

INTER OFFICE LETTER

Cleveland

OFFICE Chemical Coatings

DEPT

TO: Cleveland

FROM: J. Tillman

REFER TO LETTER OF

1075

OFFICE
CLEVELAND

NO. 1072

COATING L&D

DATE October 31, 1972

SUBJECT Lead Content in Paint

DICTATED BY

Sanford, Jr.

NOV 7 1972

This letter will supplement my original letter of July 12, 1972 on the above subject.

The Department of Housing and Urban Development has issued a supplement to the original provision that had been issued as Public Law No. 91-693 titled, "Lead-Based Paint Poison Prevention Act." This revision basically does three things:

It Defines more definitely what is an "applicable surface", that is, subject to the maximum 1% lead content on interior surfaces and on exterior surfaces that can be readily accessible to children under seven years of age.

The second change is to widely expand the coverage beyond just houses and apartments. This would now include almost all kinds of institutions where people live, including nursing homes, boarding schools, day care centers, hospitals, etc.

The third change is the stipulation that each contract for either new construction or rehabilitation must state that no lead based paints can be used in such structures as Federal Assistance is involved. I am attaching a letter which we sent to one of our customers to illustrate the kind of correspondence that should be sent to your customers if this situation arises.

You all must realize that the Lead Based Paint Poison Prevention Act does not exclude the use of lead pigments across the board. There are still many structures that are built with or without Federal Assistance funds that are not subject to these regulations. The point that we want to get over to our customers, is that if they are producing building components which are prefabricated with lead containing finishes, they most certainly will be excluded from a sizable construction market.

Metal or hardboard siding are two examples of this. On the other hand, there are no restrictions against the use of red lead primers on structural steel that go into construction of such buildings and which will be subsequently covered up by other building components so that they are not accessible to children.

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Lead Content in Paint
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We should be careful to explain to our customers not that they are breaking the law, but rather that a particular paint that we supply to them is in violation of the law if it is used in structures as defined by the law.

We should turn this situation into one of our advantage by expressing our concern about the limiting of their market if they do not switch to a lower lead paint.

CHEMICAL COATINGS
DIVISION
L. Forth, Jr.:jd

L. Forth Jr.

TO: District & Division Managers
Regional Directors
Direct CC Salesmen
Lab Directors
Headquarters CC Staff

cc: HS Spitzer
RA Moore
JC Weaver
WM Reysen
CG Bretz
J Tillman

0007-SWP-036523

0007-SWP-000117848

COMPARISON OF CURRENT AND PROPOSED
LEAD RESTRICTIONS

11-1-72
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<u>REGULATION</u>	<u>EFFECTIVE DATE</u>	<u>DEFINITION LEAD BASED PPM BY WT.</u>	<u>RESTRICTS SALE</u>	<u>LABELING</u>	<u>LIMITATIONS</u>
ANSI	1964	>1%	No	Yes	Voluntary
PUBLIC LAW 91-695	6/71	>1%	No	No	Restricts Fed. Funds For Housing
FDA	12/31/72	>5%	Paints in Household Containers & Articles Accessible to Children	No	Restricts Interstate Commerce
FDA	12/31/73	>.06%	Paints in Household Containers & Articles Accessible to Children	No	Restricts Interstate Commerce
SENATE BILL S3080	12/31/72	>.5%	Paints for Federal Construction & Articles Accessible to Children	No	
SENATE BILL S3080	12/31/73	>.06%	Paints for Federal Construction & Articles Accessible to Children	No	
HOUSE BILL 1017	On Enactment	>.5%	Paints for Federal Construction	No	
CITY OF CHIC., IL ^a	7/1/72	>.06%	Interior Paints Except Varnishes, Oil Stains	Yes	Interior Structural Surfaces and Fixtures
		>1%	Floor Paints & Aerosols		
CITY OF CHIC., IL ^a	1/1/73	>.06%	Interior Paints Plus Exceptions Noted Above	Yes	
CITY OF DETROIT, MI	5/72	> >1%	Only When Proper Label Not Attached	Yes	Exempts Marine Paints, Roof Cigs, Auto, & Indust.
CITY OF COLUMBUS, OH	8/30/72	>1%	All Exterior & Interior Residential Units & Fixtures	No	

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11-1-71
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<u>REGULATION</u>	<u>EFFECTIVE DATE</u>	<u>DEFINITION LEAD BASED PPM BY WT.</u>	<u>RESTRICTS SALE</u>	<u>LABELING</u>	<u>LIMITATIONS</u>
LOUISIANA ACT 371 Sect. 1300.6	1/1/73	>0.5%	Interior Surfaces, Ext. Such As Window Sills, etc. Toys, Furniture	Yes	
KENTUCKY HB 467	7/72	>0.5%	Interior & Surfaces Accessible to Children	Yes	Will Follow Federal Definition for Lead Based
MASSACHUSETTS 6266	1/1/73	>.5%	Interior & Exterior Paints for Dwellings, Fixtures, and Structures		
			Paints for Toys, Furniture, Eating Utensils		
NEW JERSEY OC-DC Chap. 13	8/72	>1%	No	No	Requires Removal of Lead Paint From Premises Showing More Than 1% Lead on Dried Film

* ALSO RESTRICTS PAINTS HAVING >.05% HEAVY METALS.

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APPLIES TO ALL PER STUDENTS AND MILITARY
NACHOS EATING SPACES.