Cleveland Research Admin.

Cleveland

R. G. Ball

October 11, 1971

Lead Restrictions

NPVLA Executive Committee
October 8, 1971

As requested, I attended the special meeting of the Executive Committee of NPVLA.

The major cause for the urgency of calling the meeting on such short notice was that FDA is ready to publish regulations on lead restrictions in paint. They had, however, agreed to delay the final draft until October 11 - when NPVLA could take a position on the matter.

Bob Boland suggested that we had a choice of

1) Continue to resist the issuance of lead restrictive regulations until further medical studies could be made. He feels that HUD might fund such a program.

2) Face up to the problem and propose elimination of all "added lead" from interior paints by some date.

FDA and BCHEM (Bureau of Community & Environmental Management) are proposing regulations permitting up to 1% (BCHEM) and .75% (FDA) of heavy metals, (antimony, arsenic, soluble barium, cadmium, lead, and selenium) - all except lead are already controlled to .00%. Zinc and copper are not considered heavy metal in the proposed regulations.

It was the consensus that while HUD should be encouraged to undertake additional medical studies, this approach would not solve our immediate problem. Since it appears quite obvious that only complete removal of "added lead" compounds will satisfy the consumer, medical, and political groups, the second alternative is the route to go.

Bob Boland then suggested that he approach FDA with a two phase proposal -

1) Immediate reduction to 1% total heavy metals.

2) Complete elimination of added lead compounds by January 1, 1973. (The date refers to manufacture, not distribution).

It was my opinion that 1% was too high and probably would simply draw another blast at the industry by Representative Ryan. A .5% maximum lead, as is already being proposed in several states, is realistic. After some discussion on the effect of such a regulation on some of the smaller paint companies, the .5% figure was agreed to. The motion to proceed accordingly was unanimously accepted.

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Complete elimination of "added lead" from exterior products is much more difficult. After considerable discussion, a motion to recommend to FDA that the 1% maximum which the law now requires be retained and made effective January 1, 1973 was carried - again unanimously.

The actions taken by the Executive Committee will have little effect on our own program since we had already decided to accomplish the same thing - but by January 1, 1972 rather than 1973. Part of our motivation to set up a tighter schedule was the concern of being able to move old stock off our shelves before the law was implemented. Bob Roland is quite confident that the regulatory agencies will not freeze inventories, but will let the pipe line empty naturally.

The actions taken by the Committee relate only to residential coatings (Trade Sales) applied to the structure on site. The regulations do not relate to factory applied finishes or to non-trade sales paints which might find their way into a home. Our branches carry numerous items in the latter category which must be classified as hazardous substances, and I expect will have to be so labeled - I hope not as drastically as the attached.

Walt Spencer is concerned about the effect of these regulations on our zinc oxide operations. FDA and ECAEN apparently have no desire to control zinc and copper as paint components. However, I believe some cities have restrictions on how much of these metals are permitted in factory effluent. I will seek counsel from Fran Gaugush on this.

Mercury as a paint additive was discussed briefly. While several in attendance expressed great concern regarding further restrictions, I got the distinct impression that Mr. Roland and staff feel they are fighting a lost cause.

H. E. Spitzer
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