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November 5, 1973

Mark Clark, Esquire
Clark Building
42 East Silver Street
Lebanon, Ohio 45036

Dear Mr. Clark:

This is in response to your letter of October 16, 1973, concerning applicability of the Federal Hazardous Substances Act to lead-containing paints.

For your information, I have enclosed a copy of the above Act, which is administered by the Consumer Product Safety Commission. Also enclosed are the regulations issued under the Act. Section 21 CFR 1500.17(a)(6)(i)(B) of the regulations classifies as a banned hazardous substance any paint packaged for household use that is shipped in interstate commerce between December 31, 1972, and December 31, 1973, that contains lead compounds of which the lead content is in excess of 0.5 percent of the total weight of the contained solids or dried paint film. Accordingly, paints shipped in interstate commerce prior to December 31, 1972, are not subject to these provisions.

The effective date of section 21 CFR 1500.17(a)(6)(i)(A) has been stayed pending investigation and research with respect to the appropriateness of the 0.06 percent level contained in that section.

If you have any questions with regard to these regulations or if I can be of other assistance, please let me know.

Sincerely,

(S)

D. Stephen Lemberg
Attorney
Office of the General Counsel

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Enclosures

ADVISORY OPINION