

Toolkit for establishing
laws to eliminate
lead paint

2021 Update

**Lead in Paint
Regulation:
Case Study –
The Philippines**

Module F-4



Global Alliance to
Eliminate Lead Paint

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Philippines at a Glance

- The Philippines is located in Southeast Asia. It is bounded in the west by South China Sea (officially known as the West Philippine Sea); in the east by the Pacific Ocean; in the south by the Sulu and Celebes Seas; and in the north by the Bashi Channel. Its capital and main port of entry is Manila
- The Philippines is an archipelago consisting of 7,100 islands with a total land area of approximately 300,000 square kilometers. It has three major island groups-Luzon in the north, Visayas in the middle and Mindanao further down in the South
- The current population of the Philippines is over 110 million people (2021)

Background

- Lead and lead compounds belong to the [Philippines Priority Chemicals List](#) (PCL). The PCL enumerates existing and new chemicals that Department of Environment and Natural Resources – Environmental Management Bureau (DENR-EMB) has determined to potentially pose unreasonable risk to public health, workplace, and the environment
 - Lead and lead compounds have the highest registration among the imported PCL chemicals from 2008 to 2011
 - Chemicals that are under a Chemical Control Order (CCO) pose an unreasonable risk to public health or the environment, and are for eventual phase-out
 - DENR-EMB issues CCOs that prohibit, limit, or regulate the use, manufacture, import, transport, processing, storage, possession, and wholesale of those priority chemicals that the agency has determined to be regulated, phased out, or banned because of the serious risks they pose to public health, workplace, and environment

Driving Factors that Led to Action on Lead Paint

- Health and safety concerns, especially on young children and women of childbearing age
- Public dissemination of data showing the presence of lead in paints sold in the national market, and stakeholders' awareness of the need for common action
- Push for lead paint regulation nationally (i.e., civil society) and globally (i.e., ICCM and UNEA decisions on lead paint as an “emerging policy issue”)
- Industry support for a lead paint regulation toward a simultaneous industry-wide switch to lead-safe paint production
- The move by top paint companies to voluntarily phase out their use of lead-based raw materials even before the policy was promulgated in 2013

Process That Led to the Adoption of the Lead Paint Regulation

- Technical Working Group meetings and Focus Group Discussions held to discuss inputs, challenges, issues, and concerns of affected stakeholders
- Draft regulation through a Chemical Control Order (CCO) prepared by the Environmental Management Bureau and disseminated online for comments by stakeholders
- Public consultations conducted to solicit comments and inputs on draft CCO
- Position papers from affected industry sectors submitted and considered
- Capacity building activities, including technical symposia for regulators, formulators and manufacturers on alternative raw materials and hazards of lead
- Implementation of a Regulatory Impact Assessment
- Finalization of draft regulation by policy groups of the Environmental Management Bureau and the Department of Environment and Natural Resources
- Administrative Order signed by Environment and Natural Resources Secretary upon recommendation by the Environmental Management Bureau Director

Key Elements of the Adopted Lead Paint Regulation

Department of Environment and Natural Resources Administrative Order (DENR AO) 2013-24, or the [Chemical Control Order for Lead and Lead Compounds](#)

- Provides for the phase-out of paints and other similar surface coatings with lead content above 90 parts per million (ppm)
- Covers all paint categories
- 3-year phase-out period (2013-2016) for lead-containing paints used for architectural, decorative and household applications
- 6-year phase-out period (2013-2019) for lead-containing paints used for industrial applications
- The order further sets other prohibitions on the use of lead and its compounds

DENR A.O. 2013-24:

Section 3. Coverage

- Importers
- Distributors
- Manufacturers
- Industrial users
- Recyclers
- Waste service providers
(Transporter, Treaters and Disposers)

**The poster on the right shows a reminder that the lead paint regulation—which sets a 90-ppm lead limit for all paints—is already in effect.*



PHASE OUT
of lead-containing architectural,
decorative and household paints.



BAWAL NA
ang paggawa, pamamahagi, pagtitinda at
paggamit ng pinturang panggusali, pangdekorasyon
at pangbahay na may **tingga (lead)** na lampas
sa **90 parts per million (ppm)**.

Sundin ang DENR Administrative Order 2013-24 o ang
Chemical Control Order for Lead and Lead Compounds
para sa pampublikong kalusugan at kalikasan.

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
ENVIRONMENTAL MANAGEMENT BUREAU

PHILIPPINE ASSOCIATION
OF PAINT MANUFACTURERS

IPEN
a toxic free future

Eco Waste
Coalition

Swedish Society
for Nature Conservation

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DENR A.O. 2013-24:

Section 4. Prohibited Uses

Paints (as pigment, a drying agent or for some intentional use) with more than 90 ppm threshold limit beyond three (3) years (2013-2016) for architectural, decorative, household applications and six (6) years (2013-2019) for industrial applications



DENR A.O. 2013-24:

Section 4. Prohibited Uses



Lead and lead compounds are likewise prohibited in the production or manufacturing of:

- Packaging for food and drink (i.e., food contact materials)
- Fuel additives (pursuant to the Philippine Clean Air Act of 1999)
- Water Pipes
- Toys
- School supplies
- Cosmetics

Notes:

1. Lead and lead compounds are prohibited in packaging that comes directly in contact with food.
2. Lead and lead compounds are prohibited as fuel additives pursuant to the R.A. 8749, or the Clean Air Act of 1999.
3. Lead water pipes are prohibited, but the use of lead as stabilizer for PVC pipes is allowed subject to compliance to PNS 65-1993 (Unplasticized PVC Pipes for Potable Water Supply Specification)

DENR A.O. 2013-24:

Section 11: Transitory Provision

Lead in paints shall be allowed for the next 6 years (2013-2019) as transitional provision provided precautionary labeling is placed in the products:

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

Architectural, decorative, and household applications of leaded paints shall be allowed for the next 3 years (2013-2016)

Clarificatory Memorandum Circulars by DENR-EMB

- [EMB MC 2015-005](#): Clarifications on the Prohibited Uses of Lead and Lead Compounds under DAO 2013-24, “Chemical Control Order (CCO) for Lead and Lead Compounds”
 - Clarifies that the ban on lead in packaging applies to packaging that comes directly in contact with food
 - Clarifies that the ban on lead in fuel additives is pursuant to the ban on leaded gasoline under the Clean Air Act of 1999
 - Clarifies that lead-based water pipe is prohibited, but the use of lead as a stabilizer in the manufacture of PVC pipe is allowed subject to compliance to Philippine National Standards
- [EMB MC 2016-010](#): Clarification on the Prohibition of Paints with Lead and Lead Compounds Used for Children’s Toys and Related Products
 - Prohibits the use of paints with more than 90 ppm lead in the production of toys and related children’s products effective 31 December 2016

Supplementary Issuances to Mainstream Lead-Safe Paints (National Government Agencies)

Various national government agencies have issued directives to help in promoting compliance to the lead paint regulation and in promoting the compulsory use of lead-safe paints:

- Food and Drug Administration (FDA) Advisory No. 2020-1585: Public Health Warning Against the Purchase and Use of Spray Paints Containing Significant Levels of Toxic Heavy Metal, Lead (Pb)
<https://www.fda.gov.ph/fda-advisory-no-2020-1585-public-health-warning-against-the-purchase-and-use-of-spray-paints-containing-significant-levels-of-toxic-heavy-metal-lead-pb/>
- Department of Interior and Local Government (DILG) Memorandum Circular 2018-26: Mandatory Use of Lead-Safe Paints by Local Government Units
<https://www.dilg.gov.ph/issuances/mc/Mandatory-use-of-Lead-Safe-Paints-by-LGUs/2658>

Supplementary Issuances to Mainstream Lead-Safe Paints (National Government Agencies)

- Department of Education (DepEd) Order 4, series of 2017: Mandatory Use of Lead-Safe Paints in Schools
<https://www.deped.gov.ph/2017/01/18/do-4-s-2017-mandatory-use-of-lead-safe-paints-in-schools/>
- Department of Social Work and Development (DSWD) Memorandum: Mandatory Use of Lead-Safe Paints
<http://ecowastecoalition.blogspot.com/2017/06/watch-group-lauds-dswds-directive-on.html>
- Department of Education (DepEd) Memorandum 85, series of 2016: Use of Lead-Free Paints in Schools
https://www.deped.gov.ph/wp-content/uploads/2018/10/DM_s2016_085.pdf

Supplementary Issuances to Mainstream Lead-Safe Paints (Local Government Units)

Adoption of city ordinances on lead-safe paint procurement for publicly funded construction, maintenance and renovation activities:

- Quezon City Ordinance 2739-2918
- Davao City Ordinance 0461-2018
- Baguio City (draft ordinance filed)
- Manila City (draft ordinance filed)

Updated Paint-Related Standards

- All revised and newly formed paint-related Philippine National Standards (PNS) now reflect the 90 ppm total lead content limit since 2015.
- The standards were developed by Technical Committee #25 formed and coordinated by the Department of Trade and Industry – Bureau of Philippine Standards (DTI-BPS). BPS is the national standards body of the Philippines.

Promotion of Voluntary Third-Party Lead Safe Paint® Certification in the Philippines

- Lead Safe Paint® is an independent, third-party certification program that lets customers know that the paint they are purchasing contains less than 90 ppm lead, the limit set under DENR. A.O. 2013-24, as well as the limit included in the [UNEP Model Law and Guidance for Regulating Lead Paint](#)
- As of January 2021, the following paint brands manufactured in the Philippines have been duly certified as Lead Safe Paint®:
 - Boysen, Nation, Titan and Virtuoso Silk brands by Pacific Paint (Boysen) Philippines, Inc. (total of 434 products)
 - Davies brand by Davies Paints Philippines, Inc. (371 products)
 - PureCoat Premium, WeatherGard, Sycwin, PureCoat Advance, Minnesota, Delaware, Alabama, Kansas, Guilder and Illinois brands by Sycwin Coating & Wires, Inc. (590 products)

For more information, please see: <https://www.lead safepaint.org/>

Disclaimer: *The Lead Safe Paint® certification is an autonomous program initiated and supported by civil society and industry stakeholders. While the LPA acknowledges third-party certification as a useful tool, it does not endorse or promote any specific certification program*



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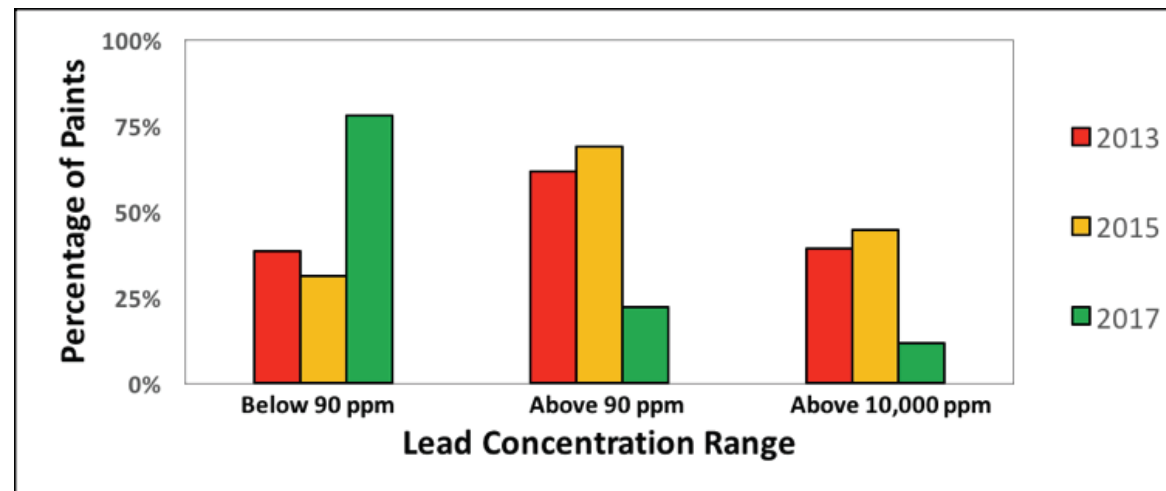
Reduced Lead Content in Paint as Result of Law

- The results of the Lead in Solvent-Based Paints for Home Use in the Philippines studies jointly undertaken by the EcoWaste Coalition and IPEN in [2013](#), [2015](#) and [2017](#) show a significant increase on the percentage of paints with lead levels below 90 ppm: from 39% in 2013, 31% in 2015, to 76% in 2017
 - The studies further indicate a significant decrease on the percentage of paints with extremely high lead levels above 10,000 ppm: from 39% in 2013, 45% in 2015, to 12% in 2017
 - The decrease on the percentage of lead paint available in the market is primarily due to individual paint companies removing lead in decorative paint formulations in compliance with the mandatory phase-out requirements under the DENR A.O. 2013-24. Moreover, removal of lead in paint formulation reflects the industry's commitment for greener innovations, and provides competitive advantage over lead-containing paint products

Comparison:

Lead Content Analysis in Solvent Based Paints as per EcoWaste Coalition-IPEN Studies

	2017 Study	2015 Study	2013 Study
Number of Paints	104	141	122
Percentage of paints with lead content > 90 ppm (number of paints)	23 (24)	69 (97)	61 (75)
Percentage of paints with lead content \geq 10,000 ppm (number of paints)	12 (12)	45 (63)	39 (48)
Maximum Concentration, ppm	100,000	153,000	156,000



Factors that Contributed to Success

- Data on lead in solvent-based paints generated by civil society provided evidence of a pressing problem requiring immediate and collective action
- Multi-faceted efforts to raise awareness about the issue helped in making lead paint issue a national priority, and in influencing consumer preference and demand for lead-safe products
- Stakeholders' unity to protect children's health and the environment facilitated the adoption of a strong health-protective regulation
- Open communication and discussion between and among government regulators, paint manufacturers and civil society campaigners
- Excellent synergy: government, industry and civil society

Factors that Contributed to Success

- Commitment of the paint industry to eliminate lead in paint (in fact the Philippine Association of Paint Manufacturers is a partner of the Global Alliance to Eliminate Lead Paint)
- Industry-wide shift created the impetus for all companies to transition to lead-safe paint formulations (e.g., companies that do not switch are not penalized with lower sales)
- Government's commitment to complete the process following SAICM's multi-stakeholders' approach led to the ultimate adoption of the regulation
- Adoption of 90 ppm total lead content limit for all types of paint as a regulatory approach that supports other policies on mandatory use of lead-safe paints and the prohibition on the use of leaded paints on toys and related products



Way Forward

- Continuous compliance monitoring efforts
- Continuous information, education and communication activities
- Continuous promotion of paint manufacturers' voluntary participation in the third-party Lead Safe Paint[®] Certification program
- Continuous maximization of opportunities to promote the procurement and use of lead-safe paints
- Continuous participation in the work of the Global Alliance to Eliminate Lead Paint
- Multi-stakeholders' review of implementation of the CCO (proposed)

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2. Department of Environment and Natural Resources (DENR) Administrative Order 2013-24, or the Chemical Control Order (CCO) for Lead and Lead Compounds:
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11. Lead Safe Paint® Certification Program: <https://www.lead safepaint.org>
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