COATINGS

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Final Regulations for Mass. 0.5% Lead Law Issued

Requires decision

Final regulations amending the Massachusetts 0.5% lead law, including permanent exemptions for special-purpose coatings products and a compliance extension for labeling requirements, were issued March 21 by the state's Department of Public Health.

"Lead-Based" Product Categories

Effective April 1, the final regulations set lead limits for certain products, which if exceeded are classified as "lead-based". Of concern to the coatings industry is the lead-based classification for "paint, plaster or other surface coverings containing more than 0.6% lead by dry weight or 1.3 mg. lead per square centimeter of surface." (The 0.6% lead standard for surface coverings apparently allows for a "margin of error" with respect to the Massachusetts 0.5% lead law, according to NPCA Counsel Larry Thomas.)

Exempt Coatings Products

Permanent exemptions, replacing temporary exemptions issued earlier, have been approved for the following coatings products exceeding the 0.5% lead level:

1) Paints used on artists canvases.

2) Touch-up paints for metal machinery, appliances, vehicles, and water craft, when sold in containers small enough to eliminate any reasonable risk of use on buildings or furniture.

3) Lead primers for small craft hulls, when sold at retail only through boatyards, marinas, ship chandliers, and businesses dealing in marine sales.

4) Original finish paints for factory application to manufactured products not intended for use in homes or other structures where children commonly spend periods of over one half hour (i.e., schools and day care centers, etc.). These products may not be made available for sale to the general public and not sold in containers less than 2 gallons.

5) Lead primers for structured metals, vehicles and watercraft, not available for sale to the general public and not sold in containers less than 2 gallons.

(Continued on page 41)

Kennedy Lead Bill Amended by Senate Committee

The Kennedy Bill (S.607), to amend the 1971 Lead-Based Paint Poisoning Prevention Act, was ordered favorably out of the full Senate Committee on Labor and Public Welfare with a significant break-through, indicating for the first time a shift in the Senate's adherence to a 0.06% lead standard.

S.607 was amended by the Committee to include a "qualification" clause, with respect to the bill's lead standard provision. Although the bill still includes a 0.06% lead standard effective January 1, 1974, the addition of the amendment makes it feasible for a less stringent standard to be adopted if determined safe through scientific data. Specifically, the new amendment provides that, if prior to December 31, 1973, the Secretary of HEW, based upon research findings provided for in the bill's Section 301 (b), determines that another level, not exceeding 0.5% is safe, that level will become effective after December 31, 1973.

Section 301 (b) of S. 607 requires the Secretary of HEW to conduct studies on multiple layers of dried paint film and report the research results and recommendations to Congress within 8 months. The Committee amended this provision by setting an October 1, 1973 deadline for such a report to be presented to Congress.

S. 607 now goes before the Senate for a vote.

Senator Peter Dominick (R.-Colo.), responsible for the lead standard qualification amendment within S. 607, deserves the appreciation of the coatings industry. His success in getting any change in the bill is encouraging in view of the 82-0 vote by which Kennedy's similar bill, S. 3080, passed the Senate during the last Congress.

Compliance Deadline for Turpentine & Methyl Alcohol Regulations Extended

The deadline to meet special-packaging regulations, under the Poison Prevention Packaging Act, for certain household products containing turpentine and methyl alcohol was recently extended until July 1, 1973, by the Food and Drug Administration (FDA).

The following products, packaged after July 1, will require special packaging: 1) household, liquid-form substances, containing 4% or more by weight of methyl alcohol, other than those packaged in pressurized containers; and 2) household, liquid-form substances containing 10% or more by weight of turpentine.

The July 1 extension is for packagers who ordered adequate stocks of special packaging in advance of the original April 11 deadline and will immediately begin to use them upon delivery. The FDA Commissioner granted the extension, requested by NPCA and several packagers, due to the unavailability of certain machinery parts needed to modify equipment for production of the child-proof closures. By July 1, the equipment problem should be substantially alleviated, and there should be enough special packaging available for compliance.

Manufacturers are responsible for making timely arrangements to ensure that safety containers are available for marketing after the effective date July 1. Samples of special packaging containers are to be sent to the FDA Commissioner for approval prior to being put out on the market. The law makes this requirement to ensure FDA is aware of the types and sizes of containers used.

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Shipping Hazard Classification Faulted

In an investigation of the circumstances surrounding two major rail accidents involving hazardous materials, the National Transportation Safety Board (NTSB) has concluded that the existing signal requirements of the Hazardous Materials Regulations provide inadequate warning to emergency personnel. The NTSB is an autonomous federal agency which conducts special investigations and makes statutory and regulatory recommendations for the promotion of safety in all transportation modes.

The NTSB also indicated that the pending proposal (HM-103, Hazard Information System) to amend the Regulations will not correct this defect. HM-103 would create a digital identification system to accompany the present signal warnings for hazardous materials on packages, vehicles, and bills of lading.

NPCA presented comments on the proposed HM-103 in November which essentially agreed with NTSB's position that there was room for improvement in the hazardous materials classification system required by the Regulations. NPCA objected to the immediate implementation of HM-103 on the grounds that the system needed refinement and amendment through experience.

In its December report on the derailment of Missouri Pacific Railroad Company's train in Houston, Texas, the NTSB urged an even greater reform in the Regulations. Observing a need to focus on accidents rather than normal transportation movements, the Board stated, "The system proposed in Docket HM-103 would not have reduced injuries in the Houston accident. . . . A threat-oriented, on-scene information system would be more useful to trained emergency personnel, and to untrained bystanders, than a system based on identification of the product and an inconsistent classification scheme."

In an investigation of another rail accident involving propylene gas in East St. Louis, Illinois, the NTSB reiterated the need for development of an improved classification system for hazardous materials. Specifically, the Board noted that there was a need to reconsider the present classification system to take into account more precisely the different types of threats to public safety posed by accidents involving the transportation of hazardous materials.

Teleconference on Consumerism To Be Held June 12

The Chamber of Commerce of the United States will sponsor, June 12, a nationwide teleconference on "Selling in this Age of Consumerism." Direct from Washington, D.C., a panel of authoritative business experts, including NPCA Executive Vice President Robert A. Roland, will be broadcast via closed circuit television to 16 cities.

NPCA members are encouraged to participate in the "Exec-U-Conference", along with executives from other manufacturing, wholesale, retail, service and association organizations. The 5½ hour program will be televised to a major hotel in the following cities: Atlanta, Boston, Chicago, Cincinnati, Cleveland, Denver, Detroit, Houston, Indianapolis, Kansas City, New York, Pittsburgh, St. Louis, St. Paul, San Francisco, and Seattle.

The program, in addition to answering questions submitted from a nationwide business audience, will cover: 1) consumerism—buyer and seller interpretations, legislative controls; 2) evolving company attitudes toward consumerism—realities, benefits, profitability involved; 3) organizing your company for positive action—objectives, responsibilities, educating the public, after-sale service; 4) consumer relations equals good business; 5) sales, public relations, advertising; and 6) sources outside your company for consumer aid.

To register and for further information write: Exec-U-Conference, Suite 700, 1629 K St., N.W., Washington, D.C. 20006 or phone: 202-296-8487. Questions to the panel should be sent along with reservations.

The registration fee, including all sessions, meeting materials and luncheon, is $95. Company team registrations of three or more, in the same city or different locations, are $80 per person.

Effects of Anti-Pollution Costs Studied

The Small Business Administration (SBA) is studying the effects of costs and other problems on small businesses which must comply with anti-pollution laws.

Of major concern to the SBA is the amount of debt a small firm might incur to meet environmental quality standards prescribed by law. A second goal of the study is finding out whether serious financing problems will exist.

The SBA study will look at alternative methods small business could use in financing pollution control costs, including government loans, guaranteed loans, and possible financing under SBA's lease guarantee program.

The study will examine the effects of each alternative on: small business, including interest rate, repayment period, costs of technology, and financing availability; the SBA itself; the financing community; and the federal government.

At present, companies that need financial aid to comply with anti-pollution standards may seek SBA aid through the agency's regular business loan program.

Manufacturers of paints and coatings who employ an average of 250 people in a four month period qualify for loans under the SBA.

Francis X. Zehnder

Francis X. Zehnder of The Sherwin-Williams Company died April 11 at his home in Parma, Ohio. He was 54.

Zehnder joined Sherwin-Williams in 1946, beginning as an assistant buyer in the Purchasing Department. For the past 20 years he was manager of the Package Specification Department.

Active in NPCA activities for a number of years, Zehnder served on the Packaging Committee, 1965-72, and was a member of the 1972 Labeling Committee.

Born on July 5, 1918, he graduated from Carroll University with a Bachelor of Business Administration.

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Casey Introduces Home Repair Bill

Congressman Bob Casey (D.-Texas) has introduced again a bill in the U.S. House of Representatives which would allow home owners to deduct their home improvement costs from their income tax.

The Home Repair Bill, H.R. 1997, would allow a $750 deduction for repairs or improvements of an individual's home. It also provides for rapid amortization over a five year period for such improvements to rental property.

The bill specifically states that repairs or improvements will include "painting, papering, carpentry work, plumbing, electrical work, roofing, and glazing, and other similar items." It has been co-sponsored by 87 other Representatives.

Testifying before the House Committee on Ways and Means which has been considering the bill, Casey stated, "This legislation would give home owners the incentive to repair and the knowledge that come income tax time, they would be able to deduct some of the expenses they had incurred."

The Congressman pointed out that the legislation would generate enough tax revenue through new jobs, new sales, and increased profits to more than pay for itself.

"This bill will create thousands of needed jobs in the home repair and allied fields during this inflationary period. It will help to curb the spread of urban blight . . . and will generate vast new markets for the home repair and housing industries," he told the Committee.

NPCA has presented testimony to the Committee in support of the legislation.

"Our support of H.R. 1997 reflects a continuing rather than a new concern for the growing scope and seriousness of blight and decay of our nation's housing and its ultimate drain on tax dollars at the city, state, and federal level," the Association stated.

NPCA believes that "the provisions of H.R. 1997 will motivate even greater participation in the war on blight and decay by private home owners and encourage landlords to rehabilitate rather than abandon low income housing units. . . . The rehabilitation of existing structures will become a major factor in eliminating housing shortages."

NPCA testimony indicated that tax deductions for home owners and landlords would also provide a needed incentive to maintain or repair old housing painted with old, lead-based paint.

(Final Mass. Lead Regulations . . . cont.)

6) Automotive, agricultural and industrial equipment refinish paints, not available for sale to the general public and not sold in containers less than 2 gallons.

7) Industrial and commercial building maintenance paints including traffic and safety marking paints, not made available for sale to the general public and not sold in containers less than 2 gallons.

8) Graphic art paints marketed for application to billboards, road signs and similar uses not available for sale to the general public and not sold in containers less than 2 gallons.

However, according to the regulations no "lead-based" coatings product will be exempt unless labeled in accordance with the new regulations. In addition manufacturers must submit written notification, no later than July 1, to the Department of Public Health's Lead Poisoning Control Director stating the product's lead content by dry weight and evidence verifying the amount. Wholesalers, by July 1, must inform the Director how the products will be marketed in specified channels. Following the July 1 deadline, the same information for new products must be submitted before exemption is applicable. Notifications should be sent to: Robert Klein, M.D., Department of Public Health, State Laboratory Institute, 375 South St., Jamacia Plain, Mass. 02130.

The regulations also empower the Director to temporarily rescind exempted products if there is evidence that the product is "a grave and immediate danger to health." Within 30 days after a product rescission, the manufacturer can appear before the Director and the Advisory Committee for Lead Poisoning Prevention Program. The hearing could result in the regulation being permanently rescinded.

Labeling Requirements

A 6-month extension, until October 1, 1973, has been granted for manufacturers to comply with the special labeling required for exempted lead-based paints and coverings, under the Massachusetts lead regulation.

Following are the 4 prescribed labels, varying with container sizes:

1) *Less than ½ pint or 8 oz. by weight:*

(Equal to largest type on label but at least 10 pts.)
POISON-CONTAINS LEAD

2) *1/2 pint or 1 pint:*

(Equal to largest type on label but at least 10 pts.)
POISON-CONTAINS LEAD
Do not use on toys, furniture, homes, or any structure where children could chew or eat this paint

3) *1 quart:*

(First three words 24 pts., remainder 12 pts.)
POISON-CONTAINS LEAD
Do not use on toys, furniture, homes, or any structure where children could chew or eat this paint

4) *1 gallon or more:*

(First 3 words 48 pts., remainder 18 pts.)
POISON-CONTAINS LEAD
Do not use on toys, furniture, homes, or any structure where children could chew or eat this paint

NPCA Action

NPCA is currently reviewing the new Massachusetts regulations, particularly the stringent labeling requirements, with respect to the Federal preemption of labeling household products covered by the Federal Hazardous Substances Act.

NPCA will continue to keep members informed of developments in the Massachusetts issue.

Arizona House Passes 0.06% Lead Bill

The Arizona House of Representatives recently passed a lead bill, H.B. 2052, to ban all paint containing over 0.06% lead.

Although H.B. 2052 originally contained a 1% lead standard, the more restrictive amended version, in summary, would:

1) Prohibit, after December 31, 1973, the intrastate sale or use of any paint containing more than 0.06% lead content of the total non-volatile matter in the container.

2) Prohibit, upon the bill's effective date, the manufacture or sale of any toy coated with paint more than 0.06% lead, or soluable compounds or antimony, arsenic, cadmium, mercury, selenium or barium.

3) Permit the seizure of products violating the bill's restrictions and authorize a civil penalty up to $5000 per violation.

As presently written, the Arizona bill, even if amended to permit a 0.5% lead standard in paint, would still continue to ban the use or sale of many industrial and special-purpose coatings not intended for household use and which do not present a hazard to children. Among the products affected would be automotive refinish coatings, industrial maintenance coatings, marine coatings, and traffic markings, as well as factory-applied finishes.

NPCA has addressed a letter to Arizona's Senate Committee on Agriculture, Commerce and Labor, now considering H.B. 2052.

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Coatings Specifications, Preparations and Tests Discussed in New Books

Recently published were three books which offer excellent reference end update information for members of the coatings industry.

The first, **Paints & Coatings Handbook**, written by Abel Banov, senior editor, *American Paint Journal*, compiles into an easy-to-use book all the complexities of paint specifications, surface preparation and coatings application. An excellent source of information and reference for paint company executives, as well as architects, engineers, builders and contractors.

Included in the text, written in laymen terms, are such subjects as: economics of coatings selections; how various raw materials affect paint performance; surface preparation and brush, roller and spray painting; fire retardant coatings; performance characteristics and what tests determine them; and how to prevent deterioration of coatings. The Appendix details 76 specifications, including 60 Federal, in 12 Performance Comparative Charts, which enables the reader to specify the best coatings for his application at a glance.

Banov's book is available from: Structures Publishing Co., 24269 Indoplex Circle, Farmington, Michigan 48024. The cost is $20 postpaid.

The second book, Part 20, and the third, Part 21, of the 1973 Annual Book of ASTM Standards, recently published by the American Society for Testing and Materials (ASTM), updates all ASTM standards on paint and related products.

Part 20, "Materials Specifications and Tests; Naval Stores; Industrial Aromatic Hydro Carbons", contains 374 ASTM standards of which 38% are new, revised or changed in status since the 1972 edition. Included in the publication's contents are specifications and tests for: pigments; fatty oils and acids, dry and nondrying; fatty nitrogen products; resins and polymers; and solvents.

Part 21, "Tests for Formulated Products and Applied Coatings", contains 187 standards of which 20% are new or revised since 1972. The publication details: physical and chemical tests for paint, varnish and lacquer, as liquids; dry paint film properties, including physical, chemical and environment resistances; and examination schedules for testing paint products.

Copies of both books, Parts 20 and 21, are available from: ASTM, 1916 Race Street, Philadelphia, Pennsylvania 19103.

TRADEMARKS

The following trademarks will be registered by the U.S. Patent Office unless opposed within 30 days of their publication in the Official Gazette. Details may be obtained from Trademark Bureau, NPCA. **Class 1**—Raw or Partly Prepared Materials; **Class 4**—Abrasives & Polishing Materials; **Class 6**—Chemicals & Chemical Compositions; **Class 12**—Construction Materials; **Class 16**—Protective & Decorative Coatings; **Class 29**—Brooms, Brushes & Dusters; **Class 52**—Detergents & Soaps.

Issue of April 17, 1973: **Class 1**—DESIGN OF ARROW IN RECTANGLE, TOREX, FLYGTOL; **Class 4**—CONQUISTADOR; **Class 6**—THIXSEAL, JEFFOX, CHEM-I-SORB, SPA-4, LAMINAC, DEFOAMER S-50, DESIGN OF ARROW IN RECTANGLE; **Class 12**—PHILLYBOND, ADVANCE, KILNCAST-23, UREXPAN; **Class 16**—DUNCAN, BELCRYL, THOROCOAT, DESIGN OF LETTERS T AND U INTER-CONNECTED IN RECTANGLE, SANI-KOOL, DUNCAN WITH DESIGN OF TWO PIECES OF CERAMICS, LEAL WOOD, GLOSS-FLO, GARRY'S, PLANTGARD, HOME-CARE, MORRIS, ELDEP; **Class 29**—STEELCRAFT.

Nixon Asks Authority To Sell Stockpile Material

The Nixon Administration has asked Congress for the authority to sell an additional $4.1 billion worth of 16 major commodities now in stockpiles.

The President already has the authority to sell $1.9 billion worth of stockpile material, including substantial amounts of zinc, aluminum, and lead.

In his message to Congress, President Nixon assured the legislators that the reduction in stockpile materials from a three year to a one year supply would not affect national security.

The White House indicated that the commodities would be sold as market conditions permit over the next few years. The Administration hopes that the sale of this material will help stabilize or reduce prices. Sales would be handled through the General Services Administration.

The stockpile materials of interest to the coatings industry include: aluminum compounds, antimony, asbestos compounds, bauxite compounds, cadmium, castor oil, chromium compounds, cobalt, copper, talc, tin, and zinc.

Stockpiles started accumulating in 1938. Ninety-five percent of the current stockpiles were acquired before 1959; the bulk of this material was accumulated during the Korean War. The present strategic stockpile totals $6.7 billion worth of material ranging from metals, minerals, rubber, and industrial diamonds to unusual items such as iodine.

TRADEMARK WATCH

Class 16—DOLPH'S, DURAZINC, MARINEGARD, SNYDER'S DISCOUNT CITY, VITRON A. F., WELDALLOY, A P C, ENVIROTEX, PALMER, PROTIM, SIGMA-TEX, AQUALITE, CELGARD, DUROPLATE, FILIA, PREVAC, RUSTROL, X-COTE.

Total Factory Shipments of Paint, Varnish & Lacquer, February 1973 and 2 months 1973

	Feb. 1973	Jan. 1973r	Feb. 1973 vs. Jan. 1973r	Feb. 1972	Feb. 1973 vs. Feb. 1972	2 mos. 1973	2 mos. 1972	Percent Change
TOTAL SALES	$234,653,000	$225,478,000	+4.1%	$226,037,000	+3.8%	$460,131,000	$435,840,000	+5.8%
Trade Sales	$124,402,000	$114,513,000	+8.6%	$117,382,000	+6.0%	$238,915,000	$218,828,000	+9.2%
Industrial Sales	$110,251,000	$110,965,000	−0.6%	$108,655,000	+1.5%	$221,216,000	$216,812,000	+2.0%

Production of Paint, Varnish & Lacquer, February 1973 and 2 months 1973
(In Gallons)

	Feb. 1973	Jan. 1973r	Feb. 1973 vs. Jan. 1973r	Feb. 1972	Feb. 1973 vs. Feb. 1972	2 mos. 1973	2 mos. 1972	Percent Change
TOTAL PRODUCTION	71,633,000	71,773,000	−0.2%	72,874,000	−1.7%	143,406,000	141,356,000	+1.5%
Trade Sales	33,392,000	32,014,000	+4.3%	34,618,000	−3.5%	65,406,000	66,378,000	−1.5%
Industrial Sales	38,241,000	39,759,000	−3.8%	38,256,000	−0.03%	78,000,000	74,978,000	+4.0%

r—Revised
SOURCE. U S DEPT of Commerce. Bureau of the Census. M28F

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