



Notification Number: 2005/567/F

Order on the risk of exposure to lead report

Date received : 18/10/2005

End of Standstill : 19/01/2006

Message

Message 002

Communication from the Commission - SG(2005) D/52459

Directive 98/34/EC

Translation of the message 001

Notification: 2005/0567/F

No abre el plazo - Nezhajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata -
Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora -
Neietekmē atlikšanu - Atidējimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien
- Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud -
Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200502459.EN)

1. Structured Information Line

MSG 002 IND 2005 0567 F EN 19-01-2006 18-10-2005 F NOTIF 19-01-2006

2. Member State

France

3. Department Responsible

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Sous-direction des interventions urbaines et de l'habitat

Bureau des interventions urbaines pour l'habitat privé

La Grande Arche - Paroi Sud



92055 LA DEFENSE Cedex

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4. Notification Number

2005/0567/F - S00S

5. Title

Order on the risk of exposure to lead report

6. Products Concerned

Portable X-Ray fluorescence equipment when used to detect lead in paint

7. Notification Under Another Act

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8. Main Content

The draft Order lays down the procedures for drafting the risk of exposure to lead report [French designation: CREP] and the content of the information attached to this report. The draft Order defines the report protocol and lays down that, when preparing the report, equipment measuring the concentration of lead in coverings, which operates by means of X-Ray fluorescence be used [If a material is subjected to ionising radiation, the material may emit what is known as a "fluorescence" spectrum in the form of energy rays. These rays are characteristic of the elements present in the material.

Lead is characterised by two distinct series of energy rays, the K ray series and the L ray series. Depending on the power of the ionising radiation, the "fluorescence" spectrum emitted is composed of the K ray series and/or the L ray series. The latter series, which is less energetic, is more readily absorbed than the K ray series, particularly when the lead is deep.]

Keywords: Public Health. Housing. Lead. Prevention of lead poisoning.

9. Brief Statement of Grounds

In 1999, the INSERM estimated the number of children of between 1 and 6 years of age affected by lead poisoning (characterised by a blood lead level greater than 100 µg/l) at around 84,000. Childhood lead poisoning is responsible for haematological, neurological and renal diseases. The basic cause of childhood lead poisoning is lead contained in old degraded paint, the dust or flakes of which is inhaled or ingested by children. The risk of exposure to lead report (CREP) is part of the "prevention" aspect of the national system to prevent childhood lead poisoning.

The CREP is a compulsory information document for the purchaser (and from 11 August 2008, for the tenant), on the presence and state of paint containing lead in a house. It must be produced by the seller (or landlord) if the house was built before 1 January 1949.

When a CREP is drafted by an expert, the need to exhaustively search for the presence or absence of lead in



domestic coverings means a large number of analyses are necessary. Portable X-Ray fluorescence equipment allow them to be performed quickly. The immediately inform the person drafting the CREP of the result, which allows him to optimise the number of measurement points. It is a non-destructive method, which avoids taking samples and spreading lead dust that might be caused by taking samples. The physico-chemical analysis of samples, simulating the ingestion of paint flakes, is the method used for determining the concentration of lead. Comparative studies of portable X-Ray fluorescence equipment have shown that the reliability of CREPs requires the use of equipment that is capable of analysing the K ray of the fluorescence spectrum of lead. Equipment that allows a fluorescence spectrum composed solely of lead L rays to be obtained does not detect the presence of lead when it is no longer on the surface, since the L ray is most often absorbed by the surface layer (frequently the case in real situations where old ceruse paints have generally been covered by other coatings, such as roughcast, which is thick and dense). This limitation of certain X-Ray fluorescence equipment could lead the professional to conclude, wrongly, that lead is not present ("false negatives"), exposing the future occupant of the house to a health risk in the event of the paint degrading (ageing, wear, works, etc.).

10. Reference Documents - Basic Texts

The risk of exposure to lead report is laid down by Articles L.1334-6 to L.1334-7 of the Public Health Code (Law No 2004-806 of 9 August 2004). A draft implementing Decree amending Articles R.1334-1 to R.1334-13 of the Public Health Code is currently being finalised.

Report of 25 May 2005 of the French Environmental Health Safety Agency (AFSSE) on the detection of lead in old paint (www.afsse.fr).

11. Invocation of the Emergency Procedure

NO

12. Grounds for the Emergency

-

13. Confidentiality

a) NO

14. Fiscal measures

b) No

15. Impact assessment

-

16. TBT and SPS aspects

TBT aspect (Agreement on technical barriers to trade)

a) Yes

SPS Aspect (Agreement on sanitary and phytosanitary measures)

a) NO

b) The draft is not a sanitary or phytosanitary measure within the meaning of Annex A to the SPS Agreement.



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