



Lead Industries Association, Inc.

292 Madison Avenue • New York, N. Y. 10017 • Telephone: (212) 679-8038

March 8, 1972

TO: ALL MEMBERS OF THE LEAD INDUSTRIES ASSOCIATION, INC.

RE: FEDERAL LEGISLATION - REGULATIONS

I. LEAD BASED PAINT POISONING PREVENTION ACT (Public Law 91-695)

An amendment to this act, S.3080 (January 26, 1972) was introduced by Senator Kennedy, and 28 other Senators from both sides of the aisle. Similar legislation (HR 12466) has been introduced on the house side by Congressman Ryan of New York.

From the lead industry's standpoint, the pertinent section of the amendment deals with the reduction of lead in interior paints from 1 percent -- the current regulation -- to 0.06 percent.

LIA was requested to testify on S.3080 and did so on Monday, March 6. A copy of the testimony is attached, and conforms with the position that has been previously taken by LIA in respect to lead-containing interior paints. We made, and I think successfully, the point that the 0.06 percent restriction should not be applied to structural and industrial applications.

You will be interested in Senator Kennedy's closing remarks to me:

"I just want to say finally that you deserve great credit and the Lead Industries Association deserves great credit for the help it has provided to Congress in this area. Many times industry associations have not been as cooperative in matters affecting their own industry, have not been nearly as positive or constructive as your industry has been; and I appreciate it.

"Mr. Robinson. Thank you."

Senator Mondale (Minnesota), Senator Williams (New Jersey) and Senator Stafford (Vermont) among the co-sponsors, had requested LIA's testimony since they were unable to be present at the hearings. This was accomplished through personal meetings with their staffs.

II. LEAD IN CERAMICS

Two bills have been introduced, one by Senator Schweiker (Pennsylvania) and Representative Horton (New York-36). Hearings have not yet been scheduled. Essentially, the identical measures would put into law what is now the administrative practice of the Food and Drug Administration. LIA has long supported the

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LEAD IN CERAMICS (cont.)

FDA regulations and has referred to them in its booklet, "Facts About Lead Glazes For Art Potters and Hobbyists." Both sponsors requested LIA's comments, and we have provided one or two suggested changes, while generally supporting the language and intent of the bills.

In place of a labeling requirement now in the bill, which might prove onerous to many producers, LIA has suggested the possibility of a certification program whereby producers would attest that their ware met the specifications. Such certification would also apply to foreign manufacturers and would, therefore, tighten FDA's enforcement powers on imported ware.

III. EPA REGULATIONS - LEAD IN GASOLINE

EPA issued its regulations on lead in gasoline (February 23, 1972 Federal Register) accompanied by a press conference of which you have heard and read in the nation's media. Public hearings are planned for at least three cities -- Washington, Dallas and Los Angeles. While no firm dates have been announced, it is rumored that the first hearing may be in Washington on April 7, the last day of LIA's Annual Meeting in Montreal. Accordingly, we have contacted EPA to request a change if April 7 is contemplated.

On March 17, LIA's Ad Hoc Committee on Lead in Gasoline will meet to review the regulations, and data concerning the problem. Out of this should come recommendations concerning: (1) Industry's platform and (2) Whether or not to request an opportunity to appear at the hearings.

I would welcome your comments on any or all of these LIA activities.

Philip E. Robinson
Philip E. Robinson
Executive Vice President

PER:mpc
enc.

cc: Mr. J. F. Smith

STATEMENT ON PROPOSED AMENDMENTS TO
THE "LEAD BASED PAINT POISONING
PREVENTION ACT"

S. 3080

PRESENTED BY

Philip E. Robinson, Executive Vice President

LEAD INDUSTRIES ASSOCIATION
292 Madison Avenue
New York, New York 10017

BEFORE

Subcommittee on Health
U.S. Senate Committee on
Labor and Public Welfare
Washington, D.C.

March 6, 1972

Mr. Chairman:

My name is Philip E. Robinson, and I am Executive Vice President of the Lead Industries Association, Inc., New York, New York. With me today are Dr. Jerome F. Cole, Director of Environmental Health, LIA, and Mr. Jerome F. Smith, Secretary and Manager of our Association. We are presenting our statement on S. 3080 on behalf of LIA's member companies engaged in the mining, smelting, refining and manufacturing and fabrication of lead and lead products.

Our association endorses the objectives of S. 3080. We do not oppose the reduction in lead content of interior paints proposed on page 2, line 5, of the bill. Nor would we oppose any other limit that effectively reduces lead content of interior paints, assuming, of course, that it is within the technical and manufacturing capabilities of the paint industry. We do feel, however, that there is no sound toxicological basis for the proposed 0.06 percent level, and we hope it will be recognized that 0.06 percent lead is not a magic number above which toxicity will result.

The intent of this bill is obviously to provide better protection to the children of our nation against the problem of illness caused by the eating or chewing of old lead-containing paints. The lead industry is in full accord with all measures that will reduce and eliminate this problem.

We also want the Committee to realize that the lead industry has long been a responsible and concerned industry that has pioneered in research and action campaigns aimed at controlling this problem.

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For several decades the lead industry has supported research at leading universities and hospitals on the metabolism of lead, and the diagnosis and treatment of lead poisoning in an effort to bring about a better understanding of the problem. The information developed from this research has been disseminated in medical and public health journals, and at various symposia sponsored by the LIA.

We would like to offer for the record our booklet entitled, "Facts About Lead and Pediatrics," as well as a booklet by Dr. Jane S. Lin-Fu of the U. S. Public Health Service both of which have been distributed by LIA to more than 100,000 health professionals in the past three years. These booklets succinctly summarize available knowledge on diagnosis and treatment of pediatric lead poisoning, and outline community protection programs.

The lead industry has continually gone on record in support of legislative efforts to reduce and control pediatric lead poisoning at federal, state and local levels, and we will continue to do so.

May we also point out that, whereas lead pigments for interior applications may not be necessary or desirable, for exterior, industrial uses we consider them indispensable. Anti-corrosive lead pigmented paints are needed and used on steel structures throughout this country and the world--indeed--anti-corrosive lead pigmented paint is the "standard" by which all other anti-corrosive paints are measured. Even the Capitol dome has been protected from corrosion with a leaded paint. We point this out in the hope that future legislation will not restrict the use of these valuable pigments.

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Another point worthy of consideration, and one which is important when any so called hazardous substance is restricted, is the toxicity of its replacement. It is incumbent upon those who advocate such restrictions to show that the replacement materials will not represent a hazard to the public.

In summary, the Lead Industries Association supports the objectives of S. 3080, and only asks that the Committee determine, to the best of its ability, that the bill's requirements are technologically feasible, and that the necessary replacements for lead do not present a hazard in the concentrations they will be used.

Again, we thank you for this opportunity to present our views.