भारत का राजपत्र
The Gazette of India

EXTRAORDINARY
PART II—Section 3—Sub-section (i)

पर्यावरण, जन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

वार्षिक वित्त, 1 नवम्बर, 2016

सां.का.नि. 1030(अ)—केंद्रीय सरकार ने पर्यावरण (संरक्षण) नियम, 1986 के नियम 13 के साथ पत्तित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और धारा 6 की उपधारा (2) के खंड (र) द्वारा प्रदत शक्तियाँ का प्रयोग करते हुए प्राप्त नियम अधिनियम अलावा चार्ट ए और सर्जावटी नेट में चौथा की मात्रा संबंधी विनियमन नियम, 2016 भारत के राजपत्र, अधिकार, संख्या सां.का.नि. 409(अ), तारीख 8 अप्रैल, 2016 द्वारा उन सभी व्यक्तियों और संगठनों से जिन्हें उनसे प्रभावित होने की संभावना थी, उस तारीख से, जिसकी उन राजपत्र की प्रति विशेष अधिकृत है, उपलब्ध कर रही गई थी, 60 दिन की अवधि की समाप्ति से पूर्व आवेदन और सुझाव आमंत्रित करते हुए प्राप्त अधिसूचना प्रकाशित की गई थी;

और उक्त प्राप्त से अंतर्विष्ट राजपत्र की प्रति अाम अनुलका को 24 अप्रैल, 2016 को उपलब्ध कराई गई थी तथा संबंधित पर्यावरणीयों की, जिनके पास मंत्रालय के पास उपलब्ध थे, को भी प्रवाहित की गई थी;

और, उक्त प्राप्त अधिसूचना के उत्तर में प्राप्त आवेदनों और सुझावों पर केंद्रीय सरकार द्वारा समयक रूप से विचार किया गया;

अत: केंद्रीय सरकार पर्यावरण (संरक्षण) नियम, 1986 के नियम 13 के साथ पत्तित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 और धारा 6 द्वारा प्रदत शक्तियाँ का प्रयोग करते हुए, निम्नविशिष्ट नियम बनाया है, अर्थातः:-

1. संक्षिप्त नाम और प्रारंभ—(1) इन नियमों का संक्षिप्त नाम घरेलू और सर्जावटी नेट में सीसा की मात्रा संबंधी विनियमन नियम, 2016 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख से एक वर्ष पश्चात प्रकाशित होगे।
2. परिभाषा.—इन नियमों में, जब तक संबंध अन्यथा अपेक्षित न हो, “परेलू” और “सजावटी पेंट” में भी दौड़ियाँ, खिलवाड़ किस्मियाँ में अंतर्गत और बाहुबली धारा में पत्र सामग्रियों के रूप में उपयोग में लाए गए पेंट, भूषण और सजावटी पेंट के लिए प्रतिकृति देने के कार्यों के लिए कौन उपयोगकर्ता उपयोग किया गया है और इसके अंतर्गत भारतीय सेवा भर्ती द्वारा प्रकाशित परेलू और सजावटी पेंट के लिए भारतीय सेवा में यथाचिन्हित है।

3. वरिष्ठ दलों में सीमा या सीमा समितियों के उपयोग का प्रतिवेदन—सुझाव गए पेंट फिल्म के भार के कुछ अंतर्गत सीमा समिति के भार के प्रति मिलिन (0.009 प्रतिशत) 90 भाग से अधिक सीमा या सीमा समिति (सीमा या सीमा समिति के रूप में परिक्रियात्मक) से अंतर्भूत परेलू और सजावटी पेंट (जिसे इसमें इसके पश्चात उपयोग कहा गया है) का

(i) विनियमित, न्यायाधीश, अंतर्विष्ट होगा।

(ii) लेबल में, व्यापारिक, वित्तीय एवं आयातकर्ता का नाम और पता अंतर्विष्ट होगा।

5. मोडल अभिवर्गण.—(1) इन नियमों के उपयोग के लिए केंद्रीय प्रूफ नियंत्रण वंडर, मोडल अभिवर्गण होगा।

(2) इन नियमों के कार्यान्वयन में किसी वांछन की दशा में मामला मोडल अभिवर्गण को विनियमित किया जाएगा।

(3) नोडल अभिवर्गण, उसे सभी मामलों, जिसके अंतर्गत इन नियमों के कार्यान्वयन में मोडल अंतर्विष्ट होकर, पर सलाह देने के लिए किसी समिति का गठन कर सकेगा।

6. उपाधि या परिक्षण के लिए प्राप्तिकृत अभिवर्गण—केंद्रीय विज्ञान अनुसंधान संस्थान, वेगुपाल, हुमा, ईडियाटिक, कोलकाता, नागपुर, नासिक और नोएडा तथा दिल्ली, नई दिल्ली समान नामक तथा परिवर्तन हेतु नहीं अधिवृत्त कोई अन्य संघर्ष ऐसे परिवर्तन को करने के लिए प्राप्तिकृत होगा जो यह दिखाई दे कि वह अवश्यक नहीं है तथा उपाधि में मिलिन 3 में यथाचिन्हित प्रति मिलिन 90 भाग से अधिक सीमा अंतर्विष्ट है।

7. अनुसूचना और परिक्षण प्रक्रिया—अनुसूचना और परिक्षण प्रक्रिया, केंद्रीय प्रूफ नियंत्रण वंडर द्वारा मान्यता में परिवर्तन को सही जानकारी से इन नियमों के प्रारंभ होने की तारीख से छह मास के भीतर तैयार की जाएगी और प्रकाशित की जायेगी।

8. अस्थायी उपाधि—इन नियमों के प्रारंभ होने की तारीख से पूर्व यथाचिन्हित अवधि या आयातित परेलू और सजावटी पेंट ऐसे प्रारंभ होने की तारीख से दो वर्ष के लिए विश्वसनीय अनुष्ठान की जाएगी।

9. साधारण शर्तें—निम्नलिखित शर्तें लागू होंगी, अर्थातः

(i) नियम 3 में यथाचिन्हित परेलू और सजावटी पेंट में सीमा के भार के संबंधित अनुसूचना इन नियमों के प्रारंभ होने की तारीख को या तो अच्छी विनियमित या आयातित उपाधि को लागू होगा;
(iii) परीक्षण करने वाले अधिकार परीक्षण रिपोर्टों को सत्यता के लिए और यथार्थता के कारण से होकर अधिकार को प्रस्तुत करें; और
(iv) नोटिस अधिकार परीक्षण रिपोर्टों की प्रति संबंधित विनियमों या आयातलेख और परीक्षण, बने और जलवायु परिवर्तन मंत्रालय को दें।

[फा. मं. 7-21/2010-एनएसएम] विश्वनाथ सिंह, मंत्री सचिव

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
NOTIFICATION

New Delhi, the 1st November, 2016

G.S.R. 1030(E).—Whereas, the Central Government, in exercise of powers conferred by sub-section (1) of section 3 and clause (4) of sub-section (2) of section 6 of the Environment (Protection) Act, 1986 (29 of 1986), read with rule 13 of the Environment (Protection) Rules, 1986, published the draft rules namely, the Regulation on Lead contents in Household and Decorative Paints Rules, 2016 in the Gazette of India, Extraordinary, vide number G.S.R. 409(E), dated the 30th April, 2016 for inviting objections and suggestions from all persons and organisations likely to be affected thereby before the expiry of a period of sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

1. And whereas, the copies of the Gazette containing the said notification were made available to the public on the 30th April, 2016 and were also circulated to concerned stakeholders whose addresses for communication were available with the Ministry;

2. And whereas, the suggestions or objections received in response to the above mentioned draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 3 and section 6 of the Environment (Protection) Act, 1986 (29 of 1986), read with rule 13 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following rules, namely:-

1. **Short title and commencement.**—(1) These rules may be called the Regulation of Lead Contents in Household and Decorative Paints Rules, 2016.

2. They shall come into force one year after the date of their publication in the Official Gazette.

2. **Definition.**—In these rules, unless context otherwise requires, "Household and Decorative Paints" means paints used as surface coating materials in interior and exterior of buildings, walls, civil structures, any consumer products meant for household purposes and shall include enamel, primer, interior, undercoating and finishing coating materials as prescribed in the Indian Standards for Household and Decorative Paints published by the Bureau of Indian Standards.

3. **Prohibition of use of lead or lead compounds in certain cases.**—Any manufacture, trade, import and export of Household and Decorative Paints (hereinafter referred to as product) containing lead or lead compounds (calculated as lead metal) in excess of 90 parts per million (0.009 per cent.) of the weight of the total non-volatile content of the weight of the dried paints film is hereby prohibited.

4. **Self certification.**—Household and Decorative Paints manufactured or imported on or from the date these rules come into force shall be labeled stating that the lead contents does not exceed 90 parts per million, such labelling shall be durable and legible and -
5. **Nodal agency.**—(1) The Central Pollution Control Board shall be the nodal agency for implementation of the provisions of these rules.

(2) In case of any dispute or difficulty in implementation of these rules, the matter shall be referred to the nodal agency.

(3) The nodal agency may constitute a Committee to advise it on all matters including the disputed matters, related to the implementation of these rules.

6. **Authorised agencies for testing of products.**—The Central Power Research Institute, Bengaluru and its regional centers at Bhopal, Guwahati, Hyderabad, Kolkata, Nagpur, Nashik and Noida and any other agency notified by the Ministry of Environment, Forest and Climate Change from time to time shall be authorised to carry out such tests as they deem necessary for determining whether a product contains lead not exceeding 90 parts per million as specified in rule 3.

7. **Compliance and testing procedures.**—The compliance and testing procedure shall be prepared and published by the Central Pollution Control Board, with the help of certification agencies within six months from the date of commencement of these rules.

8. **Transitory provision.**—Household and Decorative Paints manufactured or imported before the date of commencement of these rules shall be permitted for sale for the next two years from the date of such commencement.

9. **General Conditions.**—The following conditions shall be applicable, namely,—

(i) the stipulations relating to contents of lead in the Household and Decorative Paints as specified in rule 3 shall apply to products manufactured or imported on and from the date of coming into force of these rules;

(ii) every manufacturer or importer shall subject its product every year for testing of lead content as specified in rule 3 before bringing out its product in the market, from any one of the authorised agency mentioned in rule 6;

(iii) the testing agencies shall submit the test reports to the nodal agency for verification and action as may be required;

(iv) the nodal agency shall furnish a copy of the test reports to the concerned manufacturer or importer and the Ministry of Environment, Forest and Climate Change.

[F. No. 7-21/2010-HSMD]

BISHWANATH SINHA, Jt. Secy.
COMPLIANCE AND TESTING PROCEDURE FOR

MEASUREMENT OF
‘LEAD CONTENTS IN HOUSEHOLD AND DECORATIVE
PAINTS’

CENTRAL POLLUTION CONTROL BOARD
(Ministry of Environment, Forest & Climate Change)
Parivesh Bhawan, East Arjun Nagar
Delhi-110032
MEASUREMENT OF LEAD CONTENTS IN HOUSEHOLD AND DECORATIVE PAINTS
OVERALL REQUIREMENTS

1. Scope:

This document lays down the applicability, requirements and Testing Procedure for notification vide G.S.R. 1030 (E), dated 1st November, 2016 on the Regulation of Lead Contents in Household and Decorative Paints, issued by the Ministry of Environment, Forest and Climate Change, Government of India.

Household and Decorative Paints means paint used as surface coating materials in interior and exterior of buildings, walls, civil structures, any consumer products meant for household purposes and shall include enamel, primer, interior, undercoating and finishing colouring materials as prescribed in the Indian Standards for Household and Decorative Paints by the Bureau of Indian Standards.

2. Prohibition of Use of Lead or Exemption of Lead in Certain Cases

Any manufacture, trade, import and export of Household and Decorative Paints as explained above containing lead or lead compounds (calculated as lead metal) in excess of 90 parts per million (ppm) (0.009 per cent) of the weight of the total non-volatile content of the weight of the dried paints film is hereby prohibited.

3. Self Certification

Household and Decorative Paints manufactured or imported on or from the date these rules come into force i.e. 11.11.2017 shall be labelled “lead content does not exceed 90 ppm” or “lead content does not exceed 90 mg/kg”. Such labelling shall be durable and legible and

i. The label shall contain the name and address of the manufacturer or importer, as the case may be;

ii. The label shall contain the date of manufacture (month and year) or import into the country, as the case may be;

4. Conformity Assessment of Existing and New Paints

a) Sampling Protocol

- Sampling shall be done at random from factory premises or company authorized warehouses by unit/third party.

- Sample shall be drawn only for the paints as per the list of the household or decorative paints submitted by the manufacturer / importer.
• Three to five samples shall be drawn depending on the quantity of a particular batch. Two samples shall be retained at manufacturer / importer end for dispute resolution in the event of non-conformity and shall be retained for period of 03 months from date of drawing the sample.

• Samples drawn shall be divided in two parts and kept in separate containers. One sample shall be retained at manufacture’s premises for resolution in the event of non-conformity.

b) Sampling Frequency

Initial one time testing of all paints for conformity assessment shall be done. Thereafter, it shall be done at random annually for few samples.

c) Protocol for Testing Products having Multiple Bases and Shades

• For paints with multiple bases / multiple shades the composite sampling protocol shall be followed which shall be valid for complete range of product.

• It will not recommend for testing of tinted paints.

• Colorant samples shall be tested separately for lead. The samples of colorant shall be taken from the sealed container and not from the dispensing machine.

5. Compliance Monitoring

The compliance monitoring shall be as per the provision of Rule 9 of the Regulation of Lead Contents in Household and Decorative Paints Rules, 2016 which are as below:

i. the stipulations relating to contents of lead in the Household and Decorative Paints as specified in rule 3 shall apply to products manufactured or imported on and from the date of coming into force of these rules;

ii. every manufacturer or importer shall subject its product every year for testing of lead content as specified in rule 3 before bringing out its product in the market, from any one of the authorised agency mentioned in rule 6;

iii. the testing agencies shall submit the test reports to the nodal agency for verification and action as may be required;

iv. the nodal agency shall furnish a copy of the test reports to the concerned manufacturer or importer and the Ministry of Environment, Forest and Climate Change.
6. Dealing with Non-Conformity

If any sample is found to be non-compliant then matter will be further evaluated by CPCB and CPCB shall again re-test the sample from same batch by third party.

7. Time Period

The overall lead time from drawing of sample to submission of report to manufacturer shall not exceed 1 month.

8. Nodal Agency for Implementation of Procedure

i. The Central Pollution Control Board shall be the nodal agency for implementation of these rules.

ii. In case of any dispute or difficulty in implementation of these rules, the matter shall be referred to the nodal agency.

iii. The nodal agency shall constitute a Committee to advise on all matters including the disputed matters, related to the implementation of these rules.

9. Authorised Agencies for Testing of Paints

The Central Power Research Institute, Bengaluru and its regional centres at Bhopal, Guwahati, Hyderabad, Kolkata, Nagpur, Nashik and Noida and other laboratories recognized by Ministry of Environment Forest and Climate Change/State Pollution Control Boards/Committees or any other accredited laboratory with National Accreditation Board for Testing and Calibration Laboratories (NAB) shall be authorised to carry out such tests as they deem necessary for determining whether a product contains lead not exceeding 90 parts per million as specified in rule 3.

10. Measurement Methods

The measurement of lead content of paint will be carried out by WDXRF (Wavelength Dispersive X-Ray Fluorescence). The detail procedure for analysis of Lead in paint by WDXRF is attached at Annexure-I. In case, WDXRF is used for the first time assessment and results are found to be non-compliant then the re-testing of the same sample will be done by AAS/ICP which are as follows:

a. ASTM E1645- Sample preparation from dried paint film by microwave digestion
b. ASTM E1613- Determination of lead by ICP/AAS

11. Transitory Provision

Household and Decorative Paints manufactured or imported before the date of commencement of these rules shall be permitted for sale for the next two years.
PROCEDURE FOR ANALYSIS OF LEAD IN PAINT BY WAVELENGTH DISPERSIVE X-RAY FLUORESCENCE (WDXRF)

This is a technique where in no extraction of lead from paint sample is required. The technique is based on the fluorescent radiation emitted by the atoms of particular element due to impingement of x-ray. The wavelength of emitted fluorescent radiation is an indication of presence of a particular element and the energy intensity of the fluorescent radiation is a measure of concentration.

The instrument is having both facility to measure the lead content either by standard less technique called OMNION method and also by calibrating the instrument using known concentration standard reference materials and use the calibration curve to analyse the lead content in the unknown sample. The standard less technique uses the data stored for the pure lead element in the software of the instrument.

The test by WDXRF does not require any sample preparation. The paint has to be coated on a substrate of size 39 mm dia and 2 or 3 mm thick. The coated sample has to be dried in air and then in oven if required. This sample will be directly analysed in the instrument. In case of solid sample, it shall be either in the form of a 39 mm dia disc or in fine powder form (200 mesh size).

Method:

- The paint sample will be coated on the surface of aluminum disc. Then it will be dried in air and in oven at suitable temperature.
- The dried sample will be kept in the sample holder and placed inside the WDXRF instrument.
- The sample will be analysed for lead content by the instrument – wavelength dispersive x-ray fluorescent spectrometer.
- It is not required to dissolve paint in any solvent or extract lead from paint for analysis.
- During analysis, the X-ray is made to fall on the paint layer and the fluorescent radiation generated will be analysed for wavelength and counts.
- This is correlated for the standard counts for lead element and concentration will be calculated.
- The whole operation of detection of wavelength, measurement of wavelength and counts and calculation of concentration (in ppm or %) is done by the instrument software.
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
NOTIFICATION

New Delhi, the 1st November, 2016

G.S.R. 1034(E).—Whereas, the Central Government, in exercise of powers conferred by sub-section (1) of section 3 and clause (d) of sub-section (2) of section 6 of the Environment (Protection) Act, 1986 (29 of 1986), read with rule 13 of the Environment (Protection) Rules, 1986, published the draft rules namely, the Regulation on Lead contents in Household and Decorative Paints Rules, 2016 in the Gazette of India, Extraordinary, vide number G.S.R. 409(E), dated the 8th April, 2016 for inviting objections and suggestions from all persons and organisations likely to be affected thereby before the expiry of a period of sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

And whereas, the copies of the Gazette containing the said notification were made available to the public on the 24th April, 2016 and were also circulated to concerned stakeholders whose addresses for communication were available with the Ministry;

And whereas, the suggestions or objections received in response to the above mentioned draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 3 and section 6 of the Environment (Protection) Act, 1986 (29 of 1986), read with rule 13 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following rules, namely—

1. Short title and commencement.—(1) These rules may be called the Regulation of Lead Contents in Household and Decorative Paints Rules, 2016.
(2) They shall come into force one year after the date of their publication in the Official Gazette.

2. Definition.—In these rule, unless context otherwise requires, “Household and Decorative Paints” means paints used as surface coating materials in interior and exterior of buildings, walls, civil structures, any consumer products meant for household purposes and shall include enamel, primer, undercoating and finishing colouring materials as prescribed in the Indian Standards for Household and Decorative Paints published by the Bureau of Indian Standards.

3. Prohibition of use of lead or lead compounds in certain cases.—Any manufacture, trade, import and export of Household and Decorative Paints (hereinafter referred to as products) containing lead or lead compounds (calculated as lead metal) in excess of 90 parts per million (0.009 per cent) of the weight of the total non-volatile content of the weight of the dried paints film is hereby prohibited.

4. Self certification.—Household and Decorative Paints manufactured or imported on or from the date these rules come into force shall be labeled stating that the lead contents does not exceed 90 parts per million, such labelling shall be durable and legible and...
(i) the label shall contain the name and address of the manufacturer or importer, as the case may be;

(ii) the label shall contain the date of manufacture or import into the country, as the case may be.

Nodal agency.—(1) The Central Pollution Control Board shall be the nodal agency for implementation of the provisions of these rules.

(2) In case of any dispute or difficulty in implementation of these rules, the matter shall be referred to the nodal agency.

(3) The nodal agency may constitute a Committee to advise it on all matters including the disputed matters, related to the implementation of these rules.

Authorised agencies for testing of products.—The Central Power Research Institute, Bengaluru and its regional centers at Bhopal, Guwahati, Hyderabad, Kolkata, Nagpur, Nashik and Noida and any other agency notified by the Ministry of Environment, Forest and Climate Change from time to time shall be authorised to carry out such tests as they deem necessary for determining whether a product contains lead not exceeding 90 parts per million as specified in rule 3.

Compliance and testing procedures.—The compliance and testing procedure shall be prepared and published by the Central Pollution Control Board, with the help of certification agencies within six months from the date of commencement of these rules.

Transitory provision.—Household and Decorative Paints manufactured or imported before the date of commencement of these rules shall be permitted for sale for the next two years from the date of such commencement.

General Conditions.—The following conditions shall be applicable, namely:

(i) the stipulations relating to contents of lead in the Household and Decorative Paints as specified in rule 3 shall apply to products manufactured or imported on and from the date of coming into force of these rules,

(ii) every manufacturer or importer shall subject its product every year for testing of lead content as specified in rule 3 before bringing out its product in the market, from any one of the authorised agency mentioned in rule 6,

(iii) the testing agencies shall submit the test reports to the nodal agency for verification and action as may be required,

(iv) the nodal agency shall furnish a copy of the test reports to the concerned manufacturer or importer and the Ministry of Environment, Forest and Climate Change.

[F. No. 7-21/2010-HSMO]

BISHWANATH SINHA, Jr. Secty