

SB0260 Maryland Paint Stewardship FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0260 Maryland Paint Stewardship

Bill Sponsor: Senator West

Committee: Education, Energy, and the Environment

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0260 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

There are so many ways in which we, as Marylanders and stewards of our environment, need to change our behavior. Changing behavior is really hard for most people, so the easier we make it, the faster we can recycle and reuse vs throwing everything in a landfill. People don't know what to do with used paint. We all have it moldering in our garages or in a closet, or we've put it out with the trash.

This bill would allow for the creation of a Paint Stewardship Program. The program would operate WITHOUT STATE FUNDS, and would be self-sufficient and sustainable. It would provide businesses and households more locations to drop off used paint for recycle and would provide direct large-volume pickup services for amounts more than 100 gallons.

It would also reduce the burden currently borne by municipalities who have to deal with the leftover paint and would provide the funds to oversee the collection, transport and processing of returned paint. All for a small surcharge on the purchase of paint.

We support this bill and recommend a **FAVORABLE** report in committee.

The Maryland Recycling Network Response - SB260 M

Uploaded by: Chaz Miller

Position: FAV



February 8, 2023

To: Maryland Senate Education, Energy, and the Environment Committee
Re: SB260 Maryland Paint Stewardship

The Maryland Recycling Network promotes sustainable reduction, reuse and recycling (the 3 "R's") of materials otherwise destined for disposal and the purchase of products made with recycled material content. We achieve these goals through education programs, advocacy activities to affect public policy, technical assistance efforts, and the development of markets to purchase recycled materials and manufacture products with recycled content.

The Maryland Recycling Network supports SB 260, the Maryland Paint Stewardship Program. If passed this bill has the opportunity to substantially increase recycling opportunities for a fairly ubiquitous product that is often hard for consumers to know how to properly dispose of. Paint recovery has been very successful in a number of other states. The use of a visible recycling fee, the reality that paint is usually used shortly after it is purchased and the ability to return the unused portion for recycling are among the reasons for this success. Marylanders will benefit by learning from those successes.

The Maryland Recycling Network stands ready to serve as a sounding board and resource for legislators and others interested in pursuing our mission. Please do not hesitate to contact me via email phoustle@marylandrecyclingnetwork.org, phone 301-725-2508 or mail - MRN, PO Box 1640, Columbia MD 21044 if you have any questions or would like additional information regarding the above.

We look forward to working with you to continue the strides we have all made to improve Maryland's recycling programs in a time- and cost-effective manner.

Sincerely,

Peter M. Houstle
Executive Director

SB260 West FAV.pdf

Uploaded by: Christopher West

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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February 9th, 2023
Senate Education, Energy, and the Environment Committee
The Honorable Brian J. Feldman
2 West Miller Senate Building
Annapolis, MD, 21401

Re: Senate Bill 260 – Maryland Paint Stewardship

Dear Chairman Feldman and Members of the Committee,

10% of all paint purchased annually in the United States, approximately 78 million gallons goes unused. Postconsumer paint is the largest product by volume and cost processed at Household Hazardous Waste (HHW) sites, at over \$500 million a year. Within Maryland, 1.3 million gallons of postconsumer paint is accumulated annually, costing the state \$10 million each year on proper HHW management and clean-up. Baltimore City alone incurs up to \$27,000 in costs each year from proper paint recycling, and their program operates only 6 months out of the year. However, approximately 80% of these 78 million gallons can be recycled into new paint.

The Maryland Department of the Environment recommends proper recycling of HHW at local collection programs due to the potential health risks associated with HHW. However, local recycling initiatives are infrequent with some counties only collecting HHW once a year.

Senate Bill 260 provides that by January 1st next year, producers of paint sold at retail establishments in Maryland shall prepare a plan for a Maryland paint stewardship program. The plan must provide for convenient statewide collection of paint so that at least 90% of Maryland residents will have a collection site within 15 miles of their homes and additional sites will be established in urbanized areas of the state. The plan may provide that retail stores are designated as paint collection sites, so long as the designated stores volunteer to participate.

Senate Bill 260 will reduce postconsumer paint waste by requiring producers, retailers, and distributors to add a very minimal Paint Stewardship Assessment to the cost of each can of paint sold. It will also establish the set-up of drop off locations for paint cans to be recycled. To pay for the costs of recycling, Senate Bill 260 requires a fee to be assessed by the retailer of paint on each container of paint (1 to 5 gallons) sold. The fees may not exceed the cost of administering the program. States that have adopted similar programs, the fee for a gallon of paint has averaged 75 cents.

This program will also be easy to implement as they have already been established in other states. California, Colorado, Connecticut, the District of Columbia, Maine, Minnesota, New York, Oregon, Rhode Island, Vermont, and Washington State have all implemented these programs with tremendous success. Since 2009, the combined effect of these programs has

collected over 50 million gallons of post-consumer paint; saved local governments approximately \$240 million in transportation and recycling costs; and created over 200 new jobs.

Furthermore, paint stewardship legislation is supported by most paint retailers because it provides an opportunity for more customers via paint collection services. This bill should not be seen as a clash between government and the private sector, but a legal “green light” to enhance cooperation with the paint industry on environmental protection.

Plainly, Senate Bill 260 establishes a convenient statewide paint collection and recycling program that has proven to be effective in other states at reducing government costs, protect the environment, and create jobs.

I appreciate the committee’s consideration of Senate Bill 260 and will be more than happy to answer any follow-up questions the Committee may have.

SB0260_FAV_ACA_Paint Stewardship.pdf

Uploaded by: Drew Vetter

Position: FAV



TO: The Honorable Brian J. Feldman, Chair
Members, Senate Education, Energy, and the Environment Committee
The Honorable Chris West

FROM: Pamela Metz Kasemeyer
Andrew G. Vetter
Christine K. Krone
410-244-7000

DATE: February 9, 2023

RE: **SUPPORT** – Senate Bill 260 – *Maryland Paint Stewardship*

The American Coatings Association (ACA) is pleased to submit this letter of **support** for Senate Bill 260. ACA is a membership-based trade association of the paint manufacturing industry. ACA established PaintCare in 2009 to handle postconsumer paint products in a more sustainable and responsible manner. PaintCare is a non-profit 501(c)(3) organization that plans and operates paint stewardship programs in U.S. states and jurisdictions that pass paint stewardship laws. PaintCare is now operating in ten states and the District of Columbia¹.

Once established, the Maryland Paint Stewardship program will benefit Maryland consumers and county governments in the following ways.

- Consumers will have free and convenient locations to drop off unused latex and oil-based paint.
- Retailers participating in this free and voluntary program will benefit from being able to provide an additional service to their customers and create additional foot traffic into their retail locations.
- County governments will have the option of partnering with PaintCare to process and transport unused paint products and containers, representing a potential significant financial and operational benefit.
- Contractors will benefit from being able to coordinate bulk pick-ups of unused paint from PaintCare, free of charge.
- Millions of gallons of unused paint will be diverted from the waste stream and be re-used or recycled by PaintCare, including used paint containers. This will protect the environment and our waterways.

ACA successfully supported the passage of the nation's first paint stewardship law in Oregon in

¹ Oregon, California, Colorado, Connecticut, the District of Columbia, Maine, Minnesota, Rhode Island, Vermont, Washington, and New York.

2009. Since that time, the program has been replicated in 9 other states and the District of Columbia. The results have been remarkable.

- 62.6 million gallons of un-used paint have been collected.
- PaintCare has provided 7,555 large volume pickups from governments and contractors.
- 2,300 drop-off sites have been established, most of which are paint retailers.
- PaintCare has hosted 319 paint drop-off events.

As referenced above, Counties that are currently responsible for managing postconsumer paint will benefit from this legislation. Postconsumer paint is often the number one product, by volume and cost, coming into Hazardous Household Waste (HHW) programs managed by Counties. If passed, the paint industry, through the PaintCare program, will relieve local governments of this burden by directly processing and transporting unused paint; removing this cost from local governments as a result. PaintCare will reuse, recycle, or otherwise properly dispose of leftover household paint, diverting the vast majority of this paint from the waste stream in the process. The collected material is managed according to the EPA's highest and best use hierarchy and only a very small portion of the paint is unable to be reused, recycled, or repurposed.

The program requires significant outreach to educate consumers on both the purchase of paint and takeback locations; provides for collaborative relationships with local jurisdictions to reduce local taxpayer expenditures; includes programs for free bulk pickup from contractors; and requires the establishment of voluntary takeback locations at paint retail stores to ensure all Maryland residents have easy access to a location where they can take their unused paint. The program includes a sustainable financing structure that engages the manufacturer and the consumer by including a nominal assessment, based on container size that is applied at point of sale.²

Most importantly, the Maryland Department of the Environment has comprehensive oversight of the program, including annual financial accountability that is required to be verified by an independent auditor selected by the Department that ensures the program revenues are in line with program costs. If enacted, there will be a program plan developed that will be required to be approved by the Department prior to commencement of the program and an annual report that demonstrates compliance with the program plan will be required to be reviewed and approved by the Department along with the above referenced financial audit. Finally, the volume of paint managed by the program must be accounted for in the annual report that allocates the volume by County, thereby enabling Counties to include the volumes managed in their recycling rates without the expense of managing the paint.

PaintCare has been recognized by a number of awards from notable environmental organizations. In 2018, Sustainable DC designated the program a Community Champion for providing convenient opportunities for residents and businesses to recycle leftover paint. The North East Recycling Coalition, of which Maryland is a member, awarded PaintCare the Northeast Recycling Council's 2018 Environmental Sustainability Leadership Award in recognition of its outstanding program operations in Connecticut, Maine, Rhode Island, and Vermont.

A favorable report is requested.

² See attachment for details on the Paint Stewardship Assessment.

About the PaintCare Fee

Updated — January 2023



Paint stewardship laws require retailers to add a fee to architectural paint products and make sure they are not selling unregistered brands of architectural paint.

PaintCare

PaintCare is a nonprofit organization established by the American Coatings Association to implement manufacturer-led paint stewardship programs in states that pass paint stewardship laws. PaintCare currently operates programs in California, Colorado, Connecticut, District of Columbia, Maine, Minnesota, New York, Oregon, Rhode Island, Vermont, and Washington. The main goal of PaintCare is to decrease paint waste and recycle more postconsumer paint by setting up convenient drop-off sites in each state.

What is the recovery fee and how does it work?

The PaintCare program is funded through a paint stewardship fee called the PaintCare fee. The PaintCare fee is applied to the purchase price of architectural paint. The fee funds collection, transportation, and processing of unused

postconsumer (leftover) architectural paint, public education about proper paint management, and administrative costs. The fee is paid to PaintCare by paint manufacturers. This fee is then added to the wholesale and retail purchase price of paint, passing the cost of managing postconsumer paint to everyone who purchases paint. This reduces local and state government costs for paint management and provides a funding source for a more convenient, statewide paint management program.

Do retailers have to pass on the fee?

Yes, each state or jurisdiction’s law requires retailers to pass on the fee to consumers, ensuring a level playing field for all parties. This requirement includes paint sold online on any e-commerce websites.

Recommendations for Contractors

Preparing Estimates

When estimating jobs, contractors should take the PaintCare fee into account by checking with suppliers to make sure their quotes for paint products include the fee.

Pass Fee to Customers

PaintCare suggests that painting contractors pass on the fee to customers in order to recoup the fee they pay. Tell customers that quotes include the PaintCare fee and that the fee funds a statewide paint recycling program.

How much is the fee?

The PaintCare fee is based on container size and varies from one program to another:

	Half pint or smaller	Larger than half pint up to smaller than 1 gallon	Larger than 1 gallon up to 2 gallons	Larger than 2 gallons up to 5 gallons
California	\$0.00	\$0.30	\$0.65	\$1.50
Colorado	\$0.00	\$0.35	\$0.75	\$1.60
Connecticut	\$0.00	\$0.35	\$0.75	\$1.60
District of Columbia	\$0.00	\$0.30	\$0.70	\$1.60
Maine	\$0.00	\$0.35	\$0.75	\$1.60
Minnesota	\$0.00	\$0.49	\$0.99	\$1.99
New York	\$0.00	\$0.45	\$0.95	\$1.95
Oregon	\$0.00	\$0.45	\$0.95	\$1.95
Rhode Island	\$0.00	\$0.35	\$0.75	\$1.60
Vermont	\$0.00	\$0.49	\$0.99	\$1.99
Washington	\$0.00	\$0.45	\$0.95	\$1.95

How is the fee initially calculated?

When a new program starts, the fee is set to cover the cost of a fully implemented program. PaintCare estimates annual sales of paint in each state and then divides the cost of the program in that state by the number of containers sold in that state. Next, the fee is adjusted based on container size by taking into consideration the typical percentage of unused paint for each size (e.g., the percentage of unused paint from one 5 gallon container is typically less than from five 1 gallon containers).

PaintCare is a nonprofit organization, so the fee may be decreased if set at a level beyond what is needed to cover program expenses. Likewise, the fee may be increased if PaintCare does not collect enough revenue to cover the costs to operate the state program.

Are retailers required to show the fee on receipts?

While it's not required, PaintCare encourages retailers to list the PaintCare fee on purchase receipts to aid in consumer education, and most stores do so.

Is the fee taxable?

Yes, the fee is part of the purchase price of paint. Sales tax is collected on the fee in most cases, except in Oregon, a state that does not have a sales tax, and Maine, per supplemental legislation.

Is the fee to be applied to paint sold to customers who are exempt from sales tax?

Yes, government agencies and other organizations that are exempt from sales tax in PaintCare States must still pay the fee, because it is part of the price of paint. However, the fee, like the rest of the product price, should not be taxed for sales tax-exempt organizations.

Is the fee a deposit that is returned to customers when they bring paint to a drop-off site?

No, the fee is not a deposit. The fee is used entirely to cover the cost of running the program.

Do retailers return the fee if someone returns a product?

Yes. The fee should be returned as part of the purchase price.

How does the public know about the fee?

PaintCare provides public education materials to retailers. These materials explain the purpose of the fee, where to take paint for recycling, and other information about the program. When a new state program begins, PaintCare mails a package of materials to retailers. As needed, retailers may order additional free materials from PaintCare at any time. In addition to retailer information, PaintCare works with contractor associations to provide information to trade painters and conducts general outreach including newspaper, radio, television, and online advertising.

How do we as retailers know what products to put the fee on?

Suppliers' invoices should indicate that you are being charged the fee, so you simply pass on the fee for those items. Additionally, PaintCare and each state's oversight agency list all architectural paint manufacturers and brands that are registered for the program on their websites. Retailers may not sell brands that are not registered with the program. If your store sells architectural coatings that are not on the list of registered products, please notify PaintCare so we can contact the manufacturer to get them registered.

What products are covered?

The products accepted at PaintCare drop-off sites are the same products that have a fee when they are sold. PaintCare Products include interior and exterior architectural coatings sold in container sizes of five gallons or less. They do not include aerosol products (spray cans), industrial maintenance (IM), original equipment manufacturer (OEM), or specialty coatings. For a detailed list of PaintCare and non-PaintCare products, please visit www.paintcare.org/products-we-accept.

FOR NEW PROGRAMS

Do we apply the fee to sales on the first day of the program for inventory purchased before the first day of the program, even though we didn't pay a fee for the product to the distributor or manufacturer?

Yes, retailers must add the fee on all covered products sold on or after the first day of the program, regardless of when (before or after program launch) they were purchased from the distributor or manufacturer.

Clean Harbors Support Letter for MD Paint Sterward

Uploaded by: Heidi McAuliffe

Position: FAV



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P.O. Box 9149
Norwell, MA 02061-9149
781.792.5000
800.282.0058
www.cleanharbors.com

February 3, 2023

Re: Support for Senate Bill 260 – Maryland Paint Stewardship Program

Dear Members of the Senate Education, Energy and Environment Committee,

Clean Harbors supports SB 260, the Maryland Paint Stewardship Program.

Clean Harbors is North America's leading provider of environmental, energy and industrial services. The Company serves a diverse customer base, including a majority of Fortune 500 companies. Its customer base spans a number of industries, including chemical, energy and manufacturing, as well as numerous government agencies.

Clean Harbors currently works with PaintCare in several states including Maine, Vermont, Rhode Island, Connecticut, New York, Minnesota, Colorado, California, Washington, and Oregon. In these states, Clean Harbors provides transportation and recycling of paint from collection centers, as well as labor and equipment for paint collection events. With these services, we ensure that residents and paint retail locations have a positive experience while managing discarded paint responsibly.

Clean Harbors has 4 facilities and employs 170 people in Maryland. Based on our experience in other states that have passed a paint stewardship program, it is expected that SB 260 would result in a significant number of new employment opportunities in the state.

SB 260 will enable the paint industry to develop and implement a post-consumer paint management system for the reuse, recycling, and proper disposal of paint in Maryland. Clean Harbors appreciates your support of this important legislation, and we look forward to working with PaintCare, retail partners, the Maryland Department of the Environment, and local Household Hazardous Waste programs in Maryland to implement the program upon successful passage of this bill.



SB 260 will provide a convenient network of collection centers for Maryland residents and divert thousands of gallons of leftover paint from landfills at no cost to the State of Maryland. In addition, the PaintCare program operates in cooperation with existing municipal facilities and saves them money by covering the costs of managing paint. PaintCare is already operating in eleven jurisdictions including Maine, Vermont, Rhode Island, Connecticut, New York, Minnesota, Colorado, California, Washington, Oregon, and the District of Columbia. SB 260 outlines the specific elements for a successful industry-run paint stewardship program in Maryland, including a sustainable funding mechanism and a fair, level playing field for both manufacturers and retailers.

Thus, we thank you for your support of this bill and urge you to move this forward for a full vote.

Sincerely,

A handwritten signature in black ink that reads "Will F Connors". The signature is fluid and cursive, with a long horizontal stroke at the end.

William F. Connors
Senior Vice President, Compliance
Clean Harbors Environmental Services, Incorporated

SB0260 Maryland Paint Stewardship-Educ Energy Envi

Uploaded by: Laurie McGilvray

Position: FAV



Committee: Education, Health, and the Environment
Testimony on: SB0260 - Maryland Paint Stewardship
Organization: Climate Justice Wing of the Maryland Legislative Coalition
Submitting: Laurie McGilvray, Co-Chair
Position: Favorable
Hearing Date: February 9, 2022

Dear Chair and Committee Members:

Thank you for allowing our testimony today in support of SB260. The Maryland Legislative Coalition (MLC) Climate Justice Wing, a statewide coalition of over 50 grassroots and professional organizations, urges you to vote favorably on SB260.

This bill operates on the sound principle that producers of products such as household hazardous waste, should take responsibility for the end-of-life management of their products. SB260 requires a producer of architectural paint sold at a retail store in Maryland to submit, by January 1, 2024, a plan for the establishment of a Paint Stewardship Program to the Maryland Department of the Environment (MDE); implement the program within six months after approval; and submit annual reports to MDE. The bill establishes a uniform paint stewardship assessment to cover program costs and a prohibition on the sale of architectural paint unless the producer or its representative is implementing an approved paint stewardship program.

According to the Product Stewardship Institute, about 10% of latex and oil-based paint is leftover or unused. Leftover paint is the costliest component of household hazardous waste management for local governments. Eighteen counties and the City of Baltimore offer some paint collection to their residents, but the frequency and convenience of drop-off locations vary. Eleven counties offer latex paint collection, 19 counties offer oil-based paint collection, and five counties – Dorchester, Frederick, Garrett, Somerset, and Washington – have no paint collection or recycling. Under the Paint Stewardship Program, drop-off sites would be conveniently located at retailers where paint is sold and at special events; pick-up service for large quantities would also be arranged. All counties would realize an increase in reuse and recycling of paint and a reduction in waste.

The Program will save money for local governments, foster reuse of paint products, and reduce a waste management challenge. We support SB260 and recommend a **FAVORABLE** report in committee.

MBIA Letter of Support SB 260.pdf

Uploaded by: Lori Graf

Position: FAV

February 7, 2023

The Honorable Brian J. Feldman
Senate Education, Energy & the Environment Committee
Miller Senate Office Building,
2 West Wing 11 Bladen St.,
Annapolis, MD, 21401

RE: SB 260 Maryland Paint Stewardship

Dear Chairman Feldman:

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **SB 260 Maryland Paint Stewardship**. MBIA **Supports** the Act in its current version.

This bill would establish a statewide program for paint recycling in Maryland. According to estimates from the International Paint Recycling Association 1.3 million gallons of paint are generated in the state every year. MBIA members are large scale paint consumers and we would like the opportunity to contribute to the environmental health of our community through responsible paint management. This is a simple step that we can take to improve our environmental health and corporate responsibility. Additionally, this legislation would relieve the financial burden on municipalities as they struggle to manage the excess paint.

For these reasons, MBIA respectfully requests the Committee give this measure a favorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the Senate Education, Energy & the Environment Committee

SB260_MDSierraClub_fav 9Feb2023.pdf

Uploaded by: Martha Ainsworth

Position: FAV



Maryland Chapter
P.O. Box 278
Riverdale, MD 20738

Committee: Education, Energy, and the Environment

Testimony on: SB260 - Maryland Paint Stewardship

Position: Support

Hearing Date: February 9, 2023

The Maryland Sierra Club strongly supports SB260. The Maryland Paint Stewardship Program works on the principle of extended producer responsibility (EPR), in which producers take responsibility for the end-of-life management of their products. Under this program, manufacturers selling paint in Maryland would have to operate a management system for collection, re-use, recycling, and proper disposal of leftover architectural paint.¹ The Program is financed by an assessment added to the price per container, depending on its size. It would save local governments the costs of paint disposal and their own paint recycling programs, while offering increased convenience for residents and public oversight. Paint stewardship programs are already operating in ten states and Washington, D.C.²

The Paint Stewardship Program will increase the collection, reuse, and recycling of leftover paint in every Maryland county. Eighteen counties and the City of Baltimore offer paint collection to their residents, but the frequency and convenience of drop-off locations is variable. Eleven counties offer collection of latex paint and 19 offer oil-based paint collection, but often at a central location for drop-off or only on a few collection days per year (Appendix). Five counties – Dorchester, Frederick, Garrett, Somerset, and Washington – have no paint collection or recycling. Under the Paint Stewardship program, drop-off sites would be conveniently located at retailers where paint is sold and at special events. Pick-up service would be available for large quantities. All counties would realize an increase in paint reuse and recycling and a reduction in waste. According to the American Coatings Association, in stewardship programs across the country, 66% of latex paint can be recycled into new paint, 23% is used as additives, 5% is directly donated, and 6% is unusable and goes to the landfill.³

The Program will save money for local governments. About 10% of latex and oil-based paint is leftover or unused, and leftover paint is the most costly component of household hazardous waste (HHW).⁴ Baltimore collects oil paint at HHW events one weekend per month, from April to October, with average disposal costs of \$3,000-\$4,500 per month, a substantial share of total HHW collection.⁵ For the few Maryland counties where costs could be identified, the Paint Stewardship Program could save counties more than \$100,000 annually for paint

¹ The Program would cover latex and oil-based architectural paint, stains, primers, varnishes, and shellacs.

² California, Colorado, Connecticut, Maine, Minnesota, New York, Oregon, Rhode Island, Vermont, Washington state, and Washington, D.C. have programs up and running.

³ Heidi McAuliffe, Vice-President, American Coatings Association, July 2020.

⁴ Product Stewardship Institute - <https://www.productstewardship.us/page/Paint>

⁵ Testimony of Baltimore Mayor Bernard C. “Jack” Young in support of HB890, Maryland Paint Stewardship Program, February 26, 2020. The total HHW costs per month range from \$10,500 - \$24,000.

disposal services that they are currently financing (Table 1); all counties would save the costs of landfilling or incinerating paint that is disposed of in the trash.

Table 1. Maryland Counties' costs for paint programs:

County	Year	Latex Cost	Year	Oil Cost	Total Cost
Anne Arundel	2017	\$60,000 ^a	2019	\$61,085	\$121,085
Baltimore City		^b	Average	\$21,000-\$31,500 ^c	\$21,000-\$31,500
Calvert		^b	2020	\$5,650.40	\$5,650
Cecil	Average	\$16,000		^d	\$16,000
Howard	2020	\$31,000		^d	\$31,000
Prince George's	2019	\$158,400	2019	\$7,200.00	\$165,600

Source: Recycling coordinators in each county. See the sources in the Appendix

Notes: (a) Estimate based on amount of paint collected for recycling in 2017 times the county's tipping fee per ton. (b) Latex paint not collected. (c) Cost of disposal per month x 7 months. (d) Oil-based paint is collected, but cost could not be calculated.

The Program will create jobs and help businesses. Jobs in the Maryland recycling industry would be created to perform the collection, transit, and processing of the paint. Paint manufacturers and retailers support this program: when a store becomes a paint drop-off location, it is offering a community service and it benefits from higher foot traffic when people drop off their unused paint.

The Program will be subject to substantial public accountability and oversight. Paint manufacturers or an organization representing them must present a plan for approval to the Maryland Department of Environment, to include: convenient paint collection and acceptance locations; environmentally responsibility paint management; goals for reuse, recycling, and proper disposal; an education and outreach plan; and a budget and paint assessment rate to fund the program. The Program must report annually to the state on the total volume of paint collected by type; the method of disposition; an independent financial audit; an evaluation of education and outreach activities; and a report on achievement of Program goals. The plan is renewable every five years or on request of the Department.

In sum, the Paint Stewardship Program is a win for the environment, for the economy, and for local government in increasing collection, reuse, recycling, and proper disposal of architectural paint. For these reasons, we respectfully request a favorable report on SB 260.

Carolyn Parsa
Chapter Zero Waste Team
Carolyn.Parsa@MDSierra.org

Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org

APPENDIX

Maryland Counties and their current paint collection status

County	Type of paint accepted		Collection Frequency	Information Source:
	Latex	Oil		
Allegany	Yes	Yes	Every other year	https://www.alleganygov.org/1639/Too-Toxic-To-Trash-Event_recycling@alleganygov.org
Anne Arundel	No	Yes	6 times/year	Rich Bowen, County Recycling Manager, pwbowe63@aacounty.org
Baltimore City	No	Yes	7 weekends/year	Erin Hafner (DPW) erin.hafner@baltimorecity.gov
Baltimore County	Yes	Yes	6 days/week	https://www.baltimorecountymd.gov/departments/publicworks/solid_waste/hhw/acceptedmaterials.html
Calvert	no	Yes	Twice/year	Brianna Pickeral, Brianna.Pickeral@calvertcountymd.gov
Carroll County	No	Yes	Twice/year	Maria T Myers, mtmyers@carrollcountymd.gov
Cecil	Yes	Yes	Latex 6 days/week, Oil-based twice/yr	Tanya Adams Recycling Manager, tadams@ccgov.org
Charles	No	Yes	12 times/year	Meg Romero, Recycling Coordinator, romerom@charlescountymd.gov
Dorchester	No	No		https://www.mdrecycles.org/residents/household-hazardous-waste-drop-off-2/
Frederick	No	No		Rebecca Culler, RCuller@FrederickCountyMD.gov
Garrett	No	No		https://www.mdrecycles.org/residents/household-hazardous-waste-drop-off-2/
Harford	No	Yes	4 times/year	https://www.harfordcountymd.gov/276/Household-Hazardous-Waste
Howard	Yes	Yes	Weekly, 8mos Monthly, 4 mos	Alan Wilcom, Chief, Recycling Division awilcom@howardcountymd.gov
Mid-shore program	Yes	Yes	Twice/year	Richard Turnbull, rturn@menv.com
Montgomery	Yes	yes	7 days/week	Adam Ortiz, adam.ortiz@montgomerycountymd.gov
Prince Georges	Yes	yes	3 days/week	Desmond Gladden, dwgladden@co.pg.md.us ; Denise Curry, Recycling Manager, decurry@co.pg.md.us
Somerset	No	No		https://www.mdrecycles.org/residents/household-hazardous-waste-drop-off-2/
St Mary's	Yes	Yes	Twice/year	Nicholas Zurkan nicholas.zurkan@stmarysmd.com
Washington	No	No		https://www.mdrecycles.org/residents/household-hazardous-waste-drop-off-2/
Wicomico	No	Yes	< Once/ year	https://www.wicomicocounty.org/302/Recycling
Worcester	No	Yes	< Once/year	https://www.co.worcester.md.us/node/392
Total counties with collection:	11	19		

- a. This table is for county collection only; municipalities may have separate collections
- b. Caroline, Kent, Talbot, and Queen Anne's counties.

SB260_IndivisibleHoCoMD_FAV_RichardDeutschmann.pdf

Uploaded by: Richard Deutschmann

Position: FAV



SB260 – Maryland Paint Stewardship

Testimony before

Senate Education, Energy, and the Environment Committee

February 9, 2023

Position: Favorable

Mr. Chair, Mme. Vice Chair and members of the committee, my name is Richard Deutschmann, and I represent the 750+ members of Indivisible Howard County. We are providing written testimony today in **support of SB260**, which creates a new program to require paint manufacturers to take responsibility for the waste issues associated with their products. Indivisible Howard County is an active member of the Maryland Legislative Coalition (with 30,000+ members). We appreciate the leadership of Sen. West for sponsoring this important legislation.

At least 10 states and the District of Columbia now have some form of paint stewardship program in place. These programs have collected more than 51 million gallons of paint, recycled over 72% of all latex paint collected, saved governments and taxpayers nearly \$300 million, and established more than 2,000 collection sites, over 70% of which are at voluntary retail locations.

Paint stewardship programs like these incentivize the design of more sustainable products and build supply chains for those made with recycled materials, which are the building blocks of an emerging circular economy that protects our environment and builds a better future.

This bill requires producers of retail-sold architectural paint to submit a paint stewardship program plan by July 2024, and for this plan to begin implementation in 2025. The members of Indivisible Howard County support such common sense measures to reduce waste and clean up our environment.

Thank you for your consideration of this important legislation.

We respectfully urge a favorable committee report.

Richard Deutschmann
9485 Hickory Limb
Columbia, MD 21045

Dear Chairman Pinsky, Vice Chair Kagan, Sponsor West, and members of the committee,

My name is Barbara Matheson, and I represent the 750+ members of Indivisible Howard County. Indivisible Howard County is an active member of the Maryland Legislative Coalition (with 30,000+ members). We are providing written testimony today in **support of SB143**, Maryland Paint Stewardship.

Paint is the most collected material in hazardous waste collection programs, over 750 million gallons. The estimated cost to manage left over paint is \$8 per gallon. Maryland counties spend well over \$100,000 recycling paint. Five counties have no program and used paint goes into the trash! Haphazard solutions should not be a part of Maryland's management plan. It is time to establish a systemic, proven method for leftover paint.

Ten states and the District of Columbia have adopted statewide Paint Stewardship programs (2002). The programs are managed by paint manufacturers or nonprofit organizations that represent them, to take responsibility for collecting, reusing, recycling and disposal of leftover paint. Collectively, 66% of leftover latex paint is recycled, 23% is used as additives, and 5% is donated to nonprofits. A fee is collected at point of sale.

Paint Stewardship is a 21st Century solution bringing together industry, governments, and citizens to rectify a costly hazardous waste problem and to protect the environment. We commend Sen. West and the Committee for returning this previously addressed bill for consideration.

We respectfully urge a favorable report.

Barbara Matheson
Columbia, MD 21044

SB 0260 AIAMD Ltr of Support.pdf

Uploaded by: Sandi Worthman

Position: FAV



8 February, 2023

The Honorable Brian Feldman
Chair, Education, Energy and the Environment Committee
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

Re: Recommendations for Senate Bill 0260
Maryland Paint Stewardship

Dear Chairman Feldman and members of the Education, Energy and the Environment Committee:

I am writing to voice AIA Maryland's support for Senate Bill 0260. AIA Maryland represents nearly 2,000 architects in the state of Maryland and advocates for the profession and the quality of the built environment. As architects, we fully support sustainable strategies in building design and construction as we collectively work to realize environmental, economic, and social sustainability for the citizens of Maryland.

Nationwide, 10% of household latex and oil-based paint goes unused – about 80 million gallons per year. However, more than 80% of leftover paint can be recycled. Unfortunately, opportunities to recycle paint are often infrequent and inconvenient, located at the few facilities that accept household hazardous waste on 'round-up' days, financed by local government. The paint that isn't captured on these days typically ends up in the trash, making its way to the landfill or incinerator.

In Maryland, paint recycling is not universally available or convenient. While oil-based paint collection is offered in 18 of the 23 counties, latex paint collection is only offered in 11 counties, and 5 counties offer no paint recycling at all. With local governments providing these hazardous waste collection programs AND paying for the disposal of leftover paint thrown in the trash, post-consumer paint waste has become a costly problem.

The Maryland Paint Stewardship program (SB 0260) will provide more convenient collection options for leftover paint; increase recycling, reuse and donation; create new jobs in paint recycling; and make architectural paint manufacturers responsible for management, shifting costs away from local government. If SB0260/the Maryland Paint Stewardship bill becomes law, Maryland would join Oregon, California, Connecticut, Rhode Island, Vermont, Minnesota, Maine, Colorado, Washington, New York and the District of Columbia, all of which have enacted legislation for the proper and effective management of post-consumer paint. These programs are managed by a non-profit entity representing manufacturers and financed by an assessment fee on each can of paint sold. The budget and operation

details, including environmentally responsible paint management, are part of a Plan that the state must approve, with public oversight through audits and annual reporting to the Department of the Environment.

Ultimately, we need to minimize the amount of post-consumer paint waste generated by educating consumers on buying the right amount of paint and taking advantage of reuse opportunities that can help reduce the generation of leftover paint in the first place. However, we believe the priority should be providing citizens with convenient locations to recycle unwanted paint. We encourage you to make a commitment to both the natural and built environment and for the citizens of Maryland by supporting this bill. AIA Maryland is glad to support this bill and we ask for your vote.

Let's make Maryland the next state to adopt a Paint Stewardship program that is a win for the environment, homeowners, local governments, businesses, and the economy!

Sincerely,

A handwritten signature in blue ink, appearing to read 'EWN'.

Elizabeth W Nook, AIA
Immediate Past President

2023.02.08 PSI Support MD SB0260 Paint_FNL.pdf

Uploaded by: Scott Cassel

Position: FAV



Scott Cassel
Chief Executive Officer/Founder

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Mia Roethlein
VT Dept. of Natural Resources

Honorary Directors

Sego Jackson
Seattle Public Utilities, WA

Walter Willis
Solid Waste Agency of Lake County, IL

February 8, 2023

Senator Brian J. Feldman, Chair
Senator Cheryl C. Kagan, Vice-Chair
Senate Education, Health, and Environmental Affairs Committee
2 West – Miller Senate Office Building
Annapolis, Maryland 21401

RE: Support for SB 260, An act concerning Maryland Paint Stewardship

Dear Chair Feldman, Vice-Chair Kagan, and Members of the Committee:

The Product Stewardship Institute (PSI) **strongly supports SB 260**, which would establish a producer-run paint stewardship program in Maryland.

Maryland residents generate more than 1.3 million gallons of leftover paint each year. Most of this paint is disposed in the trash or down household and storm drains because municipalities cannot afford to collect and manage all of it. Enacting SB 260 would:

- Relieve a significant financial burden on municipalities;
- Establish new convenient locations for residents to drop off their paint year-round;
- Increase paint reuse and recycling;
- Protect Maryland's water bodies and other natural resources; and
- Support recycling sector jobs.

The coatings industry was the first – and remains one of the few – industry sectors to work collaboratively with others to take responsibility for safely recovering the products they put on the market. Nearly 20 years ago, PSI mediated discussions that led to an agreement on a model paint stewardship bill, which is the basis for laws enacted in the District of Columbia and 10 states, including Rhode Island, New York, Connecticut, Maine, Vermont, California, Colorado, Oregon, Washington, and Minnesota. SB 260 is consistent with these laws. It is also consistent with the basic principles of extended producer responsibility included in HB 255 (the cross-filed paint EPR bill for SB 260).

PaintCare, an industry non-profit, manages the programs established by paint stewardship laws. PSI has conducted evaluations of several PaintCare programs and found widespread satisfaction among retailers, municipal governments, and other stakeholders.

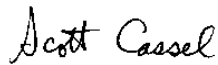
In 2019, PSI worked with a dozen recycled paint remanufacturers in North America to establish the International Paint Recycling Association (IPRA). IPRA members produce high-quality recycled latex paint from leftover paint that would otherwise go to waste. Collectively, they have recycled more than 25 million gallons of paint collected through PaintCare programs like the one that SB 260 would establish.

The Product Stewardship Institute is a policy advocate and consulting nonprofit that pioneered product stewardship in the United States along with a coalition of hundreds of state and local government officials. Since 2000, PSI has worked with numerous others to develop EPR policies for many of the 131 EPR laws enacted for 16 industry sectors.

We urge you to support the important legislation for the financial and environmental health of Maryland's communities and economy.

If you have any questions regarding paint stewardship policy or producer responsibility, please feel free to contact me at (617) 513-3954 or scott@productstewardship.us.

Sincerely,

A handwritten signature in black ink that reads "Scott Cassel". The signature is written in a cursive, slightly slanted style.

Scott Cassel
Chief Executive Officer / Founder

Cc: Senator Chris West

SB 260 - MoCo_Shofar_SWA (GA 23).pdf

Uploaded by: Steven Shofar

Position: FWA



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 260

DATE: February 9, 2023

SPONSOR: Senator West, et al.

ASSIGNED TO: Education, Energy, and the Environment

CONTACT PERSON: Steven Shofar (steven.shofar@montgomerycountymd.gov)

POSITION: Support with Amendments (Department of Environmental Protection)

Maryland Paint Stewardship

The Montgomery County Department of Environmental Protection supports this bill with amendments that clarify several components. The bill would require producers of architectural paint to submit and implement a plan for the establishment of a Paint Stewardship Program to the Maryland Department of the Environment (MDE). The plan places the responsibility of the management of postconsumer paint on the paint producer including the collection, transportation, reuse, recycling, processing for reuse and disposal of postconsumer paint. The bill also implements an assessment on the producers to fund the program. We offer the following comments and proposed amendments.

- Section 9-1733(A)(3)(III) states that the Plan must describe how the paint stewardship program may be implemented in coordination with existing Household Hazardous Waste Collection infrastructure in a manner that is mutually agreeable. This will require coordination with Montgomery County, which has an existing and extensive infrastructure to accept and responsibly manage household hazardous waste (including both latex and oil-based paints) generated within the County. The bill should provide an option for existing paint management programs to remain in place and be reimbursed through the Paint Stewardship program.
- Section 9-1733(A)(4)(ii) states that a paint retailer may volunteer to act as a post-consumer paint collection site if the retailer is “in compliance with all applicable laws and regulations.” The legislation as proposed does not include how this provision will be enforced and under whose authority this responsibility rests with. In addition, there is no indication in the proposed legislation as to how the requirements of the Paint Stewardship Program would be enforced on retailers, distributors, and producers of paint, as well as on the entity that collects and processes paint for recycling or

disposal. The bill should be amended to clearly state how this provision will be enforced, and that MDE is responsible for any necessary enforcement.

- Section 9-1733(A)(9) states that the producer or representative organization must submit a revised plan or amendment to MDE every five years or at the request of MDE or when MDE requires a change to the amount of the paint stewardship assessment. Furthermore, Section 9-1733 (I)(1)(I) includes requirements for MDE to review Annual Reports submitted and evaluate the total costs of the Paint Stewardship Program to determine whether the Assessment meets or exceeds the costs of the Program. The periodic nature and time intervals between the MDE and MDE-designated independent financial auditor evaluations of the Paint Stewardship Assessments will allow assessments to potentially exceed the costs of implementing and sustaining the Program. However, the bill does not state what will occur if the Assessment exceeds the costs of implementing and sustaining the Program.
- Section 9-1733(D) states that the producer or representative organization participating in the Paint Stewardship Program shall provide consumers with educational materials regarding the Program. It is important to note that Montgomery County is very diverse and is a majority-minority population. Therefore, any educational materials provided must take into consideration the diversity of the County's vibrant and diverse populations, and further ensure that all educational materials are available and accessible in alternate formats to meet applicable ADA requirements.

SB260_UNF_MRA.pdf

Uploaded by: Sarah Price

Position: UNF



SB260 – Maryland Paint Stewardship
Senate Education, Energy, and the Environment Committee
February 9, 2023

Position: Unfavorable

Background: SB260 would require sellers of paint in Maryland to establish and implement a paint disposal program which would be funded by an assessment levied on the sale of all architectural paint in state.

Comments: The Maryland Retailers Association continues to have many concerns with the proposed Paint Stewardship Program.

1. The Paint Stewardship Program, which would ostensibly award State taxing authority to a private entity, sets a dangerous precedent for charging additional fees for any consumer product deemed dangerous or difficult to dispose of (though architectural paint, as identified in the bill, is nontoxic and can be easily disposed of after being mixed with cat litter). A number of nonprofit groups have been established in the United States with the purpose of disposing of these products and are partnered under the Product Stewardship Institute (PSI) umbrella association. PSI's website includes a long list of materials that their 'partners' can dispose of and advertises that PSI's goals include getting legislation passed to establish programs for local disposal – that their partners, including PaintCare, can pick up the contracts for.
2. Though the bill includes language regarding the review of the Paint Stewardship Program and states that the total amount of the assessments may not surpass the cost of the program's operation, it does not appear to address next steps if the program's representative organization collects more funds than necessary for operational costs. PaintCare, the nonprofit organization which operates paint stewardship programs in all other states that have enacted similar legislation, has historically collected surplus funds from consumers, as is visible on their 990 forms.
3. Paint stewardship programs claim to result in reduced costs for paint recycling, but other states have reported cost increases as programs expand and more collection locations open.

4. Paint stewardship programs may result in increased waste at drop-off sites due to collection limitations. PaintCare does not accept spray paint, nor does it recycle paint cans, leaving the collection site with the responsibility of disposing of cans and other paint materials that may be left behind by confused consumers.
5. Most if not all jurisdictions in Maryland already have collections or drop-off options for hazardous waste or other unusual trash items, and these options are funded through taxpayer dollars. Though the bill's fiscal note claims that local waste management costs will decrease over time as more jurisdictions participate in the program, it is unlikely that consumers will see a corresponding decrease in their local taxes and waste disposal prices.
6. The proposed Paint Stewardship Program has serious ethical implications regarding gatekeeping the market on paint and other items deemed difficult to dispose of. Paint stewardship programs in other states have been supported by national paint manufacturers who would see that such programs eliminate their competition in stores by banning paint manufacturers who do not participate in the program. Such behavior is unethical, and retailers across the country who operate in jurisdictions with similar programs have confirmed that the programs make it difficult for companies to remain competitive.

For these reasons, we must again urge an unfavorable report on the Paint Stewardship Program. Thank you for your consideration.

MDE_SB0260_LOI.pdf

Uploaded by: Tyler Abbott

Position: INFO



Maryland

Department of the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary Designate
Suzanne E. Dorsey, Deputy Secretary

February 09, 2023

The Honorable Brian J. Feldman, Chair
Education, Health, and Environmental Affairs Committee
Miller Senate Office Building, Suite 2W
Annapolis, Maryland 21401

Re: Senate Bill 260 - Maryland Paint Stewardship

Dear Chair Feldman and Members of the Committee:

The Maryland Department of the Environment (Department or MDE) has reviewed Senate Bill 260 and would like to provide the Committee with the following information regarding this bill.

Senate Bill 260 would establish a new Paint Stewardship Program (Program) to address the collection and end-of-life management of postconsumer architectural paint. The Program would be planned and implemented by producers, or a representative organization acting on a producer's behalf, of architectural paint. By January 1, 2024, producers, or a representative organization, would be required to submit to MDE for approval, a plan for carrying out the Program.

The plan must, among other things, minimize public sector participation in the management of postconsumer paint. It must also provide for the statewide collection of postconsumer paint as convenient as programs available to consumers prior to this new law. By January 1, 2025 or 6 months after plan approval, whichever is later, producers must implement an approved plan and would be prohibited from selling or offering for sale a brand of architectural paint in Maryland unless they are implementing an approved Program.

A producer or representative organization must also submit a revised plan or amendment to MDE for approval every 5 years on the request of MDE or when the Department requires a change to the amount of the paint stewardship assessment. Beginning April 1, 2025, and annually thereafter, the producer, or the representative organization, would be required to submit to MDE for approval a report regarding the implementation of the Program.

The Program must be funded through a paint stewardship assessment set by producers and approved by MDE, which will be added to the sale price of architectural paint and remitted by a producer to the representative organization. The paint stewardship assessment must not exceed the costs of implementing the Program. A producer, or the representative organization, would be required to pay fees to MDE to cover MDE's costs for reviewing a proposed plan, annual reports, and costs associated with Program compliance oversight, as determined by MDE.

Fee revenue would be deposited into the State Recycling Trust Fund. To implement this bill, MDE would need to hire an Environmental Compliance Specialist to conduct initial compliance and enforcement activities at the outset of the Program. Due to the proposed legislation requiring producers to pay a fee to MDE to cover the costs of plan review, review of annual reports, and conducting associated compliance

oversight, the expenditures associated with this bill would be offset by fee revenue. MDE would also need time to develop regulations and fee rates for associated program costs.

MDE supports efforts to increase proper management and recycling of paint and recognizes the costs and challenges faced by local governments in managing leftover paint. Latex paint, while not hazardous, can be difficult to manage because it is liquid and must be dried prior to disposal in a landfill. Oil-based paint is often collected at local household hazardous waste sites or special events, which can be costly to local governments. Despite these challenges, postconsumer paint does have useful applications; latex paint can be reused or recycled into new paint and oil-based paint can be reused.

In the District of Columbia and the 10 states (California, Colorado, Connecticut, Maine, Minnesota, New York, Oregon, Rhode Island, Vermont, and Washington) with stewardship programs, the assessment is set between \$0.75 and \$0.99 for a 1-gallon container of paint, with higher or lower assessments for larger and smaller containers, respectively. The costs to the representative organization to operate a stewardship program, per gallon collected, range from approximately \$5 to \$13.

Under this bill, a retailer authorized to act as a postconsumer collection site would be prohibited from accepting fees for “the disposal of paint offered for disposal.” If paint is collected for the purpose of disposal (as opposed to reuse or recycling), the collection site may be required to obtain a refuse disposal permit under § 9-204 of the Environment Article or a controlled hazardous substance facility permit under § 7-323 of the Environment Article (if the postconsumer paint meets the definition of a controlled hazardous substance). As drafted, the bill may inadvertently delay the date in which the prohibition against selling paint brands not covered under an approved Program becomes effective. The bill provides that paint producers may not sell or offer for sale a brand of paint unless the producer is implementing an approved stewardship plan “beginning January 1, 2025, or 6 months after plan approval by the Department, *whichever is later*” (page 10, lines 1-7). If MDE has not approved a plan by January 1, 2025, then the prohibition on the sale of paint from a non-Program participant would not become effective by that date. If paint producers submit a plan that is not approvable, Program implementation would be delayed unless and until an acceptable plan is submitted.

Thank you for your consideration. We will continue to monitor Senate Bill 260 during the Committee’s deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-453-3235 or by e-mail at gabrielle.leach@maryland.gov.

Sincerely,



Gabriele Leach, Deputy Director of the Legislation and Intergovernmental Affairs

cc: The Honorable Chris West
Tyler Abbott, Director, Land and Materials Administration