

**Unvalidated References:**  
*Public Health Act 1973*

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel  
Dated 25 November 2006

**INDEPENDENT STATE OF PAPUA NEW GUINEA.**

Chapter 226F.

***Public Health (Paint) Regulation 1973***



## ARRANGEMENT OF SECTIONS.

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### **SCHEDULE 1 – Method of Testing Proportion of Soluble Lead. *Public Health (Paint) Regulation 1973***

MADE under the *Public Health Act 1973*.

Dated                      200 .

### **PART I. – PRELIMINARY.**

#### **1. INTERPRETATION.**

In this Regulation, unless the contrary intention appears—

“**paint**” includes any substance that is—

- (a) used, or intended to be used, for application as a colouring or protective coating to any surface (including oil paint, water paint, enamel and distemper); or
- (b) used in the composition of any paint;

“**soluble lead**” means the lead compound that is dissolved when paint is treated as prescribed by Section 2 and the Schedule.

**PART II. – LEAD IN PAINT.**

**2. METHOD OF TESTING PROPORTION OF SOLUBLE LEAD.**

The method of testing the proportion of soluble lead compound in a paint or paint material is as prescribed in the Schedule.

**3. LEAD PAINT ON EXTERIORS.**

(1) A person who uses or puts any paint containing more than 5% of soluble lead on—

- (a) a wall, palisade, post, floor, rail, door, gate or blind of a verandah of a house or other building; or
- (b) any steps, baluster, handrail or lattice of a house or other building; or
- (c) a fence or gate; or
- (d) any other exterior part of a house, hall, school or other building, to which part children under the age of 14 years have easy access,

is guilty of an offence.

(2) In a prosecution for an offence against Subsection (1), the burden of proof that children under the age of 14 years have no access to any exterior part of a building referred to in Subsection (1)(d) is on the defendant.

**4. LEAD PAINT ON ROOFS.**

A person who uses or puts paint containing any lead on the roof of a house or other building is guilty of an offence.

**5. REMOVAL OF PAINT, ETC.**

(1) Where it is proved to the satisfaction of the Minister that a surface of a house or other building, or of a fence or gate, or any part of the surface of a house or other building, or of a fence or gate, has paint on it containing more than 5% of soluble lead, he may, by written notice to the owner of the premises, require that any such painted surface be cleaned down and the paint removed within the time stated in the notice.

(2) A person who fails to comply with a notice under Subsection (1) within the time stated in the notice is guilty of an offence.

Penalty: A fine not exceeding K100.00.

**PART III. – PAINT GENERALLY.**

**6. LABELLING, ETC., OF PAINT.**

(1) Subject to Subsection (3), a label shall be supplied on or attached to every package of paint packed or enclosed for sale, indicating—

- (a) the trade name or description; and
- (b) the net weight, or true measure or volume, of the contents of the package; and
- (c) the name and address of the vendor or maker of the contents; and
- (d) a statement of the ingredients and their percentage proportions in the paint, written in bold-faced sans-serif capital letters of not less than eight points face measurement in the following form:—

*“This paint consists of (or the contents of this package consist of) (insert the name or names of ingredients and the quantity or percentage proportion of each contained in the paint).”*

(2) A person who sells paint in a package without a label required by Subsection (1) on or attached to the package is guilty of an offence.

(3) For the purposes of Subsection (1) and (2), paint shall not be deemed to be falsely described or labelled if the actual weight, or true measure or volume, of any constituent of the liquid does not vary by more than 10% from the weight, measure or volume of the proportion of the constituent declared to be present.

**7. USE OF INFERIOR PAINT.**

(1) Where a person undertakes or contracts with another person to paint any premises owned or occupied by the other person, he must not use in the mixing or application of the paint any barytes or whiting or other deleterious substance or ingredient of inferior quality without the knowledge and consent of the other person.

(2) A person who contravenes Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K100.00.

**PART IV. – MISCELLANEOUS.**

**8. INSPECTION, ETC.**

For the purposes of this Regulation, an officer authorized for the purpose by the Minister may—

- (a) enter any premises or place and inspect—
  - (i) any house, hall, school or other building, or any part of a house, hall, school or other building, referred to in Section 3 or 4; or
  - (ii) any other surface; and
- (b) remove for examination or analysis a sample or samples of any paint adhering to—
  - (i) the house, hall, school or other building, or the part of a house, hall, school or other building referred to in Paragraph (a); or
  - (ii) any other surface; and
- (c) may remove for examination or analysis a sample or samples of any paint that is being used by any person on any premises for painting—
  - (i) any of the exterior surfaces of any house, hall, school or other building referred to in Paragraph (a); or
  - (ii) Any other surface referred to in Section 3 or 4.

**9. GENERAL PENALTY.**

A person who is guilty of an offence against any provision of this Regulation for which no other penalty is expressly provided is liable—

- (a) for a first offence—to a fine not exceeding K40.00; and
- (b) for a second offence in respect of the same provision—to a fine of not less than K20.00 and not exceeding K100.00; and
- (c) for a subsequent offence in respect of the same provision—to a fine of not less than K60.00 and not exceeding K200.00.

**SCHEDULE 1 – METHOD OF TESTING PROPORTION OF SOLUBLE LEAD.**

Reg., Sec. 2.

If the paint or wash is mixed with water, turpentine, oil, varnish, size or other adhesive or waterproofing substance, it shall first of all be freed as far as possible from the vehicle or adhesive or waterproofing substance by drying or by treatment with ether, petroleum spirit, alcohol, water or other neutral solvent or solvents.

If the residual substance so obtained contains insoluble varnish material, size or similar material that cannot be removed except by the action of reagents that affect the other constituents of the paint or wash—

- (a) the proportion of the varnish material, size or similar material shall be ascertained by a suitable means; and
- (b) a deduction shall be made for it from the weight of residual material taken for the determination of the soluble lead,

so that the proportion of soluble lead found to be present is calculated as a percentage of the dry substance free from varnish material, size or similar material.

For the determination of the soluble lead compound, 0.5g of the prepared dried material shall be continuously shaken for an hour at a temperature of between 18° C and 30° C with 500g of an aqueous solution of hydrogen chloride containing 0.25% of hydrogen chloride.

The solution shall be allowed to stand for one hour and then filtered.

The total lead dissolved in the 500g of solution, calculated as monoxide of lead, shall be taken as the amount of soluble lead compound in the 0.5g of dried material and the percentage calculated accordingly.



*Public Health (Paint) Regulation 1973*