

# Webinar: Lead Paint Law Compliance and Enforcement

## Welcome!

- We will start the webinar at 1pm CET. Please keep microphones muted while we set up and during the event unless requested.
- Please note the webinar will be recorded.

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22 October 2024

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# Webinar: Lead Paint Law Compliance and Enforcement

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## Agenda

**Moderator:** Ms. Angela Bandemehr, US EPA Office of International Affairs

1. Welcome, Ms. Mihaela Paun, Programme Management Officer, Knowledge and Risk Unit, Chemicals and Health Branch, UNEP (2 min.)
  2. Lead Paint Law Compliance and Enforcement Guidance presentation (28 min.), Mr. Steve Wolfson, US EPA Office of General Counsel, and Ms. Kenzie Poole, Office of International Affairs
  3. Questions and Answers (30 min.)
  4. Panel: Case Studies of lead paint law enforcement (30 min.)
    - Vietnam: Mr. Le Viet Thang, Deputy Chief of Administrative Office, Vietnam Chemicals Agency, Ministry of Industry and Trade (10 min.)
    - Kenya: Ms. Anne Jael Omedi, Quality Assurance Officer, Kenya Bureau of Standards (10 min.)
    - Guyana: Ms. Trecia David, Registrar, Pesticides and Toxic Chemicals Control Board (10 min.)
  5. Questions and Answers (30 min.)
  6. Closing
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# Webinar: Lead Paint Law Compliance and Enforcement

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## Objectives

- Highlight the importance of promoting compliance and effective enforcement among countries that are developing or implementing a lead paint law;
  - Provide guidance on how governments can enforce a lead paint law;
  - Provide guidance to paint industry stakeholders on how to comply with a lead paint law;
  - Provide the opportunity to ask questions of technical experts;
  - Provide the opportunity for participants to share information about their experiences with ensuring compliance with a lead paint law;
  - Provide country case studies about compliance and enforcement in low- and middle-income countries.
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# Lead Paint Law Compliance and Enforcement Guidance

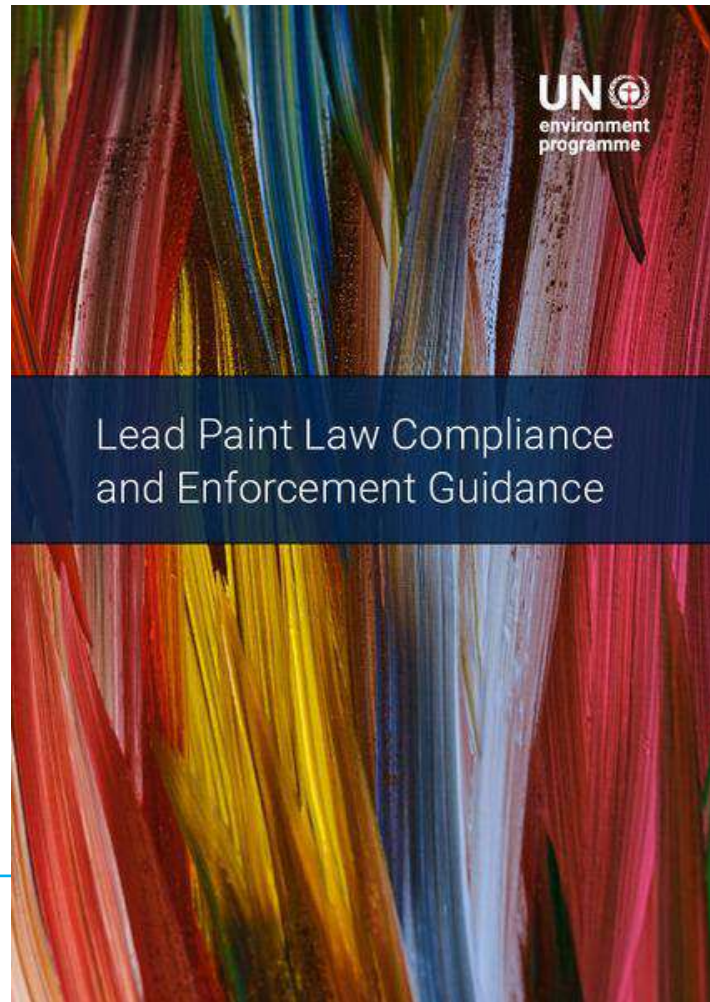
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Informational Overview of UNEP's 2023 Guidance

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Date: 22 October 2024  
Presenters: Mihaela Paun (UNEP),  
Steve Wolfson & Kenzie Poole (USEPA)  
Moderator: Angela Bandemehr (USEPA)

# Lead Paint Law Compliance and Enforcement Guidance



- Provides an outline of actions governments can take to foster compliance with lead paint laws.
- The Guidance is available on the [UNEP website](#) in all UN languages.
- UNEP partners in the Lead Paint Alliance collaborated to develop the Guidance.
- During the course of this process, a draft of the Guidance was posted online for [public comment](#).

# Outline

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- Section 1: Introduction
- Section 2: Drafting of Clear, Enforceable Lead Paint Laws
- Section 3: Compliance Promotion
- Section 4: Compliance Monitoring
- Section 5: Enforcement
- Section 6: Periodic Evaluation

# Outline

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- **Section 1: Introduction**
  - **1.A. – Background**
  - **1.B. – Purpose and Scope**
- Section 2: Drafting of Clear, Enforceable Lead Paint Laws
- Section 3: Compliance Promotion
- Section 4: Compliance Monitoring
- Section 5: Enforcement
- Section 6: Periodic Evaluation

# Background

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Paint containing lead poses very significant risks to both human health and the environment.



Globally, lead paint is a notable source of exposure of children to lead.



Lead paint laws are a key tool in protecting human health and the environment from lead.



The effectiveness of these laws in protecting health and the environment depends on compliance and enforcement.



# Purpose and Scope

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- **Purpose:** to provide countries with guidance for the compliance and enforcement strategies for lead paint laws.
- **Why?** Compliance and enforcement are critical to the effectiveness of lead paint laws and should be considered from the drafting stage through to the implementation of the law.
- **Note:** circumstances vary from country to country; this Guidance is intended to be adaptable to different legal systems and regulatory structures.

Enforcement

### What is enforcement?

Actions taken by a government to deter violations and compel compliance

### What is compliance?

Conformity with legal requirements

Compliance

# Effective Lead Paint Laws

## How can interested Stakeholders use this Guidance?

**Government officials** can use the Guidance to inform the drafting of effective compliance and enforcement provisions and to promote, monitor and enforce compliance with lead paint law requirements.

**Paint manufacturers and importers**, and others covered by a lead paint law, can use this document to understand how to document compliance and to understand what may be expected during an inspection.

**Civil society organizations** can use the Guidance to understand best practices for engaging on the drafting and implementation of provisions for lead paint law enforcement and compliance.

**In all cases, specific compliance and enforcement activities will be determined by the laws in specific countries.**

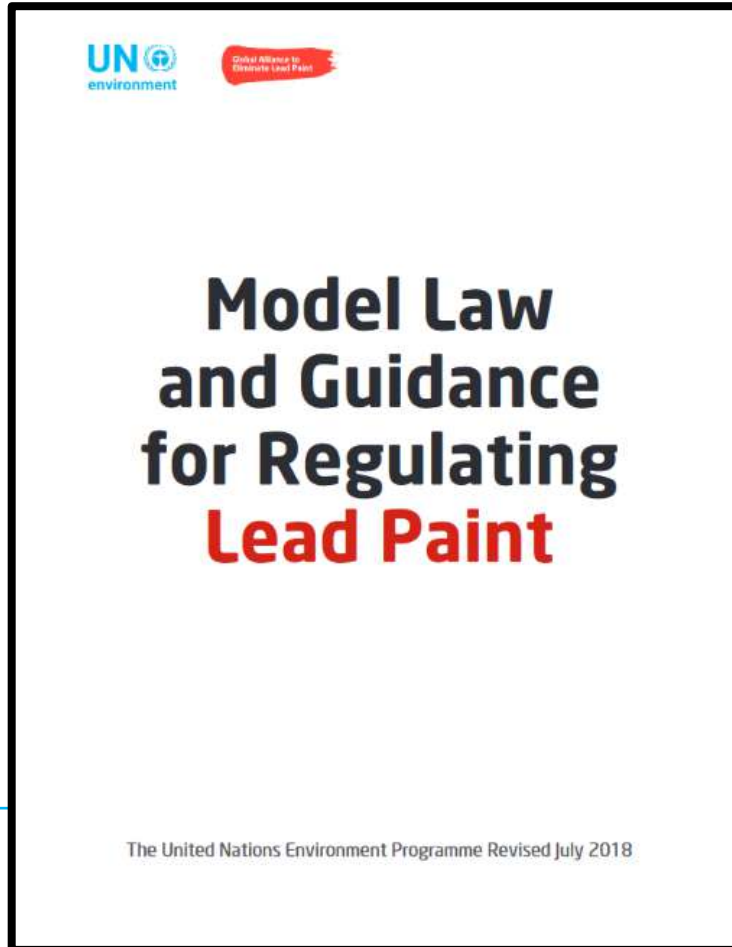
# Outline

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- Section 1: Introduction
- **Section 2: Drafting of Clear, Enforceable Lead Paint Laws**
  - **2.A – Clear enforceable language**
  - **2.B – Input from stakeholders**
  - **2.C – Well-defined compliance and enforcement authorities**
  - **2.D – Relationships to other laws**
- Section 3: Compliance Promotion
- Section 4: Compliance Monitoring
- Section 5: Enforcement
- Section 6: Periodic Evaluation

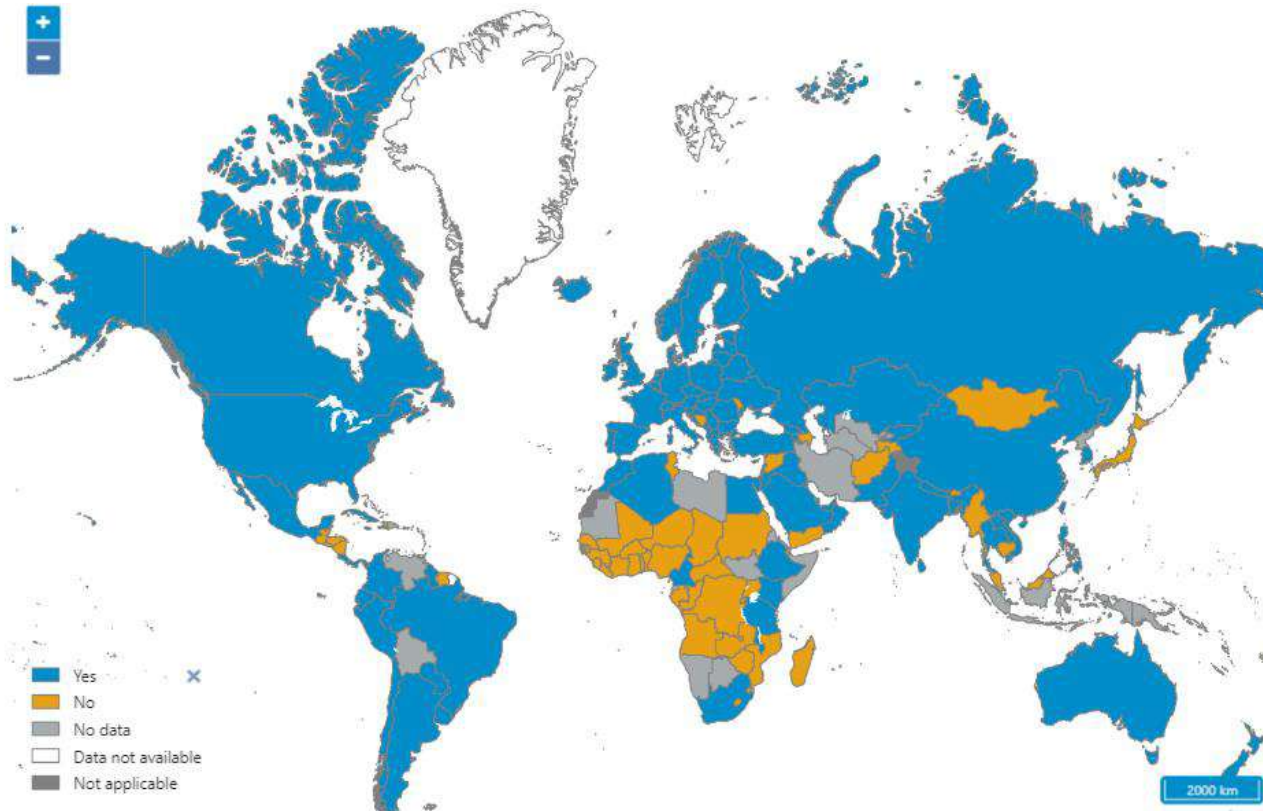
# The Lead Paint Model Law

## Purpose and Scope



- The *Model Law and Guidance for Regulating Lead Paint* includes sample legal text for provisions to provide a solid legal foundation for effective lead paint laws.
- For example, Appendix I of the Model Law includes sample legal text for provisions on:
  - testing paint for compliance,
  - documenting compliance,
  - government verification of compliance and
  - enforcement action to sanction violations.
- Many countries have considered the Model Law in developing their lead paint laws.

# Global Status of Lead Paint Laws



The boundaries and names shown and the designations used on this map do not imply the expression of any opinion whatsoever on the part of the World Health Organization concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. Dotted and dashed lines on maps represent approximate border lines for which there may not yet be full agreement.

As of 16 January 2024, **94 countries (48%)** have confirmed that they have legally binding controls on the production, import and sale of lead paint.

**Global Alliance to Eliminate Lead Paint**

# Drafting of Clear, Enforceable Lead Paint Laws

## 2.A Clear enforceable language

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- Clear and concise language makes it easier for regulated communities to comply with laws by reducing confusion.
- Lead paint law should address:
  - Who is regulated (e.g. manufacturers and importers)
  - What type of paint is regulated
  - What the lead limit is
  - When the requirements become mandatory
  - Any exemptions
  - How to document compliance
  - Authority for inspections
  - Penalties for violations

# Drafting of Clear, Enforceable Lead Paint Laws

## 2.B Input from stakeholders



- Providing the opportunity for stakeholder input can help promote effectiveness and promote compliance.
- Stakeholders can consist of:
  - Paint manufacturers and importers
  - Compliance and enforcement officials
  - Trade associations
  - Paint consumers
  - Retailers



# Drafting of Clear, Enforceable Lead Paint Laws

## 2.C Well-defined compliance and enforcement authorities

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- The law should clearly define the scope of agency responsibilities and facilitate coordination among relevant agencies.
- For example, it can be important to foster effective coordination with officials who regulate imports at points of entry.
- It can also be important to foster effective coordination on the handling of lead paint that remains in the channels of commerce after it is prohibited and of paints that may be treated as waste.

# Drafting of Clear, Enforceable Lead Paint Laws

## 2.D Relationship to other laws

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- It is important to consider country-specific, domestic laws that may be relevant to the implementation of any Lead Paint Law provisions, when necessary.
- For example:
  - The lead paint standard of Vietnam references a content labeling decree.
  - The lead paint law of Colombia references provisions in its waste law for the management of waste containing lead.

# Case Study: Philippines

- Example of clear legal language
- Phase-out compliance schedule
  - 3 years (2013-2016)
    - Architectural
    - Decorative
    - Household
  - 6 years (2013-2019)
    - Automobile
    - Industrial
    - Commercial
    - Equipment coatings and finishes

# Outline

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- Section 1: Introduction
- Section 2: Drafting of Clear, Enforceable Lead Paint Laws
- **Section 3: Compliance Promotion**
- Section 4: Compliance Monitoring
- Section 5: Enforcement
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# Compliance Promotion

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- **What is compliance promotion?** Communication of the *purpose* and *key requirements* of lead paint laws to the regulated community, helping to increase understanding and compliance.
- **How does compliance promotion work?**
  - Investing in robust compliance promotion measures, such as training and guidance, fosters understanding and knowledge of the requirements of the law.
  - Having a more robust understanding of what the law expects of regulated industries can reduce violations.
  - This also allows for a more focused use of enforcement resources on frequent or priority violations.

# Compliance Promotion

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- Suggested timing to disseminate information on the lead paint laws
  - May begin before and during the development of the lead paint law
  - After enactment of the lead paint law
- How can governments disseminate information on the lead paint law?
  - Publications
  - Websites
  - "Frequently Asked Questions" documents, and
  - Directly through trade associations or nongovernmental organizations, workshops, and trade association publications.
- What Information is useful to the regulated community?
  - Where to find alternative non-lead paint ingredients
  - Where to find accredited labs and applicable standards for sampling and testing
  - Who is subject to the law and required content of documents certifying compliance
  - Date on which paint exceeding the limit can no longer be legally manufactured or imported
  - Date on which lead paint already in the channels of commerce can no longer be legally sold
  - Requirements to maintain certifications, or compliance records

# Outline

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- Section 1: Introduction
- Section 2: Drafting of Clear, Enforceable Lead Paint Laws
- Section 3: Compliance Promotion
- **Section 4: Compliance Monitoring**
  - **4.A – How manufacturers and importers can document compliance**
  - **4.B – Inspections to verify compliance**
- Section 5: Enforcement
- Section 6: Periodic Evaluation

# Compliance Promotion vs. Compliance Monitoring

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## Compliance Promotion:

To ***communicate*** the purpose and key requirements of the law to the regulated community.

## Compliance Monitoring:

Government ***review*** of compliance documentation through government inspections and testing of paint.



# Compliance Monitoring

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- Compliance monitoring is government detection of compliance and action to address potential violations.
  - To facilitate this, the Model Law includes sample legal text to require manufacturers and importers to self-monitor their compliance and provide documentation of their compliance.

The Model Law requires manufacturers and importers to:

- Sample each paint subject to the law and test at a third-party accredited lab;
- Certify compliance of each paint with the lead limit based on testing results;
- Document compliance via the certification process; and
- Maintain records for ongoing documentation of compliance.

# Compliance Monitoring

## 4.A How manufacturers and importers can document compliance

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### 1. Paint Testing Requirements

Lead paint laws may require that manufacturers and importers demonstrate their paints do not exceed the legal limits, even prior to marketing. Laws can also require these levels to be determined by a third-party laboratory accredited under international standards.

### 2. Methods for preparing paint samples and testing for lead

Specifying the methods for lab sample preparation and analytical testing ensures reliable test results. Internationally recognized methods are referenced in the Model Law.

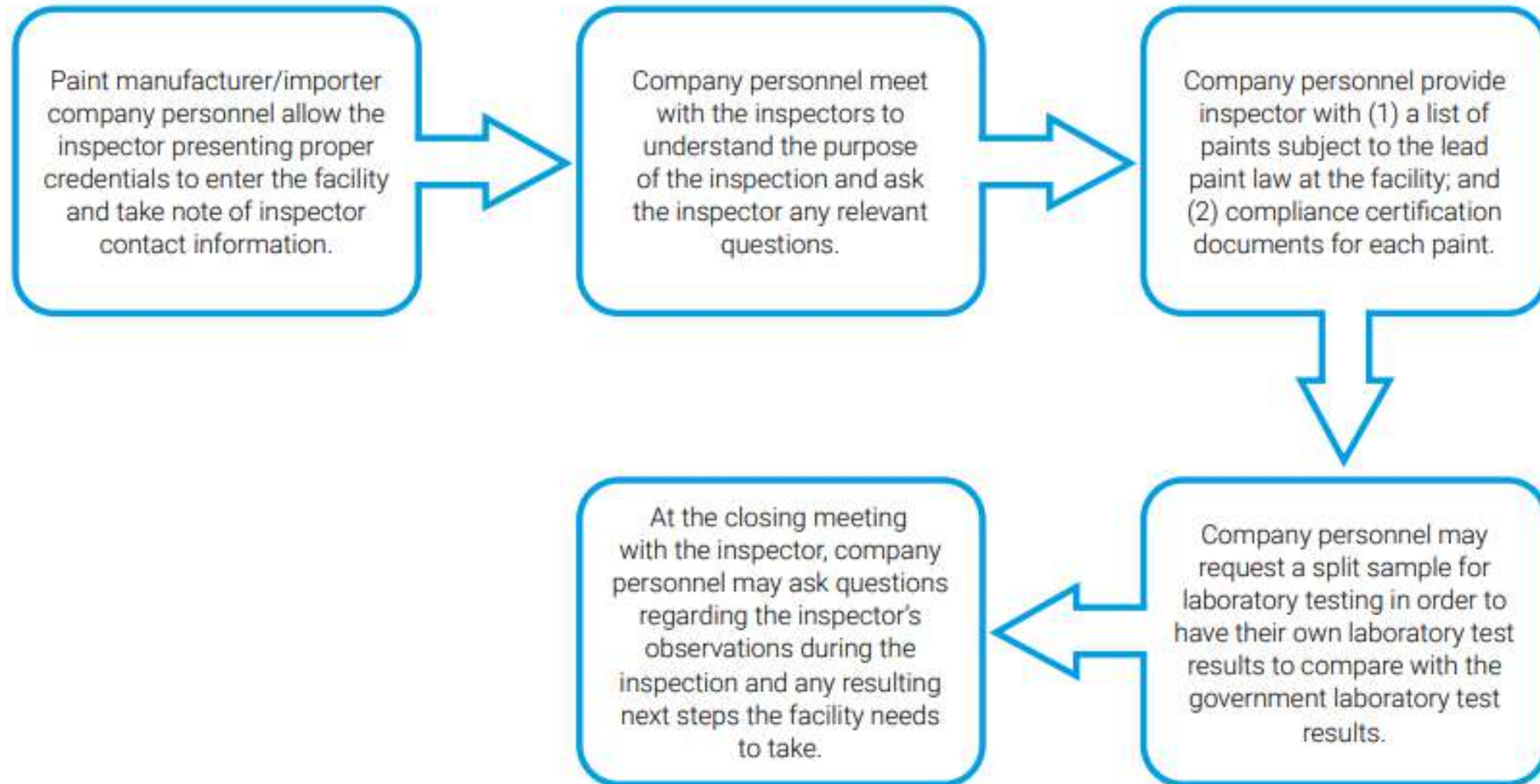
### 3. Documentation of compliance by manufacturers and importers

Different countries may refer to the certification of compliance as set forth in the Model Law by different names, such as registration, certification, attestation, or declaration of conformity.

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# Compliance Monitoring

## 4.B Inspections to verify compliance, Inspection procedure



# Case Study: Uruguay

- Lead paint standard enacted in 2011.
- Requires paint manufacturers and importers to submit a registration form attesting to compliance.
- Validated online by appropriate government officials.
- After validation, required to provide a hard copy of form to the National Directorate for Quality and Environmental Assessment.

# Outline

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- Section 1: Introduction
- Section 2: Drafting of Clear, Enforceable Lead Paint Laws
- Section 3: Compliance Promotion
- Section 4: Compliance Monitoring to verify compliance
- **Section 5: Enforcement**
  - **5.A: Basic Principles of enforcement**
  - **5.B: Choice of enforcement response**
  - **5.C: Factors influencing the choice of enforcement response**
  - **5.D: Penalty considerations**
  - **5.E. Other types of remedies**
  - **5.F: Citizen suits**
- Section 6: Periodic Evaluation

# Enforcement

## 5.A Basic principles of enforcement



### 1. Legal authority to enforce

Clear legal authority that designates a government agency with the responsibility to enforce lead paint laws; boosts credibility of its enforcement efforts

### 2. Deterrence

A high likelihood of government detection of violations and imposition of resulting sanctions incentivizes compliance.

### 3. Fairness

Enforcement actions should be proportionate to the seriousness of violations and risks posed to human health and the environment, and the enforcement process should be fair and reasonable

# Enforcement

## 5.B Choice of enforcement response

### Informal

- Typically used to address less serious violations
- Example: Warning letter

### Formal

- Typically used for more serious violations
- Civil or criminal enforcement
  - Civil: may take the form of monetary penalties and/or injunctive relief
  - Criminal: could be fines and/or imprisonment
    - Fines can be higher than those in civil cases, but often requires proof of intent and a higher standard of proof.
- Settlements can be negotiated before going to trial.



90 ppm limit enacted in 2019.



November 2021, the Commissioner for Standards in the Ministry of the Economy of Israel issued a recall of a spray paint exceeding the regulatory limit.



The recall called for immediate cessation of use and provided contact information for purchasers to return the product and receive monetary compensation from the manufacturer.

# Case Study: Israel



# Enforcement

## 5.C Factors influencing the choice of enforcement response

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- Actual or potential harm
- Extent of deviation from requirements
- Intent of manufacturer or importer
- How violation was discovered
- History of non-compliance

# Enforcement

## 5.D Penalty considerations

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- For effective deterrence, it's critical that a penalty exceed the financial benefit of non-compliance.
- Penalty factors can also be influenced by ability to pay.
- Documented constraints on ability to pay a penalty can be considered, especially impact on community if company were to cease operations (payment in installments; reduced penalties).

# Enforcement

## 5.E Other types of remedies

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- Laws could provide legal authority for additional types of sanctions and other remedies beyond financial penalties. Some examples include:
  - Injunctive relief, such as an order entity to stop production of non-compliant paints
  - Seizure or recall of non-compliant paints
- Use of other remedies would depend on the circumstances of the violation, including the potential harm to human health and the environment.

# Enforcement

## 5.F Citizen suits

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- **What are citizen suits?** Citizen suits provide an avenue for members of the public or civil society groups to bring cases in court to enforce lead paint laws.
- A citizen suit provision can enable members of the public to become stewards of lead paint law enforcement and may fill gaps that the agency is not monitoring and enforcing.

# Outline

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## Periodic Evaluation

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- Periodic evaluation of lead paint law compliance and enforcement can help improve effectiveness over time.
- Review of inspection records and enforcement actions can help to identify gaps in compliance.
- Periodic evaluation can identify gaps in understanding of the legal requirements, difficulties in reformulating or testing paints, or other factors that can impede compliance.

Questions?

# Panel: Case Studies of lead paint law enforcement

## **Vietnam**

LE VIET THANG (MSc.)

Principal Officials, Deputy Head of Administrative Office  
Vietnam Chemicals Agency, Ministry of Industry and Trade





**MINISTRY OF INDUSTRY AND TRADE**  
**VIETNAM CHEMICALS AGENCY**

# Regulation on Lead in Paint in Vietnam

**LE VIET THANG (MSc.)**

**Principal Officials, Deputy Head of Administrative Office  
Vietnam Chemicals Agency, Ministry of Industry and Trade**

**Tel: +84 982230483; Email: [Thanglv@moit.gov.vn](mailto:Thanglv@moit.gov.vn)**

**Oct 2024**

# Regulatory Framework and Scope

## 1.1 Overview

- National Technical Regulation: QCVN : 2020/BCT
- Issued by: Ministry of Industry and Trade, Vietnam
- Effective date: 2020

## 1.2 Scope and Applicability

- Synthetic polymer paints (water and non-water based)
- Other paints and water-based pigments for leather finishing
- Applies to manufacturers, importers, and distributors in Vietnam

## 1.3 Objectives

- Reduce lead exposure risks, especially for children
- Align with global efforts to eliminate lead in paint
- Promote safer alternatives in paint industry

## 1.4 Lead Content Limits

- Initial phase (first 5 years):  $\leq 600$  ppm
- Final phase (after 5 years):  $\leq 90$  ppm



# Implementation and Compliance Procedures

## 2.1 Testing and Certification

- Method: Atomic Absorption Spectroscopy (AAS) or Inductively Coupled Plasma (ICP) spectrometry
- Sampling procedure: TCVN 2090 : 2015 (ISO 15528 : 2013)

## 2.2 Conformity Declaration

- Mandatory for products before market circulation
- Based on:
  - Certification by designated conformity assessment organizations, or
  - Self-assessment based on accredited laboratory test results

## 2.3 Registration Process

- Register conformity declaration with competent state agency
- Provincial Departments of Industry and Trade handle registrations

## 2.4 Labeling Requirements

- Mandatory lead content declaration on product packaging
- Compliance with Decree No. 43/2017/NĐ-CP on goods labeling

## 2.5 Implementation Timeline

- Transition period: 5 years for industry adaptation
- Gradual reduction of lead content to meet final limit



# Enforcement and Case Study

## 3.1 Responsible Authorities

- Ministry of Industry and Trade: Overall regulation
- Vietnam Chemicals Agency: Guidance and inspection
- Market Surveillance Agency: Market inspections and control

## 3.2 Enforcement Mechanisms

- Regular market surveillance and inspections
- Sampling and testing of products in the market
- Penalties for non-compliance:
  - Fines: 30,000,000 VND to 40,000,000 VND for organizations
  - Individuals: Half of the organizational fine

## 3.3 Additional Remedial Measures

- Forced re-export of imported non-compliant goods
- Recall and recycling or repurposing of products
- Recall and destruction of harmful products

## 3.4 Case Study: Enforcement in Action (2024)

- Company A fined by Market Surveillance Agency
- Violation: Failure to declare conformity for products requiring it
- Fine imposed: 35,000,000 VND

## 3.5 Challenges and Considerations

- Industry adaptation to new standards
- Ensuring consistent testing and reporting
- Balancing enforcement with support for small manufacturers
- Public awareness and consumer education on lead-free paints



# Thank you for the kind attention!



QUẢN  
ĐÀO  
HOÀNG SA

QUẢN  
ĐÀO  
TRƯỜNG SA



# Panel: Case Studies of lead paint law enforcement

## **Kenya**

Ms. Anne Jael Omedi  
Quality Assurance Officer  
Kenya Bureau of Standards

❖ KEBS standards for both solvent- and water-based paints have a lead limit of 90ppm maximum.

## **Compliance is done through:**

1. Scheduled Factory inspections, sampling and testing of the paint against the relevant standards-Work plans.
2. Periodic surveillance of the factories by quality assurance officers-Risk profiling/work plans.
3. Scheduled market surveillance activities of paints
4. Impromptu visit to market/factory in case of complaints from the public.
5. Inspections of imported raw materials used in paint manufacturing and finished products through the PVOC programme-COC/COA.

These ensure conformity with respect to health, safety, and environment and fair-trade practices.

## Actions by KEBS on non-conforming lead paint products

1. Withdrawal/suspension of permits for films with existing standardization mark
2. Seizing of products by market surveillance officers
3. Recall of products from the market by the manufacturer and appropriate corrective actions taken.
4. Prosecution through KEBS legal department as per the standard Act Cap. 496 laws of Kenya
5. Follow up to establish the effectiveness of the corrective action taken by the manufacturer



# ENFORCEMENT CHALLENGES AND WAY FOWARD



- (a) Lack of adequate resources to carryout 100% market surveillane activities
- (b) Sensitization workshop to manufacturers, traders and importers on the dangers of lead paint to health and environment
- (c) Hostility from the operators-Injury to the officers has been reported
- (d) Leakage of information to traders leading to closure of premises before enforcement actions

The Kenya Bureau of Standards (KEBS) and Lead Exposure Elimination Project (LEEP) conducted a successful collaborative visit in July 2024 and have since developed a conformity assessment plan to achieve lead paint reduction goals.

# Panel: Case Studies of lead paint law enforcement

## **Guyana**

Ms. Trecia David

Registrar

Pesticides and Toxic Chemicals Control Board

# **Pesticides and Toxic Chemicals Control Board**

**LEAD IN PAINT  
MANAGEMENT**

**The Guyana Experience**

**SAY NO TO LEAD POISONING:  
ELIMINATE LEAD PAINTS**



# Introduction

✚ The Pesticides Control Board is mandated by the Pesticide Act 2000, and its associated Regulation which governs lifecycle management of Pesticides and Toxic Chemicals in the Guyana.

✚ By definition, paints are classified as “toxic chemicals”.

Amendment of Legislation:

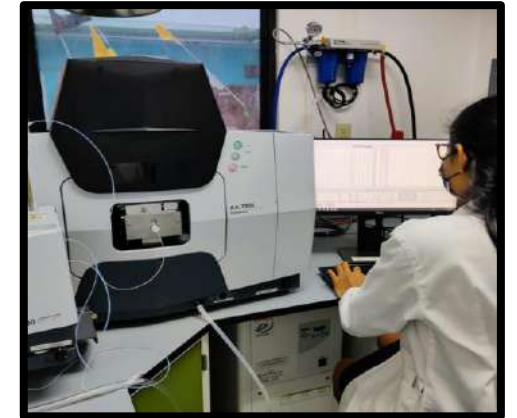
- Establish the lead limit in paints (amended in March 2024 from 600ppm to 90ppm)
- Establish within the implementing regulation.

# Monitoring & Testing

- ❖ Levels of lead in both paints manufactured locally and imported above the limits.
  - determined that there was lead in both new paints found on the market
  - as well as legacy paint that has already been applied to objects such as walls, furniture, and playground equipment.
- ❖ Monitor through registration and imports
  - Record all manufacturers, importers
  - Products and Product Composition, Quantities Imported.

# Monitoring & Testing

- ❖ Inspections
  - At ports of entry
  - Vendors/ Distributors
  - Labeling
- ❖ Procurement of Inductively coupled plasma mass spectrometry (ICP-MS)
- ❖ Procurement of X-ray Fluorescence (XRF)
- ❖ Implementation of testing – March, 2025
  
- ❖ Regulatory Provisions for Non-Compliance
  - Prohibition on Imports, Reshipments, Confiscation, Stop Sales and Penalties



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**THANK YOU.**

Questions?



# Thank you

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Contact: [lead-cadmium.chemicals@unep.org](mailto:lead-cadmium.chemicals@unep.org)

Read more about the Lead Paint Alliance on [www.unep.org/noleadinpaint](http://www.unep.org/noleadinpaint)

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