

DRAFT BILL

Set the maximum lead limit at
paints and similar
coating of surfaces.

THE PRESIDENT OF THE REPUBLIC Let me know that the National Congress
decrees and I sanction the following Law:

Art. 1 ^{the} This law sets the maximum allowable limit of lead in paints and
similar surface coating materials.

Single paragraph. This Law does not apply to:

I - Inks used in anti-theft device for handling cash,
certification in the scope of the Brazilian System of Evaluation of
Conformity (SBAC).

II - products regulated by the National Agency of Sanitary Surveillance (Anvisa)
by means of Law 6,360, dated September 23, 1976 and its amendments.

Art. 2 For the purposes of this law, it is considered:

- I- ink: typical blend of resins, pigments, solvents and additives,
including varnishes, lacquers, sealants, enamels and coatings used
for any purpose, the purpose of which is to cover a given
surface or substrate to provide protection, color and beauty ;
- II- Similar surface-coating materials:
employees, for purposes of protection, preparation or finishing
surfaces (including *primers* and sealers),
effects, water repellents, impregnants (*stain*), liquids for

waterproofing resins and textures, covering the mixer products,

- III- manufacturer: natural or legal person who is engaged in the manufacture of paints and similar surface coating materials;
- IV- importer: natural or legal person who promotes ink and similar surface coating materials in the territory customs office in Brazil.

Art. 3 The manufacture, marketing, distribution and importation of paints and similar surface coating materials equal to or greater than 90 ppm (parts per million) lead expressed by weight as metallic lead, determined on dry basis or total non-volatile content,

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following deadlines, as of the date of publication of this law, in order to manufacturers and importers comply with the limit established herein:

- I- 5 years for paints and similar surface coating materials used for traffic signaling and security;
- II- 3 years for paints and similar surface coating materials used for:
 - (a) motor vehicles, airplanes, vessels and transport wagons railway;
 - b) household appliances and metal furniture;
 - c) exclusive artistic use;
 - (d) agricultural and industrial equipment;
 - (e) industrial, agricultural and commercial metal structures;
 - f) Anticorrosive paint-based treatment.

III- 1 year for all other paints and similar coating materials of areas covered by the provisions of this law.

Sole paragraph: Paints and similar coating materials areas manufactured or imported by the deadlines provided for in this Article may be marketed until the end of their shelf-life.

Art. 4 The National Institute of Metrology, Quality and Technology (Inmetro), exercising, with exclusivity, the power of administrative police as to the maximum of lead in paints and similar coating materials. accordance with this law.

Article 5. The supervision of the obligations of this law shall be carried out by Inmetro or by bodies or entities governed by public law with legal competence delegate

Single paragraph. Supervisory actions shall not apply to the use of products covered by this law by the final consumer or in consumer manufacturing or assembling other goods.

Art. 6 The manufacturer or importer, when requested by Inmetro, shall present the results of tests indicating the concentration of lead in paints and similar surface coating materials which manufactures or amount

Single paragraph. The tests provided for in the main laboratory accredited by Inmetro or by an accrediting body that is a signatory of mutual recognition agreement in the framework of international accreditation of which Inmetro is a signatory, for the specific scope.

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Art. 7 Inmetro may, considering the test results accordance with Article 6, to collect, at its discretion, samples of paints and similar surface coating materials.

§ 1 The collection may occur in the factory, in ports, airports and borders, customs and customs terminals, aquatic, terrestrial and aerial, in distribution centers, in wholesale and retail trade.

Paragraph 2. The expenses arising from the supervisory actions mentioned in the shall be borne by the manufacturer or importer.

§ 3 If the manufacturer or importer does not comply with the obligations Paragraph 2, Inmetro may prohibit the manufacture, importation, distribution or and marketing, throughout the production and supply chain, of the products covered by this law.

Art. 8 The manufacturer and importer of paints and similar coating surfaces that fail to meet the provisions of this Law,

shall be subject to the penalties provided for in Article 8 of Law 9,933 of 1999 and your changes.

Art. 9 - Paints and similar surface coating materials considered to be irregular will be seized definitively, manufacturer or importer the costing and the realization of the final disposal environmentally appropriate, in accordance with Law No. 12,305 of 2010 and its changes.

Art. 10 This law shall enter into force on the date of its publication.

Art. 11 Law No. 11,762, of August 1, 2008, is hereby repealed, with the concentration of lead in paints and similar coating materials. laid down therein, until the new established in Article 3 of this law.