Attachment B.

LEGISLATIVE HISTORY
of
LEAD-BASED PAINT POISONING PREVENTION ACT
(Public Law 91-695)

Early in the 91st Congress (March, 1969), Rep. William F. Ryan (D-N.Y.) introduced the first bill to provide Federal financial assistance to States and their subdivisions for projects involving the detection and treatment of lead poisoning in children and for the rehabilitation of areas found to be seriously contaminated by old lead-based paints. Subsequently, approximately 50 members of both the House and Senate demonstrated a recognition of this serious problem and strong bi-partisan support by introducing similar legislative proposals or joining as sponsor thereof. One of these bills (S. 3941) -- introduced by Senator Richard S. Schweiker (R - Pa.) -- contained a provision making it unlawful "for any person to apply or otherwise use, after the effective date of the Act, any paint with an excess of 1 per centum lead pigments or lead additives on the interior of any dwelling..."

The first public hearings on this legislation were not held until July 30, 1970 when the Housing Subcommittee of the House Banking and Currency Committee heard witnesses testify on H.R. 17260, the bill introduced by Rep. William A. Barrett (D - Pa.), Chairman of the Housing Subcommittee. NPVLA submitted a written statement in order to present additional facts relevant to the Subcommittee's review of the bill and to attempt to clarify certain erroneous matters and possible misconceptions on the subject which developed during examination of witnesses at the hearings.

Notwithstanding the testimony of medical witnesses at the hearings and the detailed information provided by NPVLA to emphasize that the lead poisoning of children was being caused by ingestion of flakes or chips of old lead-based paint from the walls and ceilings of poorly-maintained pre-World War II dwellings, the House Committee reported out a bill (H.R. 19172) on September 14, 1970 which contained a new provision prohibiting "the use of lead-based paint in all future Federal construction and rehabilitation ..... of any building or structure with Federal assistance in any form."

At this time, NPVLA representatives met with Rep. Barrett and pointed out that his modified bill would deny the proper uses of lead-based paints in industrial areas where its rust-inhibiting qualities were of great importance and where no possible hazard to children now or in the future would exist. Rep. Barrett assured that his Committee did not intend to extend the coverage of his bill to that extent. However, the bill passed the House without further amendment on October 5, 1970, and was referred to the Senate Committee on Labor and Public Welfare.

With this development, NPVLA addressed a letter to the Chairman of the Senate Committee and requested permission to testify "in support of amendments deemed vital to make the bill an effective law responsive to the public need." The issue became further clouded by politics about this time, and a provision in the Senate "Omnibus Housing Bill" (S. 4368) -- limiting the restrictions on use of lead-based paint, as defined, to the interior of dwellings subject to the Act -- was not agreed to by conferees from the House and Senate Banking and Currency Committees. As finally approved by the Congress, the "Omnibus Housing Bill" (Housing and Urban Development Act of 1970) contained no provisions relating to the use of lead-based paint.

0007-SWP-036394

grams to insure that identified cases of lead-based paint poisoning are protected against further exposure to lead-based paints in their living environment and

(4) any other actions which will reduce or eliminate lead-based paint poisoning

(d) Each local program shall afford opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training, education, and any information which may be necessary to inform such residents of opportunities for employment in lead-based paint poisoning elimination programs.

TITLE II — GRANTS FOR THE ELIMINATION OF LEAD-BASED PAINT POISONING

SEC. 201. The Secretary of Health, Education, and Welfare is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out programs that identify those areas that present a high risk to the health of residents because of the presence of lead-based paints on interior surfaces, and then to develop and carry out programs to eliminate the hazards of lead-based paint poisoning

(a) A local program should include:

(1) development and carrying out of comprehensive testing programs to detect the presence of lead-based paints on surfaces of residential housing;

(2) the development and carrying out of a comprehensive program requiring the prompt elimination of lead-based paints from all interior surfaces, porches, and exterior surfaces to which children may be commonly exposed, of residential housing on which lead-based paints have been used as a surface covering, including those surfaces on which non-lead-based paints have been used to cover surfaces to which lead-based paints were previously applied; and

(3) any other actions which will reduce or eliminate lead-based paint poisoning.

(b) Each such program shall—

(1) be consistent with the appropriate local program assisted under section 101, and

(2) afford, to the maximum extent feasible, opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training, education, and any information which may be necessary to inform such residents of opportunities for employment in lead-based paint elimination programs

TITLE III — FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

SEC. 301. The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead-based paint

poisoning in the United States, particularly in urban areas, and the methods by which lead-based paint can most effectively be removed from interior surfaces, porches, and exterior surfaces to which children may be commonly exposed of residential housing. Within one year after the date of the enactment of this Act the Secretary shall submit to the Congress a full and complete report of his findings and recommendations as developed pursuant to such program together with a statement of any legislation which should be enacted and any changes in existing law which should be made, in order to carry out such recommendations.

TITLE IV — PROHIBITION AGAINST FUTURE USE OF LEAD-BASED PAINT

PROHIBITION AGAINST USE OF LEAD-BASED PAINT IN FUTURE CONSTRUCTION AND REHABILITATION

SEC. 401. The Secretary of Health, Education, and Welfare shall take such steps and impose such conditions as may be necessary or appropriate to prohibit the use of lead-based paint in residential structures constructed or rehabilitated after the date of enactment of this Act by the Federal government, or with Federal assistance in any form.

TITLE V — GENERAL

DEFINITIONS

SEC. 501. As used in this Act—

(1) The term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

(2) the term "units of general local government" means (A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, (B) any combination of units of general local government in one or more States, (C) an Indian tribe, or (D) with respect to lead-based paint poisoning elimination activities in their urban areas, the territories and possessions of the United States, and

(3) the term "lead-based paint" means any paint containing more than 1 per centum lead by weight (calculated as lead metal) in the total non-volatile content of liquid paints or in the dried film of paint already applied.

CONSULTATION WITH OTHER DEPARTMENTS AND AGENCIES

SEC. 502. In carrying out the authority under this Act, the Secretary of Health, Education, and Welfare shall cooperate with and seek the advice of the heads of any other departments or agencies regarding any programs under their respective responsibilities which are related to, or would be affected by, such authority.

APPROPRIATIONS

SEC. 503. (a) There is hereby authorized to be appropriated to carry out the provisions of title I of this Act not to exceed $2,150,000 for the fiscal year 1971 and $6,000,000 for the fiscal year 1972.

(b) There is hereby authorized to be appropriated to carry out the

provisions of title II of this Act not to exceed $5,000,000 for the fiscal year 1971 and $10,000,000 for the fiscal year 1972.

(c) There is hereby authorized to be appropriated to carry out the provisions of title III of this Act not to exceed $1,870,000 for the fiscal year 1971 and $3,340,000 for the fiscal year 1972.

(d) Any amounts appropriated under this section shall remain available until expended when so provided in appropriation Acts and any amounts authorized for the fiscal year 1971 but not appropriated may be appropriated for the fiscal year 1972.

Approved January 13, 1971.

LEGISLATIVE HISTORY
HOUSE REPORTS No. 91-1488 (Comm. on Banking and Currency) and No. 91-1768 (Comm. of Conference).
SENATE REPORT No. 91-1433 (Comm. on Labor and Public Welfare).
CONGRESSIONAL RECORD, Vol. 116 (1970):
Oct. 1, considered and passed House.
Dec. 17, considered and passed Senate amendment.
Dec. 29, House disagreed to Senate amendment.
Dec. 30, Senate agreed to conference report.
Dec. 31, House agreed to conference report.

It will be noted that Title II of the act authorizes the secretary of Health, Education and Welfare to make grants to units of "general local government in any State" to eliminate existing lead-based paints from "all interior surfaces, porches, and exterior surfaces to which children may be commonly exposed, of residential housing on which lead based paints have been used as a surface covering. . ." This is paint already applied.

Title IV deals with future use of lead-based paint. In short and terse form it directs HEW to "take such steps and impose such conditions as may be necessary or appropriate to prohibit the use of lead-based paint in residential structures constructed or rehabilitated after the date of enactment of this Act by the Federal government, or with Federal assistance in any form."

John Montgomery, general counsel for the National Paint, Varnish and Lacquer Association, who followed the legislation closely from the time it was introduced until the time the act was approved, said that the paint and coatings industry and the raw material suppliers need to be vitally concerned with the regulations which HEW sets up to implement carrying out of the Title IV directive. The national association already has been in close contact with HEW and has offered to assist in drawing up these regulations, Mr. Montgomery said.

"These regulations will be drafted over a period of time," Mr. Montgomery said, "and we will be constantly and alertly taking such actions as are possible to protect the industry's interests."

Mr. Montgomery said however, that Title III is of extreme immediate importance, because Congress directs the secretary of Housing and Urban Development to report back within one year after the date of the enactment of the act with certain findings and recommendations regarding lead-based paint poisoning to assist in implementing provisions in Title I and II.

The NPVLA general counsel said that there is much to be done regarding the act. He said that while NPVLA will be watching developments constantly, everyone in the industry should familiarize himself with the provisions of the act and be prepared to give assistance in any way possible to insure that

be held confidential and a determination made that a proper showing in support of the request has been made on the grounds that the disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such a request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27 (c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on October 27, 1971.

Kenneth M. McEwen,
Deputy Administrator, Meat and Poultry Inspection Program.

[FR Doc.71-16067 Filed 11-1-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 27, 31]

CERTAIN ORANGE JUICE PRODUCTS

Extension of Time for Filing Comments on Proposals Regarding Stayed Identity Standards

The notice published in the FEDERAL REGISTER of September 9, 1971 (36 F.R. 18008), proposing to revise the stayed standards for the diluted orange juice beverages (§§ 27.130, 27.131, 27.132) and proposing establishment of additional identity standards for certain related products, provided for the filing of comments within 60 days after said date.

The Commissioner of Food and Drugs has received a request for a 30-day extension of such time and, good reason therefor appearing, the time for filing comments on the subject proposals is hereby extended to December 8, 1971. Received comments may be seen in the office of the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, during working hours, Monday through Friday.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046-1055, as amended, 70 Stat. 913, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: October 18, 1971.

Sam D. Fine,
Associate Commissioner for Compliance.

[FR Doc.71-15998 Filed 11-1-71;8:45 am]

[21 CFR Part 148l]

COMBINATION DRUG CONTAINING NEOMYCIN SULFATE AND AMPHOTERICIN FOR ORAL USE

Proposed Revocation of Provisions for Certification

In the FEDERAL REGISTER of July 2, 1970 (35 F.R. 10790, DESI 11313), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council Drug Efficacy Study Group, on a certain oral preparation containing neomycin sulfate and nystatin. The drug was reported as lacking substantial evidence, as defined in the Federal Food, Drug, and Cosmetic Act, that it is effective as a fixed combination for its claimed clinical effect and that each component of the drug contributes to the total effects claimed for such drug.

In addition to the section of the antibiotic drug regulations describing conditions for certification of such preparations, another section describes conditions for certification of a related drug, Fungimone Tablets, containing neomycin sulfate and amphotericin B. An approved Form 5 antibiotic drug application (NDA 60-814) is held for this drug by E. R. Squibb & Sons, Inc., 8 Georges Road, New Brunswick, N.J. 08903.

This product was not reviewed by the Academy; however, the Food and Drug Administration, having evaluated data originally filed in support of efficacy of this preparation, concludes that there is a lack of substantial evidence, as defined in the Federal Food, Drug, and Cosmetic Act, that this drug is effective as a fixed combination for its claimed clinical effects, and that each component of the drug contributes to the total effects claimed for such drug.

Accordingly, the Commissioner concludes that the antibiotic drug regulations providing for certification of such drugs should be revoked.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51 as amended, 59 Stat. 463 as amended; 21 U.S.C. 352, 357) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that PART 148R be amended by revoking § 148l.45 *Neomycin sulfate/amphotericin B* tablets.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 18, 1971.

Sam D. Fine,
Associate Commissioner for Compliance.

[FR Doc.71-15999 Filed 11-1-71;8:45 am]

[21 CFR Part 191]

HAZARDOUS SUBSTANCES

Proposal To Declare Certain Heavy Metal-Containing Paints and Other Surface-Coatings To Require Special Labeling for Child Protection

The heavy metals antimony, arsenic, cadmium, lead, mercury, selenium and soluble barium may be toxic when ingested, even in small amounts. Because children may chew on interior and certain exterior residential surfaces and on toys and other children's articles, the Commissioner of Food and Drugs concludes that paints and other surface-coating materials are hazardous substances requiring special labeling warning against their use on such surfaces if they contain more of these heavy metals than is essential under good manufacturing practices, or in any event if they contain more than 0.5 percent lead; or a total of 0.05 percent of the other heavy metals listed above on a dried weight basis, except for soluble barium which shall constitute no more than 1 percent of the total barium present. The special labeling to be required shall include on the main panel a cautionary signal word "Warning", a statement of the hazard "Contains ..... " (the blank being filled in with the name(s) of the applicable heavy metal(s)) and instructions to read carefully the cautionary information placed on other panel(s) where located. Existing technology will permit industry to produce household paints containing no more of these heavy metals than is specified above. As new technology becomes available, the acceptable levels may be further reduced in accordance with good manufacturing practices.

Although paints containing small amounts of lead in excess of the proposed levels may not be toxic in themselves; when considered in conjunction with other sources of lead in the environment they constitute a substantial addition to the body burden that can reasonably be avoided through the application of available technology. The Commissioner has concluded that the steps of the Federal Hazardous Substances Act fully encompasses the question of cumulative toxicity.

The American National Standards Institute, in its voluntary standard Z66.1, has specified a maximum limit since 1955 of 1 percent lead in paint intended for use on children's toys, furniture, or interior surfaces. A 1-percent lead level was also adopted by Congress in the Lead-Based Paint Poisoning Prevention Act (Public Law 91-695; 84 Stat. 2078), which is administered by the Bureau of Community Environmental Management, Health Services and Mental Health Administration. That act prohibits the use of paint with a lead content above 1 percent in residential structures constructed or rehabilitated by the Federal Government or with Federal assistance. As an additional margin of safety, the

Commissioner proposes to reduce the exposure to lead found acceptable by Congress by establishing special labeling requirements for all household paints containing more than 0.5 percent lead.

Consideration has been given to the question of whether paints containing lead above the level specified herein should be banned from interstate commerce, or required to bear special labeling warning of the hazard involved and giving instructions for safe use. While there are numerous reports of serious injury and even death resulting from the ingestion of the dried film of old formulations of paints containing high levels of lead, the Commissioner is unaware of any similar reports as a result of ingestion of paints containing 1 percent lead or less. The Commissioner has therefore concluded that cautionary labeling will be adequate to protect the public health and safety from any potential hazards associated with the use of such paints.

Accordingly, under section 3(a) of the Federal Hazardous Substances Act, the Commissioner proposes that paints and other surface-coating materials be declared to be hazardous substances (as defined in section 2(f)(1)(A) of the Act) that require special labeling as specified herein if such paints and other surface-coating materials contain, on a dried weight basis, more than 0.5 percent lead; or a total of more than 0.50 percent antimony, arsenic, cadmium, mercury, or selenium; or soluble barium in excess of 1 percent of the total barium present. Finalization of the regulations proposed herein, in conjunction with section 2(q)(1)(A) of the Federal Hazardous Substances Act, will have the additional effect of automatically banning any toy or other article intended for use by children which is produced after effective date of these regulations and which bears such paint or other surface-coating material.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(B), 2(q)(1)(A), 3(a), and 3(b), 74 Stat. 372, 374-375 as amended, 80 Stat. 1304; 15 U.S.C. 1261, 1262), and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055-56 as amended; 21 U.S.C. 371), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that a new subparagraph be added to § 191.3(a) and that a new subparagraph be added to § 191.7(b), as follows:

§ 191.3 Products declared to be hazardous substances under section 3(a) of the act.

(a) The Commissioner finds that the following articles are hazardous substances within the meaning of the act because they are capable of causing substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use:

* * * * *

(2) Paint and other surface-coating materials, produced or shipped in interstate commerce after the effective date of this regulation, containing any of the heavy metals specified below at a level exceeding that which is essential under good manufacturing practices or in any event containing amounts of such heavy metals as follows:

(i) Lead compounds of which the lead content (calculated as the metal) is in excess of 0.5 percent of the total weight of the contained solids or dried paint film; or

(ii) Antimony, arsenic, cadmium, mercury, and selenium of which the metal content individually or in total (calculated as the metal) exceeds 0.50 percent of the total weight of the contained solids or dried paint film; or

(iii) Barium compounds of which the water soluble barium (calculated as the metal) exceeds 1 percent of the total barium present.

§ 191.7 Products requiring special labeling under section 3(b) of the act.

* * * * *

(b) The Commissioner finds that these substances present special hazards and that the labeling required by section 2(p)(1) of the act is not adequate for the protection of the public health. Under section 3(b) of the act the following specific label statements are deemed necessary to supplement the labeling required by section 2(p)(1) of the act:

* * * * *

(7) Paint and other surface-coating materials declared to be hazardous under § 191.3(a)(2) shall bear on the main panel of their label, in addition to the requirements of § 191.101(a), the statement "contains ______", the blank being filled in with the name of each heavy metal present in the amount specified in § 191.3(a)(2). Such paint and other surface-coating materials shall also bear on their labeling the signal word "Warning" and the following additional statement, or its practical equivalent:

"Contains ______.

Dried film of this paint may be harmful if eaten or chewed.

Do not apply on toys and other children's articles, furniture, or interior surfaces of any dwelling or facility which may be occupied or used by children.

Do not apply on those exterior surfaces of dwelling units, such as window sills, porches, stairs, or railings, to which children may be commonly exposed.

Keep out of the reach of children."

the blank being filled in with the name of each heavy metal present in the amount specified in § 191.3(a)(2).

Interested persons may, within 60 days after publication hereof in the Federal Register, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 28, 1971.

Charles C. Edwards,
Commissioner of Food and Drugs.

[FR Doc.71-[illegible] Filed 11-1-71;8:[illegible] am]

[21 CFR Part 191]

BANNED HAZARDOUS SUBSTANCES

Proposal To Classify Paints Containing More Than Minute Traces of Lead

The Commissioner of Food and Drugs has received a petition, submitted pursuant to section 701(e)(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)(1)(B)), proposing the issuance of a regulation under sections 2(q)(1)(B) and 3(a)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261, 1262) classifying as banned hazardous substances paint for household use containing more than minute traces of lead.

The petitioners are Joseph A. Page, Associate Professor at Georgetown University Law Center, Anthony L. Young, student, Mary Wm O'Brien, student, William F. Ryan, U.S. Congressman, Jack Newfield, author, and Edmund O. Rothschild, M.D.

The petitioners propose that § 191.9(a) of the hazardous substances regulations be amended by adding thereto a new subparagraph (§ 191.9(a)(6)), as follows.

§ 191.9 Banned hazardous substances.

(a) Under the authority of section 2(q)(1)(B) of the act, the Commissioner declares as banned hazardous substances the following articles because they possess such a degree of hazard that adequate cautionary labeling cannot be written and the public health and safety can be served only by keeping such articles out of interstate commerce:

* * * * *

(6) Paint containing lead, except for minute traces which no reasonable manufacturer could preclude from his product, as measured by the atomic absorbance method, intended for interior or exterior use, and packaged in a form suitable for use in the household as defined by § 191.1(e).

The following is the statement of grounds as presented in the petition:

Summary of the Grounds That Warrant Petitioners' Relief for the Issuance of This Regulation

Human experience has established that numerous infants and young children have pica (habitual eating of nonfood substances). Human experience has also established that ingestion by children of flakes from lead based paint causes lead poisoning, the consequences of which include death, encephalopathy, neuromuscular effects, interference with the development of red blood cells, and an abnormal syndrome characterized by colic, anorexia and malaise. DHEW, PHS, Bureau of Community Environmental Management, "Control of Lead Poisoning in Children," Prepublication Draft, at I-1 (November 1970).

It is widely known that the adult system absorbs the daily intake of lead at the rate of 10 percent. Chisolm, J. Julian, "Scientific American" (February 1971). Thus, assuming the rate of absorption to be the same in

0007-SWP-036399

0007-SWP-000117724

children a child with pica ingesting 1 gram of lead based paint (1 percent lead by ANSI Standard Z66.1) daily will intake 10,000 micrograms of lead of which 1,000 micrograms will be absorbed. In addition to direct ingestion by eating flaking paint a child will be exposed to from 14 to 200 micrograms of lead from other environmental sources. Engel, Ronald E., "Health Hazards of Environmental Lead," at Table 3 (April 1971).

It is known that blood levels of above 40 micrograms per milliliter of blood represent undue exposure to and absorption of lead. "Hearings on H.R. 17700, H.R. 13254, H.R. 14734, Before the Subcommittee on Housing of the House Committee on Banking and Currency," 91st Cong. second sess. 70 (1970). At levels of 80 micrograms per 100 milliliters a child be treated as a medical emergency. Id. While Engle in his paper has extrapolated the effect of lead fallout in children with pica at A-6, the same must be done with 1 percent lead paint to theorize the result in children who ingest paint flakes.

In his study, Dr Kehoe found that an adult man fed 3,000 micrograms of lead daily, in addition to the usual amount in his diet, achieved a blood lead level after 4 months of 80 micrograms lead per 100 grams whole blood. It was estimated that he would have achieved a "toxic" level of 80 micrograms lead per 100 grams whole blood if feeding had continued for 4 additional months. Kehoe R. A., 24 "Jour. Roy. Inst. Pub. Hlth. Hyg." 81-97, 101, 129-143, 177-203 (1961). As Engle has assumed, this would be 43 micrograms per kilogram body weight in a 70 kilogram man. If a child with pica weighing 10 kilograms ingested lead to the same degree of Kehoe's subject, as Engle has suggested, then a proper assumption would be that a daily supplement of 430 micrograms lead would produce toxicity within 8 months. A child ingesting a 1 gram chip of 1 percent lead based paint would have a daily intake of almost 24 times the amount of Kehoe's subject. Obviously, intake at this rate would produce an undue medical emergency much more quickly than Kehoe foresaw for his subject.

Medical experiments cannot be performed on young children and infants to determine whether their absorption rate for lead is greater than that of adults. The child with pica must be protected from lead in his environment. The only adequate way to protect him is to eliminate the lead hazards that confront him. It is within the existing state of the art for the paint industry to eliminate lead (except for minute traces) from paint. "Hearings on H.R. 17700," supra at 246. Americans have been lulled into a feeling of security with regard to today's paints. See EPA, "Environmental Lead and Public Health," at 26 (March 1971). Many believe that lead in paint has been banned. Yet the city of New York has found paints for interior use with up to 10.2 percent lead levels on shelves of hardware within the last month. The New York Times, July 24, 1971, at 1, August 4, 1971, at 18. This despite industry's ANSI standard Z66.1 and a law banning the sale of paint for interior use with more than a 1 percent lead content without an adequate warning label.

Warning labels are, however, absolutely inadequate to prevent injury to children from lead based paints. In today's mobile society a family has no idea what their landlord or predecessor occupant has used to coat the walls of their living quarters. The generation that is suffering from lead based paint poisoning today is eating the walls of the thirties and the forties. The generation that this proposed regulation seeks to protect is yet unborn. These persons are unborn. It would be impossible to substantiate that warning labels would have any significant impact on the future children of America. Moreover, there is no evidence that existing warning labels are efficacious for their intended purpose. The parents of the eighties and the nineties will have no opportunity to read the warning labels of the seventies.

It is not necessary to weigh the advantages of lead based paint against the health and welfare of this Nation's children and her future children. The paint industry can produce paint without lead (except for minute traces) as measured by the atomic absorption method. Petitioners therefore urge the Commissioner of Food and Drugs to proceed with all due speed to publish this proposal in the FEDERAL REGISTER in order that all interested persons may present their views thereon.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 22, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-15989 Filed 11-1-71;8:52 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 566]

[Docket No. 71-11; Notice 3]

MANUFACTURER IDENTIFICATION

Proposed Motor Vehicle Safety Regulations

The purpose of this proposed amendment to Part 566 in Title 49, Code of Federal Regulations, is to provide for the coverage of "incomplete vehicles", as defined in Part 568, Vehicles Manufactured in Two or More Stages.

A previous notice of proposed rule making published on April 28, 1971 (36 F.R. 7970), proposed a new Part 566 that would require manufacturers of motor vehicles and of motor vehicle equipment to which a motor vehicle safety standard applies to submit identifying information and a description of the items which they produce. A notice of issuance of that part is published in this issue of the FEDERAL REGISTER, 36 F.R. 20977.

In responding to a comment from an incomplete vehicle manufacturer, it was noted that while the proposed regulation clearly covers intermediate and final-stage manufacturers (as defined in Part 568) it makes no reference to incomplete vehicle manufacturers. The proposed amendment is intended to clarify this ambiguity by specifically providing for coverage of incomplete vehicles.

The incomplete vehicle manufacturer stated that he was unaware of the final use of his light truck vehicles and requested that he be permitted to submit a brief description of the incomplete vehicle expressed in the terminology of the industry as an alternative to the description in terms of final use. This proposed alternative for incomplete vehicle manufacturers has been found acceptable, and the NHTSA accordingly proposes to grant this request.

In consideration of the foregoing the NHTSA proposes that the following amendments be made to Part 566 of Title 49, Code of Federal Regulations:

1. § 566.4 would be amended to read as follows:

§ 566.4 Definitions.

All terms defined in the Act and the rules and standards issued under its authority are used as defined therein. Specifically, "incomplete vehicle", "intermediate manufacturer", and "final-stage manufacturer" are used as defined in Part 568, Vehicles Manufactured in Two or More Stages.

2. Paragraph (c)(2) of § 566.5 would be amended to read as follows:

§ 566.5 Requirements.

Each manufacturer of motor vehicles, and each manufacturer of covered equipment, shall furnish the information specified in paragraphs (a) through (c) of this section to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590.

* * * * *

(c) * * *

(2) In the case of motor vehicles produced in two or more stages, if the manufacturer is an incomplete vehicle manufacturer, the description shall so state and include a description indicating the stage of completion of the vehicle and, where known, the types of use for which the vehicle is intended.

EXAMPLE: "Chassis-cab", "van-type truck".

If the manufacturer is an intermediate manufacturer, or a final-stage manufacturer, the description shall so state and include a brief description of the work performed.

EXAMPLE: "Multipurpose passenger vehicles: Motor homes with GVWR from 6,000 to 10,000 pounds. Final-stage manufacturer—add body to bare chassis".

Proposed effective date: February 1, 1972.

Interested persons are invited to submit comments on the proposed amendment. Comments should identify the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.