

COMMUNITY OF PRACTICE ON

LEAD IN PAINT

Organized by the SAICM Secretariat and the University of Cape Town

Issue: 2 of 2020

Discussion date: 18th August 2020

Discussion Digest

Topic of Discussion: Setting low limits for lead in paint

The second LiP CoP discussion, presented by Desiree Narvaez from UNEP, Steve Wolfson from US EPA and Amanda Rawls from ABA-ROLI, reviewed three questions focusing on the legal aspects of setting low limits for lead in paint. Legally binding limits on the lead content in paint are necessary to eliminate lead paint. Why and how to establish low lead paint limits is an important topic for discussion within the lead paint community. The **UNEP Model Law and Guidance for Regulating Lead Paint** (<https://www.unenvironment.org/resources/publication/model-law-and-guidance-regulating-lead-paint>) provides sample legal text for a 90ppm limit, which is the lowest technically feasible limit to date.

ABOUT THE PRESENTERS



Desiree M. Narvaez coordinates the lead paint component of the SAICM GEF project and is the focal person on “lead” in UNEP

where she has been working for 14.5 years. She has a Medical Degree and a Masters in Public Health Degree from the University of the Philippines, and a Certificate of Chronic Disease Epidemiology at the Stanford University, USA. UNEP is cosecretariat with WHO in the Lead Paint Alliance.



Steve Wolfson coordinates international capacity-building activities on environmental law at the U.S. Environmental Protection Agency Office of General Counsel’s International Environmental Law Group, providing environmental law and enforcement training of environmental lawyers in Africa, Asia, and Latin America.

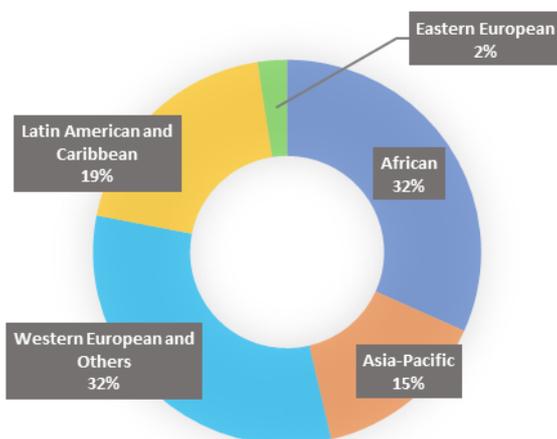


Amanda Rawls is lawyer and development professional currently based in Amman, Jordan. She has over 15 years of experience in Access to Justice, Rule of Law, and Legal System Strengthening. She has worked mainly in sub-Saharan Africa.

DISCUSSION 2 ATTENDANCE BREAKDOWN

TOTAL ATTENDEES FOR DISCUSSION 2: 43

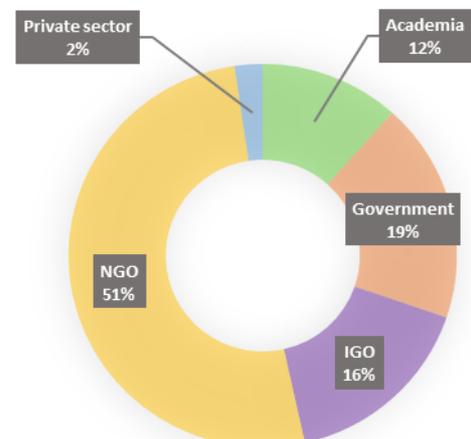
Regional representation



Gender representation



Sector representation



Key:
IGO – Intergovernmental Organisation
NGO – Non-governmental Organisation

Lead in Paint Community of Practice Discussion 2 Summary: Looking Ahead

1. Participants from several countries shared actions taken to transition to a specific mandatory legal limit on lead in paint. Several countries have demonstrated success to establish 90 ppm or other limits, others are still in the process of establishing limit, and others have not started. Actions looking ahead to transition to a specific mandatory legal limit on lead in paint should take into consideration the Model Law, which recommends setting a 90 ppm for all domestically manufactured and imported paint containing lead, and prohibiting imports of paint exceeding the limit, which will reduce risks to human health, particularly children.
2. In some countries, stakeholders have raised concerns regarding achieving a 90 ppm limit for certain (industrial, marine, vehicle) paints on the same timeframe as household paints. Concerns had not been addressed in every case, but some participants noted a variety of ways they have been addressed, including setting different phase-out periods for certain paints.
3. Compliance or enforcement provisions can assist with making a 90ppm limit effective. Some participants noted existing mechanisms, such as certification of paints, prohibition of lead-containing additives, fines, testing requirements and random trade inspections, and in some countries enforcement provisions still need to be developed. Participants noted that awareness raising can help with facilitating compliance. Although not reported as being widely used, some Model Law provisions that encourage documentation of compliance with a limit, such as Declarations of Conformity.

Inputs to the discussion from participants

Q1. What actions has your country taken to transition to a specific mandatory legal limit on lead in

AUSTRALIA (Monash University – Academia)	<ul style="list-style-type: none"> - The recommended amount of lead in domestic paint has declined from 50 per cent before 1965, to 1 per cent in 1965. - In 1992, it was reduced to 0.25 per cent, and in 1997 it was further reduced to 0.1 per cent. <p>Note: 0.1 percent = 1,000 ppm; Australia’s limit is mandatory</p>
BANGLADESH (Environment and Social Development Organisation – NGO)	<ul style="list-style-type: none"> - Bangladesh Standards and Testing Institutions (BSTI), the relevant government authority, has mandated the legal limit of 90ppm for lead in paint of Bangladesh. - The lead paint law was established in 2018 for manufacturing industries who are producing household paint and it is a mandatory law. - All decorative paints in the markets are monitored and companies found disobeying are reported. - Every paint must have been tested and met the lead limit before going to market. - Third party certification of lead safe paint is also ongoing.
CAMEROON (Jeunes Volontaires pour l’Environnement – NGO)	<ul style="list-style-type: none"> - A regulation was signed in 2017 to ban manufacturing, import and sale of lead paint above 90 ppm. - This 90 ppm limit is mandatory for all types paint.
COLOMBIA (NCPC – NGOs)	<ul style="list-style-type: none"> - Colombia has recently released Law 2041 of July 27th, 2020, which sets the limit of 90 ppm for decorative paints in a transitory way. - This establishes that a technical regulation must be developed within 2 years. - Efforts are now focused on the technical regulation to complement the law.
DR CONGO (African Green Society – NGO)	<ul style="list-style-type: none"> - Nothing has been established yet.
ECUADOR (CEER – NGO)	<ul style="list-style-type: none"> - Technical Regulation 061, which regulates the lead content in paints, is currently in the process of being approved. - A limit of 100 ppm has been proposed for direct contact paints and 600 ppm for industrial paints. - A proposal to reduce the limit for direct contact paints to people from 100 to 90 ppm has been put forward. - No answer has been provided from INEN (Institute of Ecuadorian Standardization) yet.
ETHIOPIA (Pesticide Action Nexus – Ethiopia – NGO)	<ul style="list-style-type: none"> - Ethiopia gave a one-year grace period from the time of enactment of the law to eliminate lead in paint. - 90 ppm is the current limit.
INDIA (Toxics Link – NGO)	<ul style="list-style-type: none"> - The government of India issued the “Regulation on Lead contents in Household and Decorative Paints Rules, 2016” on 1st November 2016 which came into force from 1st November 2017. - The limit is 90 ppm.

	<ul style="list-style-type: none"> - Toxics Link started a campaign in 2008 where multiple reports highlighted the high lead content in paint samples. - In 2011 many brands voluntarily adopted the 90 ppm standard. - The Government decided to create a law in 2016.
IRAN (University of Tehran)	<ul style="list-style-type: none"> - Alerts about lead in paint are currently in existence. - Awareness raising efforts on the effects on wildlife have been done.
ISRAEL (Ministry of Health – Government)	<ul style="list-style-type: none"> - New 90 ppm limit on all paints will go into force in January.
JAMAICA (CARPIN – NGO)	<ul style="list-style-type: none"> - A meeting was held with stakeholders and an agreement was reached to support a legal limit. - The next step is for a formal communication from the relevant government agency/department on the way forward after discussion and agreement.
MEXICO (Casa Cem-Vias Verdes AC – NGO)	<ul style="list-style-type: none"> - There is a norm for labelling but no legal limit. Note: Mexico has a current legal limit of 600 ppm - There is a draft for a new labelling norm with a 90 ppm limit.
NIGERIA (Sustainable Research and Action for Environmental Development – NGO)	<ul style="list-style-type: none"> - Standards organisation facilitated several stakeholder meetings with the Paint Manufacturers Association and other stakeholders to agree on 90ppm lead in paint standard for Nigeria. - The standard was finalised in 2016. - SRADEV an NGO started a nationwide campaign in 2009 and had consultations with all key stakeholders prior to SON mandated to set the standard. - In 2019 the National Environmental Standards Regulatory Enforcement Agency (NESREA) drafted a comprehensive regulation, which is setting an obligatory 90ppm standard for LiP. - The regulation is currently at the stage of stakeholder review before being finalised into law.
PHILIPPINES (IPEN – NGO)	<ul style="list-style-type: none"> - The Philippines, through the Department of Environment and Natural Resources, established a Chemical Control Order (CCO) for Lead and Lead Compounds in 2013. - The CCO prohibits the use of lead compounds in the production/manufacturing of all types of paints, including industrial paints (as a pigment, a drying agent, or for some intentional use) with more than 90 ppm total limit.
SENEGAL (Pan Africa – NGO)	<ul style="list-style-type: none"> - Our stakeholders and policy makers do not have any information about lead in paint. - Pan Africa conducted a study with support from IPEN to gain information.
SERBIA (NCPC Serbia – NGO)	<ul style="list-style-type: none"> - Legislative and institutional framework for chemical sound management has been established and harmonized with EU legislation. - Reduction of placing on the market and use of paints that contain lead for industrial use after 2012. - Central staff, enforcement authorities and industry have adequate knowledge on chemicals sound management. - Awareness-raising activities are carried out continuously and the Republic of Serbia has help-desk for chemicals and best practices for supporting industry, NGOs and other stakeholders. - Serbia adopted EU REACH legislation.
SOUTH AFRICA (SAPMA – NGO)	<ul style="list-style-type: none"> - A draft regulation is currently being reviewed and going to be sent out soon for public comment and will then be gazetted. - This regulation states paint needs to have less than 90 ppm
SURINAME (Coordination Environment – Government)	<ul style="list-style-type: none"> - The Environmental Framework was adopted in May 2020, but no executive orders are yet established. - There are currently 2 paint factories and one factory that is a subsidiary of a factory in USA. All other paints and paints products are imported from USA or EU, which already have specific guidelines.
UNEP – IGO	<p>Note: UNEP representatives shared their knowledge of the status of limits in several countries</p> <ul style="list-style-type: none"> - Canada issued its first lead regulation in 1976 setting a limit of 5000 ppm. - Industry in Canada voluntarily agreed to limit lead concentrations in interior paint to match the US standard of 600 ppm in 1991. - In 2010, Canada reduced the mandatory legal limit for lead in paint from 600 ppm to 90 ppm. - While Peru is working toward legislation on lead paint, it currently has legislation on lead in toys and furniture.

- In Switzerland, lead paint has not been used since the 1950s but only specifically banned in 2003. the limit is 100 ppm.

Throughout the discussion, informal polls were conducted to help encourage discussion among the participants. They do not provide any representative data.

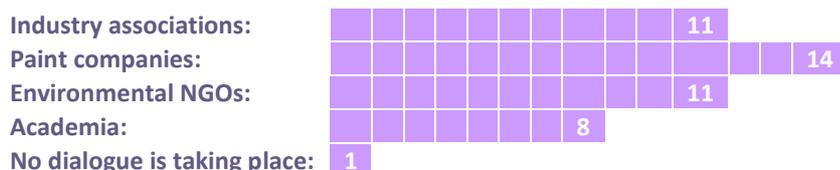


Q2. Though the Lead Paint Alliance Model Law establishes a 90 ppm limit for all paints, in some countries, stakeholders may have concerns about this limit for specific types of paint. Have any of these concerns been raised in your country, and how are you working to address them?

Country	Concern	How it is addressed
BANGLADESH (Environment and Social Development Organisation – NGO)	Concern was that only industrial paints were being considered for the 90 ppm limit.	ESDO is pushing for mandatory law of 90 ppm for all paint manufacturing.
COLOMBIA (NCPC – NGOs)	No clear picture for industrial, automotive or traffic paints.	Not addressed yet. Not clear how to proceed with other types of paint.
INDIA (Toxics Link – NGO)	No regulations on lead content in industrial paints.	No discussion by regulatory bodies on this concern at present.
ISRAEL (Ministry of Health – Government)	Industry's main concern was that imported paints would go untested (and would be cheaper).	Addressed by requiring testing of imported paints.
JAMAICA (CARPIN – NGO)	Concern about phase approach: which type of paint to tackle first.	No formal work with government since discussions and concern raised.
NIGERIA (Sustainable Research and Action for Environmental Development – NGO)	Agreement was reached on setting 90 ppm limit. Concern currently raised by paint manufacturing association (PMA) around an effective date of 2020.	Date needs to be reconsidered in view of the pandemic impact on industry.
SERBIA (NCPC Serbia – NGO)	Industry concern over restriction of lead paint.	Lead-pigment are forbidden in Serbia so no unintentional addition of lead
THE PHILIPPINES (IPEN – NGO)	Concern that the limit is too high (by the industry)	different transitory phase-out periods for architectural, decorative, household paints (3 years) and industrial paints (6 years)

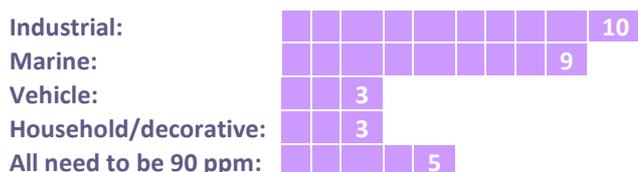
Poll 3 Results (N=18):

Which stakeholders have been involved in the dialogue with government in development of lead paint laws in your country? (choose all that apply)



Poll 4 Results (N=19):

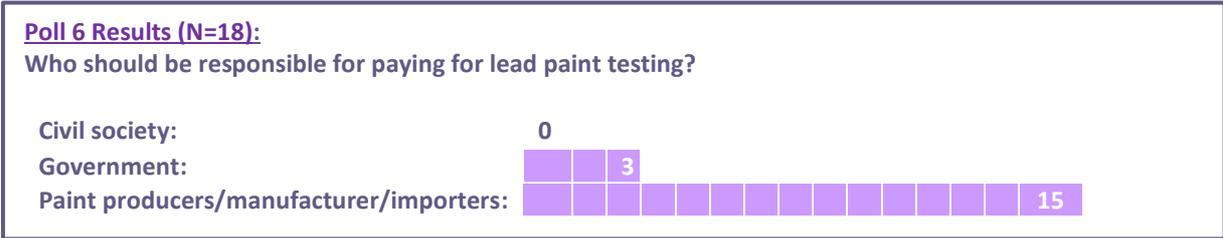
What types of paints, if any, have stakeholders indicated might need a different lead limit than 90 ppm?



Q3. What compliance or enforcement provisions do you think assist with making a 90ppm limit effective? For example, currently in your country, even without a lead paint law, what obligations do manufacturers or importers have to document the safety of their products and how effective is this system?

AUSTRALIA (Monash University – Academia)	<ul style="list-style-type: none">- Implemented, regulated biomonitoring done via National and State Environmental Protection Agencies.- Public awareness campaigns aided in reducing consumer demand for lead in paint and the safe removal of lead in homes.
BANGLADESH (Environment and Social Development Organisation – NGO)	<ul style="list-style-type: none">- Specific enforcement laws by Bangladesh Standards and Testing Institution (BSTI) to make the 90 ppm limit effective. This law is given under Bangladesh Standards and Testing Institution Ordinance, 1985.- Non-compliance results in a fine, then jail, then cancellation off the market if compliance is not reached.- It is now mandatory for industries to test their paints to comply with the mandatory standard of 90 ppm and apply for certification from Department of Environment (DoE). In addition, they have to reissue the certificate after 2 years by testing their paints again.- Compliance is obtained when manufacturers obtain the BSTI authority seal on the paint containers.
CAMEROON (Jeunes Volontaires pour l'Environnement – NGO)	<ul style="list-style-type: none">- Awareness raising with the public around lead content in paints, advocating the development of national capacity for monitoring and preventing lead poisoning in children may help to improve compliance.
COLOMBIA (NCPCC Colombia – NGO)	<ul style="list-style-type: none">- Provisions are missing that would aid compliance of law.- Focus is now moving towards technical regulations that must indicate all provisions.
ECUADOR (CEER – NGO)	<ul style="list-style-type: none">- Only one accredited laboratory for the parameter of lead in paint is currently being used.- The Ministry of Production carries out eventual controls on the hanger (market) but it is not enough.
INDIA (Toxics Link – NGO)	<ul style="list-style-type: none">- Regulation which specifies compliance and testing procedures are currently in existence.- Nodal agencies for implementation of the rule have been established.
JAMAICA (CARPIN – NGO)	<ul style="list-style-type: none">- Child Protection Act speaks in short terms to the safety of children from lead in paint along with the draft health and safety bill.- There are options to look at sections of the present public health regulations and possibility for amendments.- These would complement the effectiveness of a Lead in Paint limit legal framework.
NIGERIA (Sustainable Research and Action for Environmental Development – NGO)	<ul style="list-style-type: none">- Certification for lead paint is assessed by the standard body.- Informal paint manufacturers do not need certification to put paints on the market.

SERBIA (NCPC Serbia – NGO)	<ul style="list-style-type: none"> - Prohibition on use of lead-containing pigments/additives. - Manufacturers/importers/distributors must comply with the law. - Compliance is enforced through random trade inspection and a lab is set up at customs for imported goods to be tested.
THE PHILIPPINES (IPEN – NGO)	<ul style="list-style-type: none"> - The Philippine CCO for lead compounds require all importers, manufacturers and distributors of lead and lead compounds to submit a Compliance Certificate and register with the government the amount of lead compounds they import, produce, treat, and dispose (including lead waste generated) each year. - The lead government agency (DENR) also conducts site visitation to each legally registered paint manufacturer to check their processes, storage, and disposal of wastes. - On the part of the industry, the biggest paint manufacturers have undertaken a voluntary certification program which certifies all paints under their brands pass the 90 ppm limit. As of now, three paint manufacturers, comprising 85-90% market share, have done this.
ZAMBIA (CEHF Zambia – NGO)	<ul style="list-style-type: none"> - Zambia has put in place voluntary standard and copies of standard are in Government printer being sold at USD 70. - Communities are not accessing the standard due to distance. - Enforcement can only be achieved once the law is enacted.



Helpful resources:

- **Model Law and Guidance for Regulating Lead Paint** (available in 6 languages) <https://www.unenvironment.org/resources/publication/model-law-and-guidance-regulating-lead-paint>
- **Technical brief on Global elimination of lead paint: why and how countries should take action** can be accessed at <https://www.who.int/publications/i/item/9789240005143>
- **Policy brief on Global elimination of lead paint: why and how countries should take action** (short version) can be accessed at <https://www.who.int/publications/i/item/9789240005167>
- **Lead Paint Alliance Frequently Asked Questions** (FAQ) numbers 23 &27 <https://www.unenvironment.org/explore-topics/chemicals-waste/what-we-do/emerging-issues/global-alliance-eliminate-lead-paint-2>

LiP CoP: The Secretariat of the Strategic Approach to International Chemicals Management (SAICM) and the Environmental Health Division at the University of Cape Town (UCT) created this Community of Practice (CoP) to foster online discussions and address key issues on Lead in Paint (LiP) among stakeholders from governments, international organizations, industry, academia and civil society. This CoP is contributing to the SAICM/GEF project on Emerging Chemicals Policy Issues Knowledge Management Component. This activity is supported by the Global Environment Facility (GEF) project ID: 9771 on *Global Best Practices on Emerging Chemical Policy Issues of Concern under the Strategic Approach to International Chemicals Management (SAICM)*.

If you have any question or require clarification on this initiative, please contact the SAICM Secretariat at saicm.chemicals@un.org or UCT at uctcops@outlook.com.

Join the LiP CoP at: <https://chemicalswithoutconcern.org/community>

Disclaimer: The information in this digest represents the opinions of members participating from different stakeholder groups expressed during the discussion. The views expressed in this document do not necessarily represent the opinion or the stated policy of the United Nations Environment Programme, the SAICM Secretariat, the GEF or UCT, nor does citing of trade names or commercial processes constitute endorsement.