Suggested Considerations for Legal Drafting Process - Lead Content in Paint

In response to questions received by the Global Lead Paint Alliance (GLPA) on roadmaps for developing regulations on lead content in paint, the GLPA offers the following process considerations. Questions are illustrative, indicating the kinds of information a government might consider as it undertakes each component of a drafting process.

Stakeholder Engagement to Gain Support for a Lead Paint Law

1. Identify the relevant government ministry or ministries to obtain agreement to take action on lead paint laws; these ministries will be key to developing and enforcing a new or revised lead paint law. Consider:
   a. Does your country have a Ministry or Agency with responsibility for managing toxic chemicals or consumer products safety?
   b. Does your country have a Ministry or Agency responsible for public health?
   c. Does your country have an active technical standards bureau? (see: https://www.iso.org/members.html)
   d. Are there other Agencies or Ministries with a more specific responsibility over consumer protection?

2. Conduct meetings with key civil society and industry stakeholders. Consider:
   a. Can these meetings be held virtually/online?
   b. What input could technical assistance partners provide that would be helpful
   c. What role could technical assistance partners play in these meetings?

Development of a Lead Paint Law

3. Assess options for the development of a lead paint law: Review the current regulatory framework for existing or needed authorities for regulating lead paint and decide which ministry will provide leadership for developing a law. Consider:
   a. What form do product or chemical regulations in your country typically take?
   b. Does your country have a framework law that gives a Government Agency or Ministry a mandate to regulate toxic chemicals or dangerous products by decree or administrative regulation?
   c. Does your country have a chemicals management law that covers lead compounds?
   d. Are enforcement provisions and penalties drafted specifically for each regulation, or are these provided in an existing framework law or other government mandate?
   e. Does your country have existing paint quality standards?

4. Designate the lead agency for drafting legal limitations for lead paint. Consider:
   a. What government agency will lead drafting?

5. Facilitate legal drafting: Establish a drafting coordinating group, including relevant government agencies and stakeholders as appropriate, and consider materials such as the GLPA Model Law and Guidance for Regulating Lead Paint as input to draft laws. Identify or establish mechanisms for input to this group from key knowledgeable stakeholders from outside government, including industry and civil society. Consider:
   a. What role will the other government stakeholders have in implementing the law?

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2 The GLPA Model Law and Guidance is available at: https://www.unenvironment.org/resources/publication/model-law-and-guidance-regulating-lead-paint
i. What are the logistical considerations for implementation of the law?
ii. How will enforcement be facilitated?
   iii. How will inspectors, finance ministries, tax officials, customs officials, and others be involved once the law is in effect?

b. How will other implicated stakeholders be engaged in providing input to the draft law?
c. How will industry, civil society, and the general public be involved in reviewing or commenting on the draft law?
d. What types of technical assistance from the Global Lead Paint Alliance legal team would be helpful?

6. **Develop the draft law** to include accurate technical information, specific limits on lead in paint, authorities and responsibilities of government agencies, and effective enforcement provisions. Consider:
   a. What concentration limit(s) will your country set?
   b. What paint products will this limit apply to?
   c. What government agency will lead enforcement?
   d. What powers will this agency have?
   e. What responsibilities will manufacturers and importers have to demonstrate compliance?
   f. Who will be bound by the law?
   g. What acts will constitute violation?
   h. What penalties will there be for these violations?
   i. When will the law take effect?

7. **Conduct a public review process** as needed and appropriate based on your country’s regulatory development framework.

8. **Promulgate the law.** Consider:
   a. What is the typical process for enacting a new regulation in your country?
   b. What government action is required to enact the regulation?
   c. How are the entities that will be bound by the law informed?
   d. How will the government actors responsible for enforcing the law be informed, trained, and empowered?