

**SAICM/UCT
Lead in Paint (LiP) Community of Practice
DISCUSSION GUIDE.**

Title	Compliance with Lead Paint Laws.
Date	16th November 2022
Time	13h30 – 15h00 GMT+2
Facilitator	Maxine Brassell, Université du Cap
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
WebEx Registration link	https://unep.webex.com/unep/j.php%3FRGID=re3ad59677648b282107d311c75a17008
SAICM/UCT CiP CoP Sign-up link	Make sure you have signed up for the CiP CoP: www.saicmknowledge.org/community
What's App Group	Join the LiP CoP What's App Group to receive information: https://chat.whatsapp.com/HOMtpqf5YG6EX53gJ6jsTR

Discussion Format:

- This is not a Webinar, but rather a discussion among different stakeholder groups.
- The discussion presenter/s will briefly present a verbal introduction and introduce the questions listed in this discussion guide.
- Three questions will be posted during the 1 ½ hour discussion. The presenter/s will address questions and comments posted by members in the chat room and participants are encouraged to respond to each other as well.
- All are encouraged to join the discussion which will be held in English. Feel free to write in another language and members will assist where possible with translation.

Two steps are required to join this discussion:

1. Sign up to the CoP, if you have not done so previously, at: <https://saicmknowledge.org/community>
2. Should you require assistance or have questions, contact: uctcops@outlook.com
3. Register for the 16th of November WebEx discussion at:
<https://unep.webex.com/unep/j.php%3FRGID=re3ad59677648b282107d311c75a17008>
4. We encourage you also to join the LiP CoP WhatsApp group by clicking on this link:
<https://chat.whatsapp.com/HOMtpqf5YG6EX53gJ6jsTR>
5. Should you **NOT** be able to join the discussion but still wish to contribute please **click the link below** and fill out the form with your **contributions**: <https://forms.office.com/r/N6xEQQ5zND>

PRESENTER BIOSKETCH



Steve Wolfson is a senior attorney in the International Law Group at the United States Environmental Protection Agency (US EPA) Office of General Counsel, where he handles international law issues regarding climate change. Steve has developed and delivered environmental law training in Africa, Asia, Latin America, and the Middle East, sharing insights on drafting and implementing environmental laws and regulations. Steve is lead attorney on the team providing legal drafting input on eliminating lead paint through the Global Alliance to Eliminate Lead Paint coordinated by UNEP and the WHO.



Dr. Faridah Hussein Were is a Lecturer in the Department of Chemistry, Faculty of Science and Technology of the University of Nairobi in Kenya. She was previously a Senior Research Scientist in the Environment Management Division of the Kenya Research and Development Institute. Her research focuses on environmental and occupational exposure to chemicals and related health effects. She is also a member of the Advisory Council of Lead Paint Alliance and a Chair Lady of the Technical Committee on developing standards of paints, varnishes, and allied products for the Kenya Bureau of Standards. On several occasions, she has been engaged by UNEP and other entities in the environmentally sound management of chemicals and air pollution. In addition, she is working closely with government agencies and other key stakeholders to bring about the needed improvements in the industry.



Joel Maleon is a Senior Environmental Management Specialist at the Environmental Management Bureau under the Department of Environment and Natural Resources. He is assigned at the Chemical Management Section where he is involved in Policy Development, Monitoring of Industry and Regional Offices, Implementation of Projects relating to Chemical Management, Information and Education Campaign among others. He was involved in the development of the Chemical Control Order for Lead and Lead Compounds and is still involved in its implementation.



Isabel Artagaveytia is a chemist who works in the Ministry of Environment and is working on regulations for waste management and substances. Isabel has provided technical support for the development of new regulations and their implementation. Currently, she is in charge of the control of the lead in paint regulation.

DISCUSSION INTRODUCTION – Steve Wolfson, EPA

Background:

For lead paint laws to be effective, governments must enforce them, and companies must comply with them. Ensuring compliance with the laws protects human health and the environment.

The *Lead Paint Law Compliance and Enforcement Guidance* was developed for the Global Alliance to Eliminate Lead Paint by the United Nations Environment Programme (UNEP), in consultation with the paint industry, governments and civil society. The guidance was informed by the UNEP *Model Law and Guidance for Regulating Lead in Paint*, as well as discussions with governments and stakeholders on compliance and enforcement issues. A draft version of the document was provided for public comment. The public comment period has since closed; however, the document remains online at the SAICM website. The comments were reviewed and incorporated into the document, as appropriate, and the final document will be provided in UN language once it is completed.

The *Enforcement Guidance* outlines actions governments can take to foster compliance with lead paint laws. It is intended to be adaptable so that governments can fit the actions into their own legal systems and regulatory structures. Depending on specific lead paint laws, the order of steps may vary.

The *Enforcement Guidance* also provides information to support industry, such as how manufacturers of imports can document compliance with a country's laws before the sale or import of their paints. It also describes actions that may be required by paint manufacturers and importers when their facilities are inspected as well as what they should do after the inspection.

Resources:

- Public comment draft of the Lead Paint Law Compliance and Enforcement Guidance [comment period closed]
<https://saicmknowledge.org/articles/public-consultation-lead-paint-law-compliance-and-enforcement-guidance>
- Model Law and Guidance for Regulating Lead Paint
<https://www.unep.org/resources/publication/model-law-and-guidance-regulating-lead-paint>

Introduction poll

What type of organization do you represent?

- National Government
- Local Government/authority
- Academic institution
- Civil society non-profit organization (NGO)
- Intergovernmental organization (IGO)
- Industry association
- Paint manufacturer or importer
- Paint ingredient supplier
- Laboratory
- Other (please specify in chat)

QUESTION 1 (13h35 GMT+2) – Dr. Faridah Hussein Were

Background:

The East African Standards (EAS) Technical Committee (TC) for Paint Products revised and harmonized their mandatory requirements for paint standards to limit total lead content in paints, varnishes, and related products to 90 parts per million (ppm) across the region. In 2018, the Kenya Bureau of Standards (KEBS) adopted the East Africa Standard (EAS) through gazettelement. In doing so, Kenya enacted the most restrictive legal limit for lead in paint, which has become a globally accepted limit for new and revised laws.

All locally manufactured paints must now comply with the lead limits. To show compliance, the manufacturers must apply for a permit for use of a Standardization Mark (S-Mark), issued by the KEBS which is valid for two years. To issue an S-Mark, KEBS first performs industrial inspections of the facility and samples the product. They then test the product to determine how much lead, if any, is present, among other requirements. If lead levels in the products are below the limit, the manufacturer is authorized to apply for the S-Mark for those specific products. Targeted and random market surveillance is also conducted. Importers of paint products show compliance by having an Importation Standardization Mark (ISM) or a Certificate of Conformity (CoC). The manufacturers also maintain 2-year documentation on in-house testing and quality control that will further be audited and evaluated as a basis for paint product permit renewal. Public notices are also given for non-conformity.

Kenya has done a lot of work to sensitize domestic paint manufacturers, importers, and consumers about the lead paint law and the S-Mark and ISM. This has been done through stakeholder engagement and awareness-raising events including the International Lead Poisoning Prevention Week of Action held from 2013-2021. Capacity building efforts and small- and medium-sized enterprise (SME) trainings have also been conducted to assist them to form or join the existing community-based organizations (CBOs), cooperative, societies, and self-help groups for the ease of application of the S-Mark since it is resource-bound. Related findings from research are being disseminated through workshops and conferences to support these efforts.

Challenges in compliance by SMEs include the low availability of lead-free paint ingredients. SMEs are also involved in different other small businesses making it hard for them to focus on just lead-free paint. Challenges to enforcement include difficulty enforcing against expansive SMEs in the informal paint market. Most of the SMEs are not registered because the standardization process is resource-bound and there is low consumer education.

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?

Resources/ Information for Discussion:

Links related to KEBS

- Kenya Bureau of Standards website:
<https://www.kebs.org/>
- Draft Kenya Standard TC 034 for Paints and allied products:
https://www.kebs.org/index.php?option=com_content&view=article&id=389&catid=79&Itemid=324
- International TRADE Administration - KEBS standards for trade:
<https://www.trade.gov/country-commercial-guides/kenya-standards-trade>

- KEBS – Steps to Acquire Standardization Mark Permit:
https://www.kebs.org/index.php?option=com_content&view=article&id=170&Itemid=462
 - KEBS - Application form for the grant/renewal of a permit to use a Standardization Mark:
https://www.kebs.org/images/pdf/STA_1_form_Application_Standardization_mark_new.pdf
- IPEN – Kenya gazettes new paint standards to eliminate lead paints:
<https://ipen.org/news/kenya-gazettes-new-paint-standards-eliminate-lead-paints>
- KEBS – Facebook page:
<https://touch.facebook.com/kebs.org/photos/a.130046227068112/1826156234123761/?type=3&source=54>

Some publication

- Lead Paint-Persistent Hazard in Kenya. The Architect, the Official Magazine of the Architects Chapter, Architectural Association of Kenya, October - December 2014, Issue No. 7
- Get the Lead Out. An International Newsletter Monitoring Technical and Commercial Development in Powder Coating: ISSN-1364-5439. A Monthly Report August 2019. Focus on Powder Coating
- Take the Lead on Lead. Environmental Crime. Tackling the Greatest Threat to Our Planet. March 2017 UN Environment Programme
<https://www.unep.org/resources/report/environmental-crime-tackling-greatest-threats-our-planet-our-planet-march-2017>
- Were, F.H. (2016). Intensified Campaigns to end Use of Lead-Based Paint in Kenya. The Architect, the Official Magazine of the Architects Chapter, AAK. Issue No. 10. Quarter 1, 2016.
- Study Finds Dangerous Amount of Lead in 71% of Kenya Paints
<https://www.constructionkenya.com/4653/lead-paint-poisoning/>
- Mwai, Lilian and Onyatta, John and Were, Faridah Hussein, Lead in Automotive Paints: A Potential Source of Exposure and Environmental Contamination. Available at SSRN:
<https://ssrn.com/abstract=4051266> or <http://dx.doi.org/10.2139/ssrn.4051266>
- Where, F.H., Moturi M.C., Gottesfeld, P., Wafula, G.A., Kamau, G.N., and Shiundu, P.M. (2014) Lead Exposure and Blood Pressure among Workers in Diverse Industrial Plants in Kenya. Journal of Occupational and Environmental Hygiene. 11.11
<https://doi.org/10.1080/15459624.2014.908258>

Some awareness information during International Lead Poisoning Prevention Week of Action

- The Standard:
[Accelerate efforts to phase out lead-based paints in Kenya](#)
- IPEN National Report: “Lead in Solvent-Based Paints for Home Use in Kenya”
https://ipen.org/sites/default/files/documents/ipen-lead-paint-kenya-v1_4-en.pdf
- African Ministerial Conference on the Environment Side Event on Lead Paint: 18th Sep. 2018. “Developing Legally Binding Controls on Lead Paint: Kenyan Experience”
<https://wedocs.unep.org/bitstream/handle/20.500.11822/27066/lead-paint-law-Kenyan.pdf?sequence=1&isAllowed=y>
- Business Daily: “Standards agency must ensure leaded paint doesn’t return”. December 1, 2021.
<https://www.businessdailyafrica.com/bd/opinion-analysis/letters/standards-agency-mustensure-leaded-paint-doesn-t-return-3636916>

- Business Daily: “Why Kenya must move to phase out lead in paints”. December 1, 2021. <https://www.businessdailyafrica.com/bd/opinion-analysis/ideas-debate/why-kenya-mustmove-to-phase-out-lead-in-paints-2224328>
- WHO Africa, “Kenya leads Africa’s efforts in phasing out lead in paint” <https://www.afro.who.int/news/kenya-leads-africas-efforts-phasing-out-lead-paint>
- UNEP, “Lead, the silent killer, stalks Kenya’s paint industry: <https://www.unep.org/ar/node/429>
- Volcano Art Prize, “Lead Exposure during Informal Automobile Painting Activities”. <https://volcanoartprize.com/portfolio-item/lead-exposure-during-informal-automobile-painting-activities/>
- University of Nairobi, “Working together to eliminate lead in paint from the universe” <https://www.youtube.com/watch?v=DYYXU-zBq3M&t=181s>

We encourage you to think about the poll questions before the discussion so you can contribute your responses:

Poll questions:

Poll 1: Which actions have been the most useful in disseminating information to paint manufacturers, importers, and consumers about the requirements in your country’s lead paint laws? (Select all that apply)

- Publication of final law (e.g., via printed gazette, online version)
- Public advertisements (e.g., TV or radio, broadcast, newspaper or other print media, digital/mobile, etc.)
- Centralized access to information on requirements of the law
- Website of mandated Institutions or Organizations
- Webinars
- Social media
- Direct contact (e.g., meetings, SMS/text messages, e-mails, post mails, etc.)
- In-person trainings
- Conferences/Workshops
- International Lead Poisoning Prevention Week of Action event
- Other
- We do not have lead paint laws

Poll 2: What are some of the biggest barriers to government informing paint manufacturers, importers, and consumers about the requirements of your country’s lead paint laws? (Select all that apply)

- Difficulty in contacting producers in informal sector
- Minimal strategies and resources to inform industry and the public/consumers
- Other
- Do not have lead paint law

Poll 3: 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 choices)

- Inaccessibility of informal markets to regulators/enforcers
- Less interest from suppliers to provide raw materials in small/informal markets
- Lack of business focus and commitment in the informal sector

- Lack of financial resources
- Limited enforcement capabilities
- Other
- Do not have lead paint laws

QUESTION 2 (14h00 GMT+2) – Joel Maleon

Background:

In the Philippines, there are multiple organizations with policies and regulations related to limiting lead in paints. These organizations include, but are not limited to, the Department of Environment and Natural Resource (DENR) – Environmental Management Bureau (EMB) with the Chemical Control Order for Lead and Lead Compounds (DAO 2013-24); the Department of Trade and Industry (DTI) – Bureau of Philippine Standards (BPS) using Philippine National Standards (PNS)/BHDT ISO 8124 Part 3; the Department of Health (DOH) – Food and Drug Administration Philippines (FDA) with Memorandum No. 2014-023; the Department of Education (DepEd) with Order 2017-04; Department of the Interior and Local Government (DILG) with Memorandum Circular No. 2018-26; and the DTI Joint Administrative Order 22-01. Administrative Order 2013-24 specifically bans the use of lead in the production of paints and other processes, including the manufacture of toys, school supplies, cosmetics, and food-contact packaging materials. The order limits lead to a total lead maximum limit of 90 parts per million (ppm) for all paints.

To ensure compliance with the above standards and regulations, the government of the Philippines monitors industry by conducting inspections of domestic facilities and monitors Regional Offices. EMB has an online permitting and monitoring system.

All this work is a collaborative effort between national and local government agencies, non-governmental organizations (NGOs), and the paint industry sector. An example of a successful collaborative work between NGOs and the paint industry is the promotion of an independent, third-party Lead Safe Paint[®] certification program in the Philippines. DENR supports this program which lets customers know that the paint they are purchasing contains less than 90 ppm lead, the limit set under DENR A.O. 2013-24, as well as the limit recommended under the *UNEP Model Law and Guidance for Regulation Lead Paint*. As of October 2022, 15 paint brands from three paint manufacturers comprising over 80% of the paint market in the Philippines have been duly certified as Lead Safe Paint[®].

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?

Resources/ Information for Discussion:

- Department of Environment and Natural Resources (DENR) – Environmental Management Bureau (EMB): DAO 2013-24 Chemical Control Order for Lead and Lead Compounds: <https://chemical.emb.gov.ph/wp-content/uploads/2017/03/DAO-2013-24-CCO-Lead.pdf>
- EMB: Memorandum Circular 2015-005 Clarifications on the Prohibited Uses of Lead and Lead Compounds under DAO 2013-24, “Chemical Control Order for Lead and Lead Compounds”: <https://chemical.emb.gov.ph/wp-content/uploads/2017/03/EMB-MC-2015-005-Clarification-CCO-of-Lead.jpg>

- EMB: Memorandum Circular 2016-010 Clarification on the Prohibition of Paints with Lead and Lead Compounds Used for Children’s Toys and Related Products:
<https://chemical.emb.gov.ph/wp-content/uploads/2017/03/MC-2016-010.pdf>
- Department of Trade and Industry (DTI) – Bureau of Standards: Philippine National Standards (PNS)/BHDT ISO 8124 Part 3 Safety of Toys
https://www.bps.dti.gov.ph/index.php/component/booklibrary/115/view_bl/264/toys/3141/safety-of-toys-part-3-migration-of-certain-elements?tab=getmybooksTab&is_show_data=1&Itemid=115
- Department of Health (DOH) – Food and Drug Administration Philippines (FDA): Memorandum No. 2014-023 Guidance on the Manual Notification of Toys and Childcare Articles:
<https://www.fda.gov.ph/wp-content/uploads/2021/03/FDA-Circular-No.-2014-023.pdf>
- DOH – FDA: Advisory No. 2020-1585 Public Health Warning Against the Purchase and Use of Spray Paints Containing Significant Levels of Toxic Heavy Metal, Lead (Pb):
<https://www.fda.gov.ph/wp-content/uploads/2020/09/FDA-Advisory-No.2020-1585.pdf>
- Department of Education (DepEd): Department Order 2017-04 Mandatory Use of Lead-Safe Paints in Schools:
<https://www.deped.gov.ph/2017/01/18/do-4-s-2017-mandatory-use-of-lead-safe-paints-in-schools/>
- Department of the Interior and Local Government (DILG): Memorandum Circular No. 2018-26 Mandatory Use of Lead-Safe Paints by LGUs:
<https://www.dilg.gov.ph/issuances/mc/Mandatory-use-of-Lead-Safe-Paints-by-LGUs/2658>
- Department of Social Work and Development (DSWD): 2017 Memorandum on Mandatory Use of Lead-Safe Paints in Residential and Non-Residential Facilities:
<http://ecowastecoalition.blogspot.com/2017/06/watch-group-lauds-dswds-directive-on.html>
- DTI Joint Administrative Order 22-01 Guidelines for Online Businesses Reiterating the Laws and Regulations Applicable to Online Business and Consumers:
https://www.dti.gov.ph/sdm_downloads/joint-administrative-order-22-01-series-of-2022/
- Quezon City: Ordinance No. 2739-2018 An Ordinance Requiring the Use of Lead-Safe Paints in the Construction, Maintenance and Renovation of Projects and Activities in the City:
<http://quezoncitycouncil.ph/ordinance/SP/sp-2739,%20s-2018-1.pdf>
- Davao City: Ordinance No. 0461-2018 An Ordinance Requiring the Use of Lead-Safe Paints in Construction, Maintenance and Renovation Projects and Other Activities in the City of Davao:
<https://idisphil.org/wp-content/uploads/2019/02/Lead-Safe-Paint-Ordinance-No.-0461-18.pdf>
- Lead Safe Paint® Certification Program:
<https://www.lead safepaint.org/>

We encourage you to think about the poll questions before the discussion so you can contribute your responses:

Poll questions:

Poll 1: Which actions have been most useful to verify whether paint manufacturers and importers are in compliance with a lead paint law? (Select all that apply)

- Requiring compliance documentation, such as declaration of conformity or self-monitoring report
- Audit/review of compliance documentation
- Testing at facilities
- Strict implementation of border controls on imported paints and ingredients
- Independent third-party certification of industry testing
- Other
- Do not have a lead paint law

Poll 2: What are some of the biggest barriers in verifying whether paint manufacturers and importers are in compliance with your country's lead paint laws? (Select all that apply)

- Informal sector difficult to reach
- 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)
- Lack of testing capacity
- Lack of human and financial resources
- Other
- Do not have a law

Poll 3: What are some of the barriers to industry compliance with lead paint laws? (Select all that apply)

- High costs of lead-free alternatives
- Low availability of lead-free alternatives
- Lack of consumer demand for paint without added lead
- Other
- Do not have a law

QUESTION 3 (14h30 GMT+2) – Isabel Artagaveytia

Background.

Uruguay currently limits lead in paints to 600 ppm via Decree N° 69/11 (decree). The decree prohibits both the manufacture of paints and the import of paint products that contain levels of lead greater than 600 ppm. It regulates architectural paints (also called decorative or household use paints), varnishes and other similar surface coatings, children's paints such as tempera and water colors, as well as other various paint products. Industrial, agricultural, or commercial metallic structures, road markings, and automotive vehicle paint are some categories of paints that are excluded. Multiple organizations are involved in the implementation of this regulation including the Ministry of the Environment, Customs, La Ventanilla Única de Comercio Exterior (VUCE), and laboratories.

Since most of the paints are imported into Uruguay, the customs' system is an important way to document compliance. Domestic producers and importers must undergo registration and attestation in order to document compliance with the lead limit in the Uruguay lead paint law. The process is conducted via the VUCE system, where producers and importers must initially submit a list of their products along with a sample plan to test the products. The sampling plan includes a list of products they are going to test and must be approved by the Ministry of Environment. After a month, they must provide laboratory reports showing the lead concentrations in their paint products.

If products meet the limit, the producer or importer obtains a license which is valid for three years, although they must actualize the attestation if there are changes in the products. If the paints do not comply, the producer or importer must submit a "stock management plan," which consists of reporting the quantities currently in-stock and the action they are going to take to remove the product from the market (re-export or destruction). The recovery and the destruction of their products is done

at the expense of the manufacturer or importer. Once completed, the producer or importer must submit a receipt of work completed to document the management done.

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?

Resources/ Information for Discussion:

- Decree No. 069/2011 Lead Content in Paints – 2011 regulation:
<https://www.impo.com.uy/bases/decretos/69-201>
- Decree No. 069/2011- 2014 update to require VUCE:
<https://www.gub.uy/ministerio-ambiente/politicas-y-gestion/decreto-0692011-contenido-plomo-pinturas>
- VUCE:
<https://vuce.gub.uy/>

We encourage you to think about the poll questions before the discussion so you can contribute your responses:

Poll questions:

Poll 1: What is most helpful to paint producers and importers to facilitate documenting compliance? (Select one)

- Access to labs/testing
- Knowing the requirements of the law
- Easily accessible forms/processes to provide/submit information (i.e., via online/digital platforms)
- Other
- Do not have a lead paint law

Poll 2: What are the biggest challenges for importers and manufacturers to documenting compliance with lead paint laws? (Select all that apply)

- Costs of testing
- Lack of access to testing
- Importers do not ensure paint manufacturers are complying with requirements
- Delay in government review of documentation
- Overlapping government requirements
- Fees
- Other
- Do not have a lead paint law