

YOUR LETTER OF

SUBJECT:

SALE OF LEAD PAINT

DATE

Nov. 5, 1973

TO

Mr. H. K. King

FROM

E. P. Peterson, Asst. Mgr.

DIVISION OR BRANCH

Paint Division

CONFIDENTIAL

In your letter of Oct. 22nd, you advised us that the secretary of Robert Maloney, Esq. an attorney of Niles, Illinois, had called you and stated that a Frank Willis is "black marketing" a lead based paint in Niles and Willometti, Illinois, and suggested that NL check for products liability exposure. The paint is Dutch Boy cans, and it is Maloney's opinion that such sale is in violation of Illinois law.

The address given for Frank Willis is that of his home, which is a substantial, attractive house in Willometti. He is in the scrap and junk business with a firm called General Iron Industries. He is not in the paint business. Inquiries made at his home and at his office failed to reveal any involvement with paint, even from the salvage standpoint.

Mr. Willis is not a dealer of ours. To the best of our knowledge, we have had no dealings, transactions or business relationships with him in respect to paint products. There is no evident situation which would involve any responsibility on our part for any of his actions.

The Illinois law was only signed by the Governor on Sept. 6, 1973. It sets a limit of 0.5% for the lead content of paint to be used on interior surfaces of dwellings, or structures used for the care of children. It requires a caution on the label of paints containing more than 0.5% lead. In this case, sale is prohibited, if the product is not so labelled and if it may be "used" by the general public. Actually, we have been in compliance with the Illinois law long before it was enacted in manufacture, shipment and sale.

The Federal Regulations, which preceded the Illinois law, set the same 0.5% standard. Under the terms of these regulations, we reduced the lead content of all of our products, interior and exterior, to 0.5%. For years prior to that time, in accordance with the then generally accepted 1.0% standard, we have made it a practice of placing the recommended caution clause on the label of all products containing lead pigments.

I cannot see, Harold, how we could have any liability under any conceivable circumstance. I would be pleased to discuss this further with you, if you desire, and answer any questions you may have.

0000-NLI-000020415

cc: T. P. Mesick  
W. F. Schultz

