

INTER-OFFICE LETTER

FROM

Cleveland

OFFICE

Executive

DEPT.

FOR Cleveland

OFFICE

DATE December 10, 1970

MR. J. J. Lenzotti

SUBJECT Lead Paint Poisoning Prevention Act
S 3216

REFER TO LETTER OF

DICTATED BY

As you will see from the attached, we have responded to the request from Mr. Holand by writing individually to each of the members of the Senate Committee on Labor and Public Welfare.

Also enclosed for your background knowledge is a copy of information received from Mr. Holand, including the proposed bills S 3216 and HR 19172. The present session of Congress is expected to pass legislation requiring a maximum of 1% Pb on interior paints and exterior paints on porches, railings, etc.

We should be prepared to remove lead pigments from all our major trade sales and painter products promptly if the need arises.

Fortunately, our Kem-1-Coat Alkyd can be used for porch railings, etc.

The proposed Federal Specification Paint TT-P-00102C presently patterned somewhat like our Kem-1-Coat Alkyd is another manifestation of the drive to get the lead out of exterior paints.



ABH:lon:AN

To - BES RLC(2) GGS JYL DFH* RED* ADC

* ABH 12-8-70 letter to Senate Committee on Labor and Public Welfare only.

0007-SWP-000005881

N16974

**"Any paint intended, or packaged in a form suitable"
includes**

- 1) Industrial Maintenance primers containing lead-based corrosion-inhibitive pigments which are used to protect and/or maintain structural steel, fire escapes, filter presses, pumps, equipment, pipes, tanks, machinery, motors, metal fences, metal roof decks, tanks and vessels including potable water tanks, floor grating, transmission towers, bridges and other iron and steel. These primers are used to protect the surfaces stated in and around chemical plants, packing houses, paper mills, textile mills, pharmaceutical plants, filtration plants, laundries, locker rooms, distilleries, petroleum refineries, steel mills, etc. These are typically packaged in one and five gallon containers for maintenance use.**

0007-SWP-000005882

considering this information, the Commissioner finds that lead can be eliminated from paints and other surface-coating materials more rapidly than the implementation dates specified in the following order, an appropriate amendment will be made.

Therefore, the Commissioner finds that, notwithstanding such cautionary labeling as is or may be required under the Federal Hazardous Substances Act, the degree or nature of the hazard involved in the presence or use of lead in paints and other surface-coating materials in households is such that the objective of the protection of the public health and safety can be adequately served only by keeping such substances, when so intended or packaged, out of the channels of interstate commerce. Under section 2(q)(1) of the act, this will have the additional effect of banning such products from use on any toy or other article intended for use by children.

Since lead may be a necessary component of products intended for particular uses, as suggested by several comments, the Commissioner is prepared to consider petitions proposing amendment of the regulation. Pursuant to 21 CFR 191.201, petitions showing reasonable grounds will be published in the FEDERAL REGISTER. Consideration will also be given in late 1973 to petitions for

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