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LEAD IN PAINT
COMMUNITY OF
PRACTICE

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Discussion 4:
- Topic: “Compliance with Lead Paint Laws”
- Date: 16th November 2022
- Time: 13h30 – 15h00 (GMT+2)
- Presenters: Steve Wolfson, US EPA, Dr. Faridah Hussein Were, University of Nairobi, Joel Maleon, Department of Environment and Natural Resources of the Philippines, Isabel Artagaveytia, Ministry of Environment of Uruguay.
- Facilitator: Maxine Brassell, University of Cape Town

Introduce yourself (name, job title, organization and country) in the chat section.

Only the presenter and facilitator will speak. Any comments or questions from attendees should be typed in the chat section.

Please kindly keep you microphone muted and cameras off during the discussion.
Lead in Paint
Community of Practice

Discussion 4 in 2022: “Compliance with Lead Paint Laws”

PRESENTER/S

Steve Wolfson
US Environmental Protection Agency, Office of General Council

Dr. Faridah Hussein Were
University of Nairobi, Kenya

Joel Maleon
Philippines’ Department of Environment and Natural Resources, Environmental Management Bureau

Isabel Artagaveytia
Ministry of Environment of Uruguay
Introduction: Lead Paint Law Compliance and Enforcement Guidance
Presented by: Steve Wolfson

- Developed for Global Alliance to Eliminate Lead Paint in collaboration with UNEP, paint industry, and civil society
- Guidance draws on Lead Paint Model Law (https://www.unep.org/resources/publication/model-law-and-guidance-regulating-lead-paint) and on Alliance discussions with governments and stakeholders
- Public comment draft available online (comment period closed) https://saicmknowledge.org/library/lead-paint-law-compliance-and-enforcement-guidance
- Final Guidance will be posted in UN languages on the Alliance website
Introduction (cont.): Lead Paint Law Compliance and Enforcement Guidance

Presented by: Steve Wolfson

- The Guidance outlines actions governments can take to foster compliance with lead paint laws.

- Intended to be adaptable by governments to their own legal systems and regulatory structures.

- Governments may vary in the steps they take to foster compliance with their lead paint laws.
Introduction (cont.): Lead Paint Law Compliance and Enforcement Guidance
Presented by: Steve Wolfson

- The Guidance also includes actions companies can take to document compliance:
  - How manufacturers of importers can document compliance before sale or import of paint
  - Actions by paint manufacturers and importers when their facilities are inspected
  - What they should do after an inspection
Introduction (cont.): Lead Paint Law Compliance and Enforcement Guidance
Presented by: Steve Wolfson

- **Government and Industry Promote Compliance**
  - Raise Awareness
  - Information Resources such as reformulation guidelines, contact information for accredited labs
  - (Section IV)

- **Companies verify compliance**
  - Paint producers / importers have paint tested for lead
  - Producers / importers sign statement certifying they meet standard
  - (Section V)

- **Governments Monitor Compliance**
  - Review Certifications
  - Inspections
  - Spot testing of paint
  - (Section V)

- **Governments Take Enforcement Actions**
  - Warning Letter
  - Civil or criminal actions / Penalties for violations
  - Recall /seizure of non-compliant paint
  - (Section VI)
Background for Question 1.
Presented by: Dr. Faridah Hussein Were (Kenya)

- The East African Standards (EAS) Technical Committees (TC) for Paint Products revised all the Paint Standards’ Mandatory Requirements to include the 90 parts per million (ppm) total lead maximum across the region
- The national TC under the Kenya Bureau of Standards (KEBS) was actively involved in the revision and harmonization of the Paint-EAS (2015-2017)
- The Public Comments were collected and reviewed before the Gazettement of the Paint-standards in 2018
- The paint manufacturers and importers were informed of a 6-month implementation period of the declared Paint standards
- The stakeholders were engaged and informed about compliance with the mandatory requirements of the standard and the s-mark certification process
The s-mark permits were issued upon conformity with the requirements of the standard through industrial inspection and sample testing.

SMEs were capacity-built and trained to form Organizations, Cooperatives, Societies and Self-help Groups since standardization process is resource bound.

Periodic/targeted/random market surveillance, industrial inspection and paint sample testing.

Documentation of in-house testing and quality control that is audited and evaluated as a basis for paint product permit renewal.

The reliance on the annual turnover report of paint products for certification fees.

Verification of certificate of conformity (CoC) and the ISM for imported paints.

Periodic customer sensitization about the s-mark.

Stakeholders’ engagement and awareness-raising events (ILPPWA) from 2013-2021.

Dissemination of related research findings in workshops/conferences.

Public notices on non-conformity of the mandatory paint standard requirements.
Background for Question 1
Presented by: Dr. Faridah Hussein Were

Challenges

- The low purchasing power among the population encourages small-scale paint product markets and hence difficult to comply with the Paint EAS for paint products.
- The informal markets are not easily accessible to both regulators and enforcers, and consumer education is relatively low.
- It is difficult to issue heavy penalties in small-economy markets.
- The informal settings are likely to use lead compounds and poor technology since the suppliers of raw materials have a less commercial interest in such small markets.

Paints sold in small quantities

Paints for assorted items (such as metallic boxes, water storage containers, cooking pots and spades)

Photo | file | nation media group January 2017 in the informal sector
Question 1

In your country, what actions have been taken to inform paint manufacturers, importers, and consumers about the requirements in a lead paint law? If no actions have been taken, which actions would you consider or recommend taking?

This question will be discussed for 20 minutes.

Please use chat only, mute your microphone, and turn your video off.

Thank you!

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Which actions have been useful in sharing information to paint manufacturers, importers, and consumers about your country's lead paint requirements?

- Publication of final law (e.g., via printed gazette, online version): 13%
- Webinars: 6%
- Conferences/Workshops: 14%
- Public advertisements (e.g., TV or radio, broadcast, newspaper or other print media, digital/mobile, etc.): 14%
- Social media: 10%
- International Lead Poisoning Prevention Week of Action event: 10%
- Centralized access to information on requirements of the law: 4%
- Website of mandated institutions or Organizations: 8%
- Direct contact (e.g., meetings, SMS/text messages, e-mails, post mails, etc.): 8%
- In-person trainings: 6%
- Other: 3%
- We do not have lead paint laws: 3%
What are some of the barriers to government informing paint manufacturers, importers, and consumers about the requirements of your country’s LP laws?

- Difficulty in contacting producers in informal sector: 33%
- Minimal strategies and resources to inform industry and the public/consumers: 25%
- Other (Please specify in the chat): 17%
- Do not have lead paint law: 25%
What are some of the biggest barriers to compliance with your country’s lead paint laws by paint manufacturers and importers? (Select your top 2)

- Inaccessibility of informal markets to regulators/enforcers: 19%
- Less interest from suppliers to provide raw materials in small/informal markets: 5%
- Lack of business focus and commitment in the informal sector: 19%
- Lack of financial resources: 19%
- Limited enforcement capabilities: 19%
- Other (Please specify in the chat): 10%
- Do not have lead paint laws: 10%
Philippine Policies Related to Lead in Paints

Presented by: Joel Maleon

DENR-EMB

DAO 2013-24
Chemical Control Order for Lead and Lead Compounds

DTI-BPS

Bureau of Product Standard using Philippine National Standards (PNS)/BHDT ISO 8124 Part 3 relating to Safety of Toys shall be implemented and enforced.

DOH-FDA


DepED

DepED Order 2017-04 — Mandatory use of Lead-Safe Paint in School

JOINT ADMINISTRATIVE ORDER 22-01

Guidelines for Online Businesses Reiterating the Laws and Regulations Applicable to Online Businesses and Consumers.
ROLE OF STAKEHOLDERS AND SUCCESS FACTORS

Presented by: Joel Maleon

GOVERNMENT
- Government-facilitated multi-stakeholders’ process
- Consultative meetings convened by DENR-EMB that drew participants from various stakeholders
- Support from Environment Secretary and other top government officials
- Compliance Monitoring on the implementation of the policy

PAINT INDUSTRY
- Top paint makers with majority market share transitioning to non-lead paint production
- Philippine Association of Paint Manufacturers (PAPM) participation in policy dialogues and technical meetings
- PAPM-EcoWaste Coalition collaboration in organizing technical seminars with paint industry as participants
- PAPM assures compliance of members.

CIVIL SOCIETY
- Lead paint analyses (2008, 2010, 2013) used for awareness-raising and outreach efforts to government, industry and the public
- Increased awareness on lead in toys and other consumer products
- Monitoring of consumer products.
COMPLIANCE MONITORING

Presented by: Joel Maleon

- **Industry Monitoring** - Inspection of Facilities

- **Regional Monitoring** – Monitoring of Regional Offices
COMPLIANCE MONITORING
Presented by: Joel Maleon

- Permitting process — Online Permitting and Monitoring System
  - Border Control (Bureau of Customs)
  - Importer Registration (Lead compounds that may be used in paint production)

- Collaborative Efforts of Non-Government Organization and Industry Associations.
  - EcoWaste Coalition
  - IPEN
  - Philippine Association of Paint Manufacturers (PAPM)
COMPLIANCE MONITORING
Presented by: Joel Maleon

- Collaborative Efforts of Non-Government Organization and Industry Associations.
Question 2

In your country, how does the government verify if paint producers and importers are in compliance? If the government does not verify compliance, what methods would you consider or recommend to verify compliance in the future?

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Which actions have been most useful to verify whether paint manufacturers and importers are in compliance with a lead paint law?

- Requiring compliance documentation, such as declaration of conformity or self-monitoring report: 16%
- Audit/review of compliance documentation: 18%
- Testing at facilities: 20%
- Strict implementation of border controls on imported paints and ingredients: 16%
- Independent third-party certification of industry testing: 14%
- Other (Please specify in the chat): 6%
- Do not have a lead paint law: 10%
What are some of the biggest barriers in verifying whether paint manufacturers and importers are in compliance with your country’s lead paint laws?

- Informal sector difficult to reach: 18%
- Lack of accurate information on imported paint products or ingredients (e.g., spray paints misclassified as insect repellent to avoid inspection under existing lead paint laws): 18%
- Lack of testing capacity: 30%
- Lack of human and financial resources: 24%
- Other (Please specify in the chat): 0%
- Do not have a law: 9%
What are some of the barriers to industry compliance with lead paint laws?

- High costs of lead-free alternatives: 33%
- Low availability of lead-free alternatives: 21%
- Lack of consumer demand for paint without added lead: 21%
- Other (Please specify in the chat): 17%
- Do not have a law: 8%
Regulatory framework of Uruguay
Presented by: Isabel Artagaveytia

Regulation for the prevention of lead contamination
- 2003: Decree 373/033 - Extended Producer Responsibility (EPR) of lead-acid batteries
- 2004: Law N°17.775 - Restriction of lead in some products (fuels, pipelines), legal framework for paints
- 2005: Decree N° 388/005 – Limitation of daily bioavailability of lead in toys
- 2011: Decree N° 69/011 – Regulation of the content of lead in paints

Decree N° 69/11
- Producers and Importers
- Limit of lead content is 600 ppm
- Scope:
  - Household paints and varnishes and other similar surface coatings
  - Children’s paints: tempera, watercolor
  - Others
- Exclusions
  - Industrial, agricultural or commercial metallic structures
  - Road markings
  - Automotive vehicles
  - Others


Involved organizations
- Ministry of Environment
- Customs
- VUCE: Online customs reporting system
- Outsourced laboratories

https://vuce.gub.uy/
Process to document compliance

Presented by: Isabel Artagaveytia

REGISTRATION
- List of products
- Sampling plan

Online reporting system (VUCE)

EVALUATION (MINISTRY)

Online reporting system (VUCE)

IMPORT LICENSE (CUSTOMS)
  Validity: 1 month

IMPORT LICENSE (CUSTOMS)
  Validity: 3 years

ATTESTATION
- Supply laboratory reports
- First one: a month after REGISTRATION
- Updated list of products

Online reporting system (VUCE)

EVALUATION (MINISTRY)

Online reporting system (VUCE)

Non-Compliance

Compliance

STOCK MANAGEMENT PLAN
# Learned lessons

**Presented by: Isabel Artagaveytia**

<table>
<thead>
<tr>
<th>Drawbacks</th>
<th>Improvements</th>
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</thead>
<tbody>
<tr>
<td>• Control is more effective for importers than producers</td>
<td>• Prevent the commercialization until the laboratory report confirms the compliance</td>
</tr>
<tr>
<td>• Update of the product list depends on the goodwill of the companies</td>
<td>• Reduce the validity of the attestation (every year or on every import/on every batch)</td>
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<tr>
<td>• Laboratories are not obligated to report non-compliance results to the Ministry</td>
<td>• Request for documents that register the amounts of the paints</td>
</tr>
<tr>
<td>• Imported or produced quantities are not declared in the attestation</td>
<td>• Compel the laboratories to report non-compliance results</td>
</tr>
<tr>
<td>• Procedure lays open the possibility of commercializing non-compliance products</td>
<td>• More means for inspections of industry facilities</td>
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Question 3

In your country, how do paint producers and importers document compliance? If this is not required, what methods would you consider or recommend to document compliance in the future?

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What is most helpful to paint producers and importers to facilitate documenting compliance? (Select one)

- Access to labs/testing: 26%
- Knowing the requirements of the law: 5%
- Easily accessible forms/processes to provide/submit information (i.e., via online/digital platforms): 58%
- Other: 0%
- Do not have a lead paint law: 11%
What are the biggest challenges for importers and manufacturers to documenting compliance with lead paint laws?

- Costs of testing: 25%
- Lack of access to testing: 23%
- Importers do not ensure paint manufacturers are complying with requirements: 19%
- Delay in government review of documentation: 12%
- Overlapping government requirements: 9%
- Fees: 9%
- Other (Please specify in the chat): 2%
- Do not have a lead paint law: 2%
THANK YOU for attending the Lead in Paint CoP Discussion 4

SAVE THE DATE:
This is our final LiP CoP Discussion for 2022.

Thank you for your continued support and participation over the year!

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).