

# Module H.iv.

Lead in paint:

Case study - The Philippines



LEAD PAINT ALLIANCE

# Outline

- Philippines at a glance
- Legal Framework
- Background
- Issues and Concerns raised during Consultations
- Chemical Control Order for Lead and Lead Compounds

# Philippines at a glance

- The Philippines is located in Southeast Asia. It is bounded in the west by the South China 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 about 90 million people.



# Legal Framework

- Section 20 of Chapter IV under DENR Administrative Order (DAO) 29, Series of 1992 (Implementing Rules and Regulations) of RA 6969 (Toxic Substances and Hazardous and Nuclear Waste Control Act) provides for the regulation, limitation and prohibition of use, manufacture, import, transport, storage, possession and sale of chemicals.
- DAO 58, Series of 1998 lists twenty eight (28) toxic chemical substances, including lead compounds, in the Priority Chemical List (PCL).



# Background

- Lead and lead compounds have the highest registration among the PCL chemicals from 2008 – 2011.
- The Chemical Control Order (CCO), as a national legal and policy instrument, shall provide information to promote public awareness of hazards and risks through regulation, limitation and prohibition of the selected uses of lead and lead compounds.

# Comparison of Issues-Arguments and Impacts per Consultation with the Civil Society and Industry



# Issue: 90 ppm Threshold Limit as practically achievable

Civil Society	Industry
<p>“The suggested allowable limit of 90 ppm is based on the fact that if lead compounds are not added to paint, the lead content of the paint is typically very low: under 90 ppm and usually under 45 ppm. The 90 ppm lead in paint standard follows the recently revised US limit for lead-added paints applied for residential uses, and those applied for toys and consumer products designed for children age 12 years and younger.”</p>	<p>“The Association found this limit quite low as compared to other countries with “Lead in Paint” regulations and difficult to achieve for an abrupt phase out or elimination of lead in paint. If implemented at once, it will be very difficult to achieve 100% compliance among PAPM members.”</p>

# Issue: 90 ppm Threshold Limit as practically achievable

Civil Society	Industry
<p>From the samples tested in 2008, 33.3% of Phil. enamel paint sent to India was found to be below 90 ppm (3.4 ppm) and the average samples exceeding the threshold were 28, 504 ppm. In 2012, detected lead above 90ppm in 17 out of 25 enamel paint with one product having 70,000ppm while 8 samples had no detectable lead levels.</p>	<p>Suggested that gradual reduction of lead content in coatings products with threshold limit of 600 ppm maximum similar to what other neighboring countries have adopted i.e., Australia – 1000 ppm, total India – 1000 ppm, voluntary Singapore 600 ppm, total South Africa – 600 ppm, total</p>



# Issue: Phase out Implementation Period within 2 or 6 years?

Civil Society	Industry
<p>The conspicuously extended phase out period of 6 years goes against the urgency of phasing out lead added paint which is the most common source of significant childhood lead exposure. Shorter period is consistent with the public health objective. Extremely long and totally questionable from the public interest point of view.</p>	<p>Water based paints in the industry are already Lead Free.</p> <p>2 years for Lead Driers in paint</p> <p>5-6 Years for Lead in Organic Pigments</p>

# Issue: Phase out Implementation Period within 2 or 6 years?

Civil Society	Industry
<p>There was a global consensus to phase out the use of lead in paint as resolved in 2009 at the Second International Conference on Chemical Management</p> <p>(ICCM-2) by Global Alliance for Elimination of Lead Paints (GAELP) as jointly coordinated by UNEP and WHO and reiterated/resolved in ICCM-3</p>	<p>To give way for Research and Development, actual plant and site trials, customer sampling, commercialization and enough time for testing of alternative raw materials.</p>

# Issue: Alternatives raw materials and cost in shifting

Civil Society	Industry
<p>Many organic substances can easily replace lead and alternatives are already being used by some paint companies</p>	<p>There is no local manufacturer of alternative chemicals or no alternatives of comparative quality i.e., lead chromate molybdate orange (test of alternate resulted in weak tinting strength and different properties)</p>

# Issue: Alternatives raw materials and cost in shifting

Civil Society	Industry
<p>In India a paint with 48,000 pm of lead sells for 152 rupees / liter while a lead- free paint with 7 ppm sells for 155 rupees / liter a difference of only 3 rupees</p>	<p>Cost of Organic Pigment is 2-3 times more expensive than inorganic pigments.</p> <p>15-20% impact on paint formulation cost.</p>

# Issue: Import Paint Products

Civil Society	Industry
<p>An accredited 3<sup>rd</sup> party laboratory shall analyze the incoming products and third party Certification programme (outside the DENR-EMB mandate)</p>	<p>Request-Appeal for a realistic and smooth transition period and policy to protect them from low- cost paints being imported or even smuggled.</p>



# Chemical Control Order for Lead and Lead Compounds DAO 2013-24



# Section 3. Coverage

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



# Section 4. Prohibited Use

- Packaging for food and drink
- Fuel additives
- Water Pipes
- Toys
- School supplies
- Cosmetics



# Section 4. Prohibited Use

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



# 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).



# Point of Contact

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