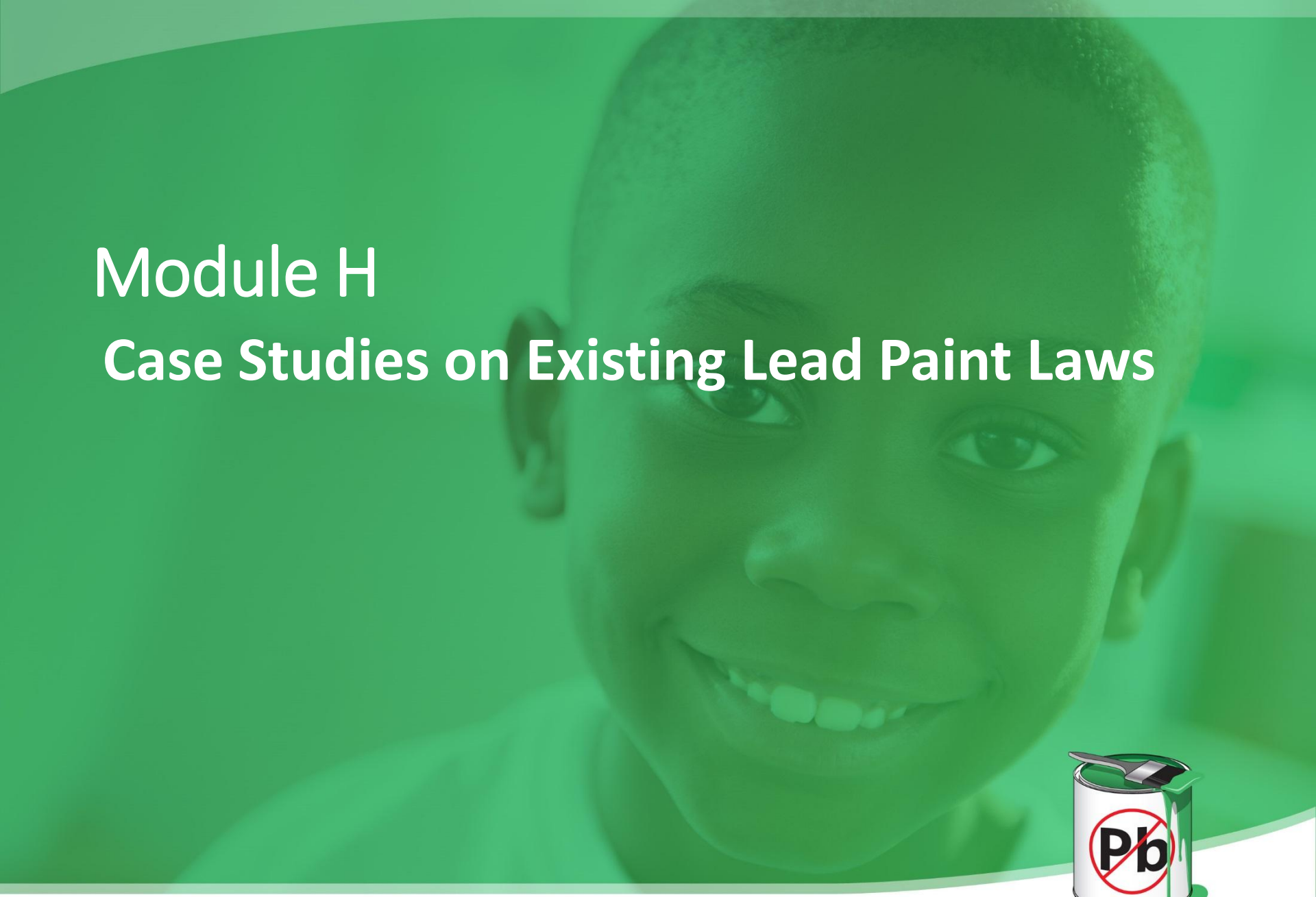
Module H

Case Studies on Existing Lead Paint Laws



LEAD PAINT ALLIANCE

Case Studies on Existing Lead Paint Laws

H.i. European Union

H.ii. United States of America

H.iii. Uruguay

H.iv. Philippines

LEAD PAINT ALLIANCE

Module H.iii. Uruguay

Why does Uruguay have legal limits on lead in paint?

- 2001 national crisis: Ministry of Health discovered 4007 cases of lead poisoning in children in one neighborhood of Montevideo
- Prior to 2000-2001: Environmental lead contamination had never been considered a public health problem
- Health, environment, labor, education authorities worked with industry, NGOs, and university representatives to investigate and develop a new law
- 2012 paint test results for Uruguay: All tested paints had low total lead concentrations, with maximum found of 63 ppm

Case Studies on Existing Lead Paint Laws

- Is a new legal framework, law, or regulation needed in your country to adequately protect the public from the risks of lead in paint?

- Is one of the approaches taken by other countries to address risks from lead in paint an an appropriate approach for your country?

LEAD PAINT ALLIANCE

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

LEAD PAINT ALLIANCE

Setting Legal Limits on Lead in Paint

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?

LEAD PAINT ALLIANCE

LPA Toolkit Case Study	Legal Restrictions on Lead in New Paints	Effective (Enforceable) Dates	Compliance Mechanisms	Government Entities To Ensure Compliance
EU	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	Manufacturers register a chemical; ECHA reviews	European Chemicals Agency (ECHA)
US	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	Manufacturers: • Self-certify for decorative paints • 3rd party lab certification for children's products	• Consumer Product Safety Commission • Customs & Border Protection agency
Uruguay	600 ppm limit on lead by weight of total non-volatile content of paint or of dried paint film .	Decorative paints & graphic inks: 2011	Manufacturers and sellers register and certify lead content	• National Environment Directorate (DINAMA) • National Customs Directorate
Philippines	90 ppm limit on lead by weight of total non-volatile content of paint or of dried paint film	• Decorative paints: 2016 • Industrial/commercial paints: 2019	Manufacturers: Third party lab certification	Dept. of Environment & Natural Resources

LPA Toolkit Case Study	Types of New Paints (or Uses) with Lead Limits	Restricted Activities for Lead-containing New Paints	Driver for Change	Stakeholder Involvement in regulatory development
EU	For each specific lead additives, all uses for paint: decorative, industrial, commercial	Manufacture, import, sale & use of lead in paints	High blood lead levels in children	Input to Government from Industry & NGOs
US	Decorative paints	Manufacture, import, sale & use	High blood lead levels in children	Input to Government from Industry & NGOs
Uruguay	Decorative paints & graphic inks	Manufacture, import & sale	High blood lead levels in children & adults in one community	Government actively consulted with Industry & NGOs
Philippines	All paints: decorative, industrial, commercial	Manufacture, import, distribution, sale, use & waste disposal	High levels of lead in paint for sale	Government actively consulted with Industry & NGOs

Legal Limits on Lead in Paint:
Module H.i. European Union

Module H.i. European Union

Legal instruments relevant to lead in paint:

1. Registration, Evaluation, Authorisation & Restriction of Chemicals (REACH), 2006 (entry into force 2007)
   - Scope: Manufacture, sale or use of substances on their own, in mixtures or in articles
   - Provisions on use of specific lead compounds or mixtures:
     - Restrictions on sale or use
     - Authorisation procedure for use
2. Classification, Labelling & Packaging of Substances & Mixtures, 2008
3. Safety of Toys, 2009

Module H.i. European Union

REACH Regulation:

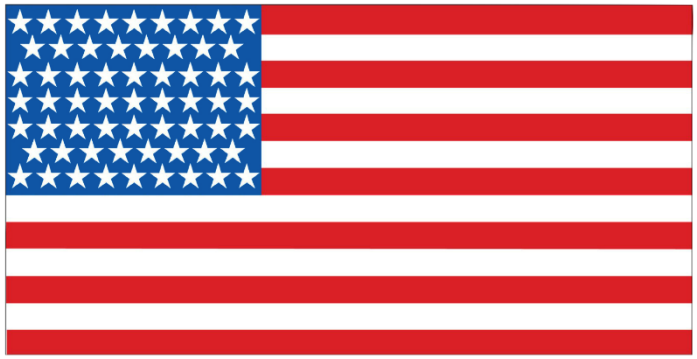
- Applies to lead mixtures & compounds added to paints
- Applies to all uses: industrial, commercial, consumer
- Companies that manufacture and sell lead mixtures & compounds in EU must identify & manage associated risks to human health & environment
- If risks cannot be managed, EU authorities can restrict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

Module H.i. European Union

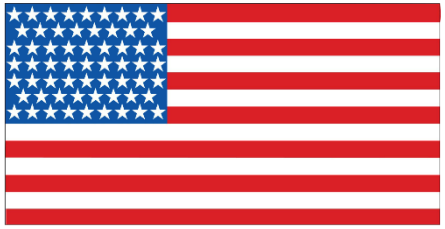
How Compliance Works

- Procedures for collecting and assessing information
- Companies work together on registration of same substance
- The European Chemicals Agency – ECHA – evaluates the individual registrations for compliance with REACH
- 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

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



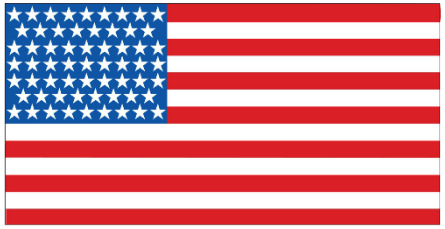
Module H.ii. United States



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 lead limit in consumer paint to 600 ppm.
- 2008 (effective 2009): Law further reduced lead limit in consumer paint to 90 ppm.

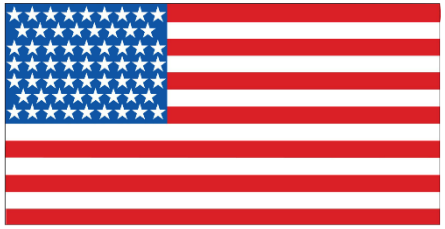
Module H.ii. United States



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

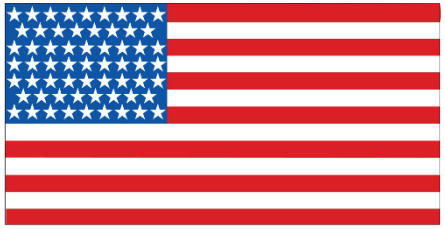


Implementation of CPSC Regulations

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

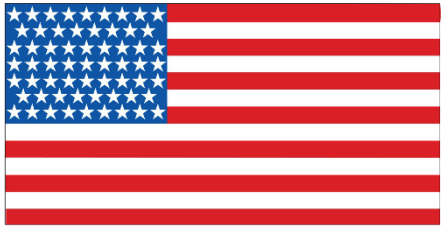


- How Compliance Works:
  - Decorative paint: Manufacturers must self-certify that lead content is < 90 ppm, based on lab tests.
    - Must test periodically based on a reasonable testing program.
    - Must re-certify and re-test if any change to ingredients.
  - Children's products: Manufacturers must 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

Legal Limits on Lead in Paint:

Module H.iii. Uruguay

Module H.iii. Uruguay

Why does Uruguay have legal limits on lead in paint?

- 2001 national crisis: Ministry of Health discovered 4007 cases of lead poisoning in children in one neighborhood of Montevideo.
- Prior to 2000-2001: Environmental lead contamination had never been considered a public health problem.

Evidence of success of lead limit of 600 ppm:

2012 paint test results for Uruguay: All tested paints had low total lead concentrations, with maximum found of 63 ppm

Module H.iii. Uruguay

Legal Framework: Steps toward regulation of lead in paint:

- 2001 – Ministry of Health identifies problem based on blood lead level testing
- 2004 – Law to prevent & control occupational exposure to lead contamination (includes controls on lead in paint)
- 2011 – Decree to limit lead content in paint to 600 ppm
- 2011 – Resolution of Environmental Directorate on labeling.

Module H.iii. Uruguay

2004 Law: Regulations and controls apply to lead in paint.

- 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.

Module H.iii. Uruguay

2011 Decree: 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 & 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)

Module H.iii. Uruguay

2011 Decree: Established lead limit of 600 ppm in paints, determined on dry basis or by total non-volatile content

- Applies to:
  1. Architectural paints (also called decorative)
  2. Paints for children's use
  3. Graphic inks and masterbatches
- 600 ppm level: Reached through agreement with the private sector, NGOs and governmental authorities, focusing on international standards and considering the capability of manufacturers in Uruguay

Module H.iii. Uruguay

2011 Decree: Compliance Encouraged and Supported

- Advisory Commission for Ministry of Housing, Land Planning & 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 & importers encouraged to promote actions to decrease lead content below maximum limit of 600 ppm.
- Enforcement Authorities:
  - Ministry of Housing, Land Planning & Environment, through the National Directorate of Environment.
  - National Customs Directorate

Module H.iii. Uruguay

Evidence of success of lead limit of 600 ppm:

- 2012 paint test Uruguay:
  - **All tested paints had low total lead concentrations, with maximum found of 63 ppm**

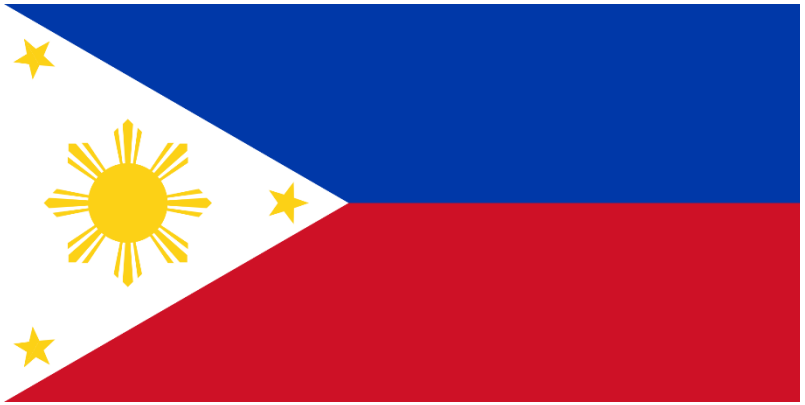
Module H.iii. Uruguay

Factors contributing to effectiveness of lead paint legislation & regulations:

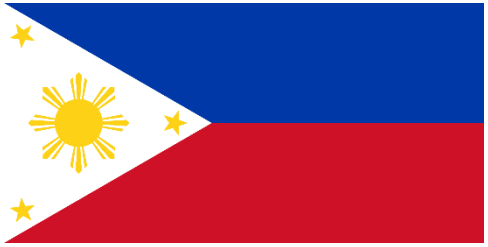
1. General awareness
2. Active civil society/NGOs
3. Governmental actions on capacity building and coordination
4. Measures taken to raise general awareness about problem of lead contamination:
5. Active collaboration of the private sector (paint producers association)

Legal Limits on Lead in Paint:

Module H.iv. Philippines



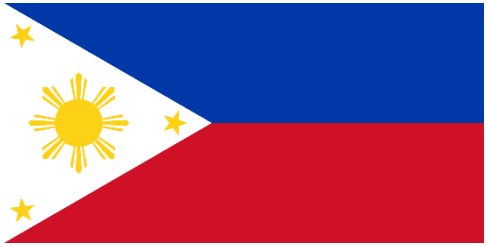
Module H.iv. Philippines



Legal Framework for regulating lead in paint: Actions by Dept. of Environment & Natural Resources (DENR)

- 1992 – Administrative Order to regulate, limit and prohibit the use, manufacture, import, transport, storage, possession & sale of **chemicals**
- 1998 – Administrative Order lists 28 toxic chemical substances, including **lead compounds**, in the Priority Chemical List (PCL)
- **2013 – Chemical Control Order for Lead and Lead Compounds, to regulate, limit and prohibit the selected uses of lead and lead compounds**

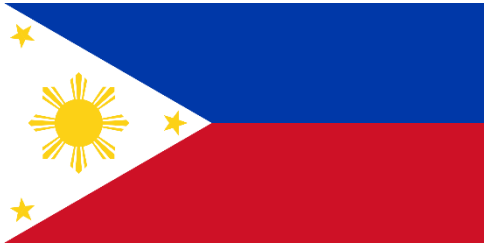
Module H.iv. Philippines



2013 Chemical Control Order for Lead and Lead Compounds:

- Limit applies to: manufacturers, distributors, importers, industrial users, recyclers, waste service providers.
- Prohibited uses of lead and lead compounds in paints: limit of 90 ppm
  - Paints for architectural, decorative, household applications: 3-year phase out period, ending in 2016.
  - Paints for industrial applications: 6-year phase out period, ending in 2019

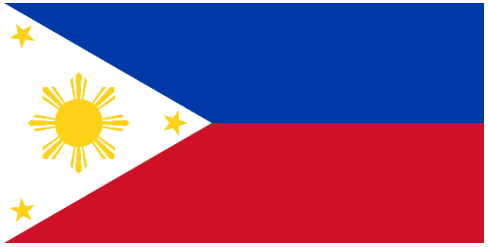
Module H.iv. Philippines



Process of establishing regulations and limits on lead in paint

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

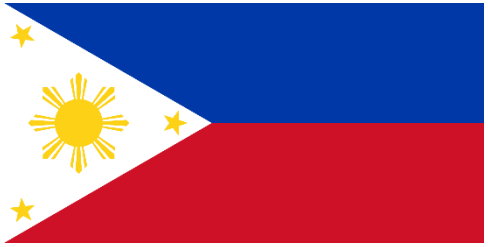
Module H.iv. Philippines



6-year phase-out period for industrial paint applications requires precautionary labeling on these products:

- Automobiles paints
- Industrial and commercial building and equipment maintenance coatings
- Refinish coatings for industrial equipment
- Catalyzed coatings for use on radio-controlled model powered airplanes
- Touch up coatings for appliances and lawn and garden equipment

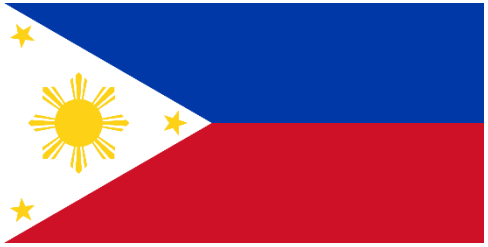
Module H.iv. Philippines



Key stakeholders prompted the adoption of new policy

- **Government**
  - Department of Environment and Natural Resources – Environmental Management Bureau
- **Industry**
  - Philippine Association of Paint Manufacturers
- **Civil Society**
  - Eco-Waste Coalition and IPEN

Module H.iv. Philippines



Significant developments to date

- Industry
  - Is committed to phase out with several companies making formal pledges to comply
  - Top paint manufacturers are participating in the world's first, third party, Lead Safe Paint Certification Program
- NGO and Govt.
  - EcoWaste Coalition and DENR continue to monitor lead in paint
  - Awareness-raising throughout the year and during the Lead Poisoning and Prevention Week of Action
  - DENR-EMB will continue to promote compliance and awareness

Case Studies on Existing Lead Paint Laws

Factors contributing to effectiveness of lead paint legislation & regulations:

1. Health imperative drives the decision to act
2. Civil society is active and engaged
3. Public is aware of the issues and engaged in the process
4. Government coordination and establishment of regulations
5. Industry cooperation throughout the process

LEAD PAINT ALLIANCE

Thank you

World Health Organization

LEAD PAINT ALLIANCE

UNEP