

Process Considerations for Drafting Lead Paint Laws¹

When your country is ready to draft a law to limit lead in paint, this fact sheet provides suggested questions that would guide actions on drafting process and that have been helpful to countries drafting lead paint laws.

Background information

Lead is a cumulative toxicant that poses serious risks to human health leading to staggering economic costs, with children being especially vulnerable. Lead-containing paint remains one of the major sources of lead exposure for children globally. The most effective means of preventing this exposure is to establish national laws. Lead paint was identified as an emerging policy issue and a global priority under the Strategic Approach for International Chemicals Management (SAICM), which established the Global Alliance to Eliminate Lead Paint (Lead Paint Alliance) with the goal to promote the establishment of lead paint laws in all countries.

“Lead paint” is paint or a similar coating material to which one or more lead compounds have been added.

This fact sheet uses the term “lead paint law” to refer to any set of legal provisions that establishes a binding, enforceable limit on lead in paint with penalties for non-compliance. It can refer to a statute, regulation, ordinance and/or mandatory technical standard. Countries vary on which type of instrument is most appropriate in the context of their existing legal framework. Establishing an enforceable legally-binding lead limit may involve amending existing laws or drafting new laws or a combination of both.

The questions below indicate the kinds of information a government is encouraged to consider as it undertakes a drafting process. These steps are not necessarily sequential or needed in every country.



Stakeholder Engagement to Gain Support for a Lead Paint Law

1. **Identify the relevant government ministry or ministries** to obtain agreement to take action on developing and enforcing a new or revised lead paint law. Consider:
 - a. Does your country have an agency with responsibility for managing toxic chemicals?
 - b. Does your country have an agency responsible for public health?
 - c. Does your country have an active technical standards bureau?²
 - d. Are there other agencies with more specific responsibility over consumer protection?
2. **Conduct meetings** with key civil society and industry stakeholders. Consider:
Can these meetings be held virtually/online?



Development of a Lead Paint Law

3. **Assess options for the development of a lead paint law:** Review the current regulatory framework for existing or needed authorities for regulating lead paint and decide which ministry will provide leadership for developing a law. Consider:
 - a. What form do product or chemical regulations in your country typically take?
 - b. Does your country have a law that gives a government agency a mandate to regulate toxic chemicals or product safety by decree or administrative regulation?

¹ This fact sheet on the legal drafting process builds on the Lead Paint Alliance fact sheet “Suggested Steps for Establishing a Lead Paint Law,” available at:

<http://saicm.org/Portals/12/Documents/EPI/Lead%20Paint/SuggestedStepsEstablishingLeadPaintLaw.pdf>

² See: <https://www.iso.org/members.html>

- c. Does your country have a law on product safety or on chemicals management that could cover lead compounds?
 - d. Would enforcement and penalty provisions in an existing law be applicable to lead paint, or would they need to be drafted specifically for lead paint?
 - e. Does your country have existing paint quality standards?
4. **Designate the lead agency** for drafting legal limitations for lead paint. Consider:
What government agency will lead the drafting?
5. **Facilitate the legal drafting process:** Establish a drafting and coordinating group, including relevant agencies (including their enforcement branches), and other stakeholders as appropriate. Consider materials such as the Model Law and Guidance for Regulating Lead Paint³ to guide drafting. Identify or establish mechanisms for input to this group from key experts and stakeholders from outside government, including industry and civil society. Consider:
 - a. What role will the other government agencies have in implementing the law?
 - i. What are the logistical considerations for implementation of the law?
 - ii. How will enforcement be facilitated?
 - iii. How will inspectors, customs officials, and other relevant government officials be involved in implementing the law?
 - b. How will experts and stakeholders, including industry and civil society, be engaged in providing input to the development of a draft law?
6. **Develop the draft law** to include specific limits on lead in paint, clear definitions, and and effective enforcement provisions. Consider:
 - a. What lead concentration limit(s) will your country set?
 - b. What paint products will this limit apply to?
 - c. What government agency will have primary responsibility for enforcement?
 - d. What powers will this agency have?
 - e. How will manufacturers and importers be required to demonstrate their compliance?
 - f. What acts will be prohibited in the law?
 - g. What penalties will there be for these violations?
 - h. When will the limit on lead content in paint become mandatory?
7. **Conduct a public review process** as needed and appropriate based on your country's regulatory development framework.
8. **Promulgate the law.** Consider:
What steps are required to enact a legal limit on lead in paint in your country?
9. **Plan Ahead for Implementation of the law.** Consider:
 - a. How will the entities that are bound by the law be informed?
 - b. How will the government officials responsible for enforcing the law be informed, trained, and empowered?

³ The Model Law and Guidance, developed by the Lead Paint Alliance, is available at:
<https://www.unenvironment.org/resources/publication/model-law-and-guidance-regulating-lead-paint>