



Wednesday, June 13, 2007

Governor's Office
Governor Arnold Schwarzenegger
State Capitol Building
Sacramento, CA 95814

Dear Governor Schwarzenegger,

I am writing to you on behalf of the Painting and Decorating Contractors of America (PDCA). PDCA was founded in 1884 and represents over 2,500 member companies in the painting and decorating field.

The Sherwin Williams Company and PDCA have a working relationship that dates back over one hundred and twenty years. Sherwin Williams is member and supporter of both PDCA and National Paint and Coatings Association (NPCA).

Perhaps you are unaware of the extent to which NPCA, as a manufacturer representative organization, has gone in order to responsibly mitigate the national challenge of lead paint abatement. Please permit me to acquaint you with their efforts.

NPCA and the coatings industry has had a long history of progressive action concerning the elimination of childhood lead poisoning. In 1954, the association and its members engaged in a cooperative effort with the American Academy of Pediatrics to establish a consensus standard (through the American Standards Association or ASA, now the American National Standards Institute or ANSI) practically eliminating lead pigment use in consumer house paints and totally in paints for articles accessible to children. In 1971, the industry testified in favor of the first federal standard strictly limiting the use of lead in paint as part of the Federal Lead-Based Paint Poisoning Prevention Act passed by Congress, and thereafter supported the eventual ban of lead in consumer paints by the Consumer Product Safety Commission (CPSC) in 1978 under this law.

For decades, as the industry ended its use of lead in paint, it also engaged in constant outreach efforts to alert the public to the dangers of lead exposure and the risk of childhood lead poisoning. Since the early 1960's, hundreds of thousands of safety brochures and posters have been provided free of charge to community health centers and lead poisoning prevention programs. As new evidence on health risks associated with childhood lead exposure were discovered, NPCA, on behalf of the paint industry, participated in two Presidential Task Forces (under George H. W. Bush and Bill Clinton) seeking to advance public awareness and extend the knowledge of targeted, feasible and effective lead hazard control strategies. These strategies acknowledged that the mere presence of lead-based paint does not constitute a hazard, and led to a shift in government-led practices toward correcting deteriorated paint conditions brought about by deferred or careless maintenance practices.

In an effort to help target lead hazard reduction strategies in "at-risk" communities as defined by the Centers for Disease Control, NPCA, on behalf of the paint industry, established the independent non-profit Community Lead Education and Reduction Corps (CLEARCorps, see www.clearcorps.org), which operates effective programs with local partners in cities and regions around the United States. The approaches developed by CLEARCorp5 over the past 10 years have been widely utilized by communities throughout the United States, and have become established in new public policy initiatives at the federal and state level aimed at eliminating childhood lead poisoning by the year 2010.

In 2003, NPCA, on behalf of the paint industry, entered into a landmark, cooperative agreement with 46 state Attorneys General, Washington, D.C. and three territories to increase public awareness of lead-based paint hazards and to train renovation and remodeling contractors (including painting contractors) to safely work with old, lead-based paint. PDCA publicly endorsed this agreement. This agreement has resulted in new product labeling on over 600 million gallons of containers to alert consumers and contractors to the potential dangers of deteriorated lead-based paint and provide safe work practice instructions (including the toll-free EPA Lead Hotline number and web site); the distribution of EPA lead hazard awareness brochures (in English and Spanish) at paint retail point-of-sale locations; and the tuition-free HUD-curriculum training (in English and Spanish) of over 8000 individuals, thus far, throughout the country (in all 50 states) on lead-safe work practices (attendees include contractors, housing officials, property managers, private homeowners and many others).

Finally, NPCA, on behalf of its members, continues to focus on a number of ongoing efforts by government agencies at all levels and in Congress to refine and bolster effective policy measures that have as a goal the elimination of childhood lead poisoning by the year 2010. These policy measures, which have been established and supported by public health experts from the U.S.

Environmental Protection Agency, the Centers for Disease Control, the U.S. Department of Housing and Urban Development, and allied state and local agencies, remain the best hope for achieving that goal.

PDCA has endorsed all these programs and has urged all painting contractors to attend the training programs. PDCA and NPCA partnered to present lead abatement programs for contractors at the Painting & Coatings Expo, the last two years. Sherwin Williams is a household name in America. Furthermore, Sherwin Williams has earned a reputation for quality products, philanthropic good deeds, and impeccable business ethics. In light of all the foregoing, it makes absolutely no sense to take action against Sherwin Williams concerning the production of lead paint over thirty years ago, especially in view of the facts that Sherwin Williams was the first paint company to voluntarily remove lead from its paint manufacturing and has continually supported safety awareness and education.

These types of lawsuits have a direct impact on PDCA contractor members, because it raises questions about sources of paint, but even more importantly, will likely lead to the disappearance of industry supported training and education programs. It is certainly presumptuous to ask manufacturers like Sherwin Williams to spend substantial funds on training and education, then sue them.

Furthermore, these types of actions are precisely what contributes to the hiatus of American industry overseas. It is not unreasonable to suspect the Sherwin Williams will react to this corporate threat by establishing its operations elsewhere. Tens of thousands of American jobs would disappear along with billions of American dollars spent in places other than the U.S.

Both as CEO of PDCA and an American, I believe the public policy direction you have chosen is misguided and will result in a *lose-lose* for your state and our country. Actions such as these have a dramatic impact on both contractors and consumers of paint products.

PDCA requests that you reconsider your position and action.

Very truly yours,



Dr. Ian R. Horen, CAE
PDCA Chief Executive Officer

Cc: PDCA Executive Committee
Mr. Chris Connor, CEO Sherwin Williams
Mr. Andrew Doyle, President NPCA
Attorney General Edmund G. Brown Jr.