



Republic of the Philippines  
**QUEZON CITY COUNCIL**

Quezon City  
20<sup>th</sup> City Council

PO20CC-365

65<sup>th</sup> Regular Session

ORDINANCE NO. SP- 2739, S-2018

*AN ORDINANCE REQUIRING THE USE OF LEAD SAFE PAINTS IN THE CONSTRUCTION, MAINTENANCE AND RENOVATION OF PROJECTS AND ACTIVITIES OF THE CITY.*

*Introduced by Councilor ELIZABETH A. DELARMENTE.*

*Co-Introduced by Councilors Anthony Peter D. Crisologo, Lena Marie P. Juico, Victor V. Ferrer, Jr., Oliviere T. Belmonte, Precious Hipolito Castelo, Voltaire Godofredo L. Liban III, Ramon P. Medalla, Ranulfo Z. Ludovica, Estrella C. Valmocina, Roderick M. Paulate, Allan Benedict S. Reyes, Gian Carlo G. Sotto, Franz S. Pumaren, Eufemio C. Lagumbay, Marvin C. Rillo, Raquel S. Malañgen, Irene R. Belmonte, Ivy Xenia L. Lagman, Marra C. Suntay, Jose A. Visaya, Karl Edgar C. Castelo, Julianne Alyson Rae V. Medalla, Godofredo T. Liban II, Allan Butch T. Francisco, Marivic Co-Pilar, Rogelio "Roger" P. Juan, Diorella Maria G. Sotto, Donato C. Matias, Eric Z. Medina and Ricardo B. Corpuz.*

*WHEREAS, the State as guaranteed by the Constitution of the Republic of the Philippines "shall protect and promote the right to health" and "protect and advance the right of the people to a balanced and healthful ecology";*

*WHEREAS, Republic Act No. 6969 or the Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990, and its Implementing Rules and Regulations, affirm the state policy "to regulate, restrict or prohibit the importation, manufacture, processing, sale, distribution, use and disposal of chemical substances and mixtures that present unreasonable risk and/or to health or the environment;*

*WHEREAS, the Department of Environment and Natural Resources (DENR) Administrative Order No. 2013-24 or the Chemical Control Order for Lead and Lead Compounds, in line with R.A. No. 6969, provides for, among other provisions, the phase-out of paints that contain total lead content in excess of 90 parts per million (ppm);*

WHEREAS, the DENR Administrative Order No. 2013-24, has established a three-year phase-out from 2013-2016 for lead-containing paints used for architectural, decorative and household (ADH) applications, and a six-year phase-out period from 2013-2019 for lead-containing paints used for industrial applications;

WHEREAS, the manufacture, distribution, sale and use of lead-containing ADH paints that are commonly used for homes, schools, day care centers, parks and playgrounds, as well as toys and children's products, including children's furniture and indoor and outdoor play equipment, among others, is no longer allowed following the completion of the three-year phase-out period on 31 December 2016;

WHEREAS, Republic Act No. 7160 or the Local Government Code 1991 empowers the local government units to enact ordinances which "promote health and safety" and "enhance the right of the people to a balanced ecology";

WHEREAS, lead paint is universally recognized as a source of significant childhood lead exposure and that exposure to lead mainly through ingestion and inhalation can cause lifelong and permanent injury to human health, especially to the most vulnerable groups such as the developing fetuses, young children, women of child-bearing age, and workers;

WHEREAS, "there is no known level of lead exposure that is considered safe", according to the World Health Organization, and the "children are particularly vulnerable to the neurotoxic effects of lead, and even relatively low levels of exposure can cause serious and in some cases irreversible neurological damage";

WHEREAS, the mandatory use of lead safe paints in the city, in support of the national government's policy and to eliminate lead paint, will prevent children's exposure to lead via leaded paints as well as reduce occupational exposures to such paints.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. DECLARATION OF POLICY - It is hereby declared the policy of the City to promote the public's health, safety and welfare, as well as promote a toxic-free environment, by ensuring the mandatory procurement and use of duly certified lead safe paints. ✓

*SECTION 2. DEFINITION – "Lead paint" is a paint or other similar surface coating materials containing lead above the regulatory total maximum lead limit of 90 parts per million (ppm). "Lead safe paint" is a paint that does not contain added lead as verified and confirmed through a third party certification.*

*SECTION 3. SCOPE – This ordinance shall cover the procurement and use of certified lead safe paints, including enamels, glazes, lacquers, primers, stains, varnishes and other surface coatings, for publicly-funded construction, maintenance and renovation projects and activities undertaken by the local government through its employees, contractors, and service providers, as well as partners, from the public and private sectors.*

*SECTION 4. PROHIBITED ACTS – The following acts shall be prohibited:*

- a. Procuring paints containing lead above the regulatory limit of 90 parts per million (ppm) as per DENR A.O. No. 2013-2014;*
- b. Purchasing paints that lack independent proof of compliance with the regulatory standard on lead paint;*
- c. Receiving and applying donated paints that are not compliant with the lead paint regulation;*
- d. Using lead-containing paints above the regulatory limit of 90 parts per million (ppm) in decorating public facilities and amenities, including, but not limited to, schools, day care centers, children's parks and playgrounds, health centers, sports complexes and covered multi-purpose courts;*

*SECTION 5. LEAD DUST HAZARD PREVENTION – Employees, contractors and service providers shall take protective measures when surfaces previously coated with lead paint are disturbed during repair, remodeling or repainting activities in order to prevent and control the formation and dispersion of dangerous lead-containing chips and dust, and reduce the risk of exposure to lead.*

*SECTION 6. PENALTIES – Any violation of this Ordinance shall be punishable as follows:*

*First Offense – A fine of Two Thousand Pesos (Php2,000.00).*

*Second Offense – A fine of Three Thousand Pesos (Php3,000.00).*

*Third Offense - A fine of Five Thousand Pesos (Php5,000.00), imprisonment of thirty (30) days or cancellation of business license given by the City or both at the discretion of the court.*

*SECTION 7. DUTY FOR IMPLEMENTATION - The City Engineering Department shall lead in the strict implementation of this Ordinance. It shall be the duty of the implementing officer to:*

- 1. Disseminate the necessary information that will inform and enjoin employees, contractors and service providers to observe this Ordinance.*
- 2. Collect data for any paints used by external contractors and service providers.*
- 3. Prepare an annual report describing the progress in implementing this Ordinance.*
- 4. Prepare an annual report describing the progress in implementing this Ordinance.*
- 5. Coordinate with Parks Development and Administration Department (PDAD) and Environmental Protection and Waste Management Department (EPWMD), Division of City Schools and Quezon City Health Department for the implementation of this ordinance.*
- 6. Coordinate with relevant national government agencies, including the Environmental Management Bureau of the Department of Environment and Natural Resources, the Occupational Safety and Health Center of the Department of Labor and Employment, and other agencies, for the implementation of this ordinance.*


*SECTION 8. INFORMATION AND EDUCATION CAMPAIGN - The City Engineering Department, Parks Development and Administration Department (PDAD), Environmental Protection and Waste Management Department (EPWMD), Division of City Schools and Quezon City Health Department shall conduct a wide information and education campaign on the provisions of this Ordinance, with the assistance of concerned government agencies and non-government organizations. \**

*SECTION 9. SEPARABILITY CLAUSE – If, for any reason, a provision or part of this Ordinance is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.*

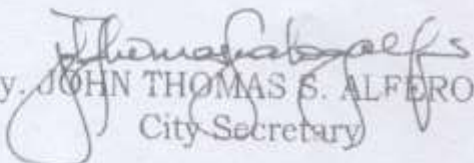
*SECTION 10. REPEALING CLAUSE – All ordinances, resolutions, local executive orders, or administrative issuances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed, amended or modified accordingly.*

*SECTION 11. EFFECTIVITY – This Ordinance shall take effect thirty (30) days after its publication in a newspaper of general circulation.*

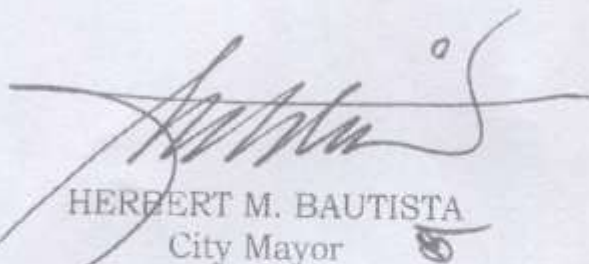
ENACTED: June 18, 2018.

  
ALEXIS R. HERRERA  
1<sup>st</sup> Asst. Majority Floor Leader  
Acting Presiding Officer

ATTESTED:

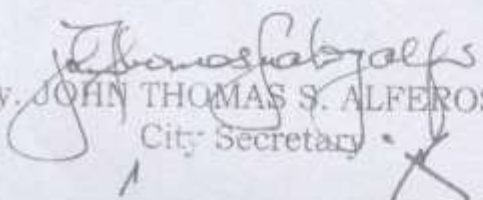
  
Atty. JOHN THOMAS S. ALFEROS III  
City Secretary

APPROVED 06 AUG 2018

  
HERBERT M. BAUTISTA  
City Mayor

CERTIFICATION

*This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on June 18, 2018 and was PASSED on Third/Final Reading on July 2, 2018.*

  
Atty. JOHN THOMAS S. ALFEROS III  
City Secretary