



WILMINGTON, DELAWARE 19358

March 19, 1973

1. Name of the person: John Doe
 2. Date of birth: 12/15/1945
 3. Social Security Number: 123-45-6789
 4. Address: 123 Main St., Apt. 4B, New York, NY 10001
 5. Telephone Number: (212) 555-1234
 6. Occupation: Software Engineer
 7. Marital Status: Married
 8. Number of children: 2
 9. Current Employer: ABC Corporation
 10. Date of application: 10/26/1977
 11. Signature: [Signature]
 12. Printed Name: John Doe
 13. Title: Applicant
 14. Date: 10/26/1977
 15. Location: New York, NY

1990-1991: 100% of the population is covered by the health insurance system.

The following matters were discussed at the Committee meeting named in the title on Wednesday, March 14, 1973:

1. NEPA Petition for Exemption of Seven Categories of Paints from the Federal Lead-Based Paint Act.
 EPA has received the petition for the exemption of certain classes of paint in December and divided comments. Although the .5% limitation became effective January 1, 1973, it has been held in abeyance as to the products proposed for exemption until such time as EPA acts on the petition. EPA is not bound by any time limitation and is not required to act on the petition within any time frame.

Between 100 and 150 comments were received by FDA. Adverse comments were directed largely to specific categories rather than to all categories or to the concept of establishing exemptions. The proposed exemptions for household paint remover and roof sealers are objectionable in concept. The most important adverse comments were those offered by Consumers' Union, Jess Myerson, Representative Rosenthal, the Environmental Protection group, and Professor Page's group from Georgetown University.

It will be recalled that Professor Page raised a number of different questions. First, he asked FDI to

Page 2
March 19, 1973

put its regulation into effect as to the petitioned categories of paint without further delay. Second, Page asked FDA to require NPCA to file an impact statement on the effect of the exceptions. Third, Page asked NPCA to disclose the average lead content of the products falling into the seven categories for which a petition was submitted. No action was taken by either FDA or NPCA regarding these requests. The Longwood Subcommittee concluded, however, that it is important for industry members to provide NPCA with some information so that it will be in a position to discuss average lead content on short notice.

2. Studies on Safe Lead Limits. No one really knows what is a safe lead level. Dr. Reese, in his work, used lead acetate. It is known, of course, that lead acetate is very soluble. The most common form of lead used in paint, however, is lead octoate. Other sources of lead might be lead chromate pigments and, in older paint, lead carbonate. These forms of lead are not as soluble as lead acetate and little is known as to the way or degree to which lead in these other forms is absorbed.

NPCA's study on lead and safe lead levels is now underway. Midwest Research Inc. is the agency under contract to do the work. The study is a 90-day feeding study, using rats as the test animals. The purpose of the study is to establish chronic toxicity levels rather than acute toxicity levels. As a source of lead, Midwest Research is using paint chips containing lead octoate drier, lead chromate yellow, white lead carbonate, and chips obtained from ghetto housing in Washington, D. C.

The government is heavily involved in this study being financed by NPCA. The FDA reviewed the protocol in advance and offered suggestions, which were accepted. The National Bureau of Standards supplied the paint chips obtained from ghetto housing. These chips were ground up and thoroughly mixed. Upon analysis, they were found to have an average level of from 11 to 12% lead. Because of the length of time required to conduct and interpret the prolonged work, no results are expected to be received prior to August-September, 1973.

In addition to the NPCA study, FDA is financing a feeding study at New York University, using baboons as test animals. They are feeding these animals paint chips containing lead drier. They are also feeding lead drier itself. NPCA furnished the paint chips which are being used in the FDA study.

Page 3
March 19, 1973

We are told that New York University is also financing a feeding study. It is supposed to be a study of the toxicity of lead carbonate. We do not know any of the details.

Finally, there is supposed to be a study underway in England. This, however, will be a two-year study.

3. FDA's Proposed .06% Limitation on Lead. FDA apparently hopes to put off a decision on the .06% limitation until after its study on safe lead levels is completed. FDA has never said this to NPCA directly. The agency did, however, in response to a Congressional inquiry, so advise a Congressman on January 30, 1973. NPCA asked for access to all FDA data supporting the .06% limitation. The federal agency refused access to some information so NPCA filed a lawsuit demanding access under the Freedom of Information Act. FDA has filed a motion for summary judgment. NPCA's reply to the motion was filed March 14 or 15, 1973.

We don't know what we might find if we were given access to all of the information relied upon by FDA in establishing its proposed .06% limitation. FDA may have information that lead is poisonous at a 1% level, for example, but this would not necessarily support the imposition of a .06% limitation.

4. State and Local Laws and Regulations Regarding the Use of Lead in Paint. In Detroit, the ordinances proposed for adoption regarding the use of lead based paint were modified to change the allowable level from a .06% level to 0.5% due to NPCA representations. The mayor vetoed the council ordinances because they would have required that all non-complying paint be stripped from the walls of housing. It is expected, however, that the ordinances will be modified, reenacted by the council, and signed by the mayor. The labeling requirement will become effective thirty days after the effective date of the ordinances.

New York State has a bill pending before the Legislature which would establish a .05% limitation. We know of no basis for such a restriction. Upon inquiry, the Assemblyman who introduced the bill said that he did not know the basis for the .05% limitation, since he had merely introduced the bill at the request of the Attorney General. We think the limitation number is a misprint

Page 4
March 19, 1973

and that it was intended to put in the 0.5% limitation. The sponsor of the bill has agreed to ask the Attorney General for clarification. The bill will be kept on ice until a response is obtained.

In Illinois, the Legislature held a public hearing on its bill. Thereafter, the Illinois bill was amended to put in a 0.5% limitation in place of the previous .06% limitation. The bill was then passed by the Illinois Senate. On the House side of the Illinois Legislature, the legislative proposal would establish a limit of 0.5% this year and .06% next year. NPCA will keep working to get the House bill changed to conform to the Senate bill in Illinois.

In the District of Columbia, NPCA got the .06% limitation amended to substitute a 0.5% limit.

In Maine, NPCA got the same result it obtained in the District of Columbia.

Massachusetts is a special problem. Right now, the .06% limitation applies. The first five categories for which NPCA has asked for federal exemption are exempt until January 1, 1974. Roof coatings and house paint primer are exempt only until July 1, 1973. The labeling requirements for the exempt categories become effective April 1, 1973.

Public hearings on the exemptions were scheduled by Massachusetts on March 16. NPCA is going all out on this and will appear at the public hearings in both Boston and Springfield.

In Pennsylvania, the bill being considered by the Legislature would establish a limit of 0.5% effective January 1, 1974. The problem with this bill is that it does not allow for any exemptions.

5. Legal action by NPCA. The Massachusetts situation was considered so extreme and so dangerous by the Lawyers' Committee that the Committee voted to recommend to NPCA's Board that legal action be taken to challenge the labeling requirements. The labeling requirements are very extreme and have been imposed by regulatory officials without any basis.

DUP 000353

Page 5
March 19, 1973

6. Other Matters. We gave NPCA a copy of Du Pont's proposed comment on H.R. 3743 and asked for the Association's reaction. We expect to receive comments sometime during the week of March 19, 1973.

ELG:CA

Eugene L. Grimm
EUGENE L. GRIMM

DUP 000354