



Montgomery County

Office of Intergovernmental Relations

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SB 260

DATE: February 9, 2023

SPONSOR: Senator West, et al.

ASSIGNED TO: Education, Energy, and the Environment

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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.