



**THE SHERWIN-WILLIAMS CO.**

1741 S. CHAMPLAIN AVE.  
CHICAGO ILLINOIS 60628

KENNETH R. BROWN  
GENERAL MANAGER  
CHICAGO OPERATIONS

January 21, 1972

Alderman Thomas P. Fitzpatrick  
Chairman, Buildings and Zoning Committee  
Chicago City Council  
City Hall  
Chicago, Illinois 60602

Dear Alderman Fitzpatrick:

It is requested that representatives of The Sherwin-Williams Co. and its subsidiary, The Martin-Senour Company, be granted the opportunity to make a statement regarding the proposed ordinances dealing with lead-based paints which are to be the subject of a public hearing before your committee on January 27, 1972.

The necessity for some legislation on the use of lead compounds is recognized, and we support the ordinance calling for a reduction in lead content of paints intended for interior use or for use on exterior surfaces accessible to children to 0.5% on a weight basis. We do not feel, however, that the proposed further reduction to 0.03% lead by weight effective January 1, 1973, is either necessary or justified.

We have not used lead pigments or other lead compounds in interior paints or in paints intended for use on furniture or toys which might be chewed by children for many years. We do, however, have certain lines of exterior paints which cannot be formulated, based on current technology, without the use of lead driers. For the most part, these are the oil type paints which still represent a substantial portion of the exterior paint market. These can be successfully formulated within the 0.5% limit, but cannot be produced at the 0.03% standard. Should the latter figure become the standard, paints of this quality would be unavailable to the Chicago market.

The necessity for a limit of 0.03% lead by weight is not indicated by any studies conducted to date. Charles C. Edwards, Commissioner of Food and Drugs, states in the November 2, 1971, Federal Register, Vol. 36, No. 211, page 20986, that he is unaware of any reports of serious injury or death resulting from the ingestion of paints containing 1.0% lead. The solution to the problem

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of lead poisoning, according to Dr. Stephen K. Hall of Southern Illinois University in an article in Environmental Science and Technology, December, 1971, does not lie in applying lead-free paint over old leaded paint, but in removing leaded paint from substandard housing.

Objections are also raised to the ordinance dealing with labeling. As currently written, this ordinance would require, prior to March 1, 1972, relabeling of almost every paint container on dealers' shelves in Chicago. At the present time, there are proposed regulations for special labeling requirements for paints containing more than 0.5% lead at the Federal level. There are also parallel requirements for certain other heavy metals at a level of 0.05% by weight. These proposals are included in the issue of the Federal Register referred to above.

It is our recommendation that action on the Chicago labeling ordinance be held up pending final action by the Food and Drug Commission and that the Chicago ordinance adopt the wording required by the Federal regulation. It is also suggested that a more reasonable period of time be allowed, following the adoption of the ordinance in its final form, to accomplish whatever relabeling may be necessary. The deadline date of March 1, 1972, is not realistic.

With regard to the labeling required for materials that do conform to the proposed 0.5% limit, we do not feel that this will serve any useful purpose. It is our recommendation that the ordinance be amended to eliminate this requirement.

As indicated, we would like the opportunity to present our statement to your committee and to further amplify the remarks contained herein.

Very truly yours,

*K. R. Brown*

KHS:JK

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RAM JVL RKW GBH

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