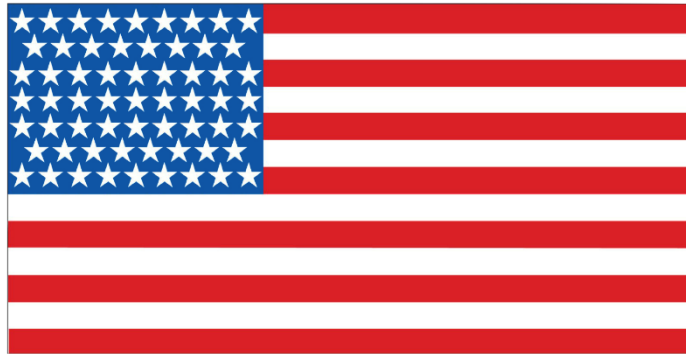
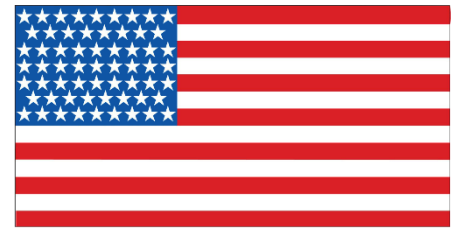


Legal Limits on Lead in Paint: Module H.ii. United States

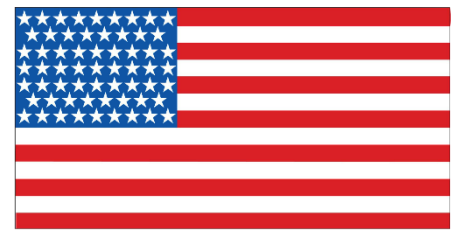




Module H.ii. United States

Legal Framework: Restrictions on lead in new consumer paints or consumer products bearing lead-containing paint

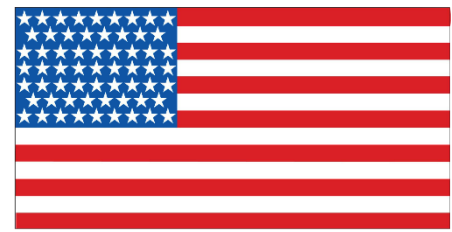
- 1972: Law banned sale of any paint or similar coating with lead content greater than 0.5% (5000 ppm) total weight of dried paint film.
- 1977 (effective 1978): Consumer Product Safety Commission (CPSC) regulation reduced total lead limit in consumer paint to 600 ppm.
- 2008 (effective 2009): Law further reduced total lead limit in consumer paint to 90 ppm.



Module H.ii. United States

Scope of Ban on Lead in New Paint:

- Applies to:
 - Decorative paint for consumer use (such as on houses)
 - Decorative paint for public buildings where consumers have access to painted surfaces (such as on schools)
 - Toys & other children's articles that bear "lead-containing paint"
 - Certain furniture articles for consumer use that bear "lead-containing paint"
- Excludes paint on motor vehicles and boats, and for industrial and agricultural uses
- Restricts "lead content" calculated (as lead metal) by the weight of the total nonvolatile content of the paint or the weight of the dried paint film



Module H.ii. United States

Implementation of CPSC Regulations

Initial phase-out of existing paint stocks allowed, by selling paint:

- In 1977, manufacturers allowed to phase out paint stock with lead > 600 ppm
- In 2008, phase out was not authorized for paint stock with lead > 90 ppm



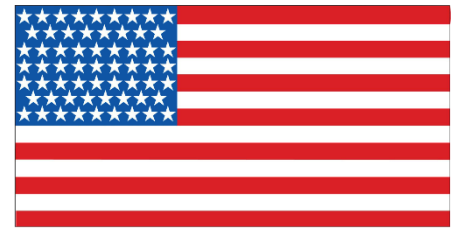
Module H.ii. United States

How Compliance Works:

- Decorative paint: Manufacturers must self-certify that lead content is < 90 ppm, based on lab tests.
 - Must test periodically based on a reasonable testing program.
 - Must re-certify and re-test if any change to ingredients.
- Children's products: Manufacturers must use CPSC-accepted 3rd-party lab to certify lead in paint is < 90 ppm

CPSC Inspection and Enforcement:

- Manufacturers are subject to inspection by the government at any time.
- If fail to meet the requirements, the company is subject to a significant fine or even seizure of the products.



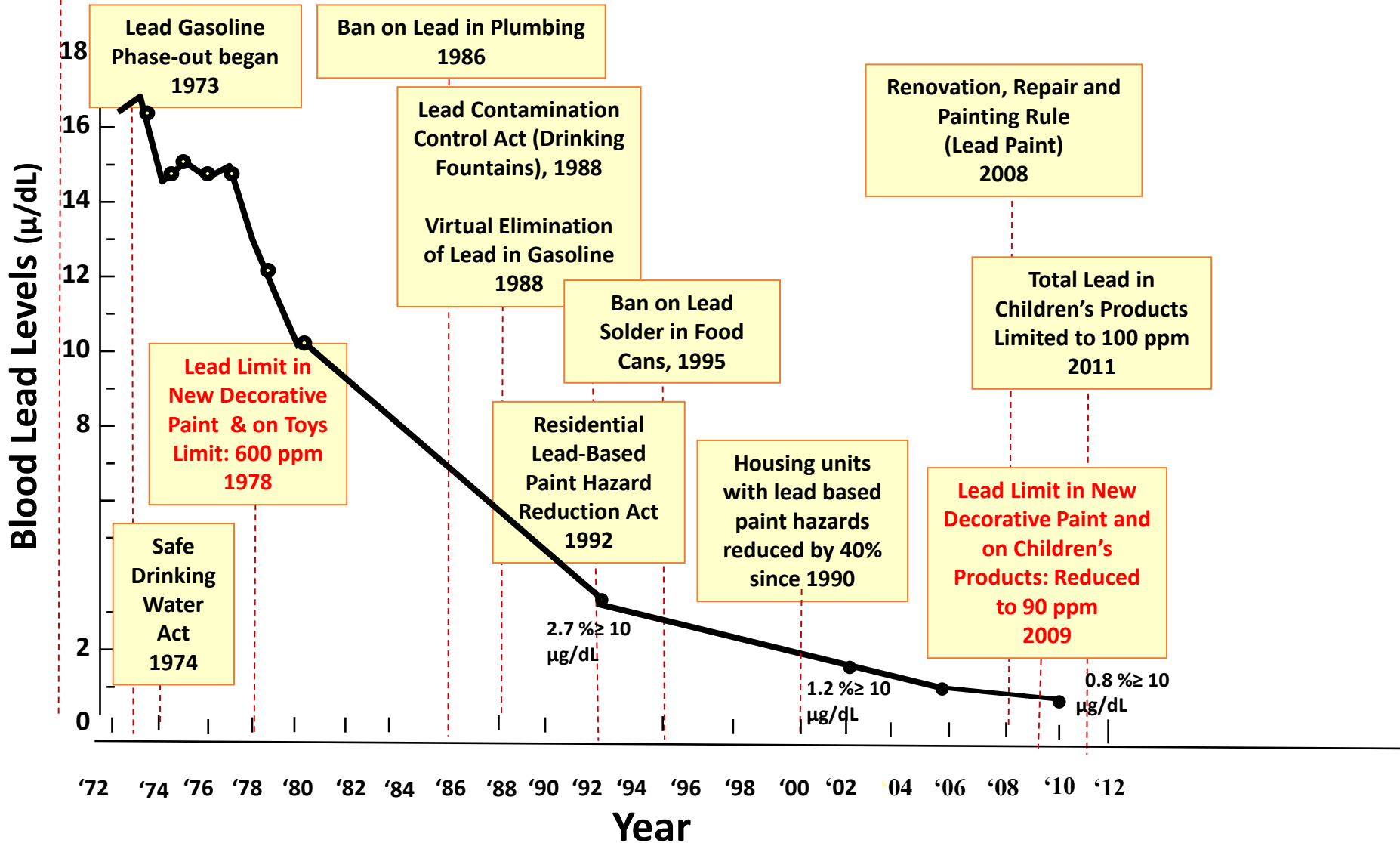
Module H.ii. United States

Key federal agencies managing lead-based paint issues:

1. Consumer Product Safety Commission (CPSC)
 - Enforces ban on new lead paint for consumers
2. Centers for Disease Control & Prevention (CDC)
 - Defines blood lead levels of concern (action levels) for children & adults
 - Collects statistics on children's blood lead levels
3. Environmental Protection Agency (EPA)
 - Regulates activities related to “legacy” lead paint
 - Provides public education on legacy lead paint

Impact of Lead Poisoning Prevention Policies on Reducing Children's Blood Lead Levels (USA)

Lead-based Paint Poisoning Prevention Act 1971





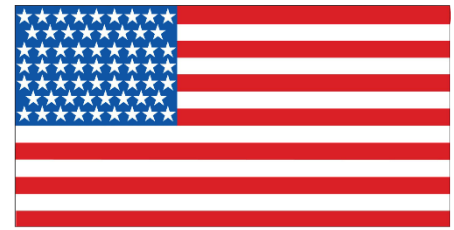
Module H.ii. United States

Key Elements of U.S. Laws and Regulations that ban lead in paint:

1. Low concentration limit for lead in paint (90 ppm total lead)
2. Effective compliance and enforcement
3. Close coordination among health, environmental and consumer protection agencies

Recommendation

- US ban is limited to lead-containing paints for decorative use on structures (home, schools, etc.) and on children's products
- For countries setting new limits on lead in paint, US recommends banning lead in all types of paint



Module H.ii. United States

Thank you

Technical Contact for further information:

Angela Bandemehr
Co-Chair of the Lead Paint Alliance
US EPA, Office of Global Affairs and Policy
+1 202 564 1427
Bandemehr.angela@epa.gov

Summarised Existing Case Studies in the Toolkit

Central and Eastern Europe and Central Asia Regional Workshop
on the Establishment of Legal Limits on Lead in Paint
19-20 May 2016, Chişinău, Republic of Moldova

Juan Fernando Caicedo R.

Programme Officer, UNEP DTIE Chemicals and Waste Branch

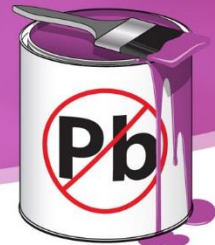


Oficiul Prevenirea Poluării Mediului
Ministerul Mediului al Republicii Moldova



Module H

Case Studies on Existing Lead Paint Laws



Overview



- The case studies presented in the Regulatory Toolkit demonstrate various perspectives from countries that have worked to prevent exposure to lead from paint



European
Union



United States
of America



Uruguay



Philippines

As you read these case studies, consider the following questions:

1. What are the countries' approaches to legal limits on lead in paint?
2. What prompted the adoption of legal limits on lead in paint?
3. How were the legal limits and regulations developed? Who were the key players?
4. Was a lead paint phase-out period allowed?
5. What are the methods for compliance and enforcement?

Module H.i. European Union





Legal Framework

- **Regulation (EC) No 1907/2006 – REACH** (Registration, Evaluation, Authorisation and Restriction of Chemicals)
- **Regulation (EC) No 1272/2008** on "Classification, Labelling & Packaging of Substances & Mixtures"
- **Directive 2009/48/EC** on "Safety of Toys"

Regulation (EC) No 1907/2006 (REACH)	
Name	Registration, Evaluation, Authorisation and Restriction of Chemicals
Entry into force	2007
Scope	Manufacture, placing on the market or use of substances on their own, in mixtures or in articles
Provisions on the use of some lead compounds in paints	(a) restrictions on the placing on the market or use (b) the authorisation procedure for the use
Other EU legal instruments relevant to lead in paint	
Regulation (EC) No 1272/2008	Classification, Labelling and Packaging of substances and mixtures
Directive 2009/48/EC	Safety of toys



REACH Regulation



Scope and Provisions

- Entry into force 2007
- Applies to lead mixtures and compounds added to paints
- Applies to all uses: industrial, commercial, and consumer
- Companies that manufacture and sell lead mixtures and compounds in the EU must identify and manage associated risks to human health and environment
- If risks cannot be managed, EU authorities can restrict use of lead mixtures and compounds



REACH Regulation (Cont'd)

How Compliance Works

- The law establishes procedures for collecting and assessing information
- Enforcement of the REACH law works through the European Chemicals Agency (ECHA)
- Companies register the substances, and ECHA evaluates the individual registrations for compliance with REACH
- Companies work together on registration of same substance
- National authorities and ECHA's scientific committees assess whether the risks of the substances can be managed
- Obligations for manufacturers, importers, and downstream users of chemicals and also for companies outside of the EU

Module H.ii. United States of America





Legal Framework

- Restrictions on lead in new consumer paints or consumer products bearing lead-containing paint
- The first restriction on lead in paint took effect in 1972 when **Federal Hazardous Substances Act (FHSA) Section 2(q)(1)(B)** was established to ban the sale of paint or similar coatings with a lead content greater than 5000 parts per million, which is 0.5% of the total weight of dried paint film
- In 1978, the Consumer Product Safety Commission (CPSC) regulation reduced the lead limit on consumer paint was reduced to 600 ppm (**Consumer Product Safety Act, CPSA**)
- The limit was further reduced to 90 ppm in 2008 (**Consumer Product Safety Improvement Act of 2008, Pub. L. 110-314 (CPSIA) Section 101**)



CPSC Regulations

Scope and Ban on Lead in New Paint

- Defines “paint and other similar surface-coating materials” as fluid, semi-fluid, or other materials, which change to a solid film.
- Restricts “lead content” calculated (as lead metal) by the weight of the total nonvolatile content of the paint or the weight of the dried paint film
- Applies to:
 - Decorative paint for consumer use (such as houses)
 - Decorative paint for public building where consumers have access to painted surfaces (such as schools)
 - Toys and other children's articles that bear “lead-containing paint”
 - Certain furniture articles for consumer use that bear “lead-containing paint”
- Excludes paint on motor vehicles and boats, and for industrial and agricultural uses



CPSC Regulations (Cont'd)

Implementation

- Initial phase-out of existing paint stocks allowed, by selling paint:
 - In 1977, manufacturers were allowed to phase out paint stocks with lead > 600 ppm
 - In 2008, phase out was not authorized for paint stock with lead > 90 ppm

How Compliance Works

- Decorative paint: Manufacturers must self-certify that lead content is < 90 ppm, based on lab tests
 - Must test periodically based on a reasonable testing program
 - Must re-certify and re-test if any change to ingredients
- Children's products: Manufacturers must use CPSC-accepted 3rd-party lab to certify lead in paint is < 90 ppm



CPSC Regulations (Cont'd)

Inspection and Enforcement

- Manufacturers are subject to inspection by the government at any time
- If a company fails to meet the requirements, the company is subject to a significant fine or even seizure of the products
- The government also conducts border checks of incoming products, with similar penalties for failure to meet requirements



Key Federal Agencies

- Consumer Product Safety Commission (CPSC)
 - Enforces ban on new lead paint for consumers
- Centers for Disease Control and Prevention (CDC)
 - Defines blood lead levels of concern (action levels) for children and adults
 - Collects statistics on children’s blood lead levels
- Environmental Protection Agency (EPA)
 - Regulates activities related to “legacy” lead paint
 - Provides public education on legacy lead paint

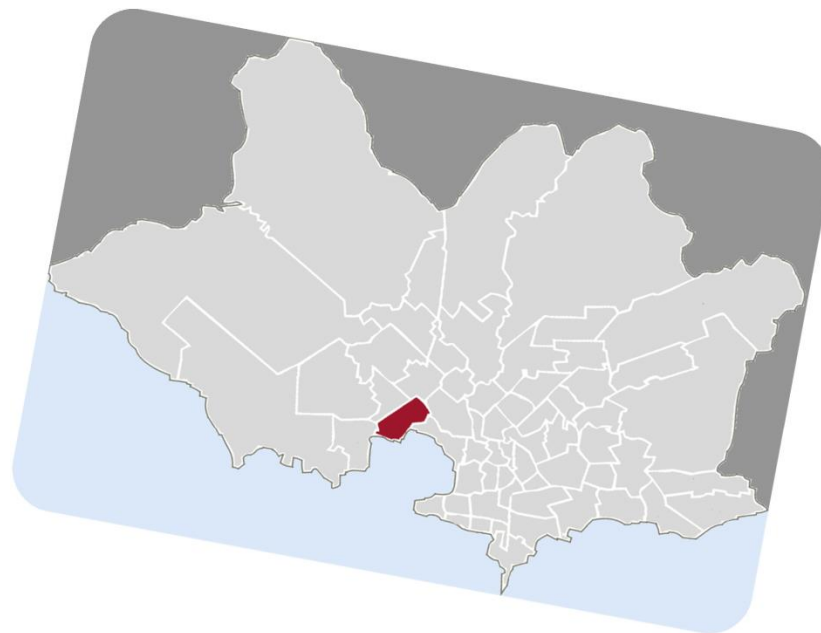
Module H.iii. Uruguay





Background

- Uruguay established legal limits on paint after a national crisis
- In 2001, the ministry of Health discovered 4007 cases of lead poisoning in children in one neighborhood of Montevideo
- In response, citizens demanded public disclosure of information on lead pollution and action to address lead-contaminated sites
- Prior to this time, environmental lead contamination had never been considered a public health problem





Legal Framework

- In 2004, Uruguay established **Law Nº 17.775** to prevent and control occupational exposure to lead contamination, including controls on lead in paint
- In 2011, the limit on lead content in paint was set at 600 ppm, determined on dry basis or by total non-volatile content (**Decree 069/2011**)
- Labelling requirements of lead-containing products was further stated by the Resolution of the Environmental **Directorate 190/2011**





Law Nº 17.775 (2004)

- Lead-bearing paints cannot contain more than the maximum lead level allowed by a future ruling
- Containers with leaded products must carry a label in Spanish, which must indicate the lead content and provide precautionary directions for use
- Lead is banned from toys and other products used by children and adolescents
- All lead-containing products must be clearly labeled, including the percentage of lead content
- National register must be kept for all lead processing industries and commercial lead-containing products, and must include information on their origin, storage, transit, and destination of such products

Decree 069/2011



- Paints can contain a maximum lead level of 600 ppm, determined on a dry basis or by total non-volatile content
- Applies to:
 - Architectural paints (also called decorative)
 - Paints for children's use
 - Graphic inks and masterbatches
- The 600 ppm level was reached through agreement with the private sector, NGOs and governmental authorities, focusing on international standards and considering the capability of manufacturers in Uruguay



Decree 069/2011 (Cont'd)

Return Strategy for Stocks of Banned Paint

- Businesses:
 - Must send back to manufacturers or importers any stocks of paint with lead content > 600 ppm
- Manufacturers and Importers:
 - Must, at own expense, receive and redeem paint stocks, and dispose of them according to a management plan approved by the National Environment Directorate.
 - Stocks of banned paints must be disposed of within 2 years of ban (i.e., 2013)



Decree 069/2011 (Cont'd)

Compliance Encouraged and Supported

- Advisory Commission for Ministry of Housing, Land Planning and Environment
 - Representatives: Ministry of Housing, Land Planning and Environment; Ministry of Industry, Energy and Mining; and other public and private entities
 - Purposes: (1) Implement regulations for lead in paint; (2) Develop a plan to reduce and replace lead additives in paints and varnishes
- Manufacturers and importers encouraged to promote actions to decrease lead content below maximum limit of 600 ppm
- Enforcement Authorities:
 - Ministry of Housing, Land Planning and Environment, through the National Directorate of Environment
 - National Customs Directorate

Factors Contributed to Effectiveness of Lead paint Legislation and Regulations



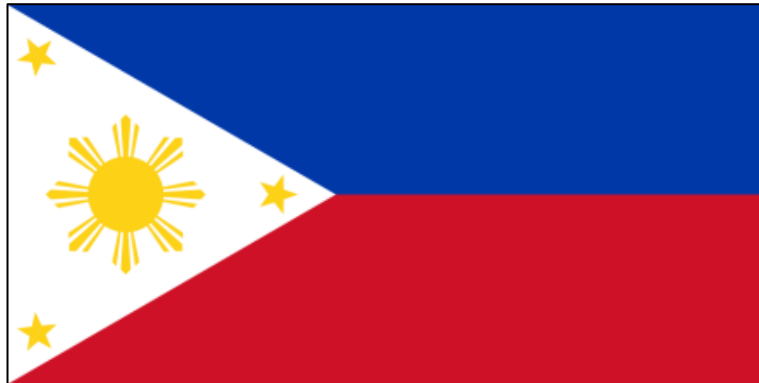
- General awareness
- Active civil society and non-governmental organizations (NGOs)
- Governmental actions on capacity building and coordination
- Measures taken to raise general awareness about problem of lead contamination
- Active collaboration of the private sector (paint producers association)

Evidence of Success



- In 2012, a national paint test conducted by IPEN and UNEP demonstrated the success of the new decree
- All tested paints had low total lead concentrations, with maximum found of 63 ppm

Module H.iv. Philippines



Legal Framework



- In 1992, **Department of Environment and Natural Resources (DENR) Administrative Order (DAO) 1992-29** (Implementing Rules and Regulations of Republic Act 6969 (Toxic Substances and Hazardous and Nuclear Waste Control Act)) regulated, limited, and prohibited the use, manufacture, import, transport, storage, possession and sale of chemicals
- In 1998, **DAO 1998-58** (Priority Chemical List) listed 28 toxic chemical substances, including lead compounds
- In 2013, Chemical Control Order (CCO) for Lead and Lead Compounds (**DAO 2013-24**) was established to regulate, limit and prohibit the selected uses of lead and lead compounds

DAO 2013-24



Chemical Control Order for Lead and Lead Compounds

- Established 90 ppm as the threshold limit for lead in paint used as pigment, drying agent or for other intentional use
- The law also bans the use of lead in packaging for food and drink, fuel additives, water pipes, toys, school supplies, and cosmetics
- Applies to: manufacturers, distributors, importers, industrial users, recyclers, and waste service providers
- Paints for architectural, decorative, and household applications: 3-year phase out period, ending in 2016
- Paints for industrial applications: 6-year phase out period, ending in 2019

Process of Establishing Regulations



- Department of Environment and Natural Resources (DENR) consulted with key stakeholders including civil society (NGOs) and industry
- Issues discussed and debated:
 - Is 90 ppm total lead limit practically achievable?
 - Should phase-out period be required within 2 years vs. 6 years?
 - Are alternatives available of comparative quality to lead additives?
 - What is the cost to industry of shifting from lead to organic pigments?
 - How to best ensure and enforce lead limits for imported paints?

Significant Developments To Date



Industry

- Paint industry is committed to comply with the lead paint phase-out policy with individual companies making formal pledges to comply
- Top paint manufacturers (Boysen and Davies) are participating in the world's first, third party, Lead Safe Paint Certification Program –a program that will independently verify and certify the lead content in paints

Government and NGO

- EcoWaste Coalition and the Department of Environment and Natural Resources (DENR) continue to monitor lead in paint
- Awareness-raising throughout the year and during the Lead Poisoning Prevention Week of Action
- DENR-EMB (Environmental Management Bureau) will continue to promote compliance and awareness

Summary



Common Elements of Case Studies

- An easily measurable lead content limit
- Engagement of relevant ministries and stakeholders
- Raised awareness about the dangers of lead
- An enforceable standard
- Compliance assurance

Summary (Cont'd)



LPA Toolkit Case Studies	Types of New Paints (or Uses) with Lead Limits	Restricted Activities for Lead-containing New Paints	Government Entities To Ensure Compliance
European Union Countries	All paints: decorative, industrial, commercial	Manufacture, import, sale & use of lead in paints	European Chemicals Agency (ECHA)
United States	Decorative paints	Manufacture, import, export, sale & use	<ul style="list-style-type: none"> • Consumer Product Safety Commission • Customs & Border Protection
Uruguay	Decorative paints & graphic inks	Manufacture, import & sale	<ul style="list-style-type: none"> • National Environment Directorate (DINAMA) • Ministry of Housing, Land Planning & Environment • National Customs Directorate
Philippines	All paints: decorative, industrial, commercial	Manufacture, import, distribution, sale, use & waste disposal	Dept. of Environment & Natural Resources

Summary (Cont'd)



LPA Toolkit Case Studies	Legal Restrictions on Lead in New Paints	Effective (Enforceable) Dates	Setting & Enforcing Restrictions
European Union Countries	Specific restrictions on specific lead mixtures & compounds (lead carbonates, lead sulphates, lead chromate, etc.) for use in all paints	EU REACH regulations of chemicals (including lead-containing): 2007	Complicated
United States	90 ppm limit on lead by weight of total non-volatile content of paint or of dried paint film	Decorative paints: •600 ppm in 1978, then •90 ppm in 2009	Fairly simple
Uruguay	600 ppm limit on lead by weight of total non-volatile content...etc.	Decorative paints & graphic inks: 2011	Fairly simple
Philippines	90 ppm limit on lead by weight of total mon-volatile content...etc.	•Decorative paints: 2016 •Industrial/commercial paints: 2019	Fairly simple



THANK YOU