

National Paint, Varnish and Lacquer Association

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December 21, 1971

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MR. J. F. COLE, Sc. D.
Director, Environmental Health
Lead Industries Association
292 Madison Avenue
New York, New York 10017

Dear Mr. Cole:-

Roy Brown indicated that you had expressed some interest in our reaction to Pennsylvania's House Bill No. 1574. Needless to say, we feel rather strongly about it.

A copy of our comments, directed to the Chairman of the Pennsylvania House Committee on Labor Relations, is enclosed. We hope this is consistent with the position LIA has or will be expressing. If not, let us know and perhaps we can develop a combined statement to unite the strength of our mutual interests. Moreover, we would be most interested in receiving a copy of the LIA statement for any additional insights and to temper our future comments accordingly.

Thank you for your interest.

Sincerely,

Bruce Hamill
Bruce Hamill
Counsel

BH:rw
Encl.

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LIA-76139

National Paint, Varnish and Lacquer Association, Inc.

1500 Rhode Island Avenue Northwest

Washington, D. C. 20005

December 3, 1971

Honorable Andrew T. Fenrich, Chairman
House Committee on Labor Relations
Pennsylvania General Assembly
Harrisburg, Pennsylvania

Dear Mr. Fenrich:

On behalf of the National Paint and Coatings Association, we wish to convey our comments with respect to House Bill No. 1574 which, we understand, is presently pending before your Committee.

As you are aware, House Bill No. 1574 would prohibit the use of hazardous paints for the purpose of safeguarding the health and safety of production workers. The National Paint and Coatings Association (formerly known as the National Paint, Varnish and Lacquer Association) includes among its membership a substantial number of companies who market their products to manufacturing interests within the State of Pennsylvania. As a national trade association, this organization represents manufacturers of better than ninety (90) percent of the annual dollar volume of paints, varnishes, lacquers and allied products produced in the United States and also includes many suppliers of raw materials. Needless to say, we are deeply concerned with the issues addressed in House Bill No. 1574 and hope our special knowledge and experience can be of assistance in its consideration.

We want to assure you at the outset that the health and safety of workers coming into contact with our products is of paramount concern to us. Where our remarks concerning the proposal at hand would tend to compromise that highly desirable objective, we stand corrected. Nevertheless, sharing the Pennsylvania Legislature's concern, we are unable to support House Bill No. 1574 as the best approach toward attaining that goal.

We call your attention to Section 3(a) of the proposal, which states "No person shall use hazardous paints in any establishment." Section 3(c) further precludes the manufacture of such paints. The tenor of this language imposes an undue burden upon manufacturing interests within the State of Pennsylvania, with consequent impact upon the general citizenry. We submit that a reasoned program of safety regulations is a better solution to the problem, rather than total annihilation. Some of the ingredients contained in modern paints may pose a hazard if basic safety rules are ignored - - where precautionary and safety procedures are observed the danger is eliminated.

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Roughly half of the products manufactured by this Industry are for industrial and commercial purposes. While we cannot be certain what percent of these would be deemed "hazardous paints" under House Bill No. 1574, we do know that substitute ingredients would result in inferior coatings, reflecting adversely upon the finished products being manufactured in the State of Pennsylvania. Relatively few articles are manufactured today without receiving some sort of coating.

We do not think the Legislature intends to place a competitive burden on manufacturers situated in Pennsylvania by preventing them from producing a finished product of as good a quality permitted in neighboring States.

An alternative means of attaining the same objective already exists in the Federal "Occupational Safety & Health Act of 1970", P.L. 91-596. The Federal Administration is enthusiastic in its ability to carry out the principal objective of the Act -- to assure safe and healthful working conditions for all workers. This Association has been active in cooperating with representatives of the U.S. Department of Labor toward the establishment and enforcement of effective safety regulations surrounding the use of our products. The introduction of House Bill No. 1574 was surprising to us -- we were aware that the State of Pennsylvania had made tentative arrangements under Section 18(b) of the "Occupational Safety and Health Act of 1970" to develop a "State plan...of such standards and their enforcement."

Frankly, we are at a loss in attempting to identify inadequacies of the Federal Program of sufficient magnitude to warrant substitution by House Bill No. 1574. We stand ready to cooperate fully with appropriate State officials in resolving any shortcomings in the present law that would jeopardize the health and safety of workers dealing with our products.

You may be assured that the facilities and professional talents of this Association are available to the Committee in its consideration of House Bill No. 1574. Moreover, if there are to be public hearings, we would appreciate being advised so that representation can be supplied to elaborate further the views of the Industry, if appropriate.

Sincerely,

Bruce Hamill
Counsel

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