

global alliance to eliminate lead paint

4. Establishing a Mechanism to Promote Compliance

In establishing effective legislation and/or regulation, it will be important to assign clear responsibilities for the various actions required by its provisions. It will be necessary to build the oversight capacity of those agencies that have responsibilities assigned to them, and to provide sufficient resources for them to carry out their functions.

Governments will need to establish a monitoring program that would include regular inspections to ensure that paints are manufactured and marketed in conformity with the legislation and regulation. Periodic sampling of paints would also be needed to ensure their lead content meets prescribed standards.

Governments may wish to consider certification schemes that demonstrate industry compliance. These may be voluntary or mandatory, and could be country-specific or regionally-based. The institutions charged with assessing and certifying conformity could be existing national standards agencies or appropriate independent third-party institutions. These institutions would need to adhere to established procedures for accreditation and to operate transparently in accordance with the provisions of the legislation and/or regulation. They might also be given responsibility for the oversight of laboratories

used for testing lead levels. These laboratories should be independent and have current accreditation and ongoing proficiency monitoring demonstrating their ability to work consistently, performing analyses using agreed-upon procedures and appropriate standards. They would likely be accredited by a national accreditation organization that is signatory to the International Laboratory Accreditation Cooperation—Mutual Recognition Arrangement (ILAC-MRA).

5. Setting out the Consequences of Non-Compliance

Legislation and/or regulation will need to specify how incidences of non-compliance will be handled, including specific penalties.

In establishing effective incentives for compliance and penalties for non-compliance, governments may wish to consider applying the same standards to both domestic and export markets, thereby preventing the dumping of lead paint in countries less advanced in their controls.

Governments may also want to encourage manufacturers to be proactive in demonstrating their compliance with national limits on lead content. This could reduce the cost to governments of an extensive monitoring program, and give manufacturers an opportunity for positive publicity.

Paint manufacturers in countries that lack a well-enforced national lead paint control regime are encouraged to eliminate lead compounds from their paint formulations, especially of those paints likely to contribute to lead exposure in children and others.

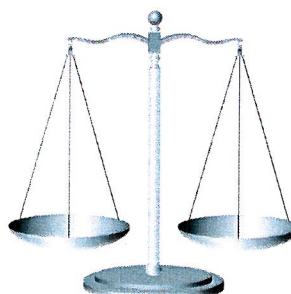
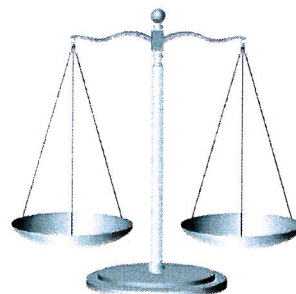
Paint manufacturers also are encouraged to consider voluntary participation in programs that provide third party paint certification that no lead has been added to their paint, and to label products in ways that help consumers identify paints that do not contain added lead. In addition, paint manufacturers in all countries could provide information on paint can labels warning of the serious risks that may arise from lead dust when preparing a previously painted surface for repainting.

6. Additional Controls on Lead Paint Violating Legislation and Regulation

Governments need to establish procedures to deal with paints or painted products that are found to be in violation of legal limits and are therefore unsuitable for distribution and sale or for donation.

Legislation and/or regulation will need to specify how such materials are to be destroyed or disposed of, referring as appropriate to other existing legislation and/or regulations that govern waste management and the disposal of hazardous waste. Legislation and/or regulation should also establish responsibilities for the costs incurred in any disposal operation.

Products that do not conform to these provisions should not be allowed to be exported for sale or donation.



Elements of A National Legal and Regulatory Framework for the Elimination of the Use of Lead in New Decorative Paint



This publication is a contribution to the Global Alliance to Eliminate Lead Paint

October 2013

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Introduction

This brochure is provided by the Global Alliance to Eliminate Lead Paint. It provides a brief guidance to governments wishing to consider establishing a national framework for implementing and enforcing legal requirements for the control of lead in new decorative paint used in homes, schools and other areas that pose high exposure risks for children.

The Global Alliance to Eliminate Lead Paint

The Global Alliance is a new initiative to focus and catalyze the efforts of diverse stakeholders to achieve an international goal to eliminate lead in paint. The overall goal of the Alliance is to prevent children's exposure to lead paints and minimize occupational exposures to lead paint. Its broad objective is to phase out the manufacture and sale of paints containing lead. The Global Alliance encourages all countries to enact effective national legislation and/or regulations to stop the manufacture, import, export, sale and use of lead-containing paints, and also of products coated with lead paints.

Why Does Paint Contain Lead?

Lead or lead compounds may have been added by the manufacturer to give paint its color, to allow the paint to reduce corrosion on metal surfaces, or to help the paint dry more quickly. Lead compounds may also be present in other coatings such as varnishes, lacquers, stains,

enamels, glazes or primers. However there are alternatives to lead that are currently available to paint manufacturers.

Health Effects of Lead

Lead is a toxic metal that can cause serious impacts on human health, including permanent brain and nervous system damage, problems with kidney function, and blood and reproductive damage. Children under 6 years of age and pregnant women whose developing fetus can be exposed are especially vulnerable.

The adverse health effects of lead to humans have been known for many years. Recent evidence has documented health effects at very low blood lead levels and no safe blood lead level for children has been identified.

The links between lead in paint and adverse health effects among exposed children and workers are well established¹.

Countries Need to Regulate Lead Paint

Reducing the adverse health effects from lead paints necessitates controlling exposures. National controls on the manufacture, import, sale, use, and export of lead paints are far more cost-effective in reducing exposure risks than any future remediation programmes. Legislation and/or regulation is needed to stop current practices and protect human health and the environment.

¹For an overview of the health effects of lead and why lead paint is still an issue, see: http://www.unep.org/hazardoussubstances/Portals/9/Lead_Cadmium/Images/LeadPaint-FlyerJM121016_Web.pdf

Although some restrictions on the use of lead in paints were enacted in many countries in the first third of the 20th century, it has become clear in recent years that paints containing high levels of lead are still widely available for purchase for residential purposes in many countries.

Available data from paint testing studies in thirty-seven (37) countries have revealed that new paints with high lead concentrations are widely available to consumers in many regions of the world. The data from these studies indicate that without appropriate national legislation and regulation, paints with lead will continue to be available in local markets.

The paint testing studies also found that paints containing low lead concentrations were also being sold at a similar price. This provides strong evidence that reasonable substitutes for lead are available, and that the manufacture of paint without

Objectives of Legislation and the Regulations Needed to Implement and Enforce Legislation

Prior to developing or modifying legislation and/or regulatory requirements to limit the amount of lead in paint, a government should review its existing requirements and voluntary standards. The development of new legislation and/or regulations would only be needed if the existing laws, regulations and enforcement programs are determined to be inadequate to protect public health.

The objectives of lead paint legislation and/or regulation

the addition of lead compounds is currently feasible.

The use of paint is increasing rapidly in countries with growing personal income, and people are putting more of their income into their property and its maintenance. Unless the lead content of new paint is controlled during manufacturing, the exposure of children to high levels of lead will continue in millions of homes and schools, jeopardizing their present and future health.

The call to eliminate lead paint is similar to an earlier concerted international initiative to encourage national regulatory actions to eliminate lead additives from vehicle fuels. The phase-out of lead additives has resulted in measurable reductions in blood-lead levels in children and in wider populations around the world. However, lead paint is still a significant remaining source of lead exposure for children and adults.

include the following:

1. Prevention of the manufacture, import, use and export of lead paint;
2. Development of a system with effective means of enforcement and compliance;
3. Establishment of institutional responsibilities and arrangements for the management and enforcement of legislation and/or regulation.

Specific Suggestions for Implementing these Objectives

1. Defining Lead Paint

Government legislation and/or regulations will need to include definitions and specific quantitative limit values on the lead content of paint, in order for the legal limits to be enforceable. In doing so, they may wish to consider the experiences of other countries and, where appropriate, establish definitions and limit values consistent with countries in the same region, economic community or trading block.

The following definitions developed by the Global Alliance to Eliminate Lead Paint may be helpful:

The term "paint" may include: varnishes, lacquers, stains, enamels, glazes, primers or coatings used for any purpose; and is typically a mixture of resins, pigments, fillers, solvents, and other additives.

"Lead paint" is paint to which one or more lead compounds² have been added.

The total lead concentration is usually defined on a weight percentage of the total non-volatile portion of the product or in the weight of the dried paint film. Lead compounds may also be present in a paint as a contaminant from other paint ingredients. Efforts should be made to keep the total lead content in paints as low as possible. Current data from a number of countries suggests that lead levels in many decorative paints are less than 90 ppm and often below 45 ppm.

²Lead compounds that are typically added to paint include, but are not limited to: Lead carbonate (white lead), Lead chromate, Lead chromate oxide, Lead chromate molybdate sulphate red, Lead sulpho-chromate yellow, Lead 2-ethylhexanoate, Lead molybdate, Lead naphthenate, Lead nitrate, Lead monoxide, Lead oxide, Lead octanoate, Lead peroxide, Lead sulphate, and Tri lead-bis (carbonate)-dihydroxide.

2. Determining the Lead Content of Paint

Countries may wish to establish appropriate analytical methods to determine the lead content of paints and products with painted surfaces. A number of existing methods for the preparation of samples and the analysis of lead in paint are available. These are summarized in the World Health Organization's "Brief Guide to analytical methods for measuring lead in paint." This guide is available in English, Chinese, French, and Spanish at www.who.int/ipcs/assessment/public_health/lead/en/

3. Setting Effective Dates of Legislation and/or Regulations

Countries will need to specify effective dates for particular measures set out in the legislation and/or regulation such as dates on which controls on the manufacture, import, use and export, of lead paint will become effective.

The date by which these products must no longer be sold should also be indicated. In establishing such dates, countries may wish to work with industry and other stakeholders to determine the time needed to source and procure alternative materials, to alter production recipes and processes, and to account for and exhaust existing stocks of lead paint.

Global Alliance to Eliminate Lead Paint

The Global Alliance to Eliminate Lead Paint is a new initiative to focus and catalyse the efforts of diverse stakeholders to achieve international goals to eliminate lead paint.

The overall goal of the Global Alliance is to prevent children's exposure to paints containing lead and to minimize occupational exposures to lead paint. The broad objective is to phase out the manufacture and sale of paints containing lead and eventually to eliminate the risks that such paints pose.

The Global Alliance to Eliminate Lead Paint is an important means of contributing to the Plan of Implementation of the World Summit on Sustainable Development and to the resolutions of the International Conference on Chemicals Management (ICCM).

The participation of representatives and interested experts from Governments, intergovernmental organizations, non-governmental organizations, including civil societies, regional bodies, philanthropic organizations, academia, the media and the private sector, is encouraged.

The work of the Global Alliance is organized in five focal areas:

- Environmental aspects
- Health aspects
- Worker's health
- Legislation and regulation
- Outreach to industry

If you would like to receive more information on the work of the Global Alliance to Eliminate Lead Paint, please visit the Global Alliance to Eliminate Lead Paint website: www.unep.org/hazardousubstances/

Alternatively, you may contact:

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and the Planet