

Bill No. 1707

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Referred to Committee on PUBLIC HEALTH AND SAFETY

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LCO No. 4890

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Introduced by SEN. SMITH - 2ND DIST.

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General Assembly,

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January Session, A.D., 1971

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AN ACT REGULATING THE SALE AND USE OF HAZARDOUS SURFACE COATINGS.

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CONNECTICUT
STATE LIBRARY
LEGISLATIVE REFERENCE
SECTION

Be it enacted by the Senate and House of Representatives in

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General Assembly convened:

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Section 1. For purposes of this act, "hazardous surface coating" means any material applied in liquid or paste form, including but not limited to paint, varnish, lacquer, putty, glazing compound, spackle, or plaster which contains any compound exceeding the maximum limits set forth in section 2 of this act; "dwelling" means any building or structure, or portion thereof which is occupied in whole or in part on a temporary or permanent basis as a home, residence, or sleeping place of one or more human beings.

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Sec. 2. (a) A surface coating containing any lead compounds of which the lead content calculated as Pb is in excess of one per cent of the total weight of the contained solids shall be considered hazardous and subject to regulation; (b) a surface coating containing compounds of antimony, arsenic, cadmium, mercury, or selenium, calculated as Sb, As, Cd, Hg, Se respectively, of which the metal content individually or in total is in excess of six hundredth's per cent of the total weight of the contained solids shall be considered hazardous and subject to regulation; (c) A surface coating containing barium compounds of which the water soluble barium, calculated as Ba, is in excess of one per cent of the total barium in such material shall be considered hazardous and subject to regulation.

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Sec. 3. No person shall apply any hazardous surface coating 35
to: (a) Any interior surface or any exterior surface of a 36
dwelling; (b) any interior surface or to any exterior surface of 37
a building or structure which is used in whole or in part as a 38
temporary or permanent pre-nursery school, nursery school, church
school, elementary school, babysitting center or child care 39
center. No person shall apply any hazardous surface coating to 40
any interior surface or to any exterior surface of any building 41
or structure where children under the age of ten congregate for 42
any purpose on a regular basis; (c) any item of personal property 43
provided nothing in this section shall be construed to prohibit
the application of hazardous surface coating to boats, ships, 44
vessels and articles of marine hardware, when purchase of such 45
hazardous surface coating has been made according to the 46
procedure set forth in section 5 of this act; or (d) any interior
surface or to any exterior surface of any building which is 47
owned, leased, used or controlled by the state or any of the 48
agencies or political subdivision thereof.

Sec. 4. After January 1, 1972, no person shall distribute, 49
offer for sale, sell or give away any hazardous surface coating 50
to any person not displaying a valid permit issued pursuant to 51
sections 5 and 6 of this act.

Sec. 5. The owner of any boat, ship or vessel may apply to 52
the municipality in which such boat, ship or vessel is listed as 53
taxable property pursuant to section 12-90 of the general 54
statutes for a permit to purchase hazardous surface coatings. If 55
said boat, ship or vessel is exempt from taxation pursuant to
section 12-181 of the general statutes, the owner may apply to 56
the clerk of the municipality in which he resides or in which the 57
boat, vessel or ship is stored, for a permit to purchase
hazardous surface coatings. Upon determination by the clerk that 59
such boat, ship or vessel is listed as taxable property, or if 60
exempt upon proof of ownership of said boat, ship or vessel and
upon payment of two dollars the clerk shall issue a permit to 61
purchase hazardous surface coatings. Said permit shall not be 63

transferable and shall be valid for a period of thirty calendar days from the date of issuance. The permit shall contain the name and address of the permittee, the length and design of the boat, ship or vessel, and such permits shall be consecutively numbered.

Sec. 6. Any person or organization may apply for a permit to purchase hazardous surface coatings for application on buildings or structures not included in the provisions of section 3 of this act. Application may be made to the clerk of the town in which the person or organization maintains his principal place of business. Upon determination by the clerk that the person or organization is engaged in a business or charitable enterprise which applies hazardous surface coatings to areas not prohibited by section 2 of this act, and upon payment of a fee of ten dollars, the clerk shall issue a non-transferable permit which shall be valid for a period of one calendar year from the date of issuance. The permit shall contain the name and business address of the permittee, the nature of the permittee's business, and each such permit shall be consecutively numbered. The permittee shall display his permit to the vendor of hazardous surface coatings every time purchase is made; or, a certified copy of said permit may be deposited with any vendor of hazardous surface coatings, provided if such permit is deposited with any vendor, the permit shall contain the names of all persons who may purchase hazardous surface coatings under it, but no more than five such names on any one permit.

Sec. 7. Any person or organization that sells, offers for sale or gratuitously distributes any hazardous surface coating shall be required to display all such hazardous surface coatings in one group, separated from all other stocks of the business. Storage of said materials shall be accomplished in such a manner that any person approaching the storage area may reasonably notice and read a sign with letters three inches high and one inch across which reads "Danger Hazardous Surface Coatings." Display of such materials shall be in an area separated by two

feet of shelf space from all other stock or wares of the business 91
 and labeled in letters three inches high and one inch across with 92
 the legend "CAUTION - SALE BY PERMIT ONLY."

Sec. 8. Section 19-65b of the 1969 supplement to the 93
 general statutes is repealed and the following is substituted in 94
 lieu thereof: On or after January 1, 1970, no person, firm or 95
 corporation shall package, distribute, offer for sale, sell or 96
 give away any paint AND ON OR AFTER JANUARY 1, 1972, NO PERSON,
 FIRM OR CORPORATION SHALL PACKAGE, DISTRIBUTE, OFFER FOR SALE, 97
 SELL OR GIVE AWAY ANY HAZARDOUS SURFACE COATING which does not 98
 conform to the [most recent] standards [of the United States of
 America Standards Institute] ENUMERATED IN THIS ACT unless it 99
 bears the following warning statement: CAUTION - CONTAINS LEAD 100
OR OTHER COMPOUNDS HARMFUL IF SWALLOWED. Do not apply on any 101
interior surfaces of a dwelling or of a place used for the care 102
of children or on window sills, toys, cribs or other furniture
which might be chewed by children. Washthoroughly after handling 104
and before eating or smoking. Closecontainer after each use. 105

KEEP OUT OF REACH OF CHILDREN 107

Such warning statements shall be placed in a conspicuous place on 109
 the immediate container of such paint OR ANY OTHER HAZARDOUS 110
 SURFACE COATING and shall be printed on gallon-size containers in 111
 letters of not less than 10-point type for the words CAUTION - 112
 CONTAINS LEAD OR OTHER COMPOUNDS HARMFUL IF SWALLOWED and KEEP
 OUT OF REACH OF CHILDREN and not less than 8-point type may be 113
 used on remainder of the statement. Proportionately smaller type 115
 may be used on smaller containers. Such printing shall be 116
 legible and in a conspicuous color contrast with other printing
 appearing on the container. Stocks of paint OR OTHER HAZARDOUS 118
 SURFACE COATING which fail to conform to the standards herein 119
 established and which were manufactured prior to October 1, 1969,
 OR OCTOBER 1, 1971 RESPECTIVELY, can be made to conform with the 120
 requirements of this section by the application of a separate 121
 warning label, which shall be affixed directly on the existing 122
 label. No person, firm or corporation shall package, distribute, 123

offer for sale, sell or give away any paint OR OTHER HAZARDOUS 124
 SURFACE COATING not conforming with the standards herein 125
 established after one year from October 1, 1969, unless the
 warning is an integral part of the printed container label. 126

Sec. 9. Section 19-65c of the 1969 supplement to the 127
 general statutes is repealed and the following is substituted in 128
 lieu thereof: The commissioner of consumer protection may seize 129
 and remove for safe keeping [paint] ANY HAZARDOUS SURFACE COATING
 which any person, firm or corporation packages, distributes, 130
 offers for sale, sells or gives away in violation of [section 19- 131
 65b.] ANY PROVISION OF THIS ACT. When such person, firm or 132
 corporation from whom the commissioner has seized [paint] SUCH 133
 HAZARDOUS SURFACE COATING furnishes assurance satisfactory to the
 commissioner of compliance with the provisions of [section 19- 134
 65b,] THIS ACT, the commissioner shall release such [paint] 135
 HAZARDOUS SURFACE COATING to such person, firm or corporation.

Sec. 10. Any person who applies or causes to be applied any 136
 hazardous surface coating in violation of this act shall have the 137
 duty of removing said coating from the prohibited area. The duty 139
 created by this section may be enforced in any court of competent
 jurisdiction upon initiation of a suit by any party who may be 140
 adversely affected by the presence of said material in the 141
 prohibited area.

Sec. 11. Any person who applies or causes to be applied any 142
 hazardous surface coating to any area prohibited by this act or 143
 any person who sells hazardous surface coatings to any person not 144
 displaying a valid permit issued pursuant to this act shall be
 fined one thousand dollars or imprisoned six months or both. 145

Sec. 12. Section 19-65a of the general statutes as amended 147
 is repealed.

Sec. 13. This act shall take effect from its passage. 149

STATEMENT OF PURPOSE: To provide for the regulation of the sale 152
and use of hazardous surface coatings including lead based paint. 153
To minimize the possibility of access to the applied material and 154
accidental ingestion by children. 155

[Proposed deletions are enclosed in brackets and proposed 157
additions are all capitalized, or underlined where appropriate.] 159