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MINUTES
MEETING OF INDUSTRY LABEL COMMITTEE
NATIONAL PAINT, VARNISH AND LACQUER ASSOCIATION, INC.
Hotel Statler New York, N.Y. January 19, 1955

Call to Order

The meeting was called to order at 10:00 A.M. by the Chairman with the following in attendance:

T. J. McDOWELL, Chairman	C. C. McINNES
R. J. ECKART, Vice Chairman	FRANK R. PITT
PAUL R. CROLL	LEO SILVERSTEIN
SANFORD J. HILL	CLARENCE W. SLOCUM
W. H. LUTZ (represented by	HENRY J. WHITSON (represented by
C. W. BROWN)	JOHN F. HARPER)

Guests

HAROLD L. PARKER	JOHN H. FOULGER, M.D.
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Staff Members

DANIEL L. BOLAND	LOUIS FISHER
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Absent

R. W. BLAIR, JR.	ARTHUR MINICH
A. L. FORSMAN	E. L. O'BRIEN
E. L. GOTT	L. O. SMITH
E. P. HUBSCHMITT	W. H. SWANEY, JR.
F. J. KULLENBERG	JOHN V. VAUGHN
H. J. MILLER	

The Chairman requested a report of the New York City labeling situation. Mr. Eckart related the Association's efforts to solve the conflict between the regulations of the New York City Fire Department and Health Department concerning flammable and combustible liquids. He told of his meeting with the Mayor's deputy, with Fire Commissioner Cavanagh and Fire Chief Bassett. The Commissioner asked Mr. Eckart to submit a petition showing the need for a revision of the Fire Department regulations. Mr. Boland advised the support of the Manufacturing Chemists' Association and the Chemical Specialties Manufacturing Association to sponsor the petition had been obtained.

Mr. Slocum spoke briefly concerning progress of compliance with the New York City Health regulation relating to paints containing more than one percent of lead. He also advised that, after a meeting with New York City Health Department officials on December 28, 1954, it was decided that an Association petition should be submitted to the Board of Health requesting an extension of the enforcement date of the Lead Labeling Regulation from May 1 to November 1, 1955.

Mr. Wolff, upon request of the Chairman, gave a summary of the labeling situation in Chicago. He stated that the Chicago Health Department would follow the provisions of the New York City regulation, but no particular move in that direction had occurred as yet.

The meeting then proceeded to consider the question of a uniform warning label. Discussion first referred to the need for any recommendation of colors in the uniform label. The consensus of the meeting was no recommendation of any particular type of color on a label should be made. The only comment regarding color, on which Committee members concurred, related to the provisions of various regulations requiring a warning statement to be in a color in contrast to that of the label.

Mr. Homer expressed the view that a minimum of seven labels was required. He stated (1) three labels as to flammability and combustibility; (2) three labels referring to a harmful compound and a solvent; and (3) a special label for paints containing aromatic hydrocarbons.

Mr. Pitt discussed legislative trends and stated he hoped one uniform label could be developed for use in all states. Discussion was had by several members as to the policy of using different labels in different sections of the country depending upon the legislative or regulatory requirements of various states. Most Committee members favored the adoption of one label to be preferable from a litigation and legislative viewpoint.

Dr. Foulger commented on the ASA-Z66 Committee. He advised the members that the work of this ASA Committee cannot be forgotten, mainly because it proposes to include other compounds. Dr. Foulger stated that the language "Contains Lead or Other Compounds" in the proposed warning label may have to be changed to cover a situation where a paint product does not contain lead but might contain some other harmful compound. Mr. Pitt stated that this particular point had been discussed at an earlier meeting and expressed the view that the precautionary language using the word "OR" covered the problem. Thereafter, discussion related to whether the lead labeling warning statement should be used only for paints containing more than one percent of lead. The consensus of the members favored such use.

Mr. McInnes inquired as to whether the warning statement "DO NOT APPLY ON TOYS, FURNITURE OR INTERIOR SURFACES WHICH MIGHT BE CHEWED BY CHILDREN" should be in capital letters. Mr. Eckart expressed a negative viewpoint. Mr. Slocum stated that the committee and the industry must watch that the type used in the warning statement is not too small and that it also be used in contrasting colors in a conspicuous manner. Mr. Slocum warned that otherwise the New York City Health authorities would specify the size and type, as had happened in the administration of the New York City Fire Department regulations which designate the size of type. Mr. Silverstein exhibited a sample milk container, on two sides of which no printing or advertising appeared except the stamp of approval required by the New York City Health Department. Mr. Trichter, Assistant Commissioner of Health in New York City, had described this sample to Mr. Silverstein as evidence of the Board of Health's power as to labeling and containers.

The meeting recessed for lunch at 12:30 P.M. and reconvened at 1:45 P.M. at the same place.

Mr. Pitt recommended a survey of reactions of customers in a paint store be made to determine how effective warning labels are. Dr. Foulger told of the work of the

Toxic Materials Committee with respect to the designation of hazardous substances. Mr. Hill stated that he hoped the Committee and the industry would capitalize on this lead labeling matter, instead of apologizing for the presence of some lead in paint.

Mr. Pitt told that the industry had made a tremendous contribution to the consumer by the work of the Industry Label Committee, the Executive Committee and the Association. Further industry contribution is found in the ASA-Z66 Committee. He said the industry should capitalize on that investment. Mr. Hill mentioned his company's program of labeling its hazardous products and the reports showing such labeling has not affected sales.

Mr. Eckart stated the industry must go forward on this problem of lead labeling. He recommended the size of type in the warning statement should be the same as that of the directions for use. Dr. Foulger said the warning statement type should not be smaller than that of the directions for use, but contrasting. Mr. Eckart pointed out that the warning statement with respect to flammability must, of necessity, be slightly larger than the lead warning. Most Committee members concurred that the lead warning statement should be in conspicuous type so that no basis would exist for any Health Department to specify a particular type.

The Committee then discussed the point as to whether it was a good idea to put the lead warning statement in the directions for use. There was considerable discussion among the members as to the location, size of type, statements of other risks and other phases concerning a uniform warning label. All members of the Committee contributed their views to the discussion. The Committee then prepared the following resolution which was read to the meeting by Chairman McDowell:

"Resolved that the industry make known to users of its products the hazards involved in use thereof by placing on labels appropriate warning clauses, said clauses to be in size and type at least equal to but contrasting to the size of type of the directions for use; that reference to special risks be in somewhat larger type than that of the directions of use; and that all such clauses be placed on the label in close proximity to or incorporated in the directions for use."

Mr. Slocum moved the adoption of the resolution, as read, with the amendment that it should be reported to the Executive Committee of the Association, and circulated to the Association's membership.

Mr. Eckart stated that the warning clause should be recommended to the industry and that the recommendation should refer to the body and type in relation to the directions for use. He said the warning with respect to lead should be in the same type, but in somewhat larger letters with the flammability statement in bolder type. Mr. Eckart recommended the Committee take no position on whether the warning statement should be boxed on a label. Mr. Eckart's suggestion that two forms of the uniform warning label (one in a short, vertical form, the other in long horizontal form) be prepared and submitted to the Executive Committee, was adopted.

Mr. Slocum renewed his motion on approval of the Committee's resolution of recommendation, and also amended his original motion to the effect that, after the uniform warning labels are approved by the Executive Committee, they be sent to local associations as well as to the membership; and that those members who sell

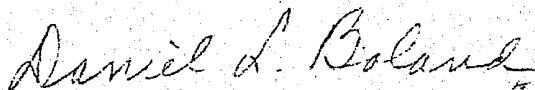
their products in the New York City area also receive a copy of the New York City Health Lead Labeling Regulation, together with copies of the Association's recommended warning statements as finally recommended. The motion was seconded and unanimously adopted.

Mr. Pitt referred to New York Bills (A-405 and S-311) which proposed labeling of paints containing lead and requiring use of the word "Poison" on the label. Mr. Slocum advised the New York Association was acquainted with the bill and explained what was being done in connection with this legislative proposal.

A Committee member requested all Committee members be given a list of the Industry Label Committee membership. Mr. Boland stated that would be done.

The meeting then adjourned.

Respectfully submitted,



DANIEL L. BOLAND
General Counsel

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