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# LEAD Action NEWS

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## Australia & the UK still supply the lead for petrol for millions of people

Note: As of 14 February 2012, this newsletter has been revised, taking into account information received from the UK Environment Agency and the US National Contact Point (NCP) for the OECD Multi National Enterprise (MNE) Guidelines. The UK Environment Agency advised us that “China claims a capability” in the manufacture of tetraethyl lead (TEL) and in February 2012, we are still investigating this claim via the United Nations Environment Programme (UNEP), the International Lead Management Center (ILMC) and the Chinese Ministry of Environmental Protection (MEP). Innospec’s website, as at 14 February 2012, still states: “Our Octane Additives business is the world's only manufacturer of tetra ethyl lead (TEL)”, as it did when this newsletter was first written. On 1 February 2012, the US NCP web-published *Statement by the U.S. National Contact Point for the OECD Guidelines for Multinational Enterprises* at <http://www.state.gov/e/eb/oecd/usncp/links/rls/183059.htm>, including the sentence: “In an October 5 letter to the U.S. NCP, Innospec declared that it had not sold TEL to Afghanistan, North Korea or Burma”.

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## Letter From The President: Elizabeth O'Brien



Image: Elizabeth O'Brien wearing her t-shirt: "The LEAD Group calls for a UK export ban on alkyl lead for road-use petrol" as worn at 6GPM in Beijing 2008.

Photo: Alex Jewson

This edition of *LEAD Action News* marks the republication of the newsletter since its untimely suspension in May 2001. Thanks to fresh funding from the Australian Government Department of the Environment, Water, Heritage and the Arts (DEWHA) – see disclaimer below\* - we are once again able to publish news of the ongoing battle against lead contamination.

The articles in this edition are a timely reminder that removing lead from motor vehicle fuel in Australia was just one victory in the campaign against the insidious contamination of the world by lead products.

The innovative legal protections for *Rhode Island Renters* at risk from lead contamination are an encouraging new development. However, earlier this month the jury verdict in the Rhode Island lead case was overturned on appeal, leaving Rhode Islanders with a billion dollar bill to clean up their contaminated housing stock. Fortunately, other state and city authorities in the USA seem

determined to press on with their paint company litigation by arguing that the decision is not binding on their courts.

Back home, this country's behaviour is called into question in the report on *Australia's Dirty Trade* in lead exports. The fact that Australian lead is used to make leaded petrol which is possibly sold in some 16 developing countries, like Algeria and Yemen, is a disgrace. We call on the Rudd government to ban the export from Australia, of the lead that is used to make the lead additive for leaded petrol. This may entail banning some of the lead exports to countries where that lead is processed as a petrol additive for road vehicles.

In a story from Western Australia, *Monument to Birds*, we read the disturbing news that in the mining port town of Esperance, a study of the local bird population has found lead levels to be the highest in the world.

The editor has delved into our library and included a fascinating story on the great Spanish painter Goya and his dangerous habit of making his own pigments from lead ores.

I would like to thank all those who helped republish *LEAD Action News* and in particular Tony Lennon and our cartoonist Rose Lennon. I note that Rose has provided us with a mascot (right), for the newsletter, called 'Red', inspired no doubt by the tenacity of activists in Rhode Island.



## Australia's Dirty Trade

At the United Nations Partnership for Cleaner Fuels and Vehicles (PCFV) 6<sup>th</sup> Global Partnership Meeting (6GPM), in Beijing in April 2008, Elizabeth O'Brien called for a ban on the sale of the lead additive used to make leaded petrol for road vehicles.

The President of The LEAD Group recently told *LEAD Action News* that it was 'scandalous' that the British government still allowed the leaded petrol additive for motor vehicles to be manufactured in their country and exported to possibly 16 developing nations like Algeria, Iraq and Yemen. Ms O'Brien added that "Alkyl lead [tetra ethyl lead] is an organic lead compound added to unleaded petrol to make leaded petrol. What makes things worse is that Australia, it seems, is the source of the lead used to make the leaded petrol additive in the UK." Ms O'Brien went on to say "that with one stroke of the legislator's pen the Commonwealth could stop Australian companies being party to this pernicious trade which poisons millions of people each year."

The multinational company Innospec Inc states the following on its [website](#): 'Our octane additives business is the world's only producer of tetra ethyl lead (TEL). For over 60 years we have been producing this highly effective octane enhancer for automotive and aviation gasoline'. Also see [Time for ban on export of Australian lead for petrol](#)

### Lead Letters – Asking The Lead Supplier To Cease Supply

After returning from Beijing, Elizabeth O'Brien decided to create a special appeal for donations to fund the follow-up activities arising from the meeting (see [LEAD Group Homepage](#) and scroll down to [Click here to donate](#)) and to write the following letter a few days prior to the release of the [Mount Isa Community Lead Screening Program 2006-07](#) report by Queensland Health.

### Letter From The Lead Group To Xstrata

From: The LEAD Group

To: Mr Steve de Kruijff, [Chief Operating Officer, Xstrata Copper North Queensland]

Sent: Tuesday, May 20, 2008 1:15 PM

Subject: Lead-Safety in Mount Isa and beyond - in fact, all the way to Burma

Dear Mr de Kruijff,

I've been envisioning a better future for you than the way things look like going once Queensland Health releases their Mount Isa children's blood lead study report on Thursday. Please reply to let me know that you have received this email. And please give some thought to its content and let me know how you plan to respond.

You likely are aware now of the Burmese government's inability to make humane decisions on the part of their populace. I became aware of this inability over the last four years in my capacity as a representative of the global community, that is, as a Partner (DEWHA is the

only other Australian Partner) of the Partnership for Cleaner Fuels and Vehicles (PCFV) - under the auspices of the United Nations Environment Program (UNEP).

Burma is one of the "straggler countries" - 16 countries where leaded petrol is still sold for road vehicles - 16 countries that are either themselves unwilling to save their populations from this unnecessary lead exposure or who are dependent on fuel from such a country.

You also likely are aware that the lead in all that leaded petrol (which contributes to the continuing lead exposure of a quarter of a billion people) comes from Mount Isa's Xstrata operations. Xstrata's Mount Isa operations ship lead ore to Britannia in the UK, Britannia smelts it and sells lead metal to Innospec in the UK, who turn the lead into alkyl lead (which when added to petrol turns unleaded petrol into leaded petrol). I'm sure you know all this - please respond instantly if I've got any of that wrong.

My vision for the days ahead is that instead of talking about "Living With Lead" (which has the unfortunate implication of getting used to the way things are), you will start talking about "Living Lead-Safely" and you will announce that Xstrata's new Lead Stewardship Policy precludes Xstrata from any longer supplying the lead that ends up in leaded petrol in Burma and the other 15 straggler countries. Xstrata's new Stewardship Policy will send the message to Innospec that they need simply replace the alkyl lead they currently supply to countries using it or on-selling it for use in road vehicles, with a safer alternative from their current product range. Xstrata and Innospec will be part of the solution, not part of the continuing problem.

The LEAD Group is a charity dedicated to the elimination of lead poisoning globally, and protection of the environment from lead. Is it possible that Xstrata and The LEAD Group have a confluence of aims?

I run the world's largest publicly-accessible lead library and referrals database so would be pleased to provide ANY information and referrals you might need to help Xstrata and its Alliance play an active role in reducing blood lead levels within the Mount Isa community as well. You only need ask for what you want.

Yours Sincerely

Elizabeth O'Brien, Winner of the United Nations Assoc'n of Australia (UNAA) World Environment Day (WED) Award for Outstanding Service to the Environment.

President, The LEAD (Lead Education and Abatement Design) Group Inc.

Manager, Global Lead Advice & Support Service (GLASS) run by The LEAD Group Inc.

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## **Response From Xstrata To The Lead Group**

*[web-published with the kind permission of Xstrata]*

From: Sue Sara, [General Manager, Corporate Affairs Queensland, Xstrata]

To: The LEAD Group

Sent: Tuesday, June 03, 2008 1:51 PM

Subject: Response

Dear Elizabeth,

Thank you for your email of 20 May regarding the supply of lead from Mount Isa ultimately for use in leaded petrol by countries such as Burma. Unfortunately we are unable to comment on the products that are supplied to particular customers for a variety of commercial reasons. It is probably worth noting that for aviation applications, where many aircraft engines are 20 years old (or older) there is a mandatory requirement to use leaded fuel. At Xstrata we work with our stakeholders to mitigate the environmental impacts of our product life cycle and supply chain. Our Sustainable Development Policy and Standard 14 include our commitment to work with our stakeholders to mitigate the environmental impacts of our product lifecycle and supply chain and implement integrated systems to treat the impacts and risks associated with our products and services throughout their lifecycle. This includes impacts that may occur at stages in the lifecycle that are outside Xstrata's control. As part of this approach Xstrata plays an active role in a number of industry and commodity associations and initiatives to contribute to product stewardship - this includes the the ICMM Guide on Material Stewardship, the GreenLead Project, the International Lead-Zinc Research Organisation and the International Lead Association. Further information on our sustainable development policies and performance is located at [Xstrata Sustainability website](#)

Thank you very much for offering us access to your database and library of materials regarding lead, and for your interest in Xstrata.

Regards,

Sue Sara GM Corporate Affairs Queensland, Xstrata Copper on behalf of Steve de Kruijff

## **We Are Making A Difference**

German research has shown that organisations like ours are the catalyst in the move to rid the earth of leaded petrol.

Jale Tosun of the University of Kronstanz, Germany, recently found that the only significant factors in relation to the world phase out of leaded petrol were per capita income and the number of environmental NGO's in a particular country. The higher the per capita income and the more NGO's on the ground, the quicker lead is removed from petrol.

Disturbingly, Tosun found that 'international economic and institutional interlinkage have no robust significant effects on the phase-out of lead from gasoline'. In other words, international agreements to phase out leaded gasoline vary greatly in their capacity to bind the signatories and are in many cases simply ignored by the governments of developing nations. There is no substitute, it seems, for vigorous home grown groups campaigning for the removal of lead from petrol.

Given this, and the success of activists in developed countries, we should turn our attention to assisting organisations in less developed countries to organize viable campaigns to eradicate the scourge of leaded gasoline.

See [The Internationalization of National Lead Reduction Regulations: Do International Factors Affect National Decisions to Phase-out Lead from Gasoline?](#)

## **Kevin Rudd Can Read The Facts In Chinese**

The LEAD Group's fact sheet [Lead, Ageing and Death](#) by volunteer Ewan MacAulay McDonnell can now be read by the Prime Minister in Chinese. The fact sheet, translated into Chinese by volunteer Dr Hugh Xin Xi Zhu, is available on our [Chinese index page](#) which links to [铅，衰老和死亡](#).

## **Is Your House Lead Safe?**

If your premises were painted before 1997 then they may have been painted with lead paint. It was only in 1997 that the allowable level of lead in household paint was reduced to 0.1% in Australia.

So the best thing you can do, if you are living in a pre-1997 built structure, is to assume it was painted with leaded paint and take a look at our factsheet [Lead paint and ceiling dust management - how to do it lead safely](#).

The first thing to do is to test the paint for its lead content. Laboratory testing is the most accurate and can be done by purchasing a [DIY-sampling kit](#) from The LEAD Group. If you find your paint is contaminated go for professional help in removing the problem. Or if you have no professional lead paint remover in your area follow our factsheet to do it lead-safely.

## **Rhode Island Renters**

In the American State of Rhode Island, renters can now see if their properties are free from lead hazards.

The Housing Resources Commission (HRC) launched, in May 2008 an online database listing more than 15,000 rental premises which are certified as free from lead hazards. Under the *Lead Mitigation Act* landlords who own rental properties built before 1978, the year lead in house paint was limited to 0.06% in the USA, must have their premises examined for lead hazards. To obtain a 'Certificate of Conformance' a property is required to be certified by an inspector licensed by the HRC. The inspector tests for the presence of lead dust and examines the building for lead mitigation measures such as covering contaminated soil with paving.

Under the legislation landlords must also attend a three hour education session on lead mitigation.

See [R.I.'s lead-safe list goes on Web](#) ; [HRC's Lead Mitigation Certificate Search](#).

## **Landmark Lead Verdict Overturned**

Rhode Island's Supreme Court on 1 July 2008 handed down its decision in the long running lead paint case. In a unanimous judgment, the justices overturned a billion dollar jury verdict against paint companies.



Back in February 2006, a jury of six Rhode Islanders found three paint companies liable for creating a public nuisance by making and selling lead-based paints. Rhode Island became the first jurisdiction in the United States to successfully sue paint companies for contaminating its citizens with lead paint. The jury agreed that the companies, by manufacturing the paint, had created a public nuisance which they now had to abate. The jury found that the lead paint manufactured by the companies had poisoned thousands of children. The jury ordered the three paint companies to clean up thousands of premises which were painted with lead paint generations ago. The cost of cleaning up the 240,000 homes is estimated to be in excess of two billion dollars.

The paint companies appealed to the Rhode Island Supreme Court. In May this year the appeal came before the court. The Justices questioned lawyers for the respondent state as to whether the companies should be held liable for contamination which occurred years after they manufactured the lead paint and which may have been caused by negligent landlords. It was also argued that the State of Rhode Island now requires landlords and home owners to decontaminate their lead painted premises. Dr K. Nicholas Tsiongas, President of the Rhode Island Medical Society, said that lead has been the most “pervasive, insidious and offensive source of environment poisoning in the history of the United States and of Rhode Island.” Dr Tsiongas added that “There isn’t enough ink to overturn that truth”.

Unfortunately, the four Justices of the Supreme Court disagreed and said that the State of Rhode Island law suit should have been dismissed at first instance. They said that lead contamination, while a public health issue could not be sheeted home to the paint companies who stopped selling the product in 1978. Chief Justice Frank Williams in his judgment said “Our hearts go out to those children whose lives forever have been changed by the poisonous presence of lead.....But, however grave the problem of lead poisoning is in Rhode Island, public nuisance law simply does not provide a remedy for this harm”.

Lawyer Jack McConnell, who represented the State of Rhode Island in the lead case, said the decision would have a ‘devastating’ effect on proposed litigation by other states and cities in America.

However, as Santa Clara County Counsel, Ann Ravel, has pointed out, the laws in each state of America are different and the courts in her state of California are not bound by a decision of the Rhode Island Supreme Court. Ravel went on to say that although the “Rhode Island decision is disappointing, our case is based on California law. Our court does not have to follow the reasoning of that court (Rhode Island Supreme Court) in its determination.” See [image](#) (by Mary Murphy) of children holding up a forty foot protest banner outside the Rhode Island Supreme Court. On the banner are hundreds of colourful children’s handprints around the words: ‘614 children lead poisoned in RI in 2007 – Childhood Lead Action Project’.

Also see the articles [R.I. high court overturns lead paint verdict](#) ; [Update: Landmark lead-paint judgment overturned](#) ; and [R.I. lead paint ruling ends hope of costly cleanup](#).

## Monument To Birds

Birds are turning to lead in the port of Esperance in Western Australia.

In a further twist to the history of lead contamination in the town, a study has found the lead levels in the local bird population to be the highest recorded anywhere in the world. The study which was released on the June 2008 was commissioned by the Conservation Council of Western Australia and residents in Esperance. Dr Dunlop who co-authored the report was

reported in *The West Australian* newspaper as stating that 'the alarming levels demonstrated that lead levels in the port town were remaining in the environment and proving difficult to remove'.



*Image above of papier mache & acrylic sculpture  
'Blackbird Singing'(2008) courtesy of artist Jane*

One of the birds tested was found to have 750 mg per kilo in its feathers which Dr Dunlop described as 'mineable grade'. The report found that the feathers of birds tested contained lead levels 10 to 100 times the background readings. The lead carbonate is sticking to the bird's feathers and when they preen themselves they fatally consume the poisonous substance.

The export of lead carbonate, by Magellan Metals, through the port of Esperance was stopped in March 2007 and a [Parliamentary Inquiry Report](#) later found that 9,500 native birds had been fatally poisoned by the company's lead concentrate.

The report shows that the 1993 establishment of a world's best practice clean dust free port in Esperance is in tatters and that the clean-up of the environment is going to be a costly and difficult job. See the West Australian newspaper article [Lead levels in Esperance birds highest in world](#) and the Esperance parliamentary inquiry follow-up factsheet: [Where to from Here??](#) written for The LEAD Group by Michelle Crisp who first reported the dead birds to the authorities. Because all the lead carbonate ore that passed through Esperance Port went on to Chinese ports (apparently with no warning or news of the bird deaths), Dr Hugh Xin Xi Zhu kindly translated Michelle's factsheet into [Chinese](#).

## Saturnine Goya



*Image: Francisco Goya's painting 'Saturn devouring one of his Children'*

‘**Saturnine** adj.

*1 a* of a sluggish gloomy temperament. *b* (of looks etc.) dark and brooding.

*2 archaic a* of the metal lead. *b Med.* Of or affected by lead- poisoning.’

[Source: *The Concise Oxford Dictionary* 1990]

Francisco Goya (1746-1828), the great Spanish painter, made his own pigments by heating and mixing lead ores.

S Colum Gilfillan (1889-1987), in his book, published posthumously in 1990, *Rome's Ruin By Lead Poison*, (Wenzel Press), speculates as to the effect on painters of mixing their lead based paints. He argues that Goya, who went through many mental and physical breakdowns, may have been poisoned by his paints.

In Goya's painting *Saturn devouring one of his Children*, 1820-1823, which was painted on a wall of the artist's house, one is struck by the colours. The grays, yellows, whites and reds were probably all mixed from lead ores. He could have obtained the red pigments from litharge (PbO), a yellowish-red ore which changes to red lead, minium, by heating it in air. Litharge also makes a yellow pigment by using a different process. Another yellow pigment is made from lead white paint. White lead mixed with lead acetate and heated produces a grey paint.

It is indeed astounding, if the above is the case, that Goya lived to the age of 82 albeit deaf and deranged.

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