



**CLDP**  
COMMERCIAL LAW DEVELOPMENT PROGRAM

## ***SUB-REGIONAL WORKSHOP ON LEAD PAINT ELIMINATION FOR CENTRAL ASIA AND EASTERN EUROPE***

### ***WORKSHOP REPORT***

September 11-12, 2019  
Tbilisi, Georgia



**Sponsored by**

***U.S. Department of Commerce  
Commercial Law Development Program (CLDP)  
through funding from the U.S. Department of State***

**In Coordination with**

***The U.S. Environmental Protection Agency (EPA)  
The United Nations Environment Program (UNEP)  
The World Health Organization (WHO)  
The American Bar Association Rule of Law  
Initiative (ABA-ROLI)***

***The International Pollution Elimination Network  
(IPEN)  
World Coatings Council (Formerly IPPIC)***

## I. Background

The Department of Commerce (DOC) Commercial Law Development Program Central Asia Region (CLDP-CAR) Standards Working Group identified lead paint as a priority issue for work in 2019. The Working Group first explored the issue in 2017 in regulatory best practices workshops in 2017 and 2018, in which the US Environmental Protection Agency (US EPA) participated as expert-advisors. This was an opportunity for regulatory officials to discuss national and regionalized/harmonized standards and technical requirements. CLDP-CAR worked with US EPA which spearheads a global effort to eliminate lead in paint called the Global Alliance to Eliminate Lead Paint (Lead Paint Alliance). The Lead Paint Alliance has the goal that all countries have lead paint laws. To help implement this goal, the United Nations Environment Program (UNEP) received funding from the Global Environment Facility (GEF) for a project focusing on global best practices on emerging chemicals policy issues of concern under the Strategic Approach to International Chemicals Management. Lead in paint is the first component of the project and the Lead Paint Alliance is working with relevant governmental agencies to assist countries to regulate lead paint and to develop lead paint laws that would put in place legal limits on lead in paint or restrict the use of lead paint additives. The Lead Paint project helps countries with lead paint laws through the provision of advice from key experts on lead paint including from international organizations (UNEP, World Health Organization (WHO)), legal organizations (the American Bar Association Rule of Law Initiative or ABA-ROLI), environmental NGOs (the International Pollution Elimination Network or IPEN), and government technical experts (the US Environmental Protection Agency or US EPA). Through the project, country governments are able to access this technical expertise and policy advice from project executing partner organizations to support awareness-raising, legal drafting and reformulation of paints to enable the elimination of lead paint in their countries.

To kick off the GEF project in the Central and Eastern European region, which includes Central Asian countries, UNEP held a [regional workshop](#) in Almaty, Kazakhstan on March 19-20, 2019. In follow up to the workshop, GEF Lead Paint Project countries are expected to conduct national discussions to develop country approaches to eliminate lead paint. In these discussions, it is essential to ensure that the relevant ministries are included that have the legal and regulatory jurisdiction over lead content in paint.

## II. Purpose

The purpose of the Sub-Regional Workshop on Lead Paint Elimination in Central Asia and Eastern Europe was to assist target countries in this region in developing national approaches and to also possibly consider regional and cooperative approaches as needed in follow up to the GEF Lead Paint Project Regional Workshop in Almaty. Through its work with the Standards Working Group, CLDP-CAR sought to bolster intra-agency collaboration within the governments of participating countries.

## III. Executive Summary

Key experts from the SAICM GEF Lead Paint Project provided background on lead paint.

Participants learned that WHO estimates that lead causes a significant global burden of disease with over 1 million deaths from long-term effects. The health and economic costs of lead exposure are high, while the economic benefits of actions to reduce exposure to lead are significant. Implementing lead paint laws saves having to pay future costs and avoids the future cost of hazard control for legacy paint.

One third of countries currently ban lead paint and global and regional efforts to establish lead paint laws are gaining momentum. The Lead Paint Alliance was created to help countries establish lead paint laws with a goal that all countries establish laws. UNEP gave an overview of the Lead Paint Project, and ABA

ROI discussed “[Model Law and Guidance for Regulating Lead Paint](#)”. This document is aimed to assist countries to enact new laws or modify their existing ones to establish a single regulatory limit on the total lead content in paints. The Model Law advocates an increasingly globally-accepted lead level of 90 parts per million in paint.

In response to questions raised at the Almaty regional workshop regarding enforcement of lead paint laws in the absence of in-country laboratory capacity for testing paints, participants also heard presentations regarding market forces driving lab capacity and available lead paint test methods and laboratory networks. The presentations concluded that lack of in-country laboratory capacity need not be a barrier to the establishment of lead paint laws.

In their presentations, countries in Central Asia and Eastern Europe demonstrated that they have begun to develop national and regional approaches, where appropriate, to eliminating lead paint through the establishment of laws and regulations. Participating NGOs provided perspectives on awareness raising activities among government officials, industry, and the public.

#### IV. Summary of Presentations and Discussions

##### A. Welcome and Opening Remarks

Mr. Michael Cofield of the Department of Commerce Commercial Law Development Program Central Asia Region (DOC/CLDP/CAR) welcomed the participants and opened the meeting with some remarks. A few years ago, DOC and EPA had targeted lead paint issue as a topic for discussion by standards officials in Central Asia. WHO and UNEP have now also begun working with government agencies in the CEE region through the GEF Lead Paint Project. DOC aimed to bring countries in the region together to discuss this topic and advises to eliminate lead paint as a “puzzle” where different stakeholders have their crucial roles.

One goal was to provide platform for everyone to meet and deepen professional cooperation. He hoped for an active discussion this issue during the workshop.

##### B. Introductions and Overview of Program

Meeting participants introduced themselves, after which Mr. Cofield provided an overview of the program. The program consisted of presentations organized into morning and afternoon sessions on each day of the two-day workshop. Each session was followed by a Question and Answer segment. All presentations and materials would be provided to participants in English and Russian on a USB stick after the workshop and would be available on [UNEP’s Lead Paint Alliance web site](#).

##### C. Health and Economic Impacts of Lead Exposure

Ms. Elena Jordan of the World Health Organization in Geneva, Switzerland provided an overview of the health and economic impacts of lead. She described how exposure to lead in paint can occur at different stages in its lifecycle – from manufacturing to renovation and flaking of old paint. Lead is a multi-system toxicant but features of lead poisoning can often be non-specific. There is no safe level of lead exposure. Children are especially vulnerable, as they spend more time on ground in contact with dust, have hand to mouth activity and absorb 4-5 more times lead than adults. Damage from lead may be life-long, including reduced intellectual development and behavioral disorders. Pregnant women vulnerable also, as lead exposure increases risks of complications. WHO estimates that lead causes a significant global burden of disease with over 1 million deaths from long-term effects, 63 % of global burden of idiopathic developmental intel disability, and 10% of hypertensive disease.

Ms. Jordan also noted that the Model Law recommendation of a 90 ppm lead limit in paint was based on technical feasibility rather than being a health-based limit, though manufacturers should aim to achieve as low a level as possible. Ms. Jordan pointed out that the economic costs of lead exposure are high, while the economic benefits of actions to reduce exposure to lead are significant. Implementing lead paint laws saves having to pay future costs and avoids the future cost of hazard control for legacy paint. She concluded that the best solution is to ban lead paint now, so countries do not have to deal with the consequences later.

- Comment: Mr. Denys Pavlovsky of the Ukrainian Association on Chemical Safety noted the increased negative impact on undernourished and poor people. He indicated that the cheaper, leaded paint made by small manufacturers would disproportionately impact the poor, because they can only afford the cheaper paint. He noted the importance of not only addressing lead paint production but also controlling the sale of “homemade” paint on the market. He shared his experience in the United States with a construction company in New York City, which was covering up existing paint with new paint instead of scraping it off.
- Response: Ms. Jordan responded that paint with no lead should not necessarily be more expensive. Paint reformulation should not cause additional cost to the consumer; there are not lead-based additives that can be added to paint; there is a part of the Lead Paint project working with small and medium enterprises (SMEs) on reformulation to demonstration this. She also noted that children more vulnerable because they absorb more lead than adults.

#### D. Global Alliance to Eliminate Lead Paint and Regional Status of Lead Paint Laws

Ms. Angela Bandemehr of the United States Environmental Protection Agency gave an overview of global efforts to eliminate lead paint. She stated that lead is poisonous and even low levels of exposure may cause lifelong health problems. She then introduced the Global Alliance to Eliminate Lead Paint (Lead Paint Alliance), which was created to help countries establish lead paint laws with a goal that all countries establish laws. She detailed that the Alliance is focusing on laws because voluntary measures have not been effective. She then introduced a key tool in the effort, the Model Law and Guidance for Regulating Lead Paint (Model Law), developed by UN Environment in cooperation with Alliance partners and in response to request from governments who wanted specific legal text they could draw from in developing their own regulations. Ms. Bandemehr highlighted that one third of countries globally have some sort of lead paint laws, and there is growing momentum.

Ms. Bandemehr explained that there are two general approaches to regulating lead paint; one approach is to set a regulatory limit on total lead concentration and the other approach is to restrict the use of certain lead compounds, such as through a lead directive under the European Union Registration, Evaluation, Authorisation and Restriction of Chemicals (EU REACH). If implemented effectively both approaches are successful. She then gave an overview of lead paint laws in the UNEP European region. She listed the following countries in the region that have some sort of lead paint law in place today: Armenia, Belarus, the Former Yugoslav Republic of Macedonia, Kazakhstan, Kyrgyzstan, Monaco, Montenegro, Russian Federation, Serbia and Switzerland and 31 countries following EU REACH, and noted that a regional effort to establish a low lead paint limit was being conducted by the Member States of the Eurasian Economic Union. At least one country (Ukraine) is currently considering a lead paint law based on the global best practice of establishing a 90 ppm limit on total lead content in paint.

She then discussed key steps country can take including: identifying stakeholders and ministries that need to be involved, convening a drafting committee, getting stakeholder input and then putting it into law.

#### E. GEF Lead Paint Project

Ms. Desiree Narvaez, UNEP programme management officer and the project coordinator gave an overview of the SAICM GEF project lead in paint component. She discussed that the benefits of lead paint laws include protecting human health and environment. She also highlighted some barriers including the limited technical capacities or resources in some countries to manufacture lead-safe paint, and a lack of capacity in developing countries to introduce and enforce lead limits.

The SAICM Lead Paint Project is helping the Lead Paint Alliance enhance its current efforts to help countries with lead paint laws through the provision of advice on lead paint from Project Advisors in international organizations (UENP, WHO), legal organizations (the American Bar Association Rule of Law Initiative or ABA-ROLI), environmental NGOs (the International POPs Elimination Network or IPEN), government technical experts (the US Environmental Protection Agency or US EPA), the paint industry (the World Coatings Council, previously the International Paint and Printing Ink Council or IPPIC) and cleaner production (National Cleaner Production Centres or NCPCs in targeted countries). Through the project, country governments can access this expert technical and policy advice from Project Advisors to support awareness-raising, legal drafting and reformulation of paints to enable the elimination of lead paint in their countries.

She noted that the Project has now held regional workshops in each region; the Almaty workshop in March 2019 was the workshop for this region. The workshops identified common opportunities (existing political will, inter-ministerial processes, and technical information), barriers (need for more collaboration with stakeholders and competing priorities) and next steps (identify government ministry in charge of lead paint laws, conduct inter-ministerial and stakeholder meetings, raise awareness and convene committee to draft law).

She encouraged participants to think about next steps for drafting lead paint laws in the countries assembled in this workshop in the next two days. The project advisors are standing by to assist countries with developing and establishing lead paint laws.

#### F. Questions and Answers from Day 1 Morning Session

Some of the questions and comments raised included:

- Comments: (Denys Pavlovsky, Ukrainian Association on Chemical Safety)
  - IPEN research showed that lead is being used in yellow and red paint but not in white paint. In Ukraine 30% of paints contaminated, even without regulation – showed that companies are able to reformulate but that lead paint is still a problem (Denys Pavlovsky, Ukrainian Association on Chemical Safety)
  - There are several arguments that help support reformulation by the paint industry. If water soluble paint (usually contains no lead) is in high demand and amounts to 75% of market, then replacement of 20% of the market will not have a big impact and industry should not have trouble making the switch. Also, by making paint with no lead, paint manufacturers have access to the EU market and could increase sales in a diminishing national market. (Denys Pavlovsky, Ukrainian Association on Chemical Safety).
  - Industry in the Ukraine has stated that it would be up to 10% more expensive to produce paint without lead and the cost of the paint would go up accordingly. Large scale

- producers are producing water- and solvent-based paints; the 10% increase in production cost could be compensated for by higher sales of other paints? (Denys Pavlovsky, Ukrainian Association on Chemical Safety).
- The 90 ppm limit should be achievable if lead compounds are not used. We have seen that when manufacturers do not use lead additives the lead concentration does not exceed 60 ppm. If lead additives are used the concentrations are very high. Ukrainian manufacturers do not see technological barriers to shifting, supported by fact that 75% of the paint market is water soluble paint with no lead. Our industry can easily achieve a 90 ppm limit; NGO activity evidently helped achieve this (Denys Pavlovsky, Ukrainian Association on Chemical Safety).
  - Some SMEs (garage producers) produce paint with high levels of lead. This type of paint not sold through large retailers and the public need to be addressed by awareness campaigns to know that this paint can be high in lead (Denys Pavlovsky, Ukrainian Association on Chemical Safety).
  - Need to ensure a level playing field for all companies on the market through a mandatory lead paint limit.
  - Government needs to establish laws to ban lead. However, a change of government affects progress. In the Ukraine a draft law was submitted in February 2019 but then there were elections and agencies were merged, which slowed the work down. Now things are running smoothly again.
- Question: What limit will be used for the Eurasian Economic Union Technical Regulation (EAEU TR) on paints and varnishes?
    - Answer: A government representative responded that the Ministry of Industry is in charge of the EEU TR and the latest draft sets a threshold value based on the existing threshold values. They have gotten feedback recommending a 90 ppm threshold and have incorporated it into the most recent draft. The main producers of paint are in Belarus and Russia and they are waiting for their position. They also indicated they would need scientific proof to support the amendment.
    - Answer: A representative from the Government of Kyrgyzstan confirmed that they currently follow the uniform sanitary requirements of 2010 for the Customs Union, which are the basis of draft EAEU TR now. They initially proposed to amend the draft EAEU TR based on the current sanitary requirements and now they are proposing that internationally accepted standards (e.g., 90 ppm total lead limit) be incorporated into the TR.
  - Comment: (Ms. Burkhanova – FSCI Tajikistan) We are not members of customs union, so we do not have a ready-made regulation and have to develop on our own. We do not have paint industry and import most paint and are getting lead paint from China. We are signatories of the Basel Convention and can ban import of hazardous substances, such as lead additives. This may cause smuggling, so the situation is complicated. Not sure how to address unless industry gains weight.
  - Comment: (Denys Pavlovsky, Association on Chemical Safety) Countries that import paint can establish a lead paint limit for imports. In order to ensure that paints meet the established limit, customs inspections are needed. At the same time, it is important to raise awareness of

consumers that there are paints with no lead. Demand leads to supply – if the population knows about it, they will require it.

G. Country Report Out on Lead Paint Activities, including regional activities as appropriate  
*Uzbekistan*

Mr. Abdukhkim Sarimsakov from the Ministry of Health explained that people in Uzbekistan are not aware that lead is in paint. He noted that there is SME production of paint. His department conducts permitting of toxic substances, but no one is regulating lead in paint or import of lead compounds. Uzbekistan has labs that can analyze lead.

He indicated that he was glad to have heard about lead paint and would like to address it, since a large percentage of the population are children.

In addition to the Health Ministry, the Environment Ministry is also concerned. He asked for help from the project advisors to explain the issue and raise awareness.

- Comment: Ms. Bandemehr of the US EPA indicated that the project advisors can follow up with Uzbekistan to help with legal drafting and providing information on reformulation.
- Comment: Ms. Jordan from WHO said that WHO can provide awareness raising information and help with conducting an International Lead Poisoning Prevention Week campaign.

*Kazakhstan*

Ms. Rozalina Ermekpayeva from the Ministry of Healthcare thanked the Department of Commerce for organizing the workshop on this very pressing issue. She explained that her department conducts the control of paint and described the relevant existing laws in Kazakhstan. There is a public healthcare code which states that products for human consumption need to be safe. There is a regional requirement through the EAEU Customs Union, decision 2099 for sanitary norms, which provides a consolidated list of goods subject to sanitary control/customs, forms and certificates to ensure safety of goods and commodities, and sanitary and epidemiological oversight of people and transport crossing the border.

The EAEU sanitary requirement is that paints subject to sanitary and epidemiological oversight shall be registered to prove that they meet and comply with requirements for paints; import is only allowed if registered and if they have a certification. The Ministry of Health monitors for compliance by purchasing paints and testing them per sanitary requirements. In addition, the Ministry of Health conducts inspections, including observation of commodities crossing the border via rail. Most non-compliance incidences were due to failed labelling requirements and outdated paints being sold.

In the case of a violation, the company is given information about how to correct the violation. After the inspection, the Ministry issues a “grace certificate” to sites that were examined and can be subject to administrative sanctions.

The Ministry of Healthcare buys paint for inspection and testing in supermarkets and shops; we are not able to purchase paint where we can’t provide checks and receive documentation of purchase; so, we cannot sample paints in the informal market.

The Ministry of Healthcare and its sanitary agencies are not represented in most customs inspection locations and they are only checking railway transport and whether they have certificates. They are not checking motor transport, and this might be a loophole

With regard to a lead paint limit, the current uniform sanitary requirements say that up to 15% lead is allowed; in order to reduce this figure, we need supporting research to adopt unified sanitary requirements at a lower level (0.009%). She stated that KAZ has labs that can analyze lead, called State National Expertise.

- Question: Is there an opportunity to more frequently test for hazardous chemicals in addition to checking certificates? What are the barriers to checking more frequently?
  - Answer: The representative from Government of Kazakhstan answered that they do check all kinds of products but are limited by procedures and standards. The main barrier is that the Ministry of Healthcare cannot purchase the paint when it cannot obtain a receipt or use a check, and this prohibits checking in the informal sector. There are requirements for paints, such as toxicity and labelling. If they find lack of compliance, they issue advice to the producer and ask for an explanation about the violation, which they are supposed to rectify.
- Question: Who is drafting the EEU technical regulation?
  - Answer: Representatives from the Government of Kazakhstan responded by noting that they are working on several issues, including lead paint, which require the coordination of many agencies. There is a committee to develop an approach that takes into account the requirements in healthcare and environmental codes. According to the chemical safety law the responsible body is the Ministry of Industry and Infrastructural Development and they coordinate with other ministries. They also noted that they have engaged all relevant stakeholders, including the Ministry of Environment and the private sector. Also, the state registration of paint production is run by the Ministry of Healthcare – and published on a committee website, which has registry of compliant products, and the public can access recent information on inspections and checks.

### *Kyrgyzstan*

Mr. Ulanbek Toktogulov from the Ministry of Health explained that the Ministry of Health organized a roundtable with all relevant state agencies, including the Ministry of Industry and Infrastructure as the lead agency on lead paint, the Ministry of Environmental Protection and the State Committee on Industrial Development, and the private sector to discuss changing the EAEU required limit on lead in paint. The conclusion of the roundtable was that since there are no large-scale producers in the country and paint is mainly imported, Kyrgyzstan would submit an official letter to the Eurasian Economic Commission to change the Technical Regulation draft to incorporate 90 ppm limit. They now understand that EEC will discuss the limit and will likely work with producers in the region for their feedback (Russia and Belarus).

Mr. Toktogulov suggested the best solution is to increase awareness of the population of the risk of lead exposure and lead in paint. Therefore, their immediate priority is an informational campaign to precede revised restrictions. He indicated that this is the first step in asking for international support to organize professional awareness campaign. He also noted the need to have labelling to say that lead is in the product and the need for lab capacity for testing to help with implementation to test for compliance with limit.



He noted that they were not able to participate on last WHO call with EEU countries, which also included the Eurasian Economic Commission, to discuss the EEU Technical Regulation and potentially lowering the standard to 90 ppm.

The Ministry of Health has offices in every district and since the Almaty workshop in March has sent instructions to them to conduct awareness raising on lead paint in the population. However, he indicated that professional materials and efforts would be helpful as well, such as a social network and commercials showing how serious the issue is. He asked for support from the Lead Paint project in this effort.

- Comment: A representative from the Government of Kazakhstan noted that Kazakhstan has state-owned laboratories in townships and rural areas and can conduct checks on paint, as they are accredited to conduct testing per the unified sanitary requirements. They noted that producers can use the state-owned labs provided they submit documents to the appropriate ministry.
- Comment: Ms. Muazama Burkhanova noted that it seems there is good awareness of this issue in Kyrgyzstan. A representative from the Government of Kyrgyzstan responded that indeed outreach is being done as part of the ILPPW but that there is no funding for public awareness and so the public is not aware.
- Comment: Ms. Astanina noted that the ILPPW is only one week and that there is a need to reach out beyond the one week and beyond the currently informed networks to the broad public, including the sellers of paint, who are not aware that lead is in paint.
- Question: How is awareness raising helpful in reducing lead paint and sales of lead paint?
  - Answer: Mr. Pavlovsky indicated that his presentation tomorrow will provide information on best practices for awareness campaigns to promote action on lead paint. When people hear about the impacts they shut down and do not want to listen, so we need to contact media experts who helped us avoid people shutting themselves down to this information. Those experts advised us to engage celebrities and young mothers, so that the information is not dry information but is in terms people can relate to – it is on playgrounds, etc. It is an invisible enemy. When we measured feedback and saw that this worked to reach people. In 2016 we tested paints and sat with manufacturer association and talked to the specific companies who stopped using lead and didn't even indicate this on the can that there is no lead.
- Comment: Ms. Jordan noted that WHO has developed materials to conduct an awareness raising campaigns, available in Russian as well.
- Comment: Ms. Bandemehr explained that the project advisors are standing by to help. They can conduct a limited amount of face to face visits and can engage remotely via email and webinars. Advisors are available to provide input on draft laws and on awareness raising campaigns. Webinars on specific topics should be available in the next 3-6 months.
- Question: What about regulating lead in certain paints, such as for cars, industrial paints, and paints for military purposes?
  - Answer: Project advisors answered that in regulating lead in these paints, some countries provide longer timelines to allow for reformulation of paints in different sectors. Mr. Pavlovsky noted that in the Ukraine, the Defense ministry indicated that there are tested alternatives that can be substituted, such as for tanks, choppers. Mr. Pavlovsky added

that in the Ukraine draft law all paints are included with one exception for paints used in restoration of historical art and paintings.

### *Georgia*

Ms. Gabriadze from the National Center for Disease Control and Public Health explained that under the Georgia/EU agreement a National Environmental Health Action Plan (NEHAP) was approved in December 2018. It has four strategic objectives, one of which includes lead paint. A national blood lead study of two to seven-year-old children was conducted in 2018 in a collaboration of UNICEF and the governments of Georgia and Italy. They collected blood from 1600 children across Georgia providing nationally representative indicator of prevalence of lead exposure and established measures for toxic effects of lead in children. As a result, the Ministry of Health is authorized to create long term lead poisoning prevention program.

Though paint is not manufactured in Georgia, lead paint is included in the NEHAP. To develop a plan for lead paint, the Ministry of health conducted a roundtable discussion with the Ministry of Environment and prepared a country approach, which was submitted to UNEP. The country approach includes five areas of action: assessment of options for a lead paint law, facilitation of legal drafting, targeted awareness raising, information on alternatives, sharing good practices for phase out, and establishing a legal limit on total lead content in paint.

The NEHAP considered harmonization of different EU directives, such as safety of childrens toys, hygienic equipment, biocides, domestic chemicals, consumer product safety.

- Question: Is it possible to obtain the results of the blood lead level study?
  - Answer: Ms. Gabriadze responded that the Georgia Statistic Office is preparing a final report by end of October when it will be public information.

### *Tajikistan*

Mr. Miraliev from the Technical Regulation and Standardization Department explained that his agency oversees the quality and safety of commodities and goods and cooperates with other agencies to implement mandatory technical regulations for on industry and to conduct inspections. He noted that there are international and regional standards, but none address lead content. He indicated that accredited labs conduct studies on paint. Paint in Tajikistan is mainly used for construction and is imported from Iran, Russia, Kazakhstan and Turkey. He noted that he would like to understand the best way to ban lead-containing paint to improve the safety standards.

Mr. Miraliev indicated that Tajikistan is working on a technical regulation on the safety of paint materials with all stakeholders and would like to take the expert advice from this workshop into consideration. He also noted the importance of lab equipment and lab analysis standards.

- Comment: Muazama Burkhanova commented that the Standardization Department of Tajikistan has very good experience in regulation of toys that could be transferred to paints. She suggested that the focus be not only in urban but also rural areas. FSCI has a partnership with the government and progress has been made on cooperation. Ms. Burkhanova expressed hope that NGOs and government agencies can work together to develop a good standard and she thanked the Department of Commerce for inviting NGOs to this meeting to facilitate these discussions.
- Question: Does the regulation on toys follow the EAEU or EU approach?

- Answer: Mr. Miraliev responded that this was a World Trade Organization (WHO) requirement. This approach can be used as an example of how to implement and inspect. He noted that they will also be guided by the Ukrainian standard, the EU and the Customs Union as they develop a lead paint law.

#### H. Model Law and Guidance for Regulating Lead Paint

Ms. Amanda Rawls of the American Bar Association Rule of Law Initiative gave a detailed overview of the Model Law and Guidance for Regulating Lead Paint. She began her discussion by stating that laws exist to shift incentives and create a reason for behavior change. She also noted the importance of regulating all paints, since it is difficult to control how different paints are used. For example, industrial paints could be used in households. If they have high lead levels, they will cause lead exposure over time.

She indicated that it is important to understand why lead is used in paint in the first place and that there are available and affordable alternatives to lead additives in paint. She stated that there is a need to shift incentives towards using these alternatives. A concentration of zero lead is not possible because of naturally occurring contaminants. She stated that we need incentives for paint manufacturers, ingredient manufacturers, paint importers and laboratories. She noted that a lead paint law helps create a fair competitive market and reduces barriers to trade. The Model Law was created because governments requested specific guidance for developing laws to phase out lead paint. It was developed by UNEP in collaboration with USEPA and WHO and went through a public review process, including by industry and civil society. It is meant to serve as a straightforward template and to provide a menu of options for adoption to meet national regulatory frameworks and situations.

Ms. Rawls explained that lead paint laws can take many different forms such as a completely new law or new regulation within an existing law or perhaps a mandatory technical standard under an existing legal framework. The key principles embodied in the Model Law are: prevention, industry pays for testing, compliance responsibility throughout value chain, and a low maximum lead limit. The Model Law also includes a declaration of conformity provision, which is an important tool for paint manufacturers and importers to certify that paint meets the standard. She noted that the declaration of conformity terminology seems to be used in the current draft EAEU Technical Regulation. The government does not have to always test but can use the declaration of conformity as a tool to check compliance. Effective dates need to be set, so that there is a period of time for manufacturers to adjust to the limit and for others in the value chain to deal with paint that does not comply with the law. The Model Law also suggests provisions for prohibited acts and civil and criminal penalties.

Ms. Rawls concluded by noting that assistance is available from ABA-ROLI to help conduct legal research and review and to provide experts (pro bono) and conduct webinars.

#### I. Question and Answers from Day 1 Afternoon Session; Recap of Day 1

Mr. Cofield kicked off the Question and Answer Session by highlighting that the Model Law does not require that laboratories be in-country. As long as they are accredited by an international body, they can be used for third-party certification.

- Question: Do we have to pay for expert assistance?

- Answer: Ms. Rawls responded that they do not. There are some limited travel funds, which is why ABA-ROLI relies on local, pro bono experts and webinars. ABA-ROLI can attend some meetings on a limited basis.

Question: Ms. Burkhanova asked about which labs will conduct paint analysis.

- Answer: A representative from Kazakhstan noted that the labs to be used are not necessarily national government labs or in the country. Testing can also be conducted by other labs.
- Comment: Mr. Pavlovsky noted that when the Ukrainian government designed regulations for toys, they translated EU directives into Ukrainian. They adopted the technical regulation on toys. With regard to lead paint testing, it should a lab outside of the manufacturer, which is accredited and certified. We also stipulated that the manufacturer supply a certificate of conformity to sellers. Then the government lab can elect to verify compliance in their own labs.
- Comment: Ms. Bandemehr confirmed that the Model Law puts the responsibility for testing via third-party labs on industry, because this allows governments time to determine to what extent they are capable of or wish to conduct testing.
- Comment: A representative from Kyrgyzstan stated that every country in the region has government labs and they also sign off on accreditation of commercial labs. Governments could use their laboratories to test for compliance but need international standards.

Mr. Cofield wrapped up the day by thanking everyone for their reports and that all of the presentations from the workshop will be provided on memory sticks. He appreciated the level of openness and participation in the discussions.

#### J. Recap Discussion and Question & Answers, First Day Program

Ms. Bandemehr noted that all workshop participants have shown dedication to the elimination of lead paint, and there has been much progress since the Almaty workshop in March 2019. She reiterated that the expert advisors are here to help: WHO can assist with awareness raising, ABA can provide legal research and review; UNEP is compiling information on reformulation and lab capacity; and USEPA will assist with legal reviews and coordination with the global industry association.

Mr. Cofield reiterated that the workshop presentations will be provided on a memory stick. One of the documents that will be provided on the memory stick includes the Model Law in Russian. He showed it on the screen and highlighted that it contains answers to many questions asked yesterday, including the scientific basis for 90 ppm. He noted that the 90 ppm limit was a technology standard based on the lowest concentration of lead paint that could be reached by manufacturers.

Ms. Bandemehr noted the difference between the unit of ppm and weight percent needed to be taken into account (15 weight % equals 150,000 ppm and 0.009 weight % equals 90 ppm).

#### K. Creating markets for paint with low lead levels and laboratories for testing

Mr. Cofield began his presentation by noting that the lack of laboratory capacity is frequently raised as an obstacle to developing a lead paint law in a given country. Government officials may have concerns about how they can implement the law without it. Mr. Cofield would like to show that the burden may not be as great as it seems.

He began by explaining three key provisions for enforcement in the Model Law, where the burden of compliance falls mainly on manufacturers/importers and less on the government. The provisions are: 1.

Requirement for manufacturers and importers test paint; 2. Requirement for manufacturers and importers to provide a Declaration of Conformity; and 3. Authorization of the government to test paint and inspect facilities. This is why it is crucial to work with the private sector to determine phased-in effective dates for the 90 ppm total lead limit, which allow for lab capacity to be developed and industry to change practices.

Because the Model Law sets a 90 ppm total lead limit, which is documented in the Declaration of Conformity, and forbids the sale, distribution, and import of any paint in excess of the limit, the government can enforce based on the absence of a Declaration of Conformity or the sale, distribution and import of paints without a Declaration of Conformity. Testing is not needed to enforce the law.

Mr. Cofield demonstrated that the burden of compliance on industry is reasonable and not overly burdensome. He described the four primary burdens: 1. The need to reformulate paint; 2. Sale or disposal of stocks of paint containing lead above the limit; 3. The requirement for third-party testing; and 4. The requirement for a Declaration of Conformity. He explained how each of these are not as burdensome as they first seem. Reformulating paint to reduce lead content will prevent the enormous costs of childhood lead exposure. The sale or disposal of existing stocks can be made easier by establishing effective dates that allow for this to occur and allow for reformulation. Testing of paint is only required for a limited number of batches. And importers can rely on the test results of foreign manufacturers.

Mr. Cofield noted that regarding lab capacity, the Model Law states that “current lack of in-country laboratory capacity need not be an impediment to a lead paint law going into effect.” Industry can comply using existing labs and importers can rely on test results from the country of origin. With more countries adopting the Model law and/or a 90 ppm total lead limit, the availability of qualified laboratories global, and safe reliance on test results from other countries or origin, become more realistic and more practical.

With regards to encouraging the development of laboratory capacity, Mr. Cofield described the market forces (demand and supply) that can supplement the regulatory power of the government and create a setting for private sector innovation and initiative. Such private sector innovation and initiative can result in numerous benefits: greater compliance with the law, profits to those companies willing to undertake innovation and initiative, greater profits to compliant companies, and more jobs.

He explained that lead paint laws create a demand for testing, by encouraging in-country laboratories to acquire the necessary equipment, expertise, and accreditation to perform the required testing. They also create a market for new customers: manufacturers, importers, and government, who will all be in need of qualified laboratories. The supply of testing can come from foreign or domestic laboratories. In meeting the demand for testing, domestic laboratories especially have a new potential for profits, the potential to benefit their employees by expanding their skill sets, the potential to contribute to economic growth in their country through increased hiring, and the opportunity to protect the health and safety of their fellow citizens. The qualifications to be an internationally accredited independent, third-party laboratory are made clear in the law.

Mr. Cofield continued by noting that whereas the market forces relevant to the discussion of developing laboratory capacity were *demand* and *supply*, the market forces most pertinent to manufacturers and importers of paint are *competition* and *competitiveness* (e.g., consumers and competitors). There are a variety of ways in which these market forces will concern manufacturers and importers. In the absence of

a law, or during a phase-in period, if there were a choice buying compliant or non-compliant paint, the more aware consumers become about the risks associated with lead levels in paint, the more inclined they will be to choose only compliant paint, regardless of price considerations. Competition will promote compliance with the lowest possible limit. And in the absence of a law or during a phase-in period, if there were a choice between supplying compliant or non-compliant paint, there will always be a competitor who will seize the opportunity to provide the better product – compliant paint will become the selling point. Competition will promote compliance with the lowest possible limit. And there will always be a competitor willing to provide the compliant paint at affordable prices.

Another consideration raised by Mr. Cofield was that although the Model Law does not require a seller, producer, or importer to label its product as “compliant”, nothing prevents a market participant from labelling its product as compliant. And although the Model Law does not require a seller, producer, or importer to promote the benefits of reduced levels of lead in paint, nothing prohibits a market participant from doing so – even as a form of marketing of its own products. In addition, as more and more countries adopt the Model Law and/or a 90ppm limit, a manufacturer will have access to more markets for exports by producing paints with the lowest possible limit – even in the absence of a law. A manufacturer producing non-compliant paint is greatly reducing its ability to expand its market.

Mr. Cofield concluded that when market players consider the costs of compliance, they should consider the cost of non-compliance as well, including lost opportunities, lost profits, potential losses in job growth, loss of market access and possible loss of reputation. In all considerations of future burdens and costs of compliance with the limit, it is most important to remember that primarily children are currently bearing ongoing and future burdens and costs – the burdens and costs of exposure to lead paint, which is the primary source of exposure for children. While the foreseeable costs may be considerable, the unseen costs are real, ongoing, and far more damaging. A well-written law provides the opportunity to mitigate both types of costs.

- Question: Scientific proof of 90 ppm and is there a report or document that shows that producers find the 90 ppm limit acceptable?
  - Answer: Ms. Bandemehr indicated that she can send the link to the World Coatings Council web site, which endorses the Model Law.
- Comment: Ms. Burkhanova agreed with the importance of taking the needs of manufacturers into account. She supported the use of labelling for compliant paint. Also, she agreed to the need to let manufacturers know when inspections are conducted and how early in advance they would be notified.
- Comment: Mr. Cofield noted that the purpose labelling is not necessarily to advertise lack of compliance. There are provisions on labelling in Model Law. The label cannot indicate that the paint is “lead-free” as there is always some level of lead in paint, but it could indicate that the paint meets the concentration limit.
- Comment: Ms. Rawls explained that the Model Law labelling provisions focus on paints that are exempted from the law and thus may cause lead exposure if not handled properly.
- Comment: Ms. Bandemehr acknowledged that the labelling issue is important, and it is becoming clear that there is a need for further guidance on how to label compliant paint. The Alliance is considering developing some guidance for labelling compliant paint. Comment: Mr. Pavlovksy said that his organization needs scientific information to confirm the 90 ppm limit; government officials are asking for it and for an EU Directive with this value. With regards to labelling, there

has been much attention on this issue in Ukraine. His organization found that producers are abusing labelling. They found this in the context of phosphates, where washing powder with high phosphates was marketed as bio-organic and eco-friendly. He surmised that paint producers may start to market paints as “bio paint” or “eco paint” or “lead-free paint” and so we need to address proper labelling in national legislation. Producers abuse labeling if are given the opportunity to market their goods; eco-labelling is being abused.

- Question: Is there a list of countries that have set the 90 ppm standard?
  - Answer: Ms. Bandemehr responded that there is a list in the Update on the Global Status of Legal Limits on Lead in Paint of September 2018 (2019 Update also available).
- Question: Could the disposal of paint could include dilution in other paints to bring it down to compliant levels? It is a common practice for other substances.
  - Answer: Mr. Pavlovsky noted that the Model Law allows time for the sale or disposal of paint before the limit comes into force. In the draft Ukraine law there is a one-year term to allow for sale of leftover paint. Producers can thus plan for the phase out of non-compliant paint. He noted that mixing might be an option, but care must be taken that the paint still meets performance criteria. Ms. Bandemehr surmised that dilution may not work, as it might change the properties of the paint.
- Question: Is there more information about the High-Definition X-Ray Fluorescence Analyzer?
  - Answer: Ms. Bandemehr will send information. Ms. Lavanchy added the UNEP will do a survey of laboratory capacity and include price of service.
- Comment: Mr. Pavlovsky noted that it may not be cost-effective to set up a lab just for lead paint testing, due to the high start-up costs for a laboratory.
- Comment: Ms. Jordan noted that during a lead paint workshop in Latin America participants agreed that a regional laboratory would be useful.

#### L. Available Lead Paint Test Methods and Laboratories to Support Lead Paint Compliance and Enforcement

Ms. Bandemehr presented information on available lead paint test methods, laboratory networks and international standards that can support compliance and enforcement of lead paint laws. She noted that in the United States paint-related regulations have driven the development of lead paint monitoring and detection options, including sampling and test methods, laboratory instrumentation, portable sampling instrumentation and networks of commercial labs inside and outside of the United States. The analysis methods and networks of labs are available to anyone to assist with compliance and enforcement mechanisms for lead paint laws.

She explained that the compliance and enforcement mechanisms suggested by the Model Law are requirements for manufacturers and importers to conduct third-party certification by internationally accredited labs and develop a Declaration of Conformity to the 90 ppm standard and the authorization of the government to test and inspect. The objectives of the lead paint testing to be conducted depend on the mechanism. For third-party certification and government testing for compliance, access to internationally accredited labs that can conduct third-party certification of paint to a 90 ppm limit is required. This data can then be used to develop the Declaration of Conformity. The government can also test for compliance using certain portable analyzers able to detect low levels of lead in paint known as High Definition X-Ray Fluorescence Analyzers (HD XRF). The government may wish to conduct screening

to determine the need for further testing. This does not require as rigorous a testing protocol and is a way to reduce costs. Some labs and certain portable XRF analyzers are adequate for screening. However, if high levels are found or results are uncertain, it requires follow up testing using more accurate methods.

Some key technical considerations when considering testing methods include sample preparation requirements, detection limits of particular methods, and the desired unit of measurement for the level of lead in paint. Ms. Bandemehr emphasized that correct sample preparation is crucial. For lab testing and for conventional portable XRF testing, the sample must be prepared by applying the paint to a non-metal surface. For lab analysis, the paint is scraped off and sent to the lab. If measuring the lead via XRF analyzer, the XRF analyzer can measure lead in the dried paint surface directly. If measuring via the HD XRF the paint sample can also be poured into a cup supplied by the manufacturer of the analyzer and measured directly. She explained that detection limits can vary among methods and that for compliance testing and certification methods with the lowest detection limits are preferable. For screening purposes, a higher detection limit may be acceptable. The desired unit of measurement is parts per million (ppm); laboratories and HD XRF analyzers report results in ppm. Some conventional portable XRF analyzers do not report results in ppm and care should be taken in the selection of an appropriate XRF analyzer.

She gave an overview of the two main options for testing: laboratory analysis and portable analysis (XRF). Portable XRF analyzers provide immediate results and the HD XRF can be used for compliance testing. Laboratories can be used for third-party certification and compliance testing. Other labs and conventional portable XRF analyzers can be used for screening.

Laboratory analytical methods include Flame Atomic Absorption Spectrometry, Graphite Furnace Atomic Absorption Spectrometry, and Inductively Coupled Plasma Atomic Emission Spectrometry, which vary in detection limits and cost. There are ISO standards for lead paint testing using each of these methods. Considerations when choosing a laboratory include their experience with lead paint analysis, accreditation through a recognized proficiency testing scheme, analytical method used, detection limit achieved, sample turn-around time and cost. Laboratories accredited to ISO/IEC 17025 have demonstrated competence in generating valid results.

Ms. Bandemehr gave an overview of the existing laboratory networks that are either capable of lead paint testing. These networks include the labs in the Environmental Lead Proficiency Analytical Testing Program and the U.S. Consumer Product Safety Commission-approved laboratories. Both networks include labs inside and outside of the U.S.

Portable XRF analysis analyzers include conventional and high definition XRF. XRF analyzers use a radiation source or x-ray tube to detect and measure lead. HD XRF uses a radiation source also but uses optics to concentrate the beam and enable measurement of very low levels of lead. Portable XRFs should be used by a trained operator to ensure reliable result. Conventional XRF analyzers may be suitable mainly for screening for high levels of lead in paint. A benefit of portable XRF analyzers is that results are available immediately. The HD XRF analyzer is suitable for compliance testing of new paints. It is an approved alternative to lab methods in the US and a technical standard is available. HD XRF analyzers are costly and very few models are available. Conventional XRF and HD XRF analyzers can also test for other analytes.

#### M. Questions and Answers from Day 2 Morning Session

There were not any further questions for the speakers.



## N. Conducting Awareness Raising Campaigns

Ms. Elena Jordan presented on approaches for national communication activities to promote lead paint laws. She stated that it is important to be aware of the purpose of the communication, which is to support and promote lead paint laws. She said there are four main questions to ask, including who to communicate to, who should do it, which technologies to use and which partners to involve. Communication should have a story that engages with the audience. International Lead Poisoning Prevention Week (ILPPW) will be October 20-26, 2019 and is a great opportunity to launch communication activities. Last year's ILPPW had a high level of participation with 82 events in 50 countries. She encouraged organizations to register their events on the WHO ILPPW web site. To date, 18 events have been registered for 2019. WHO will develop a video on lead paint exposure for the ILPPW and beyond.

## O. Examples of Awareness Raising Efforts to Encourage Government Action

### *Ukraine: Association on Chemical Safety*

Mr. Pavlovsky said that he hoped his presentation may help provide approaches to help gain government support for regulating lead paint. He encouraged participants to avail themselves of the materials already developed in their work.

The lead paint issue was first raised in Ukraine in 2009 by NGO MAMA-86 and the association of Ukrainian paint manufacturers (AUPLP). In 2016 IPEN conducted a paint study, which sampled 19 brands from 17 producers in 3 cities, over three months (53 solvent paints, household). Samples were prepared in Ukraine and sent to a US-certified ELPAT lab (Forensic Analytical Lab) via DHL. There was an unforeseen complication. Since the samples were prepared on wooden mixing sticks, DHL required certification that the wood did not contain any insects to ensure that US customs would not block the shipment. The study showed that 70% of paint was below 90 ppm indicating the ability of manufacturers to produce low lead paint. However, high levels were also found, about 15% of paints were found to be extremely high (over 10,000 ppm). And 40% of bright yellow paint was above 90 ppm.

The study results were publicized. The CEO of the paint producer association, IPEN, the government and a medical expert gave a press conference during ILPPW. After these findings were released, the Organization for Security Cooperation in Europe (OSCE) and AUPLP worked with MAMA-86 and the Institute of Occupational Health of Ukraine to promote lead paint laws. They discussed the lead paint data with industry in a collaborative way that gained their trust, rather than pointing out bad actors. Active dialogue with industry is ongoing and industry continues to fund OSCE work on lead paint.

A draft regulation was developed in 2017 and reviewed by government, industry and NGO stakeholders and the Lead Paint Alliance in 2018. It was submitted to the Cabinet of Ministers of Ukraine in February 2019 and is currently pending review by the Ministry of Economic Development and Trade of Ukraine. The four largest paint producers in the Ukraine confirmed their readiness for the law and that reformulation is doable and affordable and that they are no longer going to use lead in paint production, in part because the industry is switching mainly to water-based paints. Factors that contributed to success include the awareness raising campaigns, the Model Law, the paint test study, and industry engagement.

Mr. Pavlovsky shared best practices from the outreach conducted from 2016 to 2018. He noted the WHO campaign resource materials with best practices for awareness campaigns and outreach materials adapted to the Ukrainian situation. He noted that child to parent communication is effective and parents

often become more aware about the issue this way. One event conducted was an “I am against lead paint” selfie flash mob. Also, materials for teachers were developed. He offered that if anyone needs assistance, he can help. His organization has media and event experts.

- Question: What is the process for approval and implementation of the Ukrainian Technical Regulation?
  - Answer: Mr. Pavolvsky said he can provide the draft Technical Regulation. It takes about two or three months for agencies to endorse the Technical Regulation, however, there is a delay due to the change in government and consolidation of agencies.
- Question: Did you provide information about safe alternatives to manufacturers?
  - Answer: Mr. Pavlovsky indicated that manufacturers know about the alternatives. Labels did accurately indicate lead level, except for one paint that was below 90 ppm and did not have a label. Manufacturers provided guidance for how to distinguish paint with no added lead from lead paint by the sheen of the paint on a surface and the level of paint in the can. Since paint is sold by weight in Ukraine, a one liter can of lead paint will have a lower level of paint in the can. Lead makes the paint heavier per unit volume and so the volume will be less than for a paint with no lead. Also, the Ukrainian paint association is very active and would likely provide additional information and assistance, if needed.
- Question: A participant asked about the double standard of paint producers that export lead paint while producing paint without lead domestically.
  - Answer: Mr. Pavlovsky agreed that this is the case, which is why uniform laws across a region are important.
- Question: What is the source of funding for campaigns?
  - Answer: Mr. Pavlovsky indicated that they received funding from IPEN and the Swedish environmental agency. They also have volunteers. Some money is helpful, but there is not a need for a lot of money.

#### *Kazakhstan: Green Women*

Ms. Astanina presented lead paint studies conducted in Central and Eastern Europe and Central Asia. In all ten countries in the region, a significant percentage of paints sampled were above 90 ppm lead (ranging from 30% in Ukraine to 94 % in Tajikistan). In Kazakhstan, 70 % of paints exceeded 90 ppm lead with levels of up to 150,000 ppm lead detected in a paint for household use. Imported paints from Russia, Turkey, Slovenia, Israel, Estonia, Finland and Ukraine often exceeded 90 ppm, with four of seven paints from Iran and six of the 16 samples from Russia having a lead concentration 10,000 ppm (or more). Only paint from Turkey and Israel had labels indicating that they contain added lead.

Kazakhstan has a lead paint law from 2007. Buyers rely on “GOST” – technical standards. Consumers and sellers need to be made aware of the lead paint issue.

GreenWomen has participated in the ILPPW since 2013. They have made posters for distribution around schools and to get the interest of parents. During this week they focus on promoting lead paint legislation, monitoring and how to choose lead-safe paints. They also talked to manuf about the goal of lead paint phase out and use of certificates of quality for paints. She noted difficulties in getting in touch with manufacturers, where the dialogue is not as open as in the Ukraine. She expressed interest in learning from the Ukraine’s experience.

Ms. Astanina noted that her organization is urging the EAEU to take into account IPEN recommendations, which are realistic and achievable by industry. She called on the EAEU to develop a technical regulation and hoped that they will be successful in adopting it.

She noted that IPEN member NGOs are also working in other countries in this and other regions following the development and implementation of lead paint laws and testing paint for lead. Tajikistan is also interested in legislation; Kazakhstan has submitted a country approach. In the Philippines, where a law has been established, 85% of paint is now not lead-based; there companies use public certification through the Lead Safe Paint program.<sup>1</sup> In Mexico, where there is a lead limit but need for better enforcement, 45% of paints are lower than 90%; in the Gambia, where there is no law, it is 60%, in Iraq, where there is a law, 92% are below 90 ppm.

- Question: What lab did you use for testing?
  - Answer: The same lab mentioned by Mr. Pavlovksy and also a lab in Sweden.

*Tajikistan: Foundation Support in Civil Initiatives (FSCI)*

Ms. Muazama Burkhanova began her presentation by outlining the current legal framework for regulating lead paint. Lead is controlled under the Ministry of Health. Though data show that there are no cases of lead poisoning, she surmised that there may be unreported or unrecognized cases. She indicated that there is an industrial lab in Tajikistan that is obtaining equipment to begin testing for lead. There are sanitary standards for lead but no sample protocols. Most of the standards are from the Soviet era and are focused on environmental media, such as soils. There is a 2015 rule for occupational health but no regulation on lead.

Ms. Burkhanova stated that FSCI has participated in the ILPPW since 2015, starting with small events and then joining larger, IPEN-wide events and conducting a paint study. They have organized roundtables and conducted discussions with ministries. They will use information from this workshop for future roundtables.

Tajikistan does not produce paint but imports from Iran, China and Russia. There are some SMEs, however, that try to remain below the radar. It was difficult to do a paint study, because there was reluctance to discuss the issue. The paint study showed that more than 94% of paints exceeds 90 ppm. The paints with highest levels from Iran and China. Yellow and green paints have the highest levels. Yellow paint is often used in schools, houses, cafes. It was helpful to have this data to show to government agencies. The outcome of one of the roundtables with a broad range of stakeholders conducted included a protocol for testing, which was sent to all government agencies.

FSCI lead outreach activities included: press articles, scientific publications, earth day messages about protecting the earth from chemicals, environment day messages, and radio and TV broadcasts. She noted that she is inspired by the work in the Ukraine and would like to work toward better relations between all stakeholders.

FSCI carried out an inventory of labs, indicating that Tajikistan has 13 labs in Dushanbe (to monitor food, water, air, radioactivity). The national food safety lab is being equipped with modern equipment; sanitary labs are also being refurbished and could be relied on in the future. She felt that the lab capacity can be considered to be well developed in Dushanbe and other cities.

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<sup>1</sup> <https://www.lead safepaint.org/>

Ms. Burkhanova indicated that Tajikistan has a well-developed legal framework and perhaps there is an existing law or that could be built on to address lead paint. In 2015 FSCI developed a strategy on classification and labelling of chemicals in Tajikistan, which could be useful in addressing lead paint. In 2017 a national center on chemical, radiological and nuclear safety was developed, which is developing a national strategy on the management of hazardous waste. These can be useful efforts to help with lead paint work

She was thankful for the Model Law, which FSCI has discussed with the environment committee and they are reviewing trade and sales of paints. She noted that without financial support we cannot create and develop a lead paint law.

She finished by saying that humanity will not die of nuclear war but will choke on its own chemicals and waste.

- Question: What is the center you mentioned?
  - Answer: Ms. Burkhanova indicated that she thinks they are in all countries and are for nuclear safety and added chemical safety.

#### P. Question and Answers from Day 2 Afternoon Session

There were not any further questions for the speakers. Mr. Cofield wrapped up the afternoon session by noting that there are clearly places where we can find common language, the dialogue has started, and we have seen the achievements to date. He hoped that the activities will be productive and encouraged participants to contact each other to assist one other in achieving further progress on lead paint.

#### Q. Meeting Outcomes and Next Steps

Ms. Bandemehr thanked everyone for their clear dedication to eliminating lead paint and noted that the project advisors will give a brief summary of the advice available through them. They will also reiterate some key information covered in the workshop.

##### *Available Advice from US EPA*

Ms. Bandemehr indicated that US EPA has experts on legal drafting, connections with industry and technical information about laboratories and testing.

##### *Available Advice from ABA-ROLI*

Ms. Rawls noted that her organization can provide legal review and drafting assistance, limited in-person experts, remote assistance and webinars.

She also provided an overview of the US legislative history of the 90 ppm lead limit in paint. She explained that back in 1971 the focus was dangers to children of exposures to lead in paint and the initial limit for lead in paint was quite high at 5,000 ppm. However, almost immediately after that there was an amendment to change 5,000 ppm to 600 ppm. A new law gave the Consumer Product Safety Commission (CPSC) authority to determine what level above 600 ppm would be safe; a few years later, CPSC said that could not prove that level above 600 ppm was safe and so that became the limit in 1978. In 2008, the limit was further reduced to 90 ppm. The justification given was that no level of lead is safe and thus the CPSC set the level at lowest, technically feasible limit. CPSC is authorized to review that limit every five years to see if feasible to lower further. This suggests that the science around health impacts of lead have become so firm that the debate is about how low we can go. Two five-year periods have elapsed, and the limit was not adjusted lower.

The reduction to 90 ppm occurred after imported products from China outraged the public, because they had caused poisoning of children. They also included children's toys in the regulation. The burden was on industry to show that it was not feasible to meet the lower standard on children's toys.

#### *Available Advice from WHO*

Ms. Jordan reiterated that the economic benefits from reducing lead exposure are significant. Banning lead paint now avoids future costs from long-term exposure of children. She showed US data indicating that blood lead levels were reduced due to lead prevention policies over 60 years.

Ms. Jordan noted that WHO is ready and willing to provide advice and assistance on lead paint awareness raising through the WHO Europe Regional Office in Bonn, the country offices in each country and through WHO Headquarters in Geneva. The awareness raising materials include advocacy materials, a campaign resource package, arguments to support lead paint laws; WHO also is able to provide support for ILPPW campaigns and communication strategies. WHO is also updating guidance on paint and blood lead test methods. A WHO technical brief is under development and will be circulated to the governments in this region in Russian.

#### *Available Advice from UNEP*

Ms. Nicoline Lavanchy indicated that UNEP Chemicals and Health Branch, based in Geneva, is coordinating the lead paint component of the GEF project and is working closely with the UNEP Europe regional office. UNEP is engaging the UNEP Law Division to assist with legal review and drafting. UNEP can provide already a draft technical guidance on paint reformulation developed by NCPC Serbia as part of the project. The document will be finalized in 2020, but is available now in [draft](#). UNEP can also help link participants with other relevant stakeholders and has available resources on its web site. She indicated that UNEP will be conducting a survey of lab resources and will be planning some technical webinars.

Ms. Lavanchy presented the UNEP website and tools, including the [Toolkit for establishing laws to eliminate lead paint](#) and [Global Status Update](#), which summarizes the status of laws. She also highlighted the recently published [Suggested Steps for Establishing a Lead Paint Law](#). This document, available in all UN languages outlines steps which have been helpful in countries that have adopted laws.

#### *Final Remarks from Participants*

A government participant indicated that his agency is participating for the first time in such a meeting and for the time being their questions have been answered. He noted his appreciation for the technical support, especially from WHO. WHO is very influential, and their recommendations are very helpful. He also invited the NGOs to become more engaged in the public hearings regarding the EAEU Technical Regulations, such as for chemical safety. To date that have received feedback only from industry and government agencies. The published TRs can be viewed on the Eurasian Economic Commission website. He will notify the NGOs when there is a public hearing on the TRs.

Mr. Cofield closed the meeting by thanking all participants for coming and encouraging continued progress on lead paint.

#### R. Closing Ceremony

Mr. Cofield presented certificates of appreciation to all workshop participants.

## V. AGENDA

### Wednesday, September 11, 2019

Location: **Tbilisi Marriott Hotel**

- 08:30h – 09:00h**      **Registration**
- 09:00h – 09:30h**      **Welcome and Opening Remarks:** *coordinator: Michael Cofield, CLDP  
Angela Bandemehr, U.S. Environmental Protection Agency*
- 09:30h – 09:45h**      **Introductions by Participants**
- 09:45h – 10:00h**      **Overview of Program**  
*Speaker: Michael Cofield, CLDP*
- 10:00h – 10:30h**      **Break**
- 10:30h – 11:30h**
  - **Health and Economic Impacts of Lead Exposure**  
*Speaker: Elena Jordan, WHO*
  
  - **Global Alliance to Eliminate Lead Paint and Regional Status of Lead Paint Laws**  
*Speaker: Angela Bandemehr, US EPA*
  
  - **GEF Lead Paint Project**  
*Speaker: Desiree Narvaez, UNEP*
- 11:30h – 12:00h**      **Questions and Answers**
- 12:00h – 13:00h**      **Lunch**
- 13:00h – 14:00h**
  - **Country Report Out on Lead Paint Activities, including regional activities as appropriate**  
*Speakers: Select representatives from each country*
- 14:00h – 14:30h**      **Questions and Answers**
- 14:30 – 15:00**      **Break**
- 15:00h – 16:00h**
  - **Model Law and Guidance for Regulating Lead Paint**  
  
*Speakers: Amanda Rawls, ABA-ROLI*
- 16:00h – 16:30h**      **Questions and Answers; Recap of Day 1**  
*CLDP, Participants*
- 16:30h**      **End of Day 1**

### Thursday, September 12, 2019

Location: **Tbilisi Marriott Hotel**

- 09:00h-09:30h**      **Recap Discussion and Question & Answers, First Day Program:**

*CLDP, Participants*

- 09:30h-10:30h**
- **Creating markets for paint with low lead levels and laboratories for testing**  
*Speaker: Michael Cofield, US DOC/CLDP*
  - **Available Lead Paint Test Methods and Laboratories to Support Lead Paint Compliance and Enforcement**  
*Speaker: Angela Bandemehr, US EPA*
- 10:30h – 11:00h**    **Break**
- 11:0h – 12:00h**    **Questions and Answers**  
**12:00h-13:00h**    **Lunch**
- 13:00h-14:00h**    **Examples of Awareness Raising Efforts to Encourage Government Action**
- Speakers: Denys Pavlovskyi, Association on Chemical Safety, Ukraine; Lydia Astanina, Analytical Environmental Agency "Greenwomen", Kazakhstan; Muazama Burkhanova, Foundation Support in Civil Initiatives (FSCI), Dastgiri-Center*
- 14:00h – 14:30h**    **Questions and Answers**
- 14:30h – 15:00h**    **Break**
- 15:00h – 15:30h**    **Meeting Outcomes and Next Steps**  
*Speakers: Angela Bandemehr; US EPA*
- 15:30 – 16:00h**    **Closing Ceremony**  
*Michael Cofield, US DOC/CLDP;*

## . VI. Participant List

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