Cleveland

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R. G. Hall

Lead in Paint Legislation

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COMPANY CONFIDENTIAL

At your request I attended a government-industry conference at the EPCA headquarters in Washington on February 10, 1972.

Ostensibly the purpose of the conference was to discuss possible research programs designed to elucidate the safe level of lead in paints. Such research programs really were not discussed since it soon became evident that in the absence of refuting evidence now the level of 0.06% metallic lead on the dried paint film was going to be adopted shortly — probably via a regulation published by FDA.

At a subsequent (after lunch) meeting between EPCA and paint industry representatives only it was agreed that the paint industry should express agreement to the 0.06% lead level. In exchange for our acceptance it was hoped that we could get the following:

1. A delay of 12-18 months after publication before the regulation went into effect and then to have it apply only to paints manufactured after that date.

2. A total pre-emption clause that would prevent cities and states from adopting more stringent limits on lead or different labeling requirements.

   (These two were the major concessions hoped for.)

3. Separation of the restrictions on other heavy metals from the lead legislation.

It became evident during the meeting that the government people, particularly FDA, had been looking for more factual, data filled letters from the paint industry in the comments on the publication of the FDA proposal, the Ryan bill and the Kennedy bill. We are drafting a new letter to this effect, although the official date for comments has passed.

It also became evident that the government representatives, particularly HEW, are much more interested in funding research on methods of rehabilitating old painted surfaces than they are in sponsoring new research on the problem of lead levels in current paints. Perhaps we should consider such projects (funded by the government) as a public service image promoter and possibly profit oriented business for Jenkins Williams.

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The impact of a 0.06 lead limitation on the paint industry and particularly S-W is not yet clear. Even with a time delay and the preemption the impact will be severe. This will require major efforts by the technical department's trade/painter groups who already have been working overtime because of other major upheavals (withdrawal of reduced TiO_2 pigments by Titanium Pigment, withdrawal of S-W pigments, restrictions on mercury, and increased severity of mildew in the southeast).

Particular drying problems occur in at least the following areas:

1. WP whites -- These have been linseed oil paints. To get drying without lead (0.06% does not allow for enough lead to make it worthwhile) we probably will have to go to an alkyd formulation like the one now being used on the West Coast, A2 W 29. The RMC is about 20¢ per gallon higher.

2. Oil stains -- Probably will have to be reformulated.

3. Clear finishes -- Since pigment helps drying clears tend to give more of a problem in drier formulation.

4. Aerosols -- The poor solvency of the propellants for paints requires easily solvated vehicles which tend to make drying more critical.

5. Porch and Floor -- The desire for snap dry in these products makes drier formulation more critical.

6. Blacks and deep colors -- The pigments in these tend to absorb driers more and give more problems of retention of drying properties after aging in the package.

7. Exterior products -- The fact that these products must dry under extreme conditions from cold and damp to hot and dry makes the testing of new formulations much more complicated.

This is not a complete listing, but it does point out that we cannot make simple, across-the-board substitutions for lead driers without testing each new product. The job ahead of the technical department is tremendous.

Director of Paint Research

GSile

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