**MEDIA QUERIES ABOUT THE HANDOVER OF XRFs FROM DFFE TO DoH.**

Below are consolidated draft responses to the questions raised generated by the Cluster: Environmental Health and Port Health Services,for further management. Please note that responses are sent directly to you without first approval by the Chief Director, she is however herein copied to guide further should she deem it fit.Should we get more information, we will add/amend the shared information.

1. **How many XRF lead analysers were given over to the health department and roughly how many port health officials will be trained to use them?**
   1. A total of eight (8) XRF lead analysers were given over to the health department.
   2. A total of sixty two (62) Port Health Officials will be trained.
2. **How much were the XRF analysers acquired for?** 
   1. They costed R2 203 400
3. **Which ports will they be used at?**
   1. Controls looked at the most high risk Points of Entry, or those that are highly likely to import these products, being the Air Ports and Sea Points of Entry. Land Crossings/borders that are also key were identified, connecting to countries bordering with South Africa as per the draft Lead Regulations.

1. Sea Ports

1. Cape Town,
2. Durban,
3. East London,
4. Port Elizabeth, and
5. Richards Bay,

2. Air Ports

1. OR Tambo,
2. Cape Town, and
3. King Shaka,

3. Land Borders

1. Beit Bridge
2. Maseru
3. Oshoek
4. Lebombo
5. Nakop, and
6. Golela
7. **The emphasis of the handover was on stopping goods with lead paint entering the borders. But SAPMA says there are still *local* paint manufacturers adding lead to paint. Are local paint manufacturers being monitored and who is responsible for monitoring them?** 
   1. Provincial health environmental health practitioners are responsible for monitoring lead content of locally manufactured paint products. EHPs from Metropolitan and District Municipalities also inspect these premises as they conduct Health Surveillance of Premises under the Health Act, 2003.
8. **The deputy minister of health said that “the Environmental Health fraternity in provinces and municipalities… have been screening lead paint”. Can you give an example in which this happened and what the outcome was?** 
   1. In the Gauteng Province, environmental health in the Johannesburg, Ekurhuleni and West Rand health districts started with lead screening analysis of painted objects using an XRF device since 2015. Various objects such as painted toys, playground equipments, painted walls and plastic tables and chairs in childcare facilities were screened for lead content. The focus were these facilities because though there is widespread recognition of lead exposure problem, exposure to lead, particularly in childhood, remains of key concern to health care sector worldwide, Research has proven that children are the most vulnerable population group for exposure to lead because of their immature organ systems and relatively ineffective mechanisms for the metabolism of lead.
   2. The results of the screening showed that some articles were in compliance with the permissible lead content limit, while others were not, and this varied from one health district to another. For example, in Ekurhuleni health district, it was once found that all objects tested and painted in red, green and yellow were found to contain very high levels of lead. However, there was newly painted playground equipments, which were tested, and where the lead content was within the acceptable limit. Health education on lead in paint exposure was raised to targeted facilities.
9. **SAPMA said last year that paint manufacturers/retailers are never prosecuted even in cases where the government determines that they are making/selling lead paint. Has there ever been a case that you can point to where a local paint manufacturer or retailer was prosecuted for producing/selling paint that had more lead than the legal guidelines?** 
   1. Provincial health departments are responsible for compliance monitoring, and the National Department of health is not aware of any non-compliance prosecution case. However, the National Department of Health and the South African Medical Research Council jointly conducted a survey before to determine compliance with the current 2009 Lead paint Declaration Regulation, which the results showed about 40% of tested paint products exceeding the 600ppm acceptable limit. The results of this survey was an issue to the paint industry because the Regulation excludes certain categories of paints, of which it is alleged these paints could have been part of the survey results.
   2. The Department acknowledged that the current standard of 600ppm in the current Lead paint Regulation is still considerably high and the fact that this declaration Regulation excludes industrial paints and other categories of paints from this limit, the Regulation does not offer public health protection. Hence, the Department of Health has revised the current 2009 Regulations, which will be published for implementation. In the new Lead Paint Regulations, the limit of 600ppm lead in paint is reduced to 90ppm, as it is the limit that according to the World Health Organization offers maximum public health protection and is feasible to be achieved by the paint industry, and it will apply to all types of paints. Furthermore, the Regulations will have further provisions that will promote better government regulation and enforcement to protect the public.
10. **When do you expect that the ‘Regulations Relating to Lead in Paint or Coating Materials, 2021’ will be published as law?**

It is difficult to commit on a time frame for the Regulations development process as it is not entirely dependent on the Department alone, it is a public involvement process and requires State Law Advisors as well to make inputs, give guidance and avise for or against the provisions therein.

Regulations were published for comments and the Department has been incorporating comments since the closing date. The draft will upon approval by the Legal Unit of the Department and having received a greenlight from the State Law Advisor, be published for implementation. That process may take up to three Months.

1. **When an environmental health practitioner from either the municipality or province finds that an item has lead paint that exceeds the current legal threshold, what are the next steps which are taken?**

If the inspector has reasonable grounds to believe that the products in question are not in compliant with the limit, which is the laboratory results, the inspector may detain the products implicated, prohibit the supply thereof, and institute a criminal case through law enforcement process and court in the province.