

Case Study on Lead Paint Regulation in the Philippines

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With inputs from the Philippine Environmental Management Bureau (EMB)

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Outline:

- Driving factors that led to action on lead paint
- Process that led to proposal/passage of lead paint law
- Elements of proposed/passed lead paint law
- Factors that contributed to success

Driving factors that led to action on lead paint

- Health and safety concerns, especially on young children
- 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 chemical 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

- Draft regulation through a Chemical Control Order (CCO) prepared by the Philippine Environmental Management Bureau (EMB) 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
- Technical Working Group (TWG) meetings held to discuss stakeholders' inputs
- Capacity building activities for regulators, formulators and manufacturers on alternative raw materials and hazards of lead
- Implementation of a Regulatory Impact Assessment
- Finalization of draft regulation by the policy groups of the Environmental Management Bureau (EMB) and the Department of Environment and Natural Resources (DENR) of the Philippines
- Administrative Order signed by Environment and Natural Resources Secretary upon recommendation by the Director of the Philippine Environmental Management Bureau (EMB)

Key elements of the adopted lead paint regulation

- Philippine Department of Environment and Natural Resources Administrative Order (DAO) 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).
- 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 CCO further sets other prohibitions on the use of lead and its compounds

(Complementary policies adopted by other agencies to mainstream lead paint regulation: DTI-BPS, DepEd, DILG, DSWD, local governments)

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
- Commitment of the paint industry to eliminate lead in paint provides a mechanism for the open discussion between and among regulators, civil society and manufacturers
- 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.
- Excellent synergy: government, industry and civil society

For more information:

- <https://chemical.emb.gov.ph/wp-content/uploads/2017/03/DAO-2013-24-CCO-Lead.pdf>
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