it all over the United States; and that's very persuasive.

So follow the 1954 principals and add to that, however, the words, "Keep out of reach of children." Now that - some of these laws are already in effect; some of them go into effect January 1, 1960. All of them require that the words "Keep out of reach of children," be on the labels of hazardous substances which are subject to these laws.

So as a minimum on all of these that are listed in the Indiana letter, you should have that wording on your label and, of course, the name of the hazardous substance or the components. Now if you'll do that on all products of the

paint industry which could possibly be classified as hazardous products, I don't see how -- I think that would probably be the end of it. I mean I don't -- there is an end to this. I think that a real strict interpretation of it would be satisfied if you followed that procedure.

I'd just like to say a few words about the form -- I've been talking about it but a few more -- the form of this cautionary statement because I have seen them twisted around a bit.

The greatest emphasis, of course, should be on the greatest danger and flammability is tops in my judgment; way out ahead of poisoning.

You and I -- any adult that's not familiar with the flammability of some paint products could get hurt; well, we certainly wouldn't think of swallowing it. A child, some stupid person, shall I say, might think of swallowing it but we can get hurt without swallowing -- not even swallowing this; so flammability should be the top emphasis, poisoning second.

Well, I think -- in conclusion, I think that uniformity in paint labeling legislation can best be achieved under this type of law. As I said before, the beauty of it is you're

not putting the finger of danger on your products of your industry when you espouse it.

If the legislature in your states -- if a bill should be introduced in the legislature of your state, immediately notify the National Association in Washington. Also notify C.S.M.A. and M.C.A., National will probably do it any way. But they should be notified.

Their General Counsel, Bob Ackerly in Washington, D.C., is really a clever boy and he'll be out on the first plane and does a remarkable job; I worked with him in Illinois and he -- he really does a remarkable job. And they'll carry the burden and then if paint labeling legislation is demanded, then you should ask that the 1954 principals be adopted as regulations under that law.

And now, finally, the Executive Committee of the National has adopted that procedure as a policy. In other words, the paint industry should back this C.S.M.A. bill as the number one step. If you can't do that then, of course, you can fall back on the model paint labeling law that has been developed by the legislative committee of the National. But first of all the C.S.M.A. bill; I think that's the best way to get uniformity.

Thank you, Frank.

(Applause)

CHAIRMAN PITT: Ed, I want to thank you very much for your careful analysis of this very interesting, as you can see by now, very complex problem. It seems to me while the remarks are fresh in your mind, you might have some questions to ask him before we proceed to the second address on our program this morning.

Before we do this I always find it a pleasure to introduce executives from sister associations who work in close harmony and cooperation with us on many of these problems.

I'm particularly happy to welcome this morning, our good friend, Manfred Bowditch, Executive Secretary of the Lead Industries Association.

Manfred, would you have any comments to make on Ed's remarks? We're mighty glad to have you with us this morning and I know this is a matter which must be of a good deal of interest to your industry.

MR. MANFRED BOWDITCH (Lead Industries Association.): I have two comments to make. I am not the Executive Secretary; Bob Ziegfield would not like that.

CHAIRMAN PITT: I will accept your amendment, Mr. Bowditch.

MR. BOWDITCH: Secondly, I think it's a little bit rough on a representative of the Lead Industries who comes here mainly to attend the American Public Health Association which starts today, to find an advertisement of titanium pigments outside his door when he comes out to breakfast.

(Laughter)

No, I really haven't any comments to make other than to say I am in wholehearted accord with everything that has been said. Of course, my interest is solely with regard to lead as far as my job is concerned. My basic training has been as a public health man; I can see both sides of this thing.

Thank you very much.

MR. O'TOOLE: I can say that as a gentleman, I also called in connection with the Illinois law and got ahold of the "Zig" group to put them wise. We did have a real good representation, Don, in Springfield one day. We needed it.

CHAIRMAN PITT: Gentlemen, do you have any questions

to ask Mr. O'Toole?

MR. O'TOOLE: I didn't do that good, there must be something.

MR. STAMMER: The one state that you admitted was -- to Jason about Doctor Frye, I resent that, because if you read that law, there is implied, a fact of the law requires ingredients specs which would make it parallel to -- now you can get a complication in that law as to whether you can omit any hazardous or poisonous warnings because you have the ingredients statement. In my experience, no, the ingredients statement would be something the user of the product would not understand.

They haven't gotten the bureaucracy necessary to get this like Virginia has but they will be making more laws in Jersey.

MR. O'TOOLE: I would mention this to you in regarding the ingredients statement or the requirement that the name of the hazardous product be on the label.

Now there's a reason for it and the reason is when a child swallows it, the doctor can ask what it contains, take a look at the label and see what is shown on there as being contained therein. And so he has the information immediately.

He might not otherwise get it. Well now, whether you have a full ingredient statement, if you do, you'll list all the hazardous -- all the products or components, or whether you just say "Contains lead," or whatever it is, you will satisfy that requirement.

MR. STAMMER: The only point, Ed, with respect to that is you are referring to Indiana. I got a call from Boston where a child drank our aluminum paint. Now it came to the question as to whether or not the ingredients would do the poison signs any good. My interpretation is it would not.

I think that a glossary -- I want to give somebody else a job -- a glossary ought to be set up which indicates all the products used in the paint industry and what their toxicity is; not details, but -- how I pass it out is -- you call up Shell Oil Company and ask them what they know about their TS-28 Solvent and then call the aluminum company and find out what they know what happens if you drink the fluid. Now you see, no doctor -- no poison man would know that. They logically have this all set up, probably, but they don't have the industrial solvents and pigments -- I don't think they have any poison information along those lines. Now with the advent of the legislation you are talking about,

one of the next steps is going to inform the Board of Health and the Poison Center and the rest of them of all the ingredients we use in our industry.

MR. O'TOOLE: You are now leading into the next speaker's --

MR. STAMMER: Oh, I'm sorry.

MR. O'TOOLE: Directly -- right into the next speaker.

CHAIRMAN PITT: I think the point was well taken because it is an important point and of course, Bruce Homer is going to tell us all about that in just a moment, but before I call on Bruce, I want to know whether there are any other questions which have occurred to any of you gentlemen. The way I see it, this is probably the most important series of legislative problems and there are more and more which are raised by the continued enactment of these hazardous household product laws.

MR. WILLARD W. VASTERLING (Davis Paint Company, Kansas City, Missouri): We are involved in a small case right now but our attorneys have brought up the point of whether or not in the future we should include a statement and do not repackage this material. It seems we had a fellow

up in Baltimore -- we had occasion to have a can of -- alleged can of our product transferred from its original container to another container. The second container was stored for some period of time before it was used and at that time the second container exploded -- allegedly exploded in the hands of the original purchaser. We are now a party to a suit based on this proposition, and our attorneys and insurance company's attorneys handling the case are wondering if we should not have such a statement on the label of their product which would simply say "Do not repackage this product."

I understand this statement shows on some of the products.

CHAIRMAN PITT: Thank you, sir.

MR. ROBERT E. RATH (Buckeye Paint Company): We have a hyptamipoxy adhesive on the market now, both in Indiana and Illinois and it has -- the catalyst has a trade name on it -- a General Mills item and the hyptamipoxy is a Shell epon number. There is some toxicity existence but we don't know definitely what is in it ourselves. For instance, the catalyst is triethylemineletremine in -- which I understand could be hazardous in the area of the eyes and they package it as a household item. I was wondering how far you would

have to go in listing the ingredients in the ingredients statement; something you're not sure of yourself because it's basically a trade name.

MR. O'TOOLE: Well, the act says that you have to put the name of the hazardous substance, not it's trade name and that places the responsibility on the labeler to find out. It isn't a question of your going down there and asking them what should be on there, you are supposed to know that and do it yourself; it's your responsibility.

There is another angle -- I will cut this real short. I'll be around afterward if you want to ask any questions; I think that will probably be better.

There is another angle to this labeling business; it's not to be overlooked. Number one, you comply with the law, you want to comply with the law to avoid fines and to be able to sell your products. Don't overlook the fact that there is a civil angle to this.

If you don't label your hazardous materials sufficiently to warn the public you may be involved in a civil liability suit; number one, because you didn't comply with this law. That's entirely different than the penalties under the law. This is civil liability for failure merely

to -- failure to comply with the law, if that is the proximate cause of the damage.

Then you also have the normal common law liability of anyone who puts out a hazardous product and who fails to adequately warn the user of it; so there are civil angles outside, criminal angles for this law.

Now I will be around afterward if anyone has any questions; I think we can get along that way, Frank.

CHAIRMAN PITT: Are there any other questions, gentlemen? I might say that copies of Mr. O'Toole's remarks are -- have been mimeographed and they are right here.

MR. DANIEL RING (Counsel, N.P.L.V.A.): I've already distributed them.

CHAIRMAN PITT: Oh, you distributed them? Fine, Dan.

In order that we may complete this forum in the allotted time, it is my pleasure to introduce to you, Mr. Bruce Homer, Associate General Counsel to the Sherwin-Williams Company, who is going to speak to us on the "Cooperation With Local Health Authorities."

Before turning the "mike" over to Bruce, I want to invite your attention to the fact that the Executive

Committee of this Association has adopted a proposal for cooperation with National and State agencies interested in preventing children's death from all types of poisoning and other accidental causes. Coordinating of such cooperation will be a function of this Committee.

Those of you who are officers of local associations know you have been requested to furnish the local poison control centers in your area with the name of such technical persons appointed by the local committee who can be consulted on questions as to what is the cause of a particular poisoning or other untoward accident which has occurred to the adults or children with respect to contact of our industry.

Bruce has made an extensive study of this subject and will now speak to us on "Cooperation With Your Local Health Departments."

MR. BRUCE HOMER (Chairman, Labeling Subcommittee, The Sherwin-Williams Company.): I assumed that this topic today was assigned me because we have cooperated very closely with a very fine poison control center located in Cleveland which is being run by the Cleveland Academy of Medicine in cooperation with the Western Reserve Medical School and the University Hospital.

The University Hospital in Cleveland is one of the most progressive and finest in the country so they have the facilities there to handle this matter.

Over the recent years paint has come from being merely a physical mixture of white lead and oil and solvent and maybe a little coloring matter, to become a quite complex chemical compound. Just as this gentlemen back here mentioned about this hyptamipoxy cement you're distributing -- and it has been absolutely impossible for the medical profession to keep up with these changes.

It's been said that if a medical man read everything that came out to keep him up to date, he would have no time for his patients; so that's where we fit into the picture.

Possibly, this should not only apply to paint but it all applies to a lot of other ingredients that we have around the house. Cosmetics are getting to be a very complex matter; household cleaners; dishwashing detergents and all those things; and most of them are hazardous, especially when imbibed by a small child.

Actually, as far as the records of the Cleveland Poison Control Center are concerned, paint and paint solvents are fairly well down in the list of calls that they get. But

it is still an important item as far as they're concerned.

We in the paint industry are faced with two types of problems. One is the chronic situation such as we have in Baltimore and with this E-66 Committee Rules and Regulations concerning lead poisoning from children chewing on furniture and toys and picking up paint that falls from the walls that contain a high percentage of lead.

Then also, there is the acute problem which is actually the reason for setting up these poison control centers.

Some years ago, the various Health Authorities around the country became cognizant of this particular situation and felt that there was a growing need for information regarding the ingredients of these various products that were around the home.

So, it was decided that poison control centers would be set up about the country. Then a central clearing house was established through the Health, Education and Welfare Service under the direction of Doctor Edward M. Cann. Currently, there are well over three hundred of these poison control centers located throughout the country.

The thought was that there should be -- or eventually

there will be one every 70 miles, on the theory that you can get to a hospital in 35 miles than less than an hour, it probably would save the life of the person involved.

I expected to have a supply of pamphlets listing these poison control centers but I've been informed by the national that the government is all out of them. So I think it would be advisable for you to write to the poison control centers supervision of the Health, Education and Welfare Department, Washington 25, D. C. and they will supply you with these copies as soon as they are available. That's correct, isn't it Dan as far as --

MR. RING: That's right. National Clearing House for Poison Control Centers, Public Health, Education and Welfare; Public Health Service.

MR. HOMER: Our experiences, of course, have been limited to the Cleveland center; but I feel that it is possibly pretty much typical of most of the urban centers around the country. We are very fortunate in having its director there, a Doctor Irving Sunshine who is a dynamo and a very energetic gentleman. He's Technical Director; he happens to be attached to the Coroner's Office in Cleveland which makes him available at all times.

(Laughter)

MR. HOMER: But he is also the Educational Director for the National Association of Poison Control Centers. This is a very active group. In fact, I attended a meeting of that group, it will be two weeks tomorrow, in Chicago; I saw Mr. Bowditch at that meeting and they are really doing a job in supplying information in the case of accidental poisoning.

The Cleveland Center was established a little more than two years ago and in that time it has received over 6,500 calls. These come in at all hours of the day and night and most of these calls involve small children between the ages of one and four who have gotten into trouble when not supervised by an adult.

Medications are the top item they inquire about such as aspirin, sleeping pills and things of that sort that people very carelessly leave around. The Academy of Medicine has gotten out a pamphlet -- I believe that there will be copies here for you, called -- are they back there? "Curiosity can kill your child." In my mind, it's a very good job of a thing of this sort. It follows the comic book style of format with cartoons and not too much in the way of reading material; but important -- the thing of it is that it gives the telephone number of the poison control center which is also

listed in our phone book under that heading and I think, probably, to your surprise, you will probably find one in your own telephone book.

In this list of potential poisons, paint removers are listed. In July of this year as has been previously mentioned, the National Clearing House for Poison Control Centers got out a pamphlet which is labeled "Treatment of Paint Ingestion." The Association got a copy of -- copies of this pamphlet, I believe it was forwarded to all members of the Association.

There were -- our industry was asked to supply people with technical information as to the ingredients of the paint and how they could be reached. Since that time the industry has come back and there have been over 40 appointments made in more than 20 states.

At this meeting of the Poison Control Centers a Doctor Mitchell Zavon, who is head of the Industry Liaison Committee of the Poison Control Centers got up and said -- he criticized the paint association -- he didn't realize it, but maybe he would have criticized it anyway -- but he said that -- that when they got the names of these individuals they would check on them and some of them didn't even know they've been

appointed and in some cases where the person had responded, they would say "Available from eight to five." Now you gentlemen know that when accidents happen they don't happen by the clock or during business hours. They happen anytime during the 24 hours; therefore, we can only recommend that you comply with this request and phone your local poison control center who the individual might be but it has to be somebody that's available 24 hours a day.

I'm listed in Cleveland -- I don't know why, I'm a lawyer, not a chemist but I feel I can find the information and I've had calls at two and three o'clock in the morning; not very often, but I've had them that way and I've had them come from as far away as Texas and Florida. So it means it's a 24 hour job and it's something we're going to have to live up to and somebody's going to have to be stuck with the problem.

We, as a company, -- I'm talking now about the Sherwin-Williams Company -- have supplied copies of all our labels that contain the label ingredients statement on it which covers about 90 per cent of our products because we have gone further, possibly, than a lot of companies have in putting these ingredients statements on. We believe it's a good-- from the legal end of it we think it's a good idea and we

finally are selling our sales people to comply with that.

The Poison Control Center then takes this information, puts it on a 5 by 3 card, and we also put on suggested treatment and distributes them to all these poison control centers; and I certainly recommend that you gentlemen do the same thing. You'll save yourself a lot of trouble and you won't get these calls at two and three o'clock in the morning if the Poison Control Centers have the information.

Another way to supply this information -- and this answers that gentleman's inquiry over there -- is there's a publication entitled "Clinical Toxicology of Commercial Products." It was a project of the University of Rochester and has been sponsored by a Mrs. Gleason who is a professor in Pharmacology, a Doctor Gosselin who is a medical man and is now connected with Dartmouth University, and Doctor Hodges who is a Ph.D. and I presume, a chemist.

This book is the "bible" of the Poison Control Center; that's the first thing they'd look to when they get the information. And it should have a permanent place in all offices that are at all involved with toxicity. Maybe your heavy -- your technical -- your laboratory should have it; if you have a legal department, they should have it. I re-

to it constantly, especially when we get out a new product; they give me a label ingredient -- "What kind of caution clause we got to put on it?" That helps me decide what that shall be.

There's an ad -- there are some pamphlets covering this book in the back of the room; I'm not a book salesman, but I told Mrs. Gleason who visited us recently, that I would be glad to put these pamphlets out because I think it's something you should know about. It costs you, I think, \$14.00 or \$16.00; they get out an annual statement -- an annual revision of the thing and it's really worthwhile.

Mrs. Gleason's visit to Cleveland was for the purpose to revamp that. Our Doctor Weaver has agreed to go through these general formulations section covering all kinds of paint and bring it up to date. As he said checking it over, that there was products -- items in there listed as paint ingredients that he never heard of and there's a lot of them in there that should be in there; especially in view of the rise of the latex paints and that sort of thing.

When Mrs. Gleason was there she had a Doctor Gray with her who said, "Well, most of the information we have here on paint we got out of the Mattiello additon of 1942," I think. So you know there's been a hell of a lot of changes

in the paint formulation since that date.

At this meeting, Doctor Zavon -- after the meeting I talked to Doctor Zavon who, incidentally, is down here to this Public Health Administration deal today; he's connected with the Kettering Laboratory in Cincinnati, said -- asked to write me any suggestions that he might have and this is what he has written to me.

"The Poison Control Centers need people to whom they can turn for product information at any hour of the day or the night. It is extremely helpful if the product information is in the Center's own files and such information should be supplied through the National Poison Control Center at Washington.

"The formulations are of more value if details are provided as to quantities of a specific constituent so the amount ingested may be determined. If specific details are not available as much information as possible should be supplied.

"The statement, 'It is not toxic,' is useless. If the informant does not know the

composition, he should say so but he should give any details that he knows regarding the contents."

At this meeting, there was considerable discussion about the matter of mal-practice; where these poison control centers were holding themselves out to charges of mal-practice if they happen to give the wrong information. And all I can say in that angle is that if you're contacted at all, don't make any suggestions as to treatment; that's the doctor's business. But -- give them the ingredients and if possible the percentages.

Now under the Indiana law, they only say "Toxic ingredient so-and-so and so-and-so;" they do not require percentages. That is one advantage of putting a full label statement on the -- on the label.

I have a supply of our labels at home and I keep it by my bed just in case I get these calls. So, you can supply them with this information,

At the Cleveland Center it has been shown that 80 per cent of the calls were from the general public and 50 per cent of these calls from the general public arise from the fact that they couldn't get in touch with their own

physician so therefore, they turn to the poison control center. The centers do not like to receive calls from lay personnel and if you receive a call from a lay person, the thing to do is find out who the doctor is; don't try to tell them how they should take care of it themselves; give the information to a medical man and if you're not talking to a doctor, find out who their doctor is and give them that information direct, because you can lay the way for a lot of trouble if you don't.

This center has sent out over 100,000 copies of this pamphlet, "Curiosity can kill;" and there are also several films that are available and I know we're going to try to bring the films into Cleveland and get them shown around so that the general public is aware of what's going on.

I think that about covers the acute portion of the problem. We will now turn over to the chronic portion, which has caused our industry a lot of headaches, witness; Baltimore. ✓

In Cleveland, they have kept records of these poisoning cases since -- from 1952 through 1958 and there were 58 cases of lead poisoning, involving children from 12 to 48 months of age and of these, 18 were fatal and 37 were not.

95 per cent of these cases occurred in the so-called slum areas; I mean -- that's the problem in Baltimore. Houses that are painted with outside paint or lead paint 20 years ago, now it's stripping off, nobody's watching the kids, they suffer from pica which, incidentally, is something you may hear and that's defined as a disease which causes a child to chew or eat nauseous substances. Actually, what it is is an attempt on the part of nature to overcome a -- a deficiency in diet. It's just like you see a dog going out and eating grass when he's sick; he's doing that without anybody telling him that's what he should do.

Through the help of the Cleveland Foundation, which is a group that's -- any man of extreme wealth dies in Cleveland he usually leaves a few hundred thousand to the Cleveland Foundation which puts it out -- that takes care of any charitable proposition where there's no direct way of collecting the money.

Now the Cleveland Foundation has supported this program up to now. How much further they're going to go, they do not know. But we are attempting to get our present control center post set up under the United Appeals arrangement which, certainly, would benefit a lot of people.

This section that is in -- what they did was took a census tract which was about 10 blocks long and three blocks wide and there's about 100 per cent negro -- the public health nurses visited every family in the area; talked to the parents, talked to the children. If there was any history of pica or any indications when they examined the child, of lead intoxication, a urinalysis was taken and it was forwarded to two medical students of Western Reserve who ran the lead analysis. Then, if acute cases were found, they were then referred to their own -- to their own doctors or possibly to a public health center or someplace where they could get treatment free.

Now we are going to follow these children up because lead poisoning leads to lead encephalitis and generally after a child has inbibed very much lead, they become imbecilic and that is one of the big problems involved.

In this small area there were found 39 cases of active lead poisoning; these are being treated. Now here you got a section of a large city 10 blocks long and three blocks wide and you have 39 cases of lead poisoning. How many does that mean around the country? And this area was not picked out because they knew there was lead poisoning there,

but it was the type of home that is involved in the Baltimore situation; and I think in a lot of New York, too.

We all know that the present day paints are relatively lead free but we've got the problem of the old paint that's on the walls that flakes off.

We -- I feel that all effort possible should be made to -- assist your local poison control center. We have an example in Cleveland where a small child died from eating lead -- from blood poisoning. The child had pica and it was known that the child had pica; I think they were Puerto Ricans; their name was Rodriguez or something of that sort. They had taken the child to the doctor and the doctor gave the mother a prescription; she had been giving it to the child and felt the child felt all right and discontinued it; shortly after that the child died.

Now there would have been a wonderful chance for somebody that did not feel kindly towards the paint industry or know what the true facts were to really put a "scarehead" across the paper about the child dying from lead poisoning and it was all the fault of these dirty paint manufacturers that use lead in their paint.

But because of the set-up in Cleveland and our

relationship with the poison control center, the blame was laid where it belonged; on the children's parents. They had a prescription, knew the child was sick and still did nothing for it.

As I said, there are distributed over 100,000 of these pamphlets and we have authorized our advertising department to give them all the help they can. As I said, Doctor Sunshine is a very energetic gentleman and he has had these pamphlets printed for practically nothing. He went around and shook people down where he could and actually, we're going to contribute money to him and I think some of the other companies around Cleveland. *

It isn't only the paint industry that should contribute to these centers; they should be done by the solvent manufacturers for instance, and maybe the lead manufacturing people. And the only thing I would recommend is that you send your labels or send the information regarding ingredients in your paint to the National Clearing House of Poison Control Centers and see that these centers get the information.

I don't -- I think that will about cover what I have to say but I would like to see you gentlemen cooperate

because I think it's going to be for all of our benefit in the end.

(Applause)

CHAIRMAN PITT: Thank you, Bruce. I'm sure that many of the members of the Association in attendance this morning are hearing for the first time how the poison control center operates and why we have established poison control centers in our major cities. It seems to me that in a Christian civilization, human life is of great sanctity to us and that increasingly as the years go by, industry is in the forefront taking measures to protect the citizens of our great land.

Now I'm sure that some of you have some questions that you would like to ask Bruce as to the operation of the poison control center.

MR. BURGESS: I don't have a question but I would like to endorse Mr. Bruce's remarks and say that too many people are not aware of the importance of this program and also, too many people say, "Well, no one should drink paint or whatever the product may be," and I would like to give you a brief illustration of how they do function. They are doing quite a job. Recently, a grand daughter of mine -- this wasn't

about a paint product, it might well have been. In Detroit, she climbed up on the kitchen sink when her mother turned her back for a moment and got ahold of a can of Drano and of course, she immediately put it to her mouth. Fortunately she didn't get very much of it as we learned later, but her mother called the local Poison Control Center and it was a matter of only minutes until there was a police squad car there and took her and the youngster to the hospital and within 15 minutes after the child got the stuff, they had her stomach pumped out; in the hospital and in bed and all in good shape.

Now I think that's a pretty good illustration of what this Poison Control Center is and what do and how they coordinate with the hospitals and police or whomever may be involved and it's really an important job. They are doing a real good job.

CHAIRMAN PITT: I'm sure that the Glidden Company approves of the establishment of Poison Control Units.

I want to introduce to you, Daniel Ring, Esquire, who is General Counsel to the Association and who is here to serve you in -- particularly in connection with these problems relating to hazardous household products labeling and anything

else that may come before you of a legal nature.

Dan?

MR. RING: I would like to step a little ahead and tell you why it is the National Association is taking such an interest in what to the old time paint grinder might look like a whole lot of red paint; frills.

We have a very definite purpose in mind. A couple of years ago, we used to wait until the fire started and then try to put out the blaze in all of the cities where you have "scareheads" saying "Paint is killing children; paint is killing children." Then we tried to convert them to the fact that it wasn't. We decided to take the positive approach rather than to - and to be on the offensive rather than on the defensive.

This is one of the steps in that direction that has been approved by the Executive Committee. Whereas, previously, ~~our~~ ^{their} folders went out with a skull and cross bones on a can of paint with the story that paint is killing children. We are now converting the public health authorities in the various localities to the fact that it isn't the fresh paint that is going on the wall; it isn't the fresh paint that is going on the furniture that's killing children at any time in

these present days; but the old, flaking paint that was put on decades ago and which is not a problem so much for the paint industry, although I don't ^{ab} ~~desolve~~ us of any responsibility at all, but primarily ^{it is} the problem of the community. A community problem for the education of your housing people in the community, of those who permit dilapidated houses and slums to deteriorate to the detriment of the public health and ~~for~~ ^{to} the parents who don't watch what their children are doing. ↙

The net result is that we are beginning to find in community after community there are public health people saying, " I read one statement from one city not long ago; this is a routine case and it is caused by the parent not taking proper care of the children and not informing the children. And the newspaper article was an article that stressed the need for parents to keep their children from eating lime, plaster and flaking paint in old houses. That's what we want; that's where we want to put the emphasis and we have sent out whenever we've noticed any flare-up of publicity a statement to public health authorities; we sent it to Cleveland, we've sent it elsewhere; Cincinnati and elsewhere telling what part this industry is playing in trying to protect

the public health and protect children from getting poisoned.

We tell them about the labling that we've recommended to all of our members for the last five years; we point out that the basic causes of lead poisoning as developed in Mr. Bowditch's Lead Industries Hygene Conference last November, are dilapidated homes, kids from one to five eating flaking paint and the failure to take old paint off and put new, safe non-toxic paint on.

We recommend a suggestion of four steps to be taken. Let the interested health authority survey sub-standard dwellings to the end that flaking paint may be removed and safe paint substituted; let the diagnostic criteria which we helped to develop when we were finding that every damn questionable childhood fatality was being laid to lead poisoning without proper diagnosis. We went into that and in -- with the cooperation of the Public Health Service, developed standards, diagnostic criteria which were distributed during the course of this year to all physicians throughout the country telling them what to look for before they -- and how to go about it in a safe way to determine the children have been subjected to lead poisoning.

Let those diagnostic criteria, we say, be circulated

among all pediatricians and toxicologists; let the publicity on lead poisoning have an educational background for parents and let the public health authorities and all others interested in preventing lead poisoning join with the paint industry in a cooperative movement for education and action to secure an objective mutually sought; namely, the welfare and health of our children.

So we're moving ahead on a positive basis and not waiting for this to come to us so that we're on the defensive; this is part of that crusade and this should be the responsibility of our people back home to develop with their local poison control centers, somebody from your technical staff who could be available for a call saying "Does this vinyl epoxy or something or other-- ingredient listed in this paint -- what is the chemical constituency of your paint"; and be able to tell them or tell them where they can find out; that's all that they want to do.

I think it's a great thing that our industry has done to go along with this cooperation; I think it's forward looking and I think our industry for that speedy response that they made to the appeal that General Battley put out is to be congratulated very deeply. I wanted to say that and I

had it on my chest; I thought I'd get it off.

Thank you for listening.

CHAIRMAN PITT: Thank you, Dan.

MR.BOWDITCH: May I add just a word or two? I thought I would mention that besides Doctor Zavon, Doctor Cann, who is the National Clearing House Poison Control Center man is also here this week and I am sure that either of them could be contacted if anybody wished to do so.

Secondly, I have here a copy of headlines on health, which the Public Health Federation of Cincinnati -- of October 1959 -- I have never heard of this publication until early this month when this copy was sent to me and I would like to read a paragraph from it:

"Lead Poisoning Prevention:

A center to coordinate Health and Welfare Agencies in treating and preventing lead poisoning in children has been established at the Convalescent Hospital for Children.

" John E. Allan, M.D., was working on the problem. The Center will aim at removing the sources of lead in the home or by relocating the family or child. There have been 54 cases

of lead poisoning in Cincinnati since January 1st."

Now listen to this:

"The disease now kills and cripples more children than polio."

That's quite a statement. I promptly wrote to another physician in Cincinnati whom I know very well and I have a page and a half from him in a letter here that describes the work or the proposed work of this center and if anyone is interested I will be very happy to make it available to them.

CHAIRMAN PITT: Thank you very much, Mr. Bowditch. You can see, gentlemen, that this gives us a tremendous opportunity of creating proper images for the industry in the public eye and I stated at the beginning of this meeting, I can think of no work in which we have done lately which is more constructive than the work that is being done along these lines.

I'm just wondering, Dan, whether we might at least broach this subject to the contractors so that when they go in to paint a building which looks -- habitation which looks like it's not the proper coat of paint on it, that they

at least should advise the owner that this should be removed. I think that that might give us an opportunity to enlist another group because after all, it's pretty hard for the average health department to send out inspectors to examine all of these older dwellings where these adverse conditions might exist. ✓

Gentlemen, is there anything further?

MR. STAMMER: Yes.

CHAIRMAN PITT: Mr. Stammer.

MR. STAMMER: This thing is highly provocative and I think it should be congratulated; but I could not help but -- sitting here -- thinking here that Mr. Rath -- I wonder if Shell knows what -- I wonder if they have received an order from Mr. Rath which stated on the bottom -- "I am not acquainted with the toxicity or potentialities of toxicity in these new chemicals which are our supply. And please -- and please advise us of what we should do in our label with respect to them." You see, what we've all belated in today -- and I don't think it was done intentionally, but a lot of the responsibility for our labeling rests on our raw material supplies. I know my company makes a paint now with -- there are 31 ingredients in it and I will be absolutely frank with

you, I don't know what 14 of them are; they may be poison or not. I think that the one thing that would pay all of us in buying materials would be buying a stamp that says "This is toxic, please give us the next chemical nature of material and the necessary antidotes," and let the boys who supply the raw materials and who are essentially the most prosperous of this group --

(Laughter)

(Continuing)-- I was amazed when I was up at St. Vincent Hospital in Bridgeport visiting a friend; I picked up a "Register" and then I found out that that particular "Register" said -- you will be interested in this, Mr. Bowditch -- that titanium dioxide was toxic and then I had some fun with duPont and the titanium paint business.

Now I, think that every time you want to know anything about any of your raw materials you have to call them up and say "Hey, is this stuff bad for you?" It's an amusing thing and it's paradoxical that on our labels we say "Avoid prolonged breathing and use adequate ventilation," et cetera, et cetera; but on the other hand we never put in there, "Don't drink it."

Now assuming that for further purposes of argument

we don't put it on the label, which is the proper thing to do, and I would still like to know whether Shell's TS-28 is good for you or if it isn't. And, if it isn't, what do you do about it?

CHAIRMAN PITT: I think Mr. Homer here has a comment to make.

MR. STAMMER: I can say this, that I think in this type of legislation we are discussing this morning, it may clearly indicate the necessity of finding out, on the part of the paint manufacturer from his raw material supply --

MR. HOMER: Shell puts out a series of bulletins; there must be about 40 to 50 now where they give you all the dope on it. There may be one or two -- there may be one or two or three pages. Also, I think -- was it versamid you were talking about, that in your glue versamid that you get from General Mills -- they have bulletins on that too, but we've had occasion to get it. We've had it for the same thing and I think -- it's as you say, it's up to your purchasing department to say to these people when they come in "We have to have this."

CHAIRMAN PITT: Mr. Clark..

MR. WALTER M. CLARK (Nuodex Products Company, Elizabeth, New Jersey): I would be remiss in my duty if I

didn't argue with Frank here a little bit. We do our best with our leads and our mercuries but there are certain problems -- maybe not in this uniform law, but we've had 1,000 letters, I guess, about this change or the in canned linings and so forth; in fact foods, and we give them all the dope on our leads and mercuries; we had thought. And we put it on our commercial shipments but when you get that and with your toxies; and so forth you change the toxicity with the various components and we are -- we will very gladly furnish all that information.

But it's up to the paint manufacturer, at least, in these revised laws, if they're in a can -- they have already approved the lead and the cobalts and manganese but the paint manufacturer has to furnish that total component of the paint finish to get cleared and that, we have just been through about 1,000 times.

MR. STAMMER: Well, maybe it isn't incidental, but I have a label which contains more organic materials and we have on the label, the skull and cross bones, "Poison", and then the antidotes.

MR. CLARK: That's very true Frank, and I happened to design that label. But you're selling that in the true

super additive form. Now when you put that super additive into a gallon paint --

MR. STAMMER: You aren't talking about this super additive, are you?

MR. CLARK: That is when you sell it in that and it has to have a skull and cross bones and we've gone through all of that, Frank.

MR. WILLARD W. VASTERLING (Davis Paint Company, Kansas City, Missouri): How long do you think it will be before we run out of space on our labels?

MR. HOMER: Well, I'll tell you, some of the "malarkey" they have on these labels could be eliminated for something as important as this and I'm talking from the legal end of it, I'm not worried about sales.

CHAIRMAN PITT: I think to supplement Bruce's answer, the Legislative Committee or the Labeling -- Subcommittee of the Legislative Committee, is acutely aware of this problem and that fight for space being so important, we are continually trying to press our language to the minimum which is required to meet these laws and still keep it within a compass which is reasonable and it should get on at least a pint can.

MR. HOMER: I was going to mention about this paint on -- we on our labels, and I think it's part of some of the laws, although I forget, "Do not take internally."

I know Indiana insists on that in one of their companies we were packaging.

MR. STAMMER: You, on your labeling, as you brought up, the compliance of labels is an example of how you do it, I think is unquestionably of a good trend, but "Keep away from children," I think we're committed to that one. Now the other one is the internal drinking, "Do not drink." That also has some potentialities.

CHAIRMAN PITT: Mr. Burgess.

MR. BURGESS: I think this question becomes a little confusing at times. The suggestion that this gentleman made is fine if it were possible to indicate on your label what is toxic and what isn't and in all cases it would be fine. But in many cases, if you go to your raw material supplies, they will tell you that they don't know. Sometimes they do but they don't always and then, again, as this gentleman on my left said, in many cases they do indicate but the only true criteria is to what might or might not be toxic, I think is that set up of the Food and Drug Administration.

And, of course, that -- you are only concerned in can liners or things that may come in contact with foods. When you stop and analyze it, the paint industry is concerned with two different and distinct situations. Toxicity, of course, is a relative matter and you may have a product -- a person might drink some of this as you were illustrating in the case of children, one dose of it might be poisonous -- one small swallow; on the other hand, you've got the concern of the Food and Drug Administration of the continued use over a long period of time of a product that might have something toxic in it that might migrate into the food products, which is something entirely different again.

Then too, with respect to the use of lead -- there has been so much attention focused on that question; it's true, of course, that there is such a thing as lead poisoning and people die of it, but I think that the paint industry, too, should always be conscious of the fact that a lot of these so-called lead poisoning cases aren't actually lead poisoning and too often, as I think most of the people will agree, a child has been chewing some paint and maybe, the child dies and they jump to the conclusion that it was caused by lead poisoning when in some cases -- at least there were a number

of these cases in Baltimore some years ago, where -- where the child chewed porch railings and swallowed enough wood to kill the child if it hadn't been painted at all, so you've got to take the overall picture.

CHAIRMAN PITT: If I can just clarify your remarks, the matter of toxicity of can liners is primarily an industrial coating products problem; I don't think this morning we are interested so much in that, such as far as Ed is concerned, not Bruce, necessarily. This Household Products Law is primarily directed to our trade sales type of product and so in the labeling requirements they would be, of course, entirely different from our industrial products labeling requirements. And, of course, we have this third aspect that you had mentioned, and that is the -- after the application effects -- from the old coatings which we do have toxic --

MR. CLARK: I agree thoroughly on that. The one thing other than the F.D.A. that label that Frank has over there that is the law, U.S.E.A., that you have to have, but the manufacturer puts an ounce in a gallon, it is approved as non-toxic and he don't even have to -- it's the interpretation of these laws that drive us crazy.

CHAIRMAN PITT: That's right and we will always be

confronted with that, I think. We will always have to be devoting a considerable amount of time to that matter of interpretation.

MR. CLARK: I have another question; I have another meeting right now, maybe I missed the point from Ed. If we now take our recommendations of 1954, that passes Indiana, about the first subject we were talking about in Connecticut, and then how about these others when they come along, the interpretation of it; will it change that instruction or something?

MR. O'TOOLE: It could.

MR. CLARK: I think you're pretty sure.

MR. O'TOOLE: I'm satisfied. If you follow the '54, really, the labeling principals, and put on "Keep out of reach of children," and the hazardous ingredients and you do that on all products, it could possibly be classified as hazardous, not only the Indiana ones; there may be others.

Let's face it, you won't find some of my statements in that speech.

MR. CLARK: The reason I asked the question --

MR. O'TOOLE: I mean if you do that I can't see how -- I can't see why that wouldn't be in compliance with

the strict interpretation of the law. They have the two hazards, don't they? You have flammability and you have poisoning. You've taken care of the two of them.

MR. CLARK: The reason I asked the questions about the lead, is in the materials -- the Virginia interpretation we worked out -- there seemed to be a slight difference there.

MR. O'TOOLE: These laws are never going to take care of the Virginia type of legislation nor the Baltimore situation, nor the New York City; the Virginia one is based on deception in the sale of paint. This one doesn't. This has nothing to do with deception in the sale of paint.

This isn't going to take care of Virginia, but -- but if you comply with the Virginia law by putting your ingredients statement, you comply with this law so far as putting the name of the hazardous component on, you see?

MR. CLARK: Oh, yeah. I have no quarrel with Virginia, but it's the uniformity of getting together that you can say this to one man, "It's in Connecticut" and you say to another one and we ought to arrive at that some time.

MR. O'TOOLE: That's correct. Now at our Committee Meeting this morning, I don't think I'm talking out of turn, in discussion, we got around to the point that -- whether or not

the 1954 labeling principals should be changed in any respect and those are going to be reviewed.

But until something better comes out, certainly that's the path you should follow.

CHAIRMAN PITT: I want to assure you Walter and anybody else that the pole star of all our activities is to achieve that uniformity so that we will not be involved in confusion and multiplicity of labels. I think up to now we have been uniformly successful in achieving that result.

MR. O'TOOLE: We have staked our whole case on what we have been doing since '54 so let's do it. And if we have to change it, we will.

CHAIRMAN PITT: Is there anything further gentlemen? If not, before we adjourn, again I want to thank Mr. O'Toole and Mr. Homer for giving two splendid addresses and I know that you join me in thanks and appreciation to both of those gentlemen.

The meeting is adjourned.

(The meeting adjourned at eleven forty o'clock a.m.)
