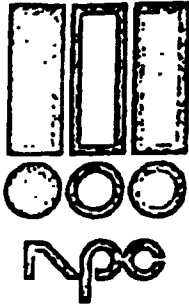


February 26, 1972



TO: ALL CLASS A MEMBERS

SUBJECT: LEAD IN PAINTS -- Senate Hearings and FDA Action

In my "Immediate Action" letter of February 15, I indicated that the Food and Drug Administration was moving toward a 0.06% lead standard for paints because, among other reasons, it was felt that the paint industry had failed to make clear why lead is needed in its products and the impact that an immediate ban on lead would have on the industry and its products. Since my letter there have been some new developments. Let me bring you up to date:

FIRST, the Senate hearings on S. 3080 (to amend the Lead-Based Paint Poisoning Prevention Act, in part by setting an arbitrary 0.06% lead level in paints) have been rescheduled. Instead of February 24, they are to be held on Monday and Tuesday, March 6 and 7, 1972. To make every effort to see that our industry gets a fair shake in this most-important hearing, we are preparing a strong statement and are lining up witnesses from both in and out of industry.

WHAT YOU MUST DO, if you have not done so already, is write or call your own Senator, particularly if he is a member of the Senate Committee on Labor and Public Welfare or a sponsor of the bill. (Their names, addresses and telephone numbers are attached). You should urge them to consider these important points:

1. The need for more research to determine the critical lead level above which dried paint films may truly be considered hazardous. (There is practically no data available on the hazards of certain lead compounds as part of dried paint film.)
2. The need for and essential uses of lead compounds in paint products today. (Obviously, the impact on your own company, if the use of these compounds were prohibited, would most impress your Senator.)
3. The need for a reasonable period of time (up to two years) for our entire industry to convert to substitutes for lead driers, if this is found to be necessary.
4. The economic hardship our industry can, and will endure if an unreasonable standard for lead is coupled with an unreasonable time for compliance.
5. The fact that the Department of Health, Education and Welfare is right now gathering evidence with which to establish a standard for lead. Such work should not be undercut by a legislative standard issued even before this work is completed and all of the facts are in.

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SECOND, and apart from the legislative hearings, the Food and Drug Administration has taken new action: It has published a Notice in the Federal Register (on February 19, 1972) entitled "Paints and Other Surface-Coatings Containing Heavy Metals -- Request for Data." This is an official FDA action requesting paint manufacturers to volunteer additional facts regarding the use and need of lead and certain other heavy metals in paint and related products. The Notice (enclosed) requests the following data: (1) the amount of the named heavy metals found in each product analyzed, (2) whether the heavy metals were intentionally added, (3) the reason for such addition, and (4) a current label for each analyzed product. The FDA DEADLINE IS APRIL 7.

We recognize that much of the requested data is not readily available and could not, in some cases, be gathered in time to meet the FDA deadline. Also, we are aware that the request covers a wide range of both products and ingredients and, particularly, that the cost for analysis of each would be prohibitive to most companies. If these problems make it impossible for your company to respond to this request, you should so indicate to FDA. If, on the other hand, you can provide this data, I recommend that you respond to the FDA request to the extent practical, even though this is not a mandatory requirement. The information you submit should be sent directly to the Food and Drug Administration (Bureau of Product Safety, 5401 Westbard Avenue, Bethesda, Maryland 20016), with a copy to the Association.

THIRD. My letter of 2/15/72 indicated NPCA needed to have the following information to assist industry in this vital issue:

1. The kinds of lead ingredients (e.g. driers and pigments) presently used in your product lines.
2. The kinds of products using lead ingredients and the percent by weight of lead in the dried film.
3. The status of substitutes for lead driers.
4. Whether data is available concerning the toxicity of substitutes for lead driers.
5. The time it would take to reformulate and produce finished products, using substitutes for lead driers.
6. The effect on product performance if lead driers were eliminated.

If you have not responded to this request, please do so at once! In my opinion, the same data would be helpful in your developing a useful response to the FDA inquiry. It is incumbent upon us to take positive action in this regard and to cooperate with the involved Federal agencies to the fullest extent possible.

Now, before concluding, let me quickly run back through WHAT YOU CAN DO to help us:

1. Write or call your Senators, as I have indicated above, hitting hard on those points suggested.
2. Develop a meaningful response to the FDA inquiry that will tell our side of the story. Remember, it may be just as important to indicate what you cannot do. For example, do you have the manpower or equipment necessary to analyze your products in the manner requested?

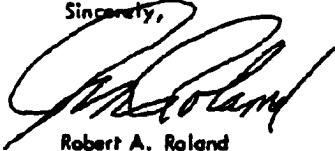
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3. Supply us, if you have not already done so, with the information about uses of lead requested by my letter of February 15 and repeated above.

Remember this. Those opposed to the use of lead, as well as certain other heavy metals in paints, are convinced that these proposed restrictions are necessary. We do not concur. However, under these circumstances, we must ensure that our story and, particularly, the impact of such actions are made known to the Congress and responsible officials of the involved Federal agencies. With such information, we are hopeful that due consideration will be given to all the facts and that premature and unwarranted restrictive actions will not be taken by our government.

With kindest regards.

Sincerely,



Robert A. Roland
Executive Vice President

RAR/ew
attachments

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