



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

CPSC Executive Session
November 27, 1974

1750 K Street, NW
9:30 am

Presiding: Chairman Simpson

Present : Commissioner Franklin
Commissioner Kushner
Commissioner Pittle

ITEM

Extension of FHSA Lead Paint Regulations

DECISION

The Commission votes to extend by amending the regulations under the FHSA which ban the distribution of household paints and other similar surface coating materials containing more than 0.5% of lead and toys or other articles bearing such paint or coating. The amendment will maintain the regulation in effect (with the upper limit of lead content at 0.5%) until new regulations, if required, establishing a different maximum content of lead in such products become effective.

VOTE

For the Amendment:

Chairman Simpson *R.O. Simpson*
*Commissioner Franklin *B. Franklin*
Commissioner Kushner *Kushner*
Commissioner Newman *Newman*
Commissioner Pittle *R. David Pittle*

OTHER OPTIONS CONSIDERED

Against the Amendment:

Abstain:

CONSUMER PRODUCT SAFETY COMMISSION

Submitted by: Commissioner Kushner
12-2-74

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*Opinion is attached

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THE CONSUMER PRODUCT SAFETY COMMISSION
OF THE UNITED STATES OF AMERICA

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OPINION OF
COMMISSIONER BARBARA HACKMAN FRANKLIN
ON THE EXTENSION OF THE LEAD PAINT REGULATION
UNDER THE FEDERAL HAZARDOUS SUBSTANCES ACT

On November 27, 1974, the Consumer Product Safety Commission voted unanimously to extend its regulation under the Federal Hazardous Substances Act (FHSA) banning interstate shipment of paints and other surface-coating materials containing more than 0.5 percent lead. The regulation, which would have expired on January 1, 1975, will now remain in effect until a new regulation, if required, establishing a different maximum content of lead in such products becomes effective.

Background

Lead has been well documented as a body toxin. Lead levels in paint and similar surface-coating materials can be dangerous to the most vulnerable segment of the public, e.g., young children, if such materials are ingested in quantity. Children between one and three years often develop "PICA," the habit of regularly eating some non-food substance. Paint chips are often the non-food substance that children with PICA, especially those from low-income families, choose to eat. Ingested regularly, paint chips with high lead content can cause lead poisoning symptoms ranging from death, permanent mental or motor impairment, vomiting, lethargy, to irritability.

This regulation^{1/} was issued by the Food and Drug

^{1/} 21 CFR 191.9(a)(6), which became 21 CFR 1500.17(a)(6).

Administration on March 11, 1972, and provided that paints and similar surface-coating materials containing more than 0.5 percent lead content are banned hazardous substances.

Effective May 14, 1973, the Administration of the Federal Hazardous Substances Act was transferred to the Consumer Product Safety Commission. On December 27, 1973, (37 FR 35302), the Commission extended the lead paint regulation from December 31, 1973, to December 31, 1974.

During 1974, the Commission sponsored several studies to identify and analyze data that would indicate Commission establishment of a "permanent" maximum lead content in paint. The results of these studies, unfortunately, will not be received in time for the Commission to issue any new regulation, if needed, altering the 0.5 percent maximum content of lead in household paints before the existing regulation expires on January 1, 1975.

Decision

Therefore, I voted to extend the existing regulation so that the public would continue to have protection from excessive lead content levels in household paints. Without an extension, the regulation would expire and so would the protection it provided.

To date, I have seen no evidence which convinces me that a 0.5 percent lead level in paint is "safe." I will judge what, if any, lead content level seems reasonably safe when Commission studies of lead poisoning are complete, when experts have commented on those studies, and when I have thoroughly analyzed the studies and comments.

If, at that time, I think the 0.5 percent level in the FHSA lead paint regulation should be changed, I would vote to

propose a new lead paint regulation which would provide the safety required.


Commissioner