

**DEPARTMENT OF HEALTH
DEPARTEMENT VAN GESONDHEID**

No. 325

28 March 2008

HAZARDOUS SUBSTANCES ACT, 1973 (ACT 15 OF 1973)

**DECLARATION OF LEADED PAINT AND SIMILAR SURFACE COATING
MATERIALS CONTAINING LEAD OR COMPOUNDS AS GROUP 1
HAZARDOUS SUBSTANCES**

The Minister of Health intends, in terms of section 2(1) of the Hazardous Substances Act, 1973 (Act No. 15 of 1973), to declare the substances mentioned in the Schedule hereto to be Group 1 hazardous substances.

Interested persons are invited to submit written comments or representations on the proposed declaration to the Director-General: Health (for the attention of the Cluster Manager: Non-Communicable Diseases), Department of Health, Private Bag X828, PRETORIA 0001) within a month of the date of publication of this notice.

SCHEDULE

Definitions

For the purposes of this Notice "the Act" means the Hazardous Substances Act, 1973 (Act No. 15 of 1973) and any word or expression to which a meaning has been assigned in that Act, shall have that meaning and, unless the context indicates otherwise:

"leaded paint" means substances and similar surface coating materials containing lead or lead compound used for decorating with a total lead content of 0.06% (600 ppm) and above.

Hazardous substance

1. Paint and similar surface-coating materials for consumer use that contain lead or lead compounds and in which the lead content (calculated as lead metal) is in excess of 0.06 percent of the weight of the total non-volatile content of the paint or the weight of the dried paint film (which paint and similar surface-coating materials are referred to hereafter as "lead-containing paint") are banned hazardous products in terms of the Hazardous Substances Act, 1973 (Act No. 15 of 1973) and are hereby declared to be a group 1 category A hazardous substance.

2. The following high-risk items are also declared banned hazardous substances:

- (a) Toys and other articles intended for use by children that bear lead-containing paint;
- (b) Furniture articles for consumer use that bear lead-containing paint; and
- (c) All lead-containing paints and lead-containing paint products intended for use in residences, schools, pre-school institutions, hospitals, parks, playgrounds and public buildings where consumers will have direct access to the painted surface.

3. The declaration made in items 1 and 2 do not apply to the following leaded paints, but the paint containers must carry a clearly visible warning label:

- (a) Agricultural and industrial equipment refinish coating.
- (b) Industrial (and commercial) building and equipment maintenance coatings, including traffic and safety markings coatings.
- (c) Graphic art coatings, that is, products marketed solely for application on billboards, road signs, and similar uses and for identification marking in industrial buildings.
- (d) Touch-up coatings for agricultural equipment, lawn and garden equipment, and appliance.
- (e) Catalysed coatings marketed solely for use on radio-controlled model powered aircraft.

(f) Artists' paints and related materials.

4. These products must bear, on the main panel of their label, the signal word "WARNING" and the following statement "Contains Lead. Dried film of this paint may be harmful if eaten or chewed." These products must also bear on their label the following additional statement or its practical equivalent:


- (a) Do not apply on toys and other children's articles, furniture, or interior surfaces of any dwelling or facility, which may be occupied or used by children.
- (b) Do not apply on exterior surfaces of dwelling units, such as window sills, porches, stairs, or railings, to which children may be commonly exposed,
- (c) Keep out of reach of children.

5. The following products are exempt from the scope of the ban established in items 1 and 2 (no cautionary labelling is required):

- (a) Mirrors, which are part of furniture articles to the extent that they bear lead-containing backing, paint.
- (b) Metal furniture articles (but not metal children's furniture) bearing factory-applied lead coatings.

Commencement of notice

6. This notice comes into operation 12 months from the date of final publication.



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MINISTER OF HEALTH