

# How A Rotterdam Listing of Lead Chromates Can Accelerate Global Lead Paint Elimination

This presentation covers how a Rotterdam Convention listing:

- Shifts the responsibility for preventing unwanted imports of lead chromates and paints that contain them onto the exporting countries.
- Will make it easier for more countries to adopt controls on the lead content of paints.

*This PowerPoint Presentation is the 5<sup>th</sup> in a series of 8 presentations on Lead Chromates and the Rotterdam Convention, prepared by IPEN in order to help NGOs, civil society, and government officials better understand the important role a lead chromate listing by the Rotterdam Convention can play in reducing childhood lead exposure and accelerating global lead paint elimination. For other presentations in this series, please visit IPEN's [website](#).*

# IPEN's Campaign to List Lead Chromates

IPEN is a network of over 600 NGOs in more than 120 countries working together for a toxics-free future.

- IPEN has been working with NGOs to promote lead paint elimination in low- and middle-income countries for fifteen years.
- Initiatives by governments and these NGOs has led to the adoption of new lead paint regulation in several countries.
- IPEN-affiliated NGOs in countries that recently adopted lead paint control laws are now encouraging their Governments to nominate lead chromates for a Rotterdam Convention listing.

# IPEN's Campaign to List Lead Chromates

The Rotterdam Convention is an international treaty that operates a legally binding Prior Informed Consent (PIC) procedure which applies to international trade in the hazardous chemicals listed in its Annex III.

- The lead paint control regulations that many countries recently adopted impose severe restrictions on the use of lead chromate pigments as ingredients in paints.
- These pigments are the predominant source of lead in lead paints.
- Countries that recently adopted lead paint regulations can submit Notifications to the Rotterdam Convention that nominate lead chromates for a Convention listing.
- A decision by the Rotterdam Convention to list lead chromates can help greatly accelerate the global elimination of all lead paints.

# IPEN's Campaign to List Lead Chromates

Those interested in submitting Notifications may wish to review two documents that better explain the listing process and its impact.

[\*Controlling Lead Chromate Pigments: The Case for a Rotterdam Convention Listing.\*](#) What are Lead Chromates; The Lead Chromate Hazard; Uses of Lead Chromates; and the Impact of a Rotterdam Convention Listing.

[\*Preparing a Rotterdam Convention Notification Listing.\*](#) Why Countries that Recently Adopted Lead Paint Controls Can Nominate Lead Chromates; the Rotterdam Listing Process; Most Recent Regulatory Actions were based on Risk Evaluations; Establishing Controls on Trade in both Lead Chromates and in Paints that Contain them; How to Satisfy the Convention's Listing Criteria.

# Global Lead Paint Elimination

Lead paint elimination has widespread international support:

- Representatives of governments attending the 2002 Johannesburg World Summit on Sustainable Development agreed on the need for a phase-out of all lead-based paints.
- The 2009 International Conference on Chemicals Management requested that UNEP and WHO establish a partnership to promote the global phase out of lead in paints.
- The United Nations Environmental Assembly and the World Health Assembly both passed resolutions calling upon all governments to establish national controls on lead in paints.

# Global Lead Paint Elimination

Authoritative international institutions and medical professionals call upon all governments to adopt lead paint controls because there is **strong scientific evidence that:**

- Lead paint is a widespread source of exposure to lead.
- There is no safe level of lead exposure.
- Exposure to even small amounts of lead from lead paint can harm a child's health and can reduce the child's mental capabilities and life prospects.
- Good, cost-effective alternatives are available for all the leaded ingredients used in the manufacture of paints.

# Many Countries Have Difficulty Controlling Lead Paints

Despite support for lead paint elimination, many governments, including those in some of the countries that already took regulatory action, find it difficult to effectively control lead in paints.

- Inexpensive imported lead chromate pigments remain easily available for unrestricted purchase and use.
- Some paint manufacturers continue to purchase lead chromate pigments for use as ingredients in the manufacture of paints, even when doing so is prohibited by national law.
- Some paint vendors import and then sell lead paints, even in some of the countries where doing so is unlawful.

# The Convention's PIC Procedure Places the Burden for Control on Exporting Countries

If lead chromates are listed, the Convention will ask the World Customs Organization to assign a unique Customs Code to lead chromates and paints that contain them.

- Governments of exporting countries must obligate all exporters of lead chromates and of paints that contain them to affix this customs code to their shipping documents.
- Customs officials in both the exporting and the importing countries will then be able to identify any unwanted imports.
- Anyone who wishes, will be able to track international trade in lead chromates and in paints that contain them.



# The Convention's PIC Procedure Places the Burden for Control on Exporting Countries

If lead chromates are listed, the Convention's PIC procedure will place responsibility for preventing unwanted imports of lead chromates and the paints that contain them **on the exporting countries.**

- Exporters and customs officials in the exporting countries will become responsible for preventing unwanted imports, and this will reduce the regulatory burden on the importing country.
- Governments will find it easier to control the manufacture and the import of paints that contain lead chromates because the primary regulatory responsibility will be shifted to authorities in the exporting countries.

# Listing of Lead Chromates Can Accelerate Global Lead Paint Elimination

Only a handful of countries produce lead chromates. In most low- and middle-income countries:

- Paint manufacturers must import the lead chromate pigments they use in paints that they produce.
- If the government denies import consent to lead chromates and to paints that contain them, this will – by itself – effectively remove all paints that contain lead chromates from the domestic market.
- And because lead chromates are the predominant source of lead in paints, this will remove most lead paints from the domestic market.

# Listing of Lead Chromates Can Accelerate Global Lead Paint Elimination (continued)

If the Rotterdam Convention agrees to list lead chromates:

- It will become much easier for a government that has not yet adopted any national controls on lead in paints to begin doing so.
- All Convention Parties will be required – within nine months – to evaluate and decide whether (and/or under what conditions) the Party will give its consent to future imports of lead chromates and of paints that contain lead chromates.

# Consent to Import Lead Chromate is Required

Once lead chromates are listed, each Convention Party will be required to decide whether, and under what conditions, it consents to imports of lead chromates and the paints that contain them.

- Convention Parties appoint a high-level government official – their Rotterdam Convention Designated National Authority (DNA) – who has the responsibility for overseeing national implementation of the Convention’s provisions.
- Within nine months of the listing decision, every Party is expected to make a high-level decision about its future imports of lead chromates and of paints that contain them.

# Consent to Import Lead Chromates is Required

After considering its attitude toward future imports of lead chromates and paints that contain them, each Party is required, within nine months, to respond to the Convention in one of four ways. It can state that it:

1. Consents to all imports of lead chromates and of paints that contain them.
2. Consents to no imports of lead chromates and of paints that contain them.
3. Consents to imports only if certain, specified conditions are met.
4. Needs more time to decide.

# Consent to Import Lead Chromates is Required

A Party's response to a Rotterdam listing has domestic, legal implications. For that reason, the response decision usually must be approved at an appropriately high political level.

- Countries that have not yet adopted lead paint regulatory controls will need to consider whether they wish to continue accepting imports of lead chromates and paints that contain them.
- Most countries can effectively prohibit all production and sales of paints that contain lead chromates by denying import consent to lead chromates and to paints that contain them.

# A Rotterdam Listing Will Encourage New National Lead Paint Regulation

Each country will have the right – **subject to conditions it specifies** – to prevent unwanted imports of:

- Lead chromates for use in the manufacture of paints, and
- Paints that contain lead chromates as ingredients.

But when a country does this, it becomes obligated to prohibit the domestic manufacture of:

- Paints like those whose import it refuses to accept, and
- Lead chromates for use in the manufacture of paints like those whose import it refuses to accept.

# A Rotterdam Listing Will Encourage New National Lead Paint Regulation

Some governments use expedited decision-making procedures when a treaty obligation requires them to make a regulatory decision.

- If a Party decides to use the Convention's PIC Procedure to prevent imports of lead chromates and paints that contain them, under conditions that the Party specifies,
- It becomes obligated to simultaneously prohibit the domestic manufacture of lead chromates and of paints that contain them, *subject to the same specified conditions*.
- The Party may, as appropriate, use an expedited decision-making procedure to fulfill this treaty obligation.



# A Rotterdam Listing Will Encourage New National Lead Paint Regulation

Countries can impose national regulatory controls on most lead paints:

- By using the Rotterdam Convention's PIC Procedure to prevent imports of lead chromates and paints that contain them, and
- By simultaneously enacting the corresponding domestic regulatory controls.

In countries that do not produce their own lead chromates, domestic paint producers must import all the lead chromates they use.

This will usually make enacting the corresponding domestic regulatory controls little more than a formality. So, it should be relatively easy to do.

# Summary

In most cases, countries that recently adopted regulatory controls on lead in paints have severely restricted the use of lead chromates.

- These countries can submit Notifications of their regulatory action to severely restrict lead chromates to the Rotterdam Convention.
- And can, thereby, nominate lead chromates for a Convention listing.

## Summary (continued)

If lead chromates are listed, the Convention's provisions will place the issue of whether to control lead in paints on the political agenda of countries that have not yet done so.

- The Convention's PIC procedure will then greatly reduce the regulatory burden associated with a decision to control lead in paints.
- And it will make it easier for them to establish domestic controls on lead in paints.

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For Additional information and other *Lead Chromates and the Rotterdam Convention* PowerPoint presentations, please visit IPEN's [website](https://ipen.org/site/listing-lead-chromates-under-rotterdam-convention). <https://ipen.org/site/listing-lead-chromates-under-rotterdam-convention>)

