

# Elements of an Effective Lead Paint Law: U.S. Approach & Recommendations

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*East Africa Workshop on Lead in Paints  
Dar es Salaam, Tanzania*

*September 13-14, 2016*



# U.S. Ban Strengthen Over Time

Regulation under Federal Hazardous Substances Act banned any paint or similar coating with lead content >0.5% (**5000 ppm**) total weight of dried paint film.

Consumer Product Safety Commission (CPSC) regulation reduced total lead limit in consumer paint to **600 ppm**.

Amended law reduced total lead limit to **90 ppm**.

**1972**

**1977**

**2008**

# U.S. Ban Strengthen Over Time

## Main drivers to reduce lead in **consumer paints**:

- 1972: New U.S. health data. High percentage of young children with unacceptably high blood lead levels. (1977 regulation lowered lead limit in consumer paints from **5000 ppm** to **600 ppm**)
- 2007-2008: Major increase in imported children's products with high levels of lead in paint and substrate. 2008 law:
  - Lowered lead limit lead in consumer paints from **600 ppm** to **90 ppm**,
  - Increased enforcement authorities, and required certification of conformity for children's products based on 3<sup>rd</sup> party testing.
- U.S. limit of 90 ppm total lead content is a technology-based, not health-based standard. Goal is to reduce lead content as low as technically feasible.

# Scope of Consumer Ban

## Includes:

- **Paint for consumer use or use on surfaces with public access** (homes, schools, hospitals, parks and other public spaces)
- **Toys & other children's products** with "lead-containing paint"
- Certain **furniture** articles for consumer use with "lead-containing paint"

## Excludes:

- Paint on **motor vehicles and boats**.
- **Industrial and agricultural** uses.

Restricts "lead content" calculated (as lead metal) by the weight of the total nonvolatile content of the paint or the weight of the dried paint film.

# Implementation of U.S. Lead Paint Law

U.S law allowed initial phase-out of existing stocks of consumer paints, by selling the paint:

**1977 Law**—Manufacturers allowed **six months** to phase out paint stock with lead > 600 ppm

**2008 Law**—Manufacturers allowed **one year** to phase out paint stock with lead > 90 ppm

# Compliance mechanisms

## 1. Certification requirements for manufacturers and importers:

**Paint:** Manufacturers must self-certify that lead content is  $< 90$  ppm, based on lab tests.

- Certification is based on test of each product or on a reasonable testing program.
- Must re-certify and re-test if any change to ingredients.

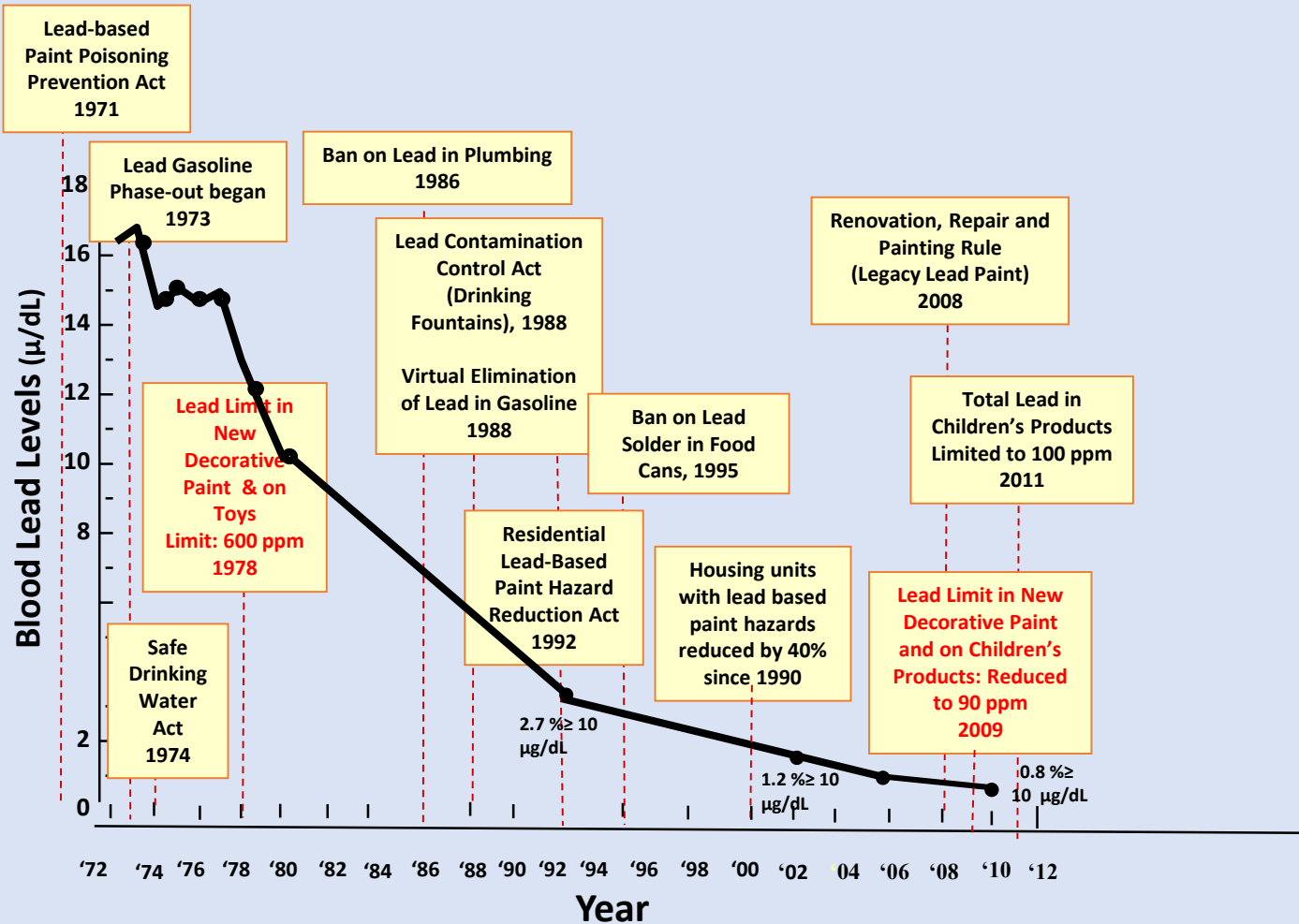
**Children's products:** Manufacturers must use government-accepted 3<sup>rd</sup>-party laboratory to certify lead in paint is  $< 90$  ppm.

# Compliance Mechanisms (*cont.*)

## 2. Government monitoring and enforcement program:

- Manufacturers are subject to inspection by the government.
- Failure to meet the requirements subjects the company to a significant penalty or even seizure of the products.

# Impact of Lead Poisoning Prevention Policies on Reducing Children's Blood Lead Levels (USA)





# Key Government Agencies Involved in Lead Paint Issues

## Consumer Product Safety Commission (CPSC)

- Enforces ban on new lead paint over 90 ppm total lead for consumers

## Centers for Disease Control & Prevention (CDC)

- Defines blood lead levels of concern (action levels) for children & adults
- Collects statistics on children's blood lead levels

## Environmental Protection Agency (EPA)

- Regulates activities related to legacy lead paint
- Provides public education on legacy lead paint

# Recommendations Based on U.S. Experience

- Low concentration limit for lead in paint (90 ppm *total* lead).
- Ban on **all** types of paints over the lead limit (not just consumer use).
- Mandatory certification requirements, based on international accreditation programs.
- Effective compliance and enforcement program.
- Close coordination among health, environmental and other relevant government agencies.

# Recommendations Based on U.S. Experience *(cont.)*

- Certification
  - Specify who must provide the certification – manufacturers, importers, etc.
  - Specify what information must be provided in the certification.
  - Specify where the information must be submitted.
  - Consider requiring the use of existing standards and internationally accepted protocols (ISO, ASTM).

# Thank You



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