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NATIONAL PAINT, VARNISH, AND LACQUER ASSOCIATION
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October 5, 1959

**TO THE MEMBERS OF THE BOARD OF HEALTH,
CITY OF NEW YORK;**

This is an application on behalf of the National Paint, Varnish and Lacquer Association, Inc., for the extension of the effective date of Subsection (c) of Section 173.13 of the New York City Health Code to July 1, 1960.

This Section of the Code reads as follows:

"(c) After the effective date of this Code, no person shall use a paint containing more than one per cent of metallic lead based on the non-volatile content of the paint, on the interior walls, ceiling or window sills of any apartment or room in any dwelling. As used in this section, dwelling means any building or structure or portion thereof which is occupied in whole or in part as the home, residence or sleeping place of one or more human beings."

Because of a shortage of official copies of the Health Code, we were unable to distribute extracts affecting our members until July 23, 1959. This was less than 90 days from the effective date of October 1, 1959.

Shortly after we had distributed the extracts we began receiving reports with respect to difficulties being encountered with painting contractors and maintenance firms specializing on interiors of buildings. These contractors work not only on dwellings such as are subject to the provisions of Section 173.13(c) but also on the interiors of shops, office buildings, warehouses and other structures which are not used by children and which are not within prohibitions of Section 173.13(c). The trend, however, among contractors is to demand for all their work the type of paint which is required for dwellings under Section 173.13(c).

Many of our members are changing formulations of their products for interior use so as to eliminate in all interior paints lead in excess of 1% of the total solids. It takes considerable time for the technical measures involved in a change in formulation

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series to members

of paints. In order to alleviate hardships which would result in the impossibility of changing formulations to meet the current effective date, this application is made for an extension of the effective date of Section 173.13(c) to July 1, 1960.

The grant of this extension will retard an abnormal demand by contractors and maintenance men for lead-free paint for interiors of structures other than dwellings.

In making this request I wish to advise that the reason for requesting postponement of the effective date is not for the purpose of permitting or in any way approving the use of lead paint in residence buildings until July 1, 1960. Our Association is just as much opposed to such use as you are.

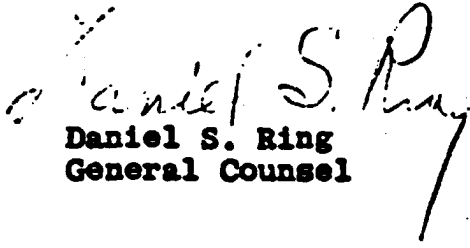
Since 1954 our Association has been recommending that our members use precautionary labels warning buyers of their products not to use lead paints on the interior surfaces of dwellings and places used for the care of children. We have been vigilant also in listing other hazards and cautioning against the use of our products in a way that might cause harm to the user. As an exhibit I attach hereto a copy of the Precautionary Labels which our Association recommended for use by its members in 1954.

We are presently engaged in active cooperation with the United States Public Health Service and the Clearing House for Poison Control Centers, in the interest of providing full technical information concerning ingredients in paint products at the local level for emergency treatment in paint ingestion cases. We have been active in cooperating with the medical and health authorities on a national and local level in attempting to safeguard the public health.

At the hearing you have afforded me I will take pleasure, if the Board wishes, in elaborating upon the various projects in which our Association has been cooperating with national and local health authorities.

In conclusion, I wish to assure you that our Association has not relaxed in any degree its policy of full cooperation with health authorities in the interest of the public health. I also assure you again that the request is made for an extension in the effective date of Section 173.13(c) solely to give our members dealing with painting contractors and building maintenance men in New York the time needed to change formulations.

Respectfully submitted,


Daniel S. Ring
General Counsel

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