



TO: The Honorable Marc Korman, Chair  
Members, House Environment and Transportation Committee  
The Honorable Malcolm Augustine

FROM: Andrew G. Vetter  
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DATE: March 27, 2025

RE: LETTER OF INFORMATION – Senate Bill 901 – Environment – Packaging Materials – Producer Responsibility

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The American Coatings Association (ACA)<sup>1</sup> submits the following testimony to the House Environment and Transportation Committee regarding Senate Bill 901 as passed by the Senate. ACA represents approximately 96% of the paint and coatings products manufactured in the United States (U.S.), including architectural, industrial, and specialty coatings. The \$719 million paint and coatings industry in Maryland manufactures a wide variety of coatings products for consumers, businesses, and manufacturing establishments alike. With the exception of powder coatings, most paint and coatings products are in liquid form and utilize containers in a range of sizes. The sizes range from small containers of less than a liter or pint to large containers that hold several hundred gallons. These containers are typically either metal, plastic, or a hybrid of metal and plastic.

In states with PaintCare programs, leftover paint in their original containers are collected and managed responsibly. ACA and PaintCare's goal is to divert leftover paint from landfills and recycle as much as possible. Our goal with respect to paint containers is the same – to divert from landfills and recycle as much as possible. This is true for all the states with PaintCare programs and Maryland is the most recent state to do so.<sup>2</sup>

In order to avoid confusion, promote efficiency, and prevent double coverage of these containers by two different EPR systems, ACA requested an amendment to Senate Bill 901 which would provide that products subject to a stewardship program are exempt from the relevant packaging EPR law.<sup>3</sup> Clarification that these containers are managed under the paint stewardship law will assist municipal operators, the Maryland Department of the Environment, and Maryland residents with leftover paint. Consequently, ACA recommended that Maryland harmonize its proposed packaging EPR law with the other states' laws by amending Senate Bill 901's definition of 'packaging materials' to exempt products collected under MD. CODE ANN., ENV'T § 9-1733 (2024).

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<sup>1</sup> ACA is a voluntary, nonprofit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals. ACA serves as an advocate and ally for members on legislative, regulatory, and judicial issues, and provides forums for the advancement and promotion of the industry through educational and professional development services.

<sup>2</sup> The following states, in addition to Washington, D.C., have enacted a paint stewardship program (e.g., PaintCare): (1) California, (2) Colorado, (3) Connecticut, (4) Illinois, (5) Maine, (6) Minnesota, (7) New York, (8) Oregon, (9) Rhode Island, (10) Vermont, and (11) Washington. In 2024, Maryland became the 12<sup>th</sup> state to adopt a paint stewardship program. Under this program, beginning in January 2026, producers will be prohibited from selling and/or distributing certain products into the state of Maryland prior to implementing an approved paint stewardship program.

<sup>3</sup> See ME. STAT. tit. 38, § 2146(1)(I)(3) (2021); COLO. REV. STAT. § 25-17-703(13)(b)(X) (2022); MINN. STAT. § 115A.1441(16)(12) (2024); OR. REV. STAT. § 459A.863(6)(b)(I) (2021); CAL. PUB. RES. CODE § 42041(e)(2)(G) (West 2022).

ACA requested, and the Senate adopted, the amendment to Senate Bill 901 found on page 12, lines 18-20 of the bill. The **Senate amendment** reads:

**(12) PACKAGING COLLECTED AND PROPERLY MANAGED THROUGH THE PAINT STEWARDSHIP PROGRAM UNDER SUBTITLE 17, PART V OF THIS TITLE; OR**

ACA appreciates the fact that the Senate sponsor and the Senate Education, Energy, and the Environment Committee were willing to work with us on this issue. However, as the implementation of EPR laws around the country continues to evolve, we are learning new information in real-time. As such, ACA respectfully requested a technical change to the above amendment added by the Senate as follows.

**New amendment:**

**(12) PACKAGING **for products subject to** COLLECTED AND PROPERLY MANAGED THROUGH THE PAINT STEWARDSHIP PROGRAM UNDER SUBTITLE 17, PART V OF THIS TITLE; OR**

The amended language provides additional certainty that all products subject to the Paint Stewardship Program are not “covered materials” under this bill. ACA appreciates the opportunity to provide testimony on Senate Bill 901 and consideration of the amendment requests outlined herein. We would welcome the opportunity to discuss this amendment or address any questions the Committee may have.