

*J. J. Langguth*

FORM 1770

**THE SHERWIN-WILLIAMS Co.**



101 PROSPECT AVE., N. W.  
CLEVELAND, OHIO 44115

M. E. SPYER  
FEDERAL REGISTER  
EDITOR

December 3, 1971

Mr. John M. Montgomery  
General Counsel  
National Paint, Varnish & Lacquer Assoc.  
1800 Rhode Island Ave.  
Washington, D.C. 20006

Dear Mr. Montgomery:

Ref: Legal Bulletin #77  
November 8, 1971

As a responsible corporate citizen, Sherwin-Williams is vitally concerned about our environment. We are completely sympathetic with existing regulations and concur with the obvious intent of most of the proposed regulations. We feel that some of the proposed regulations are not based on facts and the best scientific evidence available.

Our posture has always been to take corrective action where evidence becomes available that certain products unduly affect the environment.

We support the general objectives of the FDA proposal as published in the November 2, 1971 Federal Register. However, we feel that that portion of the regulation pertaining to AMMI 206.1 should be qualified. We suggest also that the prohibition of interstate shipments would be economic disaster.

As now written, AMMI 206.1 presupposes that the heavy metals listed are toxic in all their forms. Evidence exists that this is not in fact a valid assumption.

To be specific, a yellow pigment commonly referred to as nickel titanate, but containing antimony, nickel and titanium, when used in paint, would require labeling as hazardous substances. All evidence available to us indicates that antimony in this form is not absorbed when ingested. It is insoluble in all common acids, including aqua regia. Feeding tests of both massive single doses and prolonged smaller doses have not shown any toxic effects. This is a vital point with us. We know of no replacement which has adequate durability for exterior exposure. 206.1, as originally promulgated was directed to children's toys, furniture, and interior surfaces. For these uses, organic yellow pigments are available. They do not, however, have the lightfastness required for exterior surfaces.

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While it is going to be terribly tight, we feel we can meet the projected July 1, 1972 implementation date as far as manufacturing is concerned. There simply is no way we could comply with the proposed interstate shipping restriction. We seek your advice on what we might do to aid you in getting a favorable decision on your request to have the words "or shipped" deleted.

We continue to oppose the "Myan" proposal -

- 1) We recognize no evidence that .5% lead is hazardous.
- 2) Raw material cost increases in going from .5% lead to zero lead cannot be justified by a proven reduction in hazard.
- 3) The elimination of all added lead will force us to replace oil type house paints with alkyds. In doing so, oil (primarily linseed) will be reduced 80-90%. The impact on an already depressed part of our agricultural economy is obvious.

If I can be of further assistance, let me know.

Very truly yours,

THE SHERWIN-WILLIAMS CO.

  
H. E. Spitzer  
Technical Director, Coatings

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