

Why Countries that Adopted Lead Paint Controls Can Nominate Lead Chromates for a Rotterdam Convention Listing

This presentation covers

- The Rotterdam Convention's Decision to list TEL and TML.
- How this listing established an important precedent for countries that adopted lead paint regulation and are seeking a listing for lead chromates.

This PowerPoint Presentation is the 6th 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 that 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.

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- The Rotterdam Convention defines the term “*Final Regulatory Action*” to mean: “*an action taken by a Party ... the purpose of which is to ban or severely restrict a chemical.*”
- The Convention’s Article 5 states that “*Each Party that has adopted a final regulatory action shall notify the Secretariat in writing of such action.*”

This presentation explains why many countries that recently adopted legally-binding controls on the lead content of paints can validly submit to the Rotterdam Convention a notification of their *Final Regulatory Action to severely restrict lead chromates*.

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The process by which the Rotterdam Convention decides to list a hazardous **chemical** in its Annex III begins when Parties *Notify* the Convention that they have taken a *Final Regulatory Action* that bans or severely restricts the **chemical** for health or environmental reasons.

- If the Secretariat *Verifies* it has received Notifications of final regulatory actions to severely restrict lead chromates from at least one country in each of at least two regions, and if these Notifications satisfy the Convention's Information Requirements, the Secretariat will forward the Verified Notifications to the Convention's Chemical Review Committee (CRC) for its review.

Listing for TEL and TML Establishes an Important Precedent

The Rotterdam Convention established a precedent, in 2004, when it decided to list Tetraethyl Lead (TEL) and Tetramethyl Lead (TML) in its Annex III. This precedent should apply to Lead Chromates.

- TEL and TML are lead compounds that were widely used as anti-knock additives in automotive fuels.
- Canada and the EU *Notified* the Convention that they took Final Regulatory Actions to severely restrict TEL and TML by establishing maximum limits on the *total lead content* of automotive fuels.
- After reviewing these Notifications, the Convention decided to list TEL and TML in its Annex III.

Listing for TEL and TML Establishes an Important Precedent

Canada's and the EU's regulatory actions to control the lead content of automotive fuels were very similar to those many countries that recently took to control lead in paints. In both cases, the regulatory actions:

- Were taken because *lead compounds in a product* (TEL & TML in automotive fuels; lead chromates in paints) were recognized as a significant source of human exposure to lead.
- Established *a maximum allowable limit* (in mg total lead per liter for the fuels; in ppm total lead in the dry paint film for the paints) on the lead content of the product.
- *Did not ban all uses.* In both cases some significant uses of the hazardous chemicals were permitted to continue.

Listing for TEL and TML Establishes an Important Precedent

When the Rotterdam COP decided to list TEL and TML, it adopted a Decision Guidance Document which states (in part):

“The final regulatory action was taken to protect human health based on the toxicity of lead, not on the basis of the toxicological profile of TEL or TML.”

Notifications of Final Regulatory Action to Severely Restrict Lead Chromates should, therefore, be able to state that that the regulatory action was taken because of the *toxicity of lead*.

There is no need for the Notification to state that the notified regulatory action addressed any other aspect of the toxicity of lead chromates.

Listing for TEL and TML Establishes an Important Precedent

The Convention's decision to list TEL and TML established an important precedent that should apply to lead chromates.

- Canada and the EU took regulatory actions that *severely restricted* the total lead content of automotive fuels
- The Convention agreed that a *purpose* of these regulatory actions was to severely restrict TEL and TML.
- It should, therefore, also be able to agree that a *purpose* of the regulatory actions that severely restricted the total lead content of paints was to *severely restrict lead chromates*.

Conclusion

Canada and the EU submitted Rotterdam Convention Notifications of regulatory actions whose *purpose* was to *severely restrict* certain lead compounds for use as additives in fuels.

Many countries recently took regulatory actions whose *purpose* was to *severely restrict* certain other lead compounds for use as pigments in paints.

- If the Canadian and EU regulatory actions provided a sufficient basis for a Convention decision to list TEL and TML, the recently adopted lead paint control laws should provide a sufficient basis for a Convention decision to list Lead Chromates.

Conclusion (continued)

It is, therefore, valid and appropriate for a country that recently adopted legally binding controls on the lead content of paints to prepare and submit to the Rotterdam Convention a Notification of its *Final Regulatory Action to Severely Restrict Lead Chromates*.

The Notification can successfully nominate lead chromate for a Convention listing if it also:

- Provides all the information needed to satisfy the Convention's Information Requirements, and
- Is prepared in a way that can fully satisfy the Convention's Listing Criteria.

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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)