



Case Studies on  
Lead Paint in  
Latin America  
and the  
Caribbean

## Brazil

**Promoting Regulatory Action by  
Governments to Phase out Lead in Paint**

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the Caribbean

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# Presentation

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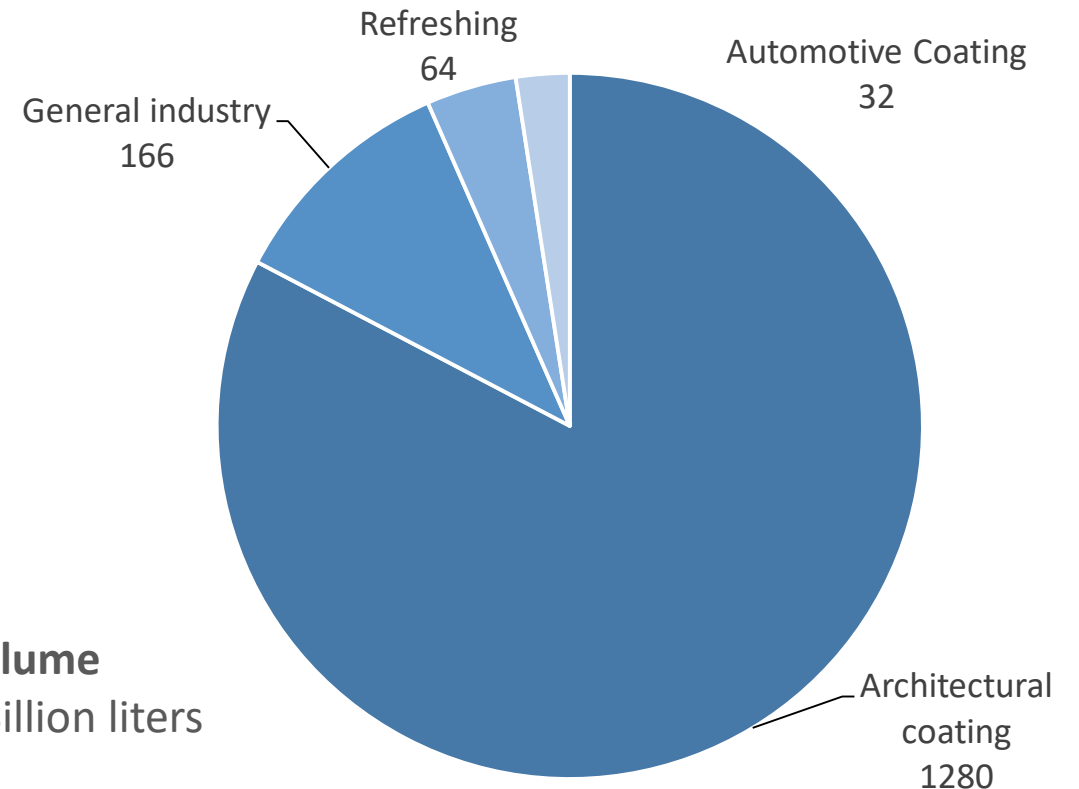
# Overview of the paints sector in Brazil

- Brazil is one of the world's top five markets for coatings.
- Volume produced in 2018: 1,548 billion liters.
- There are hundreds of large, medium and small manufacturers spread throughout the country, but the top ten manufacturers account for 75% of total sales.

## Coatings industry segments:

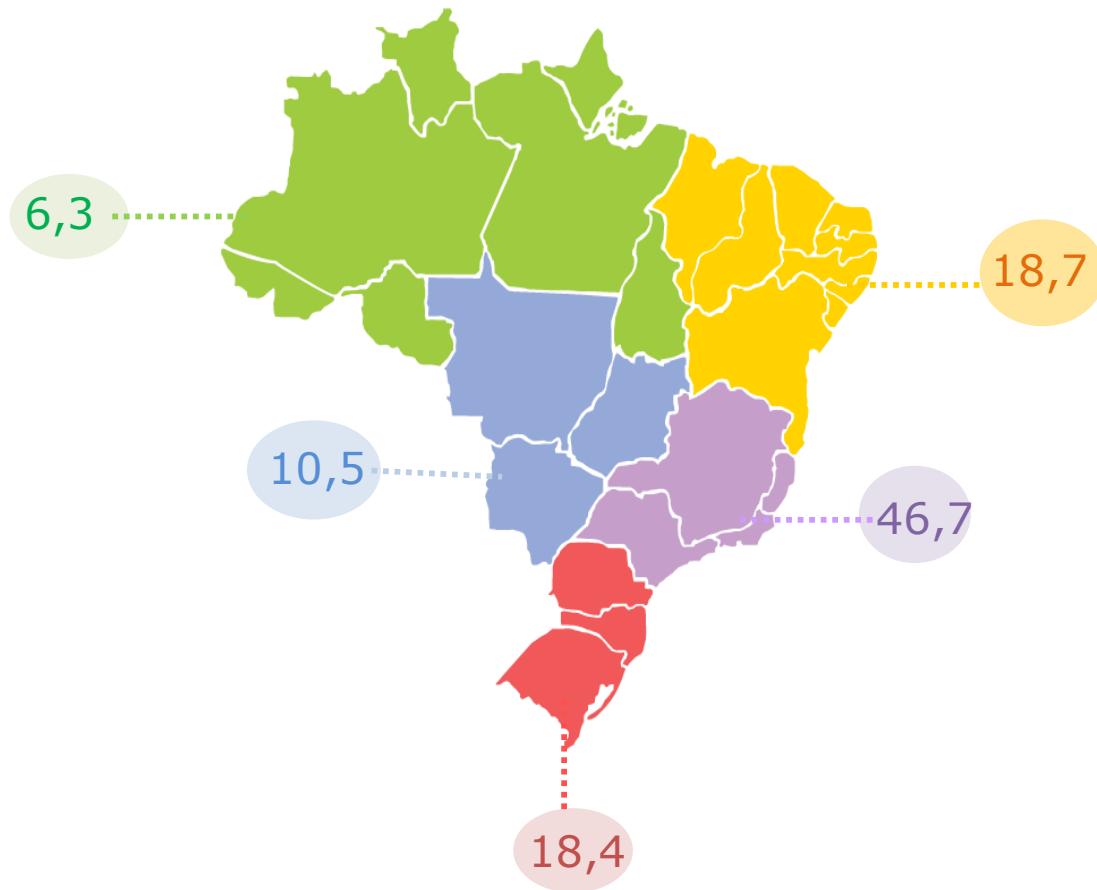
- Architectural coatings: 82.7%
- Coatings for general manufacturing industry (home appliances, furniture, auto-parts, ships, aircraft, maintenance coatings, etc.): 10.7%
- Vehicle refinishing coatings: 4.1%
- Automotive coatings: 2.5%

**2018 Volume**  
Total: 1,548 Billion liters



# Overview of the paints sector in Brazil

## Regional production of architectural coatings in 2015



Region	W.B.	S.B	Total
North	5,5	5,6	6,3
Northeast	16,8	17,2	18,7
Midwest	8,3	15,2	10,5
Southeast	51,5	38,4	46,1
South	18,4	23,6	18,4
<b>Brazil</b>	<b>75,5</b>	<b>24,5</b>	<b>100,0</b>

**W. B.:** Water based paint: 75,5%

**S. B.:** Solvent based paint: 24,5%

**Law 11.762/2008:** Sets the maximum limit of 0,06% (600 ppm) of lead allowed in architecture and infant paints, as well as in varnishes and similar coating materials (Still in force).

The limit is too high!

Many exemptions  
(industrial, artistic, ink,  
traffic paints)

2 big  
problems

## Decree 9315/2018



### **National Commission on Chemical Safety (Conasq)**

- Established in 2000;
  - Multi stakeholder approach (22 institutions from government, industry, NGO and academia);
  - Discuss all chemical safety issues.
- 
- Dedicated Working Group under Conasq for the elaboration of the decree that regulates the Law 11762/2008.
  - Identified the competent authority for the inspection - National Institute of Metrology, Quality and Technology (the Consumer Products Agency (Inmetro))

# Fixing the problems

- Set a new law to decrease the limit of lead to 90 ppm (recommended by WHO and UNEP) and to widen the scope of the law, besides that, giving more clarity on the competent authority for the compliance check / enforcement of the law.



# Process towards the New Lead in Paint Regulation

- Dedicated Working Group under Conasq from September 2016 to August 2017.
- Draft Law concluded on September 2017.
- Public Consultation on the Draft Law from December 2017 to March 2018.

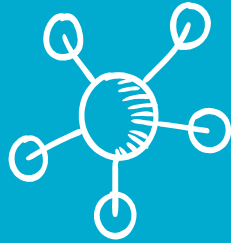


# Goals and main aspects of the Draft Law

- To prevent the children, workers and the general population from the exposure of paint containing lead and to phase out the manufacture and sale of it, minimizing the risk of lead contamination.



Limit: 90 ppm



No previous exemptions



Distributors and  
retailers to  
comply as well



Procedures and  
competent  
authority well  
defined

# Scope of the Draft Law

- Definitions
  - Paint
  - Similar surface-coating material
  - Manufacturer
  - Importer
  - Distributor
  - Retailer
- Exemptions (already regulated under specific regulation)
  - Paints added to cosmetics
  - Tattoo paints
  - Paints that stain banknotes



# Scope of the Draft Law

- Phase-out period
  - 1 year for paints regulated under the 2008 law (architecture and infant paints) which had to comply with the 600 ppm limit.
  - 3 years for paints exempted from the 2008 law:
    - (a) motor vehicles, airplanes, vessels and railway wagons;
    - (b) household appliances and metal furniture;
    - (c) paints for artistic use;
    - (d) agricultural and industrial equipment;
    - (e) industrial, agricultural and commercial metal structures;
    - (f) Anticorrosive paint-based treatment.
  - 5 years for materials used for traffic signaling and security;

# Scope of the Draft Law

- Definition of the competent authority:
  - National Institute of Metrology, Quality and Technology (the Consumer Products Agency (Inmetro))
- Details on the enforcement
- Manufactures and importers responsible for paying the laboratory tests on enforcement activities
- Shared responsibility of distributors and retailers among with manufacturer and importers

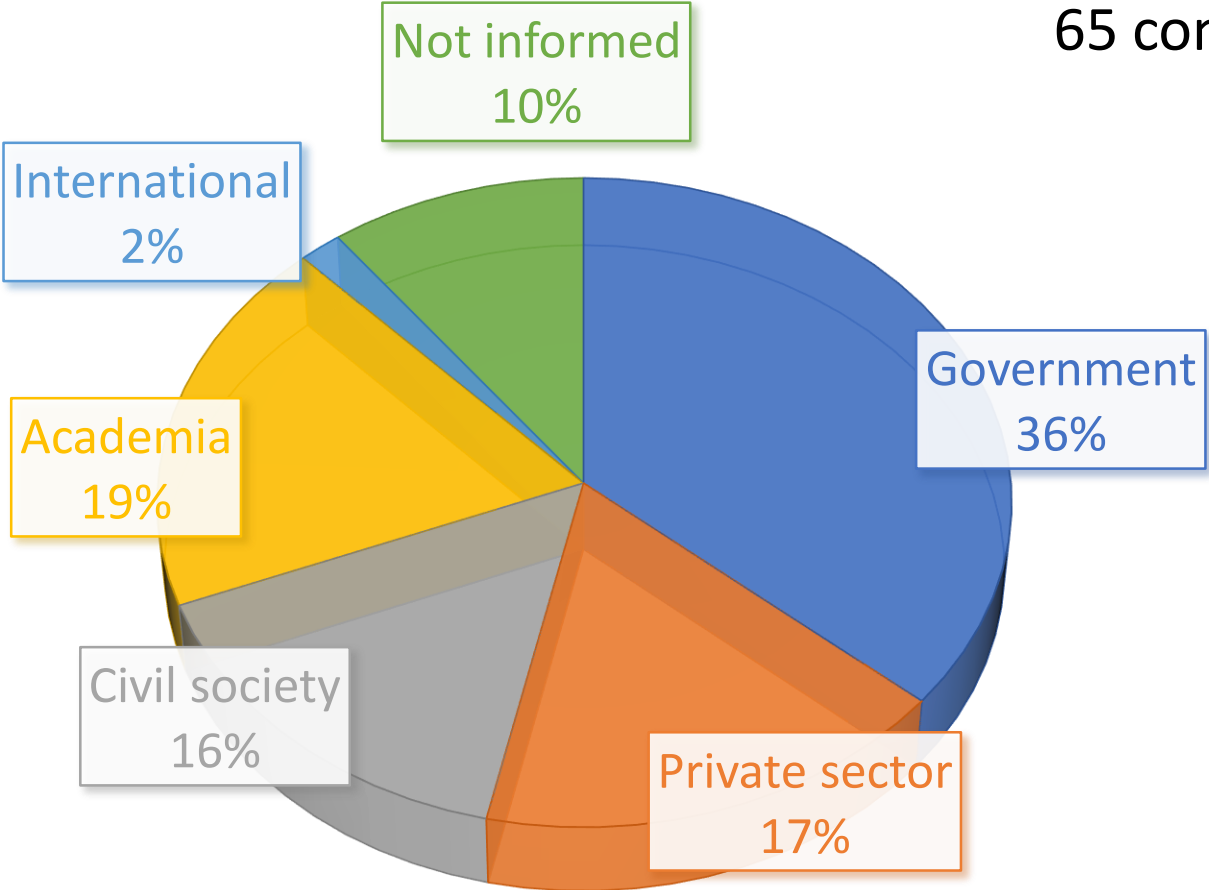
# Scope of the Draft Law

- Sanctions (according to the specific law of Inmetro, the competent authority):
  - Warning
  - Fine
  - Interdiction of the non-compliant activity
  - Seizure or disable the goods
  - Impose the suspension or the cancellation of the goods registration (when applicable).

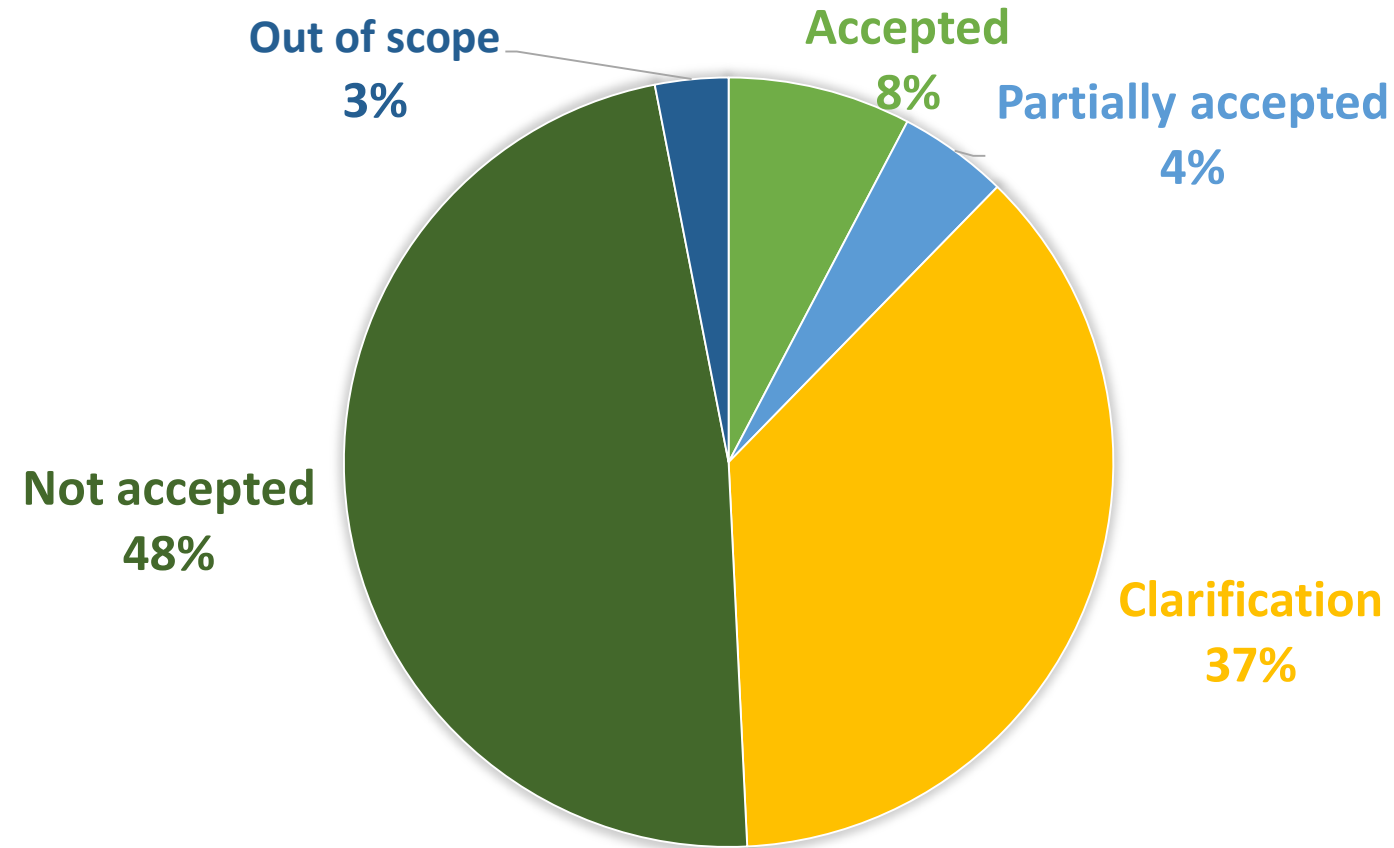
# Results of the Public Consultation of the Draft Law

## Profile of the participants

65 contributions

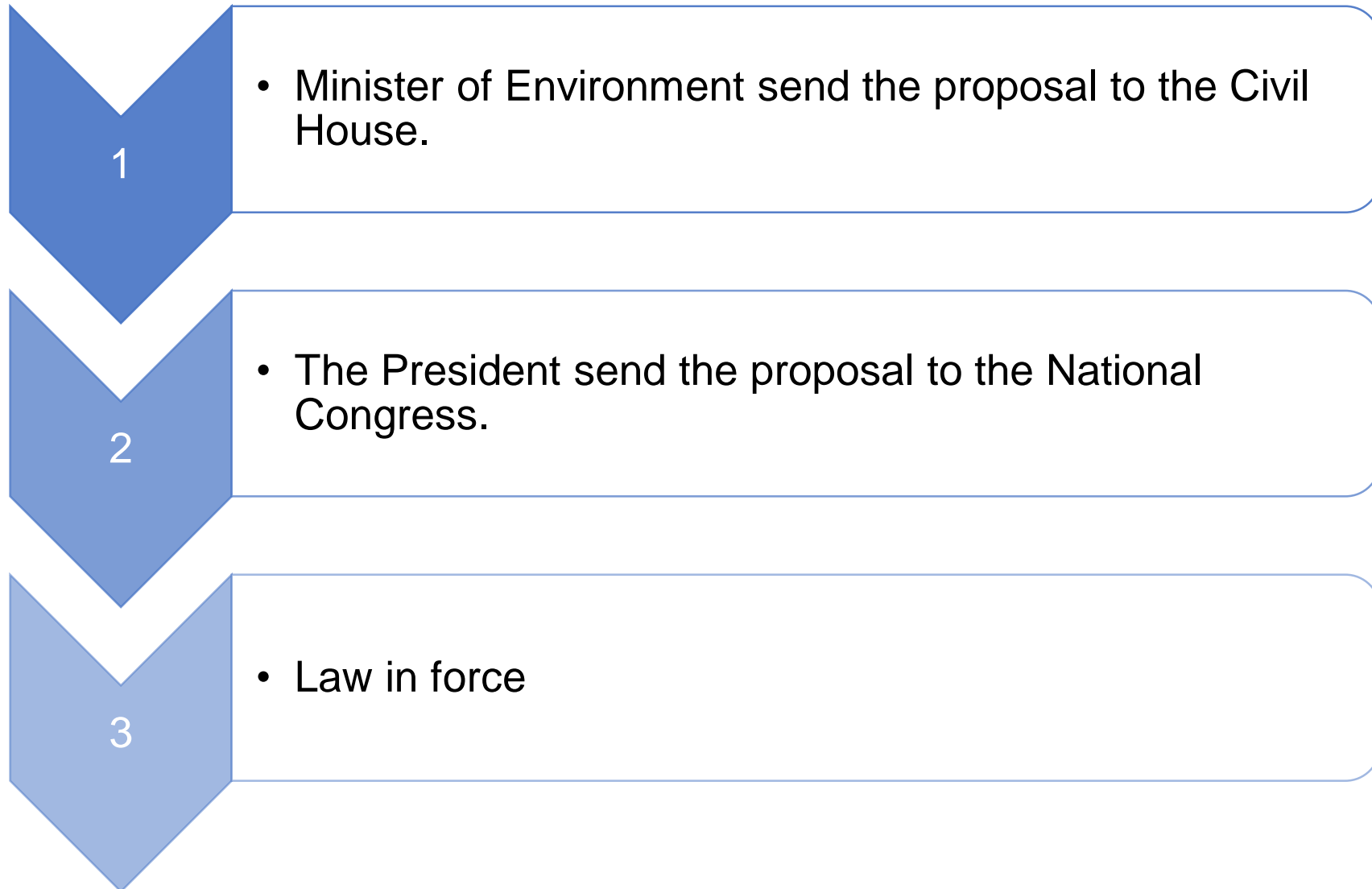


# Follow-up of the contributions



All the follow-ups and comments to each contribution are available on the Ministry of Environment website, since September 27, 2018: <http://www.mma.gov.br/component/k2/item/11618-participa-da-consulta-p%C3%ABlica-%E2%80%93-chumbo-em-tintas>

# Next steps





**Obrigada!  
Thank you!  
Gracias!**

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