



Notification Number: 2005/565/F

## Order on the diagnosis of the risk of poisoning from lead in paint

Date received : 18/10/2005

End of Standstill : 19/01/2006

### Message

Message 002

Communication from the Commission - SG(2005) D/52455

Directive 98/34/EC

Translation of the message 001

Notification: 2005/0565/F

No abre el plazo - Nezahajuje 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 - Atidėjimai 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: 200502455.EN)

#### 1. Structured Information Line

MSG 002 IND 2005 0565 F EN 19-01-2006 18-10-2005 F NOTIF 19-01-2006

#### 2. Member State

France

#### 3. Department Responsible

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#### 3. Originating Department

Ministère de l'emploi, de la cohésion sociale et du logement

Direction générale de l'urbanisme, de l'habitat et de la construction

Service du développement urbain et de l'habitat

Sous-direction des interventions urbaines et de l'habitat

Bureau des interventions urbaines pour l'habitat privé



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Sous-direction de la gestion des risques des milieux  
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75350 PARIS 07 SP

#### **4. Notification Number**

2005/0565/F - S00S

#### **5. Title**

Order on the diagnosis of the risk of poisoning from lead in paint

#### **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 methods for carrying out the diagnosis of the risk of poisoning from lead in paint in buildings inhabited or frequented by children. According to the protocol laid down in this draft Order, this diagnosis, which the Prefect of the Department may have carried out following a reported case of lead poisoning, or the risk of exposure of a minor to lead, shall identify elements having a degraded coating, state the concentration of lead in these coatings and the method of analysis used to measure it and describe the condition of coatings containing lead. To carry out this diagnosis, the draft Order specifies the use of equipment measuring the concentration of lead in coatings operating by means of X-Ray fluorescence [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 are inhaled or ingested by children. Lead poisoning is a compulsorily notifiable disease. The reporting of cases of lead poisoning to the health authority shall give rise to an in situ search for possible sources of poisoning and to the carrying out of a



diagnosis of degraded paints in locations inhabited by the poisoned child. In cases where lead is present in degraded paints, the building owner shall be obliged to carry out works, under threat of an enforcement, at his own expense, should he not carry out such works. The diagnosis is part of the "emergency procedures" aspect of the national system to prevent childhood lead poisoning.

When a diagnosis is made by the State services or on their behalf, the need to exhaustively search for the presence or absence of lead in degraded domestic coatings means a large number of analyses are necessary. Portable X-Ray fluorescence equipment allows them to be performed quickly. They immediately inform the person carrying out the diagnosis of the result, which allows him to optimise the number of measurement points. It is a non-destructive method which avoids the taking of samples and spreading lead dust which may 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 diagnoses 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 wrongly conclude that lead is not present ("false negatives"), not permitting the correct understanding of the health risk or the ability to remedy this.

#### **10. Reference Documents - Basic Texts**

The diagnosis of the presence of lead in degraded paints in cases of poisoning is laid down in Articles L.1334-1 and following of the public health code (Law No 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](http://www.afsse.fr))

#### **11. Invocation of the Emergency Procedure**

No

#### **12. Grounds for the Emergency**

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#### **13. Confidentiality**

a) No

#### **14. Fiscal measures**

b) No

#### **15. Impact assessment**

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#### **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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