

BUREAU INTERNATIONAL DU TRAVAIL

INTERNATIONAL LABOUR OFFICE

GENÈVE

GENEVA

AG/BL

AIR MAIL

10. XI. 1952

HY 9-5-0

TÉLÉGRAMMES : INTERLAB GENÈVE
TELEGRAMS :

Dear Dr. Kehoe,

Thank you for your letter of 22 October concerning legislation on lead paint.

The question of the use of lead-containing paints for the internal painting of buildings has been a matter for international regulation since 1921, when the White Lead (Painting) Convention was adopted by the International Labour Conference. This Convention prohibits the use of white lead and sulphate of lead and all products containing these pigments, in the internal painting of buildings, with certain exceptions. The most important exception is that the use of white pigments containing a maximum of 2 per cent. of lead expressed in terms of metallic lead, is permitted. Although this Convention only covers the use of white lead and sulphate of lead and therefore leaves open the possibility of the use of other lead colours, the use of lead paint in the internal painting of buildings has been practically abolished in the countries which have ratified the Convention. In certain countries, the legislation specifically extends the prohibition to all lead-containing paints.

Since 1921, when this Convention was adopted, a considerable amount of legislation has been enacted in the twenty-seven countries which have ratified the Convention and also in many other countries. There is no documentation in the Office on the existence of more extensive provisions than those contained in the Convention, but as the primary concern of the Office with regard to Conventions is to survey the compliance of national legislation with the Convention, the existence of such provisions is not excluded.

As far as I know, there is no Australian Commonwealth legislation in existence in this field and we have no documentation on existing or proposed State legislation. However, I am endeavouring to collect such information for you.

In order to provide you without delay with basic documentation, I am sending you under separate cover the study "White Lead", published by the Office in 1927. This study contains the text of the Convention on pages 404 - 405. I am also forwarding under separate cover a number of laws and regulations published in the Legislative Series, as per the attached list.

Dr. Robert A. Kehoe,
University of Cincinnati,
The Kettering Laboratory,
College of Medicine,
Eden Avenue,
CINCINNATI 19, Ohio.

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I am further enclosing a complete list of relevant legislation in countries which have sent in reports on the application of the Convention, as well as the legislation of certain other countries.

Finally, I am sending you herewith an extract from a report on the application of the Convention which shows the situation in countries which have not ratified the Convention.

With regard to recent legislation, I am endeavouring to obtain relevant documentation and will transmit information to you as it becomes available. Please let me know if there are specific details or aspects on which you would like to receive existing legislation.

With kind regards,

Yours sincerely,



Aage Grut
Chief of the
Industrial Hygiene Division

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Legislative Series

Argentina	1924	-	Arg. 1	Germany	1920	-	Ger 4 - 6
					1921	-	Ger. 1
Australia	1925	-	Austral. 1		1930	-	Ger. 4
	1931	-	Austral. 5				
	1932	-	Austral. 3	United Kingdom	1926	-	G.B. 11
Austria	1923	-	Aus. 1		1927	-	G.B. 4
	1928	-	Aus. 1				
	1947	-	Aus. 3	Greece	1934	-	Gr. 2
					1937	-	Gr. 1
Belguim	1926	-	Bel. 2		1938	-	Gr. 4
	1927	-	Bel. 7				
	1927	-	Bel. 9	India	1937	-	Ind. 5 EXHAUSTED
	1928	-	Bel. 6				
	1930	-	Bel. 3	Mexico	1931	-	Mex. 1
	1940	-	Bel. 2 EXHAUSTED				
				Morocco	1931	-	Mor. 2
Bulgaria	1932	-	Bulg. 2				
	1932	-	Bulg. 3	Netherlands	1933	-	Neth. 4
					1934	-	Neth. 2
Chile	1926	-	Chile 2				
	1927	-	Chile 2	Norway	1929	-	Nor. 1
	1931	-	Chile 1				
				Poland	1927	-	Pol. 7
Cuba	1934	-	Cuba 13		1930	-	Pol. 6
	1935	-	Cuba 8		1935	-	Pol. 4
Czechoslovakia	1924	-	Cz. 1	Rumania	1930	-	Rum. 2
					1933	-	Rum. 2
Finland	1927	-	Fin. 1				
	1929	-	Fin. 1	Spain	1931	-	Sp. 4
France	1930	-	Fr. 13	Sweden	1926	-	Swe. 1
	1934	-	Fr. 9		1949	-	Swe. 5
				Switzerland	1942	-	Switz. 2
				Venezuela	1945	-	Ven. 1
					1947	-	Ven. 2
				Uruguay	1937	-	Ur. 1 NOT PUBLISHED

13. Convention concerning the use of white lead in painting

This Convention came into force on 31 August 1923

Countries	Date of registration of ratification	Reports received
Afghanistan	12. 6. 1939	
Argentina	26. 5. 1936	28. 1. 1949
Austria	12. 6. 1924	7. 12. 1948
Belgium	19. 7. 1926	29. 11. 1948
Bulgaria	6. 3. 1925	
Chile	15. 9. 1925	2. 4. 1949
Colombia	20. 6. 1933	
Cuba	7. 7. 1928	30. 3. 1949
Czechoslovakia	31. 8. 1923	26. 12. 1948
Estonia	8. 9. 1922	
Finland	5. 4. 1929	26. 10. 1948
France	19. 2. 1926	-9. 12. 1948
Greece	22. 12. 1926	4. 1. 1949
Hungary ¹	4. 1. 1928	
Latvia	9. 9. 1924	
Luxembourg	16. 4. 1928	19. 11. 1948
Mexico	7. 1. 1938	3. 12. 1948
Netherlands	15. 12. 1939	27. 12. 1948
Nicaragua	12. 4. 1934	
Norway	11. 6. 1929	3. 2. 1949
Poland	21. 6. 1924	13. 12. 1948
Rumania	4. 12. 1925	
Spain	20. 6. 1924	
Sweden	27. 11. 1923	2. 12. 1948
Uruguay	6. 6. 1933	23. 12. 1948
Venezuela	28. 4. 1933	
Yugoslavia	30. 9. 1929	

¹ Conditional ratification registered.

LIST OF LEGISLATION AND ADMINISTRATIVE REGULATIONS, ETC.

Argentina.

- Act No. 9,688 of 11 October 1915 concerning industrial accidents.
 Act No. 11,317 of 30 September 1925 regulating the employment of women and young persons (L.S. 1924, Arg. 1).
 Decree of 11 July 1927 concerning prohibition of the use of white lead in the agencies subordinated to the Ministry of Public Works.
 Municipal Order of 30 December 1927 (Buenos Aires), prohibiting the manufacture, sale and use of paints with a lead base.

Austria.

- Order of 8 March 1923 issued under § 74 (a) of the Industrial Code and issuing regulations for the protection of the life and health of persons employed in painting, varnishing and decorating carried on by way of trade (L.S. 1923, Aus. 1 D).
 Order of 4 February 1928 of the Minister of Social Affairs respecting the notification of cases of lead poisoning due to painting work in building, varnishing and artistic painting (L.S. 1928, Aus. 1).
 Federal Act of 3 July 1947 respecting labour inspection.

Belgium.

- Act of 30 March 1926 concerning the use of white lead and other pigments containing lead (L.S. 1926, Bel. 2 A).

Royal Order of 16 September 1926 to regulate the purchase, sale, transport and use of white lead and other white compounds containing lead intended for trade purposes (L.S. 1926, Bel. 2 B).

Ministerial Order of 16 September 1926 in pursuance of §§ 2, 4, 5 and 7 of the Royal Order to regulate the purchase, sale, transport and use of white lead and other white compounds containing lead (L.S. 1926, Bel. 2 D).

Royal Order of 17 September 1926 concerning the use in painting of white lead, other white pigments containing lead and white pigments the lead content of which in the metallic state exceeds 2 per cent. (L.S. 1926, Bel. 2 C).

Royal Order of 15 November 1927 to supplement the Royal Order of 16 September 1926 to regulate the purchase, sale, transport and use of white lead and other white compounds containing lead intended for trade purposes (L.S. 1927, Bel. 9).

Royal Order of 31 October 1928 prohibiting the employment of young persons under eighteen years of age and women in painting work involving the use of white lead and other white lead pigments (L.S. 1928, Bel. 6).

Royal Order of 14 April 1930 laying down special Regulations for the application of paint by the compressed-air spraying gun or pneumatic painting (L.S. 1930, Bel. 3).

General Regulations of 11 February 1946, relating to the protection of workers.

Chile.

- Decree of 30 April 1926 to approve the Regulations respecting industrial hygiene and safety (L.S. 1926, Chile 2).
 Regulations of 21 April 1927 respecting occupational diseases (L.S. 1927, Chile 2).
 Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code (L.S. 1931, Chile 1).
 Decree No. 655 of 25 November 1940 (§§ 234 and 245) to issue new Regulations concerning industrial hygiene and safety.

Cuba.

- Legislative Decree No. 215 of 16 May 1934 to prohibit the use of white lead in painting (L.S. 1934, Cuba 13).
 Legislative Decree No. 105 of 25 July 1935, amending the above Decree (L.S. 1935, Cuba 8).

Finland.

- Act of 1 March 1929 prohibiting the use of white lead and sulphate of lead in certain kinds of painting (L.S. 1929, Fin. 1 A).
 Order of 1 March 1929 concerning the implementing of the Convention.
 Decision of the Ministry of Social Affairs dated 22 June 1929 laying down detailed provisions concerning the use of white lead in painting (L.S. 1929, Fin. 1 B).
 Resolution of the Council of State of 14 March 1919 specifying the trades and branches thereof which must be deemed to be specially dangerous, and issuing detailed Regulations concerning the employments liable to injure the health of children and young persons or to hinder their physical development (L.S. 1919, Fin. 1 C).

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the use of white lead, sulphate of lead and products containing those pigments is necessary.

Factory Inspection Act of 4 March 1927 (L.S. 1927, Fin. 1).

Decision of the Council of State of 4 March 1927 concerning the application of the above Act.

France.

Decree of 10 July 1913, as amended, respecting general protective and hygiene measures applying to all undertakings concerned (Article 8a, 8b, 8c).

Decree of 8 August 1930 respecting the use of white lead and sulphate of lead in painting work (L.S. 1930, Fr. 13 B).

Order of 4 December 1934, in pursuance of the Decree of 8 August 1930, to determine the text of the notice pointing out the dangers of lead poisoning and the measures to be taken to avoid them.

Order of 4 December 1934 to determine the text of the recommendations for the medical examinations made in pursuance of the Decree of 8 August 1930.

Order of 23 July 1947, as amended on 31 July 1948, to determine the conditions under which showers must be provided for personnel engaged in unhealthy or unclean work.

Decree of 23 August 1947 respecting special measures in regard to the protection of workers engaged in painting or varnishing by means of spraying (Title I).

Act No. 48-1106 of 10 July 1948 concerning the sale and the use of noxious substances in industrial operations, superseding the provisions of Chapter IV (§§ 78 to 80) of Book II of the Labour Code concerning special provisions for the use of lead compounds in painting work.

Greece.

Royal Decree of 17 December 1921 respecting the prohibition of the use of white lead, red lead, litharge and of all other compounds of these oxides in the painting of buildings, ships, etc. (L.S. 1921, Gr. 2 B).

Act No. 2654 of 6 August 1921 respecting the prohibition of the use of white lead, red lead and litharge in the building industry and other work (L.S. 1921, Gr. 2 A).

Ministerial Order No. 7059 of 1922 exempting certain products from the prohibitions provided for in Act No. 2654.

Act No. 2994 for the ratification of the international Convention concerning the use of white lead in painting.

Act No. 6011 of 29 January 1934 (promulgated on 6 February 1934) to amend Act No. 2654 (L.S. 1934, Gr. 2).

Act No. 6080 of 1934 respecting the prohibition of certain organic colouring matters.

Luxembourg.

Act of 5 March 1928 approving the Conventions adopted by the International Labour Conference in the course of its first ten sessions (1919-1927).

Mexico.

Political Constitution of the United States of Mexico of 1917.

Federal Labour Act of 18 August 1931 (L.S. 1931, Mex. 1).

Regulations of 24 October 1934 concerning industrial hygiene.

Netherlands.

Decree of 25 September 1933 (L.S. 1933, Neth. 4) to promulgate the text of the Labour Decree

Norway.

Act of 24 May 1929 partially prohibiting the use of white leads, etc., in painting (L.S. 1929, Nor. 1).

Royal Decree of 6 December 1929 concerning the putting into force of the above Act.

Regulations concerning the use of white lead, etc., in painting, issued under § 6 of the Act of 24 May 1929.

Poland.

Decree of the President of the Republic of 30 June 1927 concerning the manufacture, importation and use of white lead, sulphate of lead and all other lead compounds (L.S. 1927, Pol. 7).

Ministerial Decree of 13 September 1930 concerning the health and safety measures which are obligatory in the preparation of paints and pastes containing white lead, etc., and in painting work involving the use of such paints and pastes (L.S. 1930, Pol. 6).

Order of the Minister of Social Welfare, dated 3 October 1935, in agreement with the Ministers of Industry and Commerce, the Interior, War, Finance, Agriculture and Agrarian Reform, Communications and Posts and Telegraphs, respecting the occupations prohibited for young persons and women (L.S. 1935, Pol. 4).

Ministerial Decree of 25 November 1937 relating to conditions for the manufacture and application of lead.

Sweden.

Workers' Protection Act of 29 June 1912 (B.B., 1913, Vol. VIII, p. 84).

Act of 19 February 1926 to prohibit in certain cases the employment of workers in painting work in which lead colours are used (L.S. 1926, Swe. 1).

Decree of the Royal Department of Labour and Social Welfare of 30 June 1926 concerning the form to be used for reports on cases of lead poisoning in the painting industry.

Royal Decree of 10 December 1926 concerning the payment of the expense of medical examination of working painters, examined in accordance with the above-mentioned Act.

Uruguay.

Resolution dated 3 March 1937 to regulate the use and manipulation of lead and its derivatives with a view to reducing lead poisoning (L.S. 1937, Ur. 1).

~~SUMMARY OF OTHER INFORMATION~~

Argentina. There are no new developments to report for the period under review.

Copies of the report have been communicated to the General Confederation of Labour and the Argentine Association of Production, Industry and Commerce.

Austria. The report repeats the information previously given. Statistical data on occupational diseases were submitted to the Office.

Copies of the report have been communicated to the Federal Chamber of Industry, the Austrian Chamber of Labour and the Austrian Federation of Trade Unions.

Belgium. There are no cases for which the use of white lead sulphate of lead or

Additions to list of legislation
concerning the use of white lead

ALGERIA

Order relating to the prohibition of the use of white lead, sulphate of lead and linseed oil containing lead in the painting of buildings. Dated 24 March 1950.

AUSTRALIA - New South Wales

Lead Regulations under the Factories and Shops Act, 1912-1948. Dated 8 march 1950.

BULGARIA

Act of 1917 respecting the health and safety of workers, as amended. (L.S. 1932, Bulg.3)

Order No. 13599 of 20 September 1932, laying down the measures to be taken for the handling and the use of lead and its compounds and alloys in trades and factories and in industrial establishments and undertakings (L.S. 1932, Bulg. 2 C)

Order No. 13600 of 20 September 1932 prohibiting the use of white lead and sulphate of lead in certain painting operations (L.S. 1932, Bulg. 2 A)

CANADA - Alberta

Regulations relating to the use of lead and benzol and of mercury, 1941.

Manitoba:

Regulations relating to the use of lead and benzol. Dated 6 May 1941, amended in 1947.

Ontario:

Regulations 80/46 concerning the use of lead and benzol, 1946.

NEW ZEALAND

Lead Process Regulations, 1950.

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CZECHOSLOVAKIA

Act of 12 June 1924 issuing regulations for the protection of the life and health of persons employed in painting, varnishing and decorating (L.S. 1924, Cz. 1).

Government Order No. 41 of 1938 concerning provisions for the protection of the health and safety of unskilled workers.

EGYPT

Ministerial Order of 14 May 1951 concerning the protection of workers against occupational diseases caused by lead or its compounds.

FRANCE

Decree No. 48-1901 of 11 December 1948 to issue public administrative regulations concerning special measures of hygiene applicable in undertakings in which persons are exposed to the risk of lead poisoning.

Order of 12 December 1948, in pursuance of the Decree No. 48-1901, fixing the text of the notice pointing out the dangers of lead poisoning and the precautions to be taken to avoid them.

Order of 12 December 1948, establishing the list of industrial employments covered by Decree No. 48-1901 of 11 December 1948.

Order of 12 December 1948, establishing the text of the instructions for medical examinations carried out in virtue of Decree 48-1901 of 11 December 1948.

Decree No. 48-2034 of 30 December 1948, to issue public administrative regulations concerning the prohibition of the use of white lead, sulphate of lead and linseed oil with a lead content in the painting of buildings.

FRENCH EQUATORIAL AFRICA

Order No. 2813 to prohibit the use of white lead and sulphate of lead in painting, 1951.

NETHERLANDS

Act of 2 July 1934, to issue safety provisions for the performance of work in general and safety in factories and workplaces in particular (L.S. 1934, Neth.2)

Order of 8 August 1939, to issue public administrative regulations concerning safety measures for work involving the use of white lead.

SWEDEN

Royal Notification (No.210) of 6 May 1949, to prohibit the employment of workers in painting operations with lead colours.

Royal Notification (No. 211) of 6 May 1949, concerning the medical examination for the prevention of certain occupational diseases (including lead poisoning) (L.S. 1949, Swe.5).

Royal Notification of 6 May 1949 (No. 212) concerning reimbursement for medical examination for the prevention of certain occupational diseases

VENEZUELA

Labour Act of 21 October 1947 (L.S. 1947, Ven.2), to amend the Act of 16 July 1936 (L.S. 1936, Ven.2), as amended in 1945 (L.S. 1945, Ven.1).

RE 0012382

Convention (N° 13) concerning the use
of white lead in painting, 1921

Position in Countries which have not ratified the Convention

In a certain number of countries, which have not ratified the Convention, certain legislative provisions exist for the protection of the workers, or certain categories of workers, against some of the risks of lead poisoning in painting.

In the German Federal Republic the protection of painter workers against lead poisoning is dealt with by an Order of 27 May 1930. The Order is in accordance with the Convention, since the period for which exceptions were allowed has elapsed. In New Zealand regulations under the Health Act 1920 and the Factories Act 1946 provide for the protection of persons employed in lead processes (Lead Process Regulations, 1950). The provisions of the Articles 1, 5 I, 5 III (a) and 7 of the Convention are not covered by the Regulations. Article 3 of the Convention is covered by s. 38 of the Factories Act, 1946. Switzerland possesses in the Order respecting the prevention of lead poisoning in the manufacture and use of paint of 19 May 1942 regulations for the protection of workers against this poisoning. The notification of cases of lead poisoning is required under the accident insurance orders.

However, the provision of Article 7 of the Convention, concerning statistics with regard to lead poisoning among working painters is not covered by the Regulations.

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In the United Kingdom the Lead Paint (Protection Against Poisoning) Act, 1925 and the Lead Paint Regulations, 1927 under this Act, make provisions for the protection against lead poisoning. The Act specifies that section 66 of the Factories Act, 1937, concerning the notification of occupational diseases (including lead poisoning) applies to persons employed in painting buildings. The term "young persons" used in the Lead Paint (Protection Against Poisoning) Act, 1925 means, according to section 152 of the Factories Act, 1937, persons over 14 years but not older than 18 years. However, some provisions of the Lead Paint Regulations do not apply to persons who are occasionally employed in or in connection with painting of buildings for an aggregate period not exceeding 26 normal working days in a calendar year and whose ordinary employment does not include the painting of buildings. This exception is not foreseen in the Convention.

In Indonesia, the White Lead Ordinance, No. 509 of 21 December 1931 deals with the protection against the dangers resulting from the use of white lead as a raw material, but the legislation is not sufficient to allow ratification of the Convention.

With regard to the specific provisions of the Convention, one or more of these provisions are found in the legislation of several countries.

RE 0012994

Various approaches have been made in the sense of Art. 3 (1) of the Convention: "the employment of males under eighteen years of age and of all women shall be prohibited in any painting work of an industrial character involving the use of white lead or sulphate of lead or other products containing these pigments".

In Brazil, this provision is applied under the even stricter regulation, which prohibits the employment of young persons under 18 years of age and of women on work with lead or its compounds.

In Ecuador, male young persons under the age of 16 years and girls and women may not be employed in the manufacture of white lead, red lead and other poisonous pigments, and also the handling of paint, enamel or varnish containing salts of lead or arsenic.

Various countries (Burma, Egypt, India, Italy and Syria) prohibit the employment of women and young persons in the manufacture of lead compounds, but the prohibition is not extended to the use of these substances in painting.

In Portugal, certain operations with white lead are prohibited for women; they do not, however, include painting. The employment of boys under 16 and of girls under 18 years is prohibited for work with risks from lead. In Ireland, young persons under 18 may not be employed in operations involving the risk of lead poisoning.

In Nicaragua, young persons under 18 may not be employed in industrial painting work in which toxic materials or products are used, while women are excluded from employment in work specified as dangerous for their physical welfare.

In other countries a general clause prohibits the employment of young persons under 18 and of women in work that is declared unhealthy. This is the case in Albania, Bolivia, Costa Rica, Japan and Turkey; a similar provision for persons under 18 and for women exists in Guatemala and Panama.

Article 5 II (b) of the Convention, concerning overalls to be worn by painters during the whole of the working period is covered in a general way by the factory legislation in Albania and Brazil, while the latter country prescribes measures for cloakrooms with individual lockers for clothes not worn during work and for washing facilities, (Article 5 II (c) and 5 II (a) of the Convention).

The provisions of Article 5 III (a) is satisfied in those countries where lead poisoning is taken up in the list of notifiable occupational diseases. This is the case, in addition to the countries which ratified the Convention, to the satisfaction of the Committee of Experts, in Brazil, Ceylon, the German Federal Republic, India, Iraq, Pakistan, Switzerland, the United Kingdom and in various states and provinces of Australia, Canada and the United States.

The provision of Article 5 III (b) concerning the medical examination of workers on request of the competent authority, is found in many countries as a condition of employment in unhealthy occupations, or is covered by compulsory periodical medical examination of all workers, or of certain categories of workers, in which workers exposed to the risk of lead poisoning generally are included.

Particular difficulties for ratification of the Convention are found in Australia, Canada and the United States, where the matter of health protection comes in the jurisdiction of the constituent states or provinces. Several of these states and provinces possess regulations concerning the use of white lead in painting.

EFFECT GIVEN TO THE OBSERVATIONS
MADE BY THE COMMITTEE OF EXPERTS

The Government Representative of Afghanistan stated that appropriate provisions for the application of the Convention are to be included in the Labour and Employment Act, which is in preparation. A Government Representative of Argentina stated that the situation in his country was due to the federal type of Government, but that as a result of the recent revision of the Constitution it was possible to take the necessary legislative measures.

The Government of Mexico declared that detailed regulations were in preparation. In various reports the Government indicated that these regulations were declared unconstitutional, and that new regulations are being drafted, but that the Convention as ratified had, in any case, force of law under the Constitution. As regards Article 5 III (a), the Government of Uruguay explained that medical examination of cases of lead poisoning are carried out by the National Insurance Bank, and that necessary steps will be taken for periodical examination.

Convention 13

Ratifications

Afghanistan	12.6.1939
Argentina	26.5.1936
Austria	12.6.1924
Belgium	19.7.1926
Bulgaria	6.3.1925
Chile	15.9.1925
Colombia	20.6.1933
Cuba	7.7.1928
Czechoslovakia	31.8.1923
Estonia	8.9.1922
Finland	5.4.1929
France	19.2.1926
Greece	22.12.1926
Hungary ^o	4.1.1928
Latvia	9.9.1924
Luxembourg	16.4.1928
Mexico	7.1.1938
Netherlands	13.12.1939
Nicaragua	12.4.1934
Norway	11.6.1929
Poland	21.6.1924
Rumania	4.12.1925
Spain	20.6.1924
Sweden	27.11.1923
Uruguay	6.6.1933
Venezuela	28.4.1933