

SPRAY PAINTS UNDER PRESSURE [July 2008]

Introduction

In 1926 a young Norwegian – keen to find a better way to apply wax to his skis – invented the world's first aerosol. Spray paint was invented by an American, Edward Seymour in 1949, apparently on his wife's suggestion.

Today over 10 billion aerosols are produced around the world every year.

Last year, here in Australia, we produced over 230 million aerosols, around 20 million of which were paint and marker aerosols.

Despite lingering misinformation and confusion about aerosols and the environment, consumers continue to vote with their feet and their wallets for the convenience and value proposition of the aerosol package. (Consumer aerosols have been CFC-free by law since 1989!)

The convenience and unique benefits of the aerosol package are perfectly illustrated by aerosol paint products – which put professional quality finishes in the reach of the home handyperson.

And yet the past year has seen spray paints come under increasing pressure as local body and State politicians attempt to address the seemingly rising cost of graffiti vandalism.

Over the past year we have seen New South Wales launch a public review of its legislation on graffiti, including the prospect of a total ban on the sale of spray paint, 'floated' as part of an election policy; a Private Member's Bill introduced into the West Australian legislature which would require retailers to secure stocks of spray paints in their stores; and age restrictions introduced for these products in Queensland and Victoria. A number of Victorian Councils have also passed so-called 'Local Laws' regulating spray paint sale and display, though the validity of such laws may now be questionable in the light of s.111(2) of the Victorian Local Government Act 1989.

Even our 'kiwi cousins' have got in on the Act with new "tagging" legislation passed in the New Zealand Parliament in June that introduced a ban on the sale of spray paints to under 18's and which will introduce a requirement for retailers to 'restrict access' to spray paints from late September.

Learning from Overseas

Unfortunately such supply side restrictions are not a magic cure for the problem of graffiti vandalism.

Indeed they aren't even a terribly new idea.

In the mid-1980s and early 1990s the idea of mandatory 'lockup' of spray paints and marker pens went through a period of popularity in the United States.

In Chicago they went one step further and in 1993 banned the retail sale of wide-tipped marker pens and spray paints.

And yet if we look at the situation today, what do we see?

Some of the US cities with the worst graffiti problems and the largest spend on remediation – cities like Los Angeles and New York which are synonymous with graffiti and ‘street art’ – have had such ‘lock up’ legislation in place for well over a decade.

New York banned the sale of spray paints to minors in 1995, also forcing retailers to remove them from public access. (Subsequent amendments to the New York Administrative Code widened these restrictions to broad-tipped indelible pens and - in 2003 - etching acid.)

Despite such controls, in April 2008 the NYPD reported that it had recorded an unprecedented 81.5 percent surge in graffiti-related complaints from 2006 to 2007.

Perhaps it’s not surprising - as the US paint industry notes – that no US city of significant size (50,000 or more) has enacted a lock-up law since 1998.

Closer to home, South Australia has had such display restrictions in force since April 2002.

And yet there is no evidence that politicians or bureaucrats even attempted to research whether such restrictions had been effective in reducing graffiti vandalism in that State before similar restrictions were introduced in New South Wales in 2007 – restrictions which the Australian Retailers’ Association has estimated cost the State’s retail sector in the vicinity of two million dollars.

Finding Effective Solutions

The aerosol paint industry derives no pleasure from the fact that a small minority of its products are used to commit acts of vandalism such as graffiti.

Like hardware retailers, we appreciate the concern and frustration of those in the community who are working to stem the seeming tide of such vandalism and share their desire to find effective ways in which to address this problem.

Before we can do this, however, we need to restore some balance to the debate.

Just as those who promote simple-minded calls to ‘ban the can’ overlook the many positive uses of spray paints, so the political and public debate surrounding graffiti - and the single minded focus on aerosols in it - defies the reality that they are but one potential graffiti implement.

Indeed one doesn’t have to look very far or hard to see that a variety of alternatives are becoming more popular, more prominent and are - in some cases - more destructive.

For example the especially destructive phenomenon of glass etching where vandals etch their ‘tag’ into glass surfaces on shop windows, phone booths, bus shelters and inside transport vehicles like buses and trains.

Whilst those American cities that have restricted spray paint display and sales have generally imposed the same requirements on wide-tipped markers and etching implements and substances, Australian politicians seem reluctant to address these other products.

It is hard to avoid the conclusion that they are more keen to be seen to be ‘doing something’ on the issue than they are to find effective solutions to it.

A sense of balance would also suggest that rather than focus on the product, we should focus on the behaviour (property vandalism).

Many commentators suggest that the most effective strategy is one that focuses on:

- **E**ducation (of 'at risk' youth regarding the costs to the community of graffiti vandalism)
- **E**radication (rapid paint out/remediation of graffiti); and
- **E**nforcement (increasing the likelihood of apprehension of graffiti vandals by law enforcement agencies).

Playing the 'blame game' and attempting to make manufacturers and retailers responsible for what is a complex social problem, however, has no place in such a solution.

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