

1

MINUTES OF SPECIAL COMMITTEE
TO STUDY LEAD POISONING
Hotel Statler - Washington, D. C. - March 24, 1954

Present were:

DR. JOHN H. FOULGER
SANFORD J. HILL
PAUL R. CROLL
T. J. McDOWELL

BRUCE HOMER
FRANK R. PITT
C. W. SLOCUM
H. J. WHITSON

Association Staff

DANIEL L. BOLAND
LOWELL A. ELLIOTT
LOUIS FISHER

LAURENCE KIEFER
THOMAS B. MECHLING
JOHN C. MOORE

The meeting was opened by Laurence Kiefer who explained that this special committee was formed because of the increased nation-wide interest in so-called lead poisoning and the activities of the American Standards Association in this connection. Mr. Kiefer stated that Dr. John H. Foulger, Chairman of the Toxic Materials Committee and representative of the Association on the ASA Committee, would act as Chairman of the meeting.

Dr. Foulger stressed the importance establishing uniformity relative to labeling of paint rather than having individual states and municipalities pass legislation based upon an incomplete knowledge of the problem. Dr. Foulger stated that the American Standards Association Committee Z-66 is studying the danger to children in homes because of a request of the American Academy of Pediatrics and that the American Medical Association intends to study hazards to children in homes from chemicals, including paint. He also stated that there was a definite necessity for considering many materials rather than limiting the investigation to lead. As an example of the type of legislation which may affect the industry, Dr. Foulger cited a Philadelphia ordinance which specifies that paint containing lead or benzol may not be sprayed by child labor.

Mr. Boland reviewed the activities of the Association by citing the states and municipalities where adverse legislation has been proposed, and gave examples of the type of this legislation. He said the Association whenever possible investigates the cause of death where lead poisoning has been reported. Further, insofar as toys and nursery equipment are concerned the problem does not result from the initial finish, but from repainting done by the homeowner. Legislation which has been proposed does not cover the problem and public education is the real solution. Mr. Boland read a letter from Mr. Edward O'Toole of Chicago where the Board of Health is currently considering legislation relative to the labeling and use of lead paints. Mr. O'Toole expressed great interest in our meeting and wished to be advised of the results.

John Moore gave an example of the type of investigation done by the Association on reported lead poisoning.

Clarence Slocum reported upon the New York Board of Health's efforts to define the amount of paint consumption necessary to cause lead poisoning. He pointed out that the difficulties included the number of coats of paint that have been previously placed upon a surface, some of which may have been on for many years

and as a result may contain substantially more lead than current products.

Sanford Hill reported upon the Manufacturing Chemists' Association labeling procedures and told of their publication on warning labels of hazardous chemicals. This was the basis for legislation adopted in states such as California and Illinois. As a result, these states have more or less uniform legislation on labeling. He further stated that the warning label manual prepared by the Manufacturing Chemists' Association should be considered by any group considering labeling procedures. The policies expressed in this book could be easily adapted to the paint industry. Also, that the Chemical Specialties Manufacturers' Association is considering the problem of labeling household packages and hoped that the National Paint, Varnish and Lacquer Association will support the program of the Manufacturing Chemists' Association rather than setting up new procedures. In this connection he spoke of a paper to be presented by the Chemical Specialties Manufacturers' Association at their May 24 meeting relative to copy for labels. He feels that this will be of great assistance to those concerned with preparation of copy for household packages labeling.

Clarence Slocum reported on the last meeting of the Z-66 Committee American Standards Association. He said that the initial work had been concerned with selecting pigments, vehicles, solvents and driers which were considered non-toxic and it was proposed to suggest these as materials which might be labeled as suitable for toys and nursery furniture use. He believes that the recommendations of the sub-committee will be presented to the Z-66 Committee before the end of the year.

Dr. Foulger then asked the members of the special committee whether or not in their opinions a problem existed and if so what this problem was. Mr. Pitt said that inasmuch as legislation is proposed each year in several states and municipalities it seems essential that some reasonable labeling program be established. Mr. Whitson stated that the problem of toxicity should not be confined to lead because there are other materials which are hazardous and that while diagnosis has been made in many cases of death due to lead poisoning he feels that there is some questions as to the accuracy of the diagnosis. Dr. Foulger confirmed the opinion that there is often a tendency by the attending physician to diagnose lead poisoning without adequate analysis. Mr. Pitt agreed that other materials were important as far as hazards were concerned and said that this was particularly true of the so-called odorless thinners which recently had been the cause of increases in industrial accidents. Dr. Foulger confirmed this problem.

Mr. Boland said there are two approaches to any labeling program. The affirmative approach, where the label states that the material is safe to use under certain circumstances, brings the problem of product liability to the fore. The negative approach, where the hazards are pointed out to the consumer, brings the problem of negligence. Specifically this amounts to determining if enough has been done in stating the hazard present to relieve the producer or manufacturer of liability. Mr. Boland stated that in his opinion the negative approach is by far the better insofar as the legal aspect is concerned.

Mr. Moore stated that labeling a product as to its contents is not a sure answer to the problem. Actually testing the material in its final state i.e. the dried film, is the only way to determine what toxicity exists. Dr. Foulger confirmed Mr. Moore's statement.

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Mr. Pitt spoke in favor of accepting the recommendations of the Z-66 Committee relative to lead poisoning of children since the establishment of a standard tends to eliminate claims or agitation for legislation.

Dr. Foulger said that while he and the other members of the sub-committee certainly would do all possible to prevent the Z-66 Committee from recommending any standards which are not workable, the program finally adopted would depend upon the majority vote. He said that the membership of the Z-66 Committee is very heterogeneous and that the majority of them are not well informed on the subject. In his opinion it is most necessary that the Association establish a committee to study this problem at the same time as the American Standards Association committee and be prepared to present a solution to the problem in the event the Z-66 Committee does not see fit to follow the suggestions and recommendations of the Z-66 Sub-Committee. He further stated that the problem of labeling is so important that he feels there is a definite need of a standing committee to look into the total question rather than limiting it to lead.

Dr. Foulger recommended: that a standing committee be formed by the Association to investigate the total question of precautionary labeling, that the specific question of lead poisoning of children be studied, that the work of the Z-66 Sub-Committee be followed to make sure that the interests of the industry are protected. He believes the most serious problem is that of odorless thinners. He suggested that the Association committee if appointed be composed of technical men, management, labeling experts and attorneys.

It is the unanimous feeling of the special committee that this Association committee be formed and immediately investigate the entire labeling problem.

The special committee adjourned at 2:00 P.M.

Respectfully submitted,

Thomas B. Meckling
THOMAS B. MECKLING