



Caribbean Workshop on the Establishment of Legal Limits on Lead in Paint

*Co-hosted by the Government of Jamaica,
the UN Environment Sub-Regional Office for the Caribbean,
and the University of the West Indies Norman Manley Law School
Co-sponsored by UN Environment Offices for North America and Latin America and the
Caribbean*

**December 1, 2017
Kingston, Jamaica**

Workshop Report



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I. Executive Summary

The Caribbean Workshop on the Establishment of Legal Limits on Lead in Paint was co-sponsored by the UN Environment Office for Latin America and the Caribbean and the Office for North America. The United States Environmental Protection Agency (US EPA), the Chair of the Global Alliance to Eliminate Lead Paint (Lead Paint Alliance), and the American Bar Association (ABA) and ABA Rule of Law Initiative (ROLI) assisted with planning and implementation of the workshop.

The main objectives of the workshop were to raise awareness of the dangers of lead exposure from paint and to facilitate discussions about how to establish legal limits on lead paint and potential next steps in Jamaica and the Caribbean region. In total, 38 people participated in the workshop, representing more than 20 organizations and agencies from the public, private, and civil sectors.

In the Caribbean region, most countries do not have lead paint laws. Jamaica has a voluntary lead paint standard and prohibits import of lead-containing compounds, effectively resulting in paint with no lead. However, the importance of a lead paint law to ensure ongoing compliance with and enforcement of lead paint standards was acknowledged. Participants agreed on the usefulness of the Lead Paint Alliance *Model Law and Guidance for Regulating Lead Paint* as an initial starting point for drafting a lead paint law.

II. Introduction

The Caribbean Workshop on the Establishment of Legal Limits on Lead in Paint was co-sponsored by the UN Environment Office for Latin America and the Caribbean and the Office for North America. The United States Environmental Protection Agency, the Chair of the Global Alliance to Eliminate Lead Paint (Lead Paint Alliance), and the American Bar Association Rule of Law Initiative assisted with planning and implementation of the workshop. The main objectives of the workshop were to raise awareness of the dangers of lead exposure from paint and to facilitate discussions about how to establish legal limits on lead paint and potential next

steps in Jamaica and the Caribbean region. As a model for lead paint laws, the workshop presented the recently finalized *Model Law and Guidance for the Regulation of Lead Paint*, which was created by the Lead Paint Alliance as a tool for counties to eliminate lead paint.

III. The Programme

Please see Appendix Item 1 for the workshop agenda. Workshop materials presentations are available [here](#).

IV. Opening Ceremony and Welcome

Vincent Sweeney, Head of the UN Environment Sub-Regional Office for Latin America and the Caribbean, opened the meeting, welcoming and thanking all in attendance for participating in the workshop. He outlined the importance of addressing the issue of lead paint and the health and economic impacts of lead exposure. He noted that 800,000 die per year due to lead poisoning and the enormous economic impact due to IQ loss from lead exposure in Jamaica, which is estimated to be \$ 387 million international dollars. He highlighted the actions the Lead Paint Alliance is taking to work with countries around the world to establish legal limits on lead in paint.

Ms. Carol Aina, Principal of the Norman Manley Law School, welcomed everyone to the law school, provided an overview of the school and the student body and their interest in contributing to the workshop and the issue at large. Students from the Law School also often review draft legislation being considered by parliament. The Law School's environmental conservation committee conducted a review of the Lead Paint Alliance model law and will present its findings later in the workshop.

Lt. Col. Oral Khan, Ministry of Economic Growth and Job Creation, welcomed everyone to Jamaica, noting that lead exposure and contamination are an issue in Jamaica and the importance of laws to ensure protection of public health and compliance with policies. He indicated the importance of the lead paint issue and the readiness of his agency to take the lead to work toward establishing effective and enforceable lead paint laws. He looks forward to the outcomes of this workshop to help move this process forward.

V. Introductions

Vincent Sweeney invited all of the participants in attendance to introduce themselves. In total, 38 people participated in the workshop, representing more than 20 organizations and agencies from the public, private, and civil sectors (see Appendix, Item 2 for a participant list). As part of the introductions, individuals were invited to share their individual and organizational expectations for the workshop. The opportunity to learn more about lead in paint, proposed legislation in Jamaica and the region, the experience of other countries in enacting lead paint laws, and how to protect children and workers from lead paint were chief among the expectations participants had coming into the workshop. Others had specific questions about the impact a law would have on paint markets, about how to advance the issue in the Jamaican government, what to do with old paint stocks, and how best to collaborate and partner on next steps. The organizations and agencies in attendance included: Ministry of Economic Growth and Job Creation, Ministry of

Health, Ministry of Transport and Mining, the National Works Agency, the National Environment and Planning Agency, the Bureau of Standards of Jamaica, the Consumer Affairs Commission, the Caribbean Poison Information Network, the Norman Manley Law School, the University of West Indies Faculty of Law, the Eugene Dupuch Law School, Berger Paints, EdgeChem Paints, Brandon Harris Paints, the American Bar Association (ABA), the ABA Rule of Law Initiative, the US Environmental Protection Agency, IPEN, the Secretariats of the Caribbean Community and the Organization of Eastern Caribbean States, the University of Panama, the US Embassy, the UN Environment Sub-regional Office for the Caribbean, the Pan-American Health Organization, UN Environment Caribbean Environment Program, and the UN Environment IWeco Project.

VI. Objectives of the Workshop

The objectives of the workshop were to:

1. Increase understanding of the significant health and economic impacts of lead exposure, especially for children, and the current status of global efforts to eliminate lead paint.
2. Provide an overview of recommended legal limits on lead in paint and mechanisms to ensure compliance, as described in the UN Environment Model Law and Guidance on Regulating Lead Paint.
3. Discuss outcomes of the workshop and possible next steps for Jamaica and the region in adopting recommended lead paint standards.

VII. Overview of Lead Paint and the Lead Paint Alliance

Ms. Angela Bandemehr of the United States Environmental Protection Agency (U.S. EPA) provided background on the lead paint problem and an introduction to the Lead Paint Alliance. U.S.EPA is the Chair of the Lead Paint Alliance, a voluntary international partnership working toward the elimination of lead paint globally co-led by UN Environment and the World Health Organization. Ms. Bandemehr gave an overview of the case for legal limits, the health and economic impacts of lead exposure, the global status of lead paint laws, and the progress and momentum of the Alliance in recent years. She stated lead is harmful to health, especially for children, and results in life-long consequences in children including serious and irreversible neurological damage and behavioral problems. Children's exposure to lead from all sources has staggering economic costs for countries, which is estimated to be \$977 billion in cost for low and middle-income countries from children's lost IQ. Globally lead paint is a major remaining source of childhood exposure. Industry and governments agree lead paint laws are the most effective way to ensure elimination of lead paint. Removing lead from new paint is feasible for manufacturers and will prevent new exposures for paint used in homes, schools and daycare centers and on toys, furniture and playground equipment.

Only 30% of countries in the world have lead paint laws. For example, in the Caribbean region two countries have laws, Trinidad and Tobago and Dominica. In order to assist countries with establishing laws, the Lead Paint Alliance developed the *Model Law and Guidance for the Regulation of Lead Paint*. Momentum toward action on lead paint is growing. Some indications of this momentum include the Third United Nations Environment Assembly resolution on lead paint (actual passage was a few days after the workshop), numerous Lead Paint Alliance tools on

lead paint and the status of laws, an American Bar Association resolution to support lead paint laws globally, and a World Health Assembly Roadmap for Health in Chemicals Management calling for action on lead paint.

VIII. Lead Paint and its Impact on Human Health and the Environment

Dr. Kam Mung of the Pan-American Health Organization and Angela Bandemehr of U.S.EPA co-presented on why lead paint is a problem. Dr. Mung described the severe health impacts of lead exposure, explained that there is no known safe level of exposure to lead. Lead paint is now a principal pathway of lead exposure for children and the effects of lead exposure are particularly damaging to children and pregnant women. Dr. Mung showed how lead affects both physical and mental well-being, having an inverse effect on IQ and impacting those that are exposed to lead. Ms. Bandemehr explained why lead is used in paint, what the lead compounds are in lead paint and their function, and what types of paint are more likely to use lead in their formula. Ms. Bandemehr highlighted the high economic costs of lead exposure due to IQ loss and the costs of remediating lead paint that has already been applied to walls.

IX. Overview of National Strategies on Lead Paint, Lead Paint Testing and Lessons Learned from Industry

Ms. Sofia Chavez, Executive Director of Casa Cem, a Mexican NGO member of IPEN, a member NGO of the Lead Paint Alliance, outlined IPEN's active leadership role in working in countries around the world to eliminate lead paint. She described how IPEN, a network of more than 500 NGOs in more than 100 countries worldwide, has been working with stakeholders across the globe to establish legal limits on lead paint. Ms. Chavez highlighted the important role of civil society in raising awareness of the issue to the public, to government officials, and to paint manufacturers. She explained the importance of paint studies and data about levels of lead in paint to make the case for taking action and also showcased IPEN's role in promoting broader awareness through a range of outreach and communication activities. Ms. Chavez presented available lead paint data globally and in the Latin American region, which shows that paint with high lead levels is available in most countries studied, including levels exceeding hundreds of thousands of parts per million lead (the Model Law recommended standard is 90 ppm). IPEN concluded that in countries where no lead paint regulation was in place or an existing regulation was not enforced, lead paint was available to buy for home use. There is currently no lead paint data for the Caribbean region. She noted the importance of engaging a broad range of national stakeholders, including government policy makers and industry, in order to have buy-in from all sectors.

Ms. Chavez also provided critical analysis of Mexico's lead paint law, which is complex and difficult to understand. IPEN is in the process of conducting a paint study to update data from 2009, which showed high levels of lead in paint. IPEN will reach out to policymakers and key stakeholders to share results. Recommended improvements to the law include establishing a clear legal limit on total lead content in paint (possibly shifting from soluble lead limit to a total lead limit), lowering the legal limit on lead in paint to 90 ppm for all uses, conducting surveillance and enforcement, and establishing penalties and fines for non-compliance.

X. Introduction of the Model Law

Mr. Jay Monteverde of the American Bar Association Rule of Law Initiative presented the Lead Paint Model Law and Guidance, developed by the partners to the Lead Paint Alliance, UN Environment, and World Health Organization. In presenting the model law, Mr. Monteverde touched briefly on the case for mandatory legal limits on lead paint. He explained the health consequences of lead exposure, the economic benefits of reducing lead exposure, the availability of low-cost alternatives to lead paint, and successful examples of legal regimes to eliminate lead paint. Following that, Mr. Monteverde explained in detail the key components of the lead paint model law. The key provisions of the model law include: legal limit on lead content, effective dates, mechanisms to promote compliance and enforcement, and consequences for non-compliance.

XI. Student Response to Model Law

Ms Amanda Wallace and Ms. Sherri-Gae Jones, students from the Environmental Law Society of the University of the West Indies Norman Manley School of Law, presented an analysis conducted by the Society. Their presentation focused on the key components of the model law and how such a model law might be applied to the legal structure in Jamaica. They provided insights into the structure of Jamaica's legal system and some suggestions for where the law might be housed and how it could be incorporated into Jamaican law.

At the close of both presentations, there was a broad discussion among participants, including several paint manufacturers and NGOs, as to how and why Jamaica should establish legal limits on lead in paint. Paint manufacturers explained that while legal limits are welcome to level the field for all paint manufacturers, in fact lead paint is no longer used in their paint formulas due to a law implemented in 2011 that restricts the import of lead and lead compounds. Testing, while not mandatory, is conducted by the Ministry of Health.

XII. Global Case Studies

Mr. Patrick Huber of U.S.EPA introduced the results of the *Global Status Report on Lead Paint Laws 2017*, a UN Environment report produced annually that provides an overview of the laws, standards, and regulations employed by countries around the world to protect their citizens from lead paint. Mr. Huber displayed a map of the world showing where mandatory limits exist and a list of the countries with mandatory limits broken down by region. Mr. Huber provided some further insight into recent progress made by countries, especially those in Asia and Africa, where IPEN has been conducting paint testing and promoting national working groups to address lead paint. Mr. Huber also provided information on the four countries in the CARICOM region that have lead paint laws, Trinidad and Tobago and Dominica, or voluntary standards, Grenada and Jamaica. The Caribbean Community (CARICOM) established a voluntary standard (Caribbean Community Standard Specification for the Limit on Lead Content in Paint) that establishes a lead limit for the maximum lead content of paints or varnishes at 0.06% (600 ppm) by weight, calculated on the basis of the total solids (non-volatile) content.

XIII. Regional Case Study: Panama

Mr. Vasco Duke in representation of the Stockholm Convention Regional Centre / Centro de Investigación e Información de Medicamentos y Tóxicos (CIIMET) of the University of Panama presented a case study on the legal limits on lead paint in Panama. He provided the historical context for establishing legal limits on lead paint and the process the government undertook to implement the national law. Mr. Duke provided excerpts from the legislation and an overview about how the law was enacted, the challenges with implementation. When establishing laws, he recommended that governments ensure and clarify the responsible agencies and ministries of the national government and enforce the law with appropriate compliance mechanisms.

XIV. Wrap-up Discussion and Next Steps

Following the final presentation, the participants engaged in a spirited discussion of the situation globally and nationally and the desire to take action to establish an effective legal limit in Jamaica. Several representatives from the national government suggested their willingness to work on the issue, civil society members urged all stakeholders to take action to protect the citizens of Jamaica, and the participating paint manufacturers and wholesalers also expressed their support for a clearly-defined limits on the manufacture, sale, and import of lead paint. Participants inquired into the next steps and how this workshop and those participating in it will have a role in shaping future action. This workshop is seen as a pilot for the promotion of the model law and guidance on lead paint and thus the experience in Jamaica will be an important first step in what is expected to be a global approach.

The following summary points, proposed by Ms. Bandemehr, were agreed to by the participants:

- Reducing lead in paint is important;
- Mandatory laws are critical;
- The Lead Paint Alliance Model law is worth considering as a starting point for adapting to the Jamaican situation;
- It is critical to identify a lead agency and to make sure government roles and responsibilities are clear;
- It is important to involve all key stakeholders – government agencies, NGOs, industry;
- Important to develop a communication strategy for policymakers and the public, and how to explain the issue in an accessible way;
- This is just a beginning. The challenge will be how to take next steps.

Mr. Sweeney noted possible activities that could support action following the workshop. The Lead Paint Alliance would be happy to work at the level of CARICOM (regional) and OECS (sub-regional), to introduce the topic of lead paint, raise awareness, and encourage action. Potential resources for additional work may be available through a UN Environment GEF Project on Lead Paint to begin in 2018. In addition, IPEN is seeking partners to conduct lead paint testing in the Caribbean, and the American Bar Association would be available to explore ways to provide legal expertise to support lead paint law development.

Appendix

Item 1: Workshop Agenda

**Caribbean Workshop on the Establishment of Legal Limits on Lead in Paint
Friday, 1 December 2017
University of the West Indies
Kingston, Jamaica**

Proposed Timing	Agenda item	Presenters
OVERVIEW SESSIONS		
08:00 - 09:00	Registration	
09:00 - 09:30	Opening Ceremony & Welcome	Vincent Sweeney, UN Environment/ Carol Aina, Principal, Norman Manley Law School/ Lt. Col. Oral Khan, Government of Jamaica
09:30 – 10:00	Introductions & Objectives of the Workshop	Vincent Sweeney, UN Environment/ others
10:00 – 10:15	Overview of the Lead Paint and the Lead Paint Alliance	Angela Bandemehr, US Environmental Protection Agency
10:15 – 10:30	Lead in Paint and Its Impact on Human Health and Environment	Dr. Kam Mung, PAHO Jamaica
10:30 - 11:00	<i>Coffee break</i>	
11:00 – 11:30	Global Lead Paint Elimination IPEN Campaign and Lessons Learned	Sofia Chavez, IPEN/Mexico
11:30 – 12:15	Q&A	
TECHNICAL SESSIONS: Presentation of model law, tools		
12:15 – 13:15	<i>Lunch</i>	At meeting venue
13:15 – 14:30	Model Law for Regulating Lead Paint	Jay Monteverde, ABA Rule of Law Initiative
	Student Presentation on Response to Model Law	Law students, Norman Manley Law School
14:30 – 15:00	Global Status of Lead Paint Laws	Patrick Huber, US EPA
15:00 – 15:30	<i>Coffee break</i>	

Proposed Timing	Agenda item	Presenters
15:30 – 16:00	Regional Case Study: Panama’s Lead Paint Law	Vasco Duke, Stockholm Convention Regional Centre / / Centro de Investigación e Información de Medicamentos y Tóxicos (CIIMET)
16:00 – 17:00	Group discussion of national regulatory structure for application of tools/ model law	All
17:00 - 17:30	Wrap up discussion	UN Environment Meeting Chair
17:30 – 18:30	Reception	At meeting venue

Item 2: Participant List

Participant	Title	Organization	Contact Information
Mrs. Jacqueline Warren Wilson	Assistant Technical Manager	Berger Paints Limited	jacqueline.warren-wilson@bergercaribbean.com
Ms. Mellissa McHargh		EdgeChem Jamaica Limited	mmchargh@edgechem.com
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Ms. Marsha-Ann Palmer	Environmental Health Unit	Ministry of Health	damiah77@gmail.com
Ms. Gillian Guthrie	Senior Director Environment & Risk Management Division (ERMD)	Ministry of Economic Growth & Job Creation	Gillian.guthrie@megjc.gov.jm
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Participant	Title	Organization	Contact Information
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