

The language of the Michigan bill could be interpreted to prohibit the sale or use of all paint containing lead in excess of the federal standard regardless of intended use or whether the particular paint product was, in fact, covered by the federal regulation. This would make no allowance for the sale or use of special-purpose products in which lead is an essential ingredient and which present no hazard to children. Additionally, no leeway is provided for the disposition of shelf goods after January 1, 1974. This is particularly significant when it is recognized that FDA is still considering a reduction to a .06% standard for paints shipped in interstate commerce after December 31, 1973. If FDA were to issue the .06% standard, no shelf-goods containing more than .06% could be sold or used in Michigan after January 1, 1974 if this bill is enacted, regardless of when the products were shipped in interstate commerce.

It is recommended that all addressees contact their members of the Michigan legislature to make them aware of these very significant problems. An amendment which would make it clear that the Michigan bill applies only to those paint products actually subject to a federal regulation and which would also permit the disposition of shelf-goods, is as follows:

"Sec. 1. A paint which is manufactured after the effective date of this Act and which is subject to a federal regulation concerning lead based paints may not be sold or used in this state if it contains lead in excess of the amount permitted by such regulations.

"Sec. 2. A person who violates this Act is guilty of a misdemeanor.

"Sec. 3. This Act shall become effective after January 1, 1974."

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