Lead in Paint: Peru Case Study

Toolkit for establishing laws to eliminate lead paint

Module F-3
Outline

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• Process to Draft and Adopt the Lead Paint Law

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About Peru

Peru is a developing country located in the central and western part of South America. Its territory borders Bolivia, Brazil, Chile, Ecuador, Colombia and the Pacific Ocean.

It is considered the third largest country in South America, and among its characteristics, its great biological and cultural diversity can be highlighted.

Capital: Lima

Population: 32,625,948 inhabitants (as of June 2020)

Total Area: 1,285,215 km² of land and 200 nautical miles
Why Did Peru Take Action to Regulate Lead Paint?

Lead is a toxic pollutant that is emitted as a result of activities such as mining, metallurgy, some manufacturing activities, and the widespread use of lead paint. These activities take place in Peru at different scales and places.

PUBLIC HEALTH CONCERNS CONSIDERED BY PERU

Lead microparticles are inhaled and/or ingested by people and animals causing serious health problems:

➢ Causes adverse effects on the blood, central nervous system, kidneys, reproductive and immune systems; because it is distributed in the brain, liver, kidney and bones.
➢ During pregnancy, lead accumulated in the bones is released into the blood, exposing the developing fetus.
➢ In children, who can absorb 4-5 times more lead than adults, academic performance is affected, causing attention deficit disorders and antisocial behaviors.
Why Did Peru Take Action to Regulate Lead Paint?

ENVIRONMENTAL CONCERNS CONSIDERED BY PERU

• Lead is a metal that pollutes the soil, atmosphere and water, because both elemental lead and its compounds remain in suspension and can be transported in different natural systems.

• Lead tends to bioaccumulate in most microorganisms, such as plants and animals, causing adverse effects in various organs and systems.
Why Did Peru Take Action to Regulate Lead Paint?

• Peru identified that there are more than 300 companies that produce and/or import paint that contains lead, and that they are used in homes, study centers, child care centers, health establishments, among others; they become a source of lead exposure for people, putting the mother and child at risk.

• The Ministry of Health identified the need to take action, through the General Directorate of Environmental Health and Food Safety (DIGESA) that implements a sustained policy of eliminating health risks from heavy metals. In fact, DIGESA had already implemented regulatory and control actions on heavy metals in toys and desk supplies, among others.
Process to Draft the Lead Paint Law

At an initial stage, DIGESA coordinated and kept regular deliberations and awareness raising sessions with:

• Advisors from the Health Commission of the Congress

• Relevant départements from:
  ➢ The Ministry of Health
  ➢ The Ministry of Production
  ➢ The Ministry of the Environment
  ➢ The Prosecutor's Office of the Nation

Congressman Omar Merino
Process to Draft the Lead Paint Law

The existing legal framework relevant to lead paints was reviewed:

1993. Article 7 establishes that everyone has the right to the protection of their health, of their family environment and of their community, as well as the duty to contribute to its promotion and defense.

Approved in July 1997, the General Health Law refers to health protection.

Approved in November 2004, "Law on the Labeling of Manufactured Industrial Products”.

Law that prohibits and penalizes the manufacture, import, distribution and marketing of toxic or dangerous toys and desk supplies. Promulgated on November 9, 2004. The regulation was promulgated on September 15, 2007.

Approved in June 2008. It establishes the national health care strategy for people affected by contamination with heavy metals and other chemical substances.
Process to Draft the Lead Paint Law

- The Technical Advisory Committee (CAT) was established to draft the lead paint law.
- The first session of the CAT on Lead in Paints was held on March 13, 2021, which aimed to present the project to different public and private actors such as:
  - Ministry of Health
  - Ministry of Environment
  - Health Social Security
  - Ministry of Production
  - National Intelligence Service
  - Peru Green Building Council
  - Engineers Associations
  - National Health Institute

- Prior to the first meeting of the CAT, on August 18, 2019, the Ministry of Health, the Ministry of Environment and Grupo GEA (National Cleaner Production Center of Peru) drafted initial legal text for the lead paint law. This draft was presented in the following CAT sessions and discussed with its members until a final version was reached.
Process to Draft the Lead Paint Law

- The Bill was discussed in full Congress, promoted by Congressman Omar Merino.
- “The Law that protects the health and physical integrity of people from the lead content in paints and other coating materials” was adopted in May 2, 2021.

https://busquedas.elperuano.pe/normaslegales/ley-que-protege-la-salud-e-integridad-fisica-de-las-personas-ley-n-31182-1949247-2/
Main Provisions of the Lead Paint Law

Scope of Application

• Any person engaged in the manufacture, import, distribution, and/or marketing of paints and other coating materials with lead, nationwide.

Prohibition

• The manufacture, import, distribution and/or sale of paints and other coating materials with the presence of lead, which exceeds the maximum allowed limit, is prohibited.

Lead Content

• The limit for lead content for paints and other coating materials is 90 parts per million (ppm) or 90 mg/kg.
Main Provisions of the Lead Paint Law

Analysis and Composition Certificate

• There must be a certificate of analysis and composition in accordance with the Technical Regulations (*), and issued by an accredited laboratory. Certificates issued in foreign countries will have the same legal effect in Peru.

Labeling

• Containers must have a clear and visible label that indicates the amounts of lead and other metals that affect health. Printing over or modifying the original label without authorization from the health authority is prohibited.

Civil Education and Environmental Commitment

• The Ministries of Health, Education, Production, Environment, regional and local governments will conduct awareness-raising activities on the risks and health effects of lead.

(*) these are under development
Main Factors that Contributed to the Adoption of the Lead Paint Law

Continuity and sustainability of a policy to reduce health risks from heavy metals.

• The DIGESA of the Ministry of Health implements a sustained and long-term policy to eliminate heavy metals and their health risks. For more than a decade it has been uninterruptedly creating awareness, regulating and controlling heavy metals in various products such as toys, office supplies, hygiene and beauty products, among others. The elimination of lead in paints is aligned with that sustained policy.

Information published and disseminated by agencies such as UNEP, WHO and the Ministry of Health/DIGESA of Peru

• There is information on environmental contamination and health risks due to lead exposure published on main websites and disseminated in various media and by different partner institutions.
Examples of Information Published and Disseminated by International Partners and the Ministry of Health/DIGESA


Main Factors that Contributed to the Adoption of the Lead Paint Law

- Participation in the Regional Workshop June 12-13, 2019 in Panama Strategic Approach to International Chemicals Management (SAICM) Global Environment Facility (GEF) Project Lead Paint Component
  - The Peruvian delegation, comprised of representatives of the Ministry of Health/DIGESA, MINAM and the Grupo GEA participated, committed to work on drafting a Lead in Paint for Peru. DIGESA presented its experience on regulating lead in toys and desk supplies and committed to continue promoting a lead paint law after the achievements provided in the Latin America and Caribbean Regional Workshop on Lead Paint.

- Lead paint regulations approved in other countries of the region and their participation in the Lead Paint Global Alliance
  - Certain neighbor countries already have lead paint laws in force, such as Brazil, Chile and Uruguay. The regional efforts, as part of the UNEP GEF Lead Paint Project in Colombia, Ecuador and Peru with support from UNEP and Grupo GEA, strengthened the process of development of the Law.
Main Factors that Contributed to the Adoption of the Lead Paint Law

Awareness campaign on the dangers of lead exposure

• Annual events (2019-2020) were delivered during the “International Lead Poisoning Prevention Week”. The events were open to all national stakeholders, and included awareness-raising activities in the field, such as the painting of lead-free murals (see photo).

Photo: Inauguration of the mural in Villa María del Triunfo prepared for the International Lead Poisoning Prevention Week, 2019.

General Director of DIGESA, Biologist Carmen Elizabeth Cruz Gamboa, participated in the main event.
Examples of Continued Awareness-Raising Campaign

Supported by the Ministry of Health (MoH), campaigns are continuing to promote the use of lead-free paints and toys. In addition, Grupo GEA is raising awareness through social media.

Below are examples of activities of MoH and Grupo GEA advocacy for lead-free Paints in main national newspapers:


https://gestion.pe/economia/minsa-busca-erradicar-fabricacion-venta-pinturas-contengan-plomo-nndc-271019-noticia/#:~:text=El%20Ministerio%20de%20Salud%20(Minsa,la%20salud%20de%20la%20poblaci%C3%B3n
Examples of Continued Awareness-Raising Campaign

Below are examples of MoH participation in various awareness-raising activities and ILPPW:

http://www.digesa.minsa.gob.pe/noticias/Octubre2020/nota69.asp

http://www.digesa.minsa.gob.pe/noticias/Octubre2020/nota71.asp
Examples of Continued Awareness-Raising Campaign

**Below, left:** ILPPW event organized by MoH in collaboration with Ministry of environment and Grupo GEA.

**Right:** News about enforcement by MoH such as the confiscation of toys with high concentrations of lead.

“Pinturas sin plomo... Niños (as) saludables”  
PREVENCIÓN DE INTOXICACIÓN POR PLomo 2019 EN SANTA ANITA

El Ministerio de Salud a través de la DIGESA en su rol preventivo realiza operativos de decomiso de juguetes con plomo.


http://www.digesa.minsa.gob.pe/noticias/mayo2014/juguetes_no_saludables.asp
Examples of Continued Awareness-Raising Campaign

**Below, left:** News About enforcement by MoH, such as the confiscation of toys with high concentrations of lead (4940 stickers and 4500 puzzles). **Right:** News by MoH to raise awareness About the lead paint bill.

http://www.digesa.minsa.gob.pe/noticias/Julio2014/nota118.asp

Main Factors that Contributed to the Adoption of the Lead Paint Law

• **Creation of the Technical Support Committee (CAT) and multisectoral work Committee**

  ➢ The Committee has participation of representatives of entities such as the Ministry of Health/DIGESA, Ministry of Environment, Ministry of Production, National Society of Industry, Peru Green Building Council, universities, private companies, among others.

  ➢ The CAT prepared a draft Law with consensus among all participants. The case was strengthened with the 4 cases of lead-free paint formulation in SMEs developed by Grupo GEA, as part of the UNEP GEF Lead Paint Project.

  ➢ [https://saicmknowledge.org/sites/default/files/meterial/Day%202_Pre...Validation%20Workshop%20VF%20NCPC%20Peru.pdf](https://saicmknowledge.org/sites/default/files/meterial/Day%202_Pre...Validation%20Workshop%20VF%20NCPC%20Peru.pdf)
Summary

• The Ministry of Health identified the need and took action, through the General Directorate of Environmental Health and Food Safety (DIGESA) that implements a sustained policy of eliminating health risks from heavy metals.

• A Technical Support Committee (CAT) and multisectoral work Committee drafted legal text.

• The Bill was discussed in full Congress, promoted by Congressman Omar Merino and adopted in May 2021.

• The Bill contains provisions to limit lead content, prohibit the manufacture, distribution and sale of lead paint, to require testing and labeling and do promote public education and environmental commitment.

• Main factors contributing to success included a sustained and long-term policy to eliminate heavy metals and their health risks, awareness raising, information from DIGESA and the Lead Paint Alliance, and the multi-sectoral CAT process.
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