



AmericanCoatings
ASSOCIATIONSM

TO: The Honorable Paul G. Pinsky, Chair
Members, Senate Education, Health, and Environmental Affairs Committee
The Honorable Chris West

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Christine K. Krone

DATE: February 8, 2022

RE: **SUPPORT** – Senate Bill 143 – *Maryland Paint Stewardship*

The American Coatings Association (ACA) is a voluntary, non-profit 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 advises members and advances positions on legislative, regulatory and judicial issues, based on a thorough evaluation of issues through experience and understanding of the paint and coatings industry. On behalf of ACA, we submit this letter of **support** for Senate Bill 143.

Postconsumer paint is often the number one product, by volume and cost, coming into Hazardous Household Waste (HHW) programs managed by Counties and municipalities. This legislation will enable the paint manufacturing industry to develop and implement a postconsumer paint management system for the collection, reuse, recycling, and proper disposal of leftover household paint that will divert the majority of this waste stream from landfills and relieve counties and municipalities of this burden. The paint industry has developed this program and is 100% supportive, including paint retail stores.

Nine states across the country currently have operating PaintCare programs, including our neighbor in Washington, DC. In these nine programs, PaintCare has successfully diverted leftover paint from landfills and greatly expanded the convenience and access for consumers to return leftover paint to retailers in a cost-effective manner. New York and Washington State have passed legislation that they are now implementing, making them the 10th and 11th states to enact a PaintCare program.

To date, PaintCare programs have collected over 50 million gallons of leftover paint at more than 2,000 permanent collection sites and participated in more than 5,000 HHW and paint collection days. 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.

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.

For more information call:

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PaintCare™

RECYCLING MADE EASY

Leftover architectural paint — interior or exterior coatings used on homes, businesses, and other structures — is often the most common material collected by government-run household hazardous waste (HHW) programs. An estimated 10 percent of the more than 800 million gallons of paint sold each year in the United States goes unused. This leftover paint is a valuable resource that can be diverted from HHW programs for reuse, recycling, energy recovery, or manufacturing products. To achieve this requires a convenient and efficient collection system.

Many government HHW programs have collected unwanted paint for years, but the cost is burdensome and diverts resources that could be used for managing other waste materials. For some local governments, it is simply beyond available capacity.

Enter PaintCare

PaintCare is a nonprofit organization created by the American Coatings Association (ACA), following a multi-year Paint Product Stewardship Initiative dialogue facilitated by the Product Stewardship Institute, for paint manufacturers to take responsibility for the end-of-life management of leftover architectural paint. Through PaintCare, manufacturers collaborate with state, county, and local governments, as well as paint retailers, to establish state-wide networks of drop-off locations where households and businesses can take leftover paint for reuse or recycling. Instead of relying upon state and local budgets, this system for collecting and managing leftover paint is supported by a paint stewardship fee applied to the purchase of new paint. This is the principle of product stewardship in action, bringing together all parties involved in the design, production, sale, and use of a product to minimize the environmental impact across a product's life cycle.

Legislation to establish the PaintCare program has been enacted in 10 states and the District of Columbia.

Good for the Environment.
Good for Consumers.
Good for Government.

What it Does

- Reduces the generation of leftover architectural paint
- Promotes paint reuse
- Establishes a network of paint drop-off sites
- Recycles and properly manages leftover paint
- Educates consumers on the issue

It's Simple – Here's How It Works

- Paint consumers pay a small paint stewardship fee called the "PaintCare fee," which is added to purchase price of paint
- After using paint, drop leftover paint at one of MANY convenient drop-off sites for no charge
- PaintCare picks up leftover paint from drop-off sites
- Paint is transported to an authorized recycling/reuse facility

A Low Cost Solution

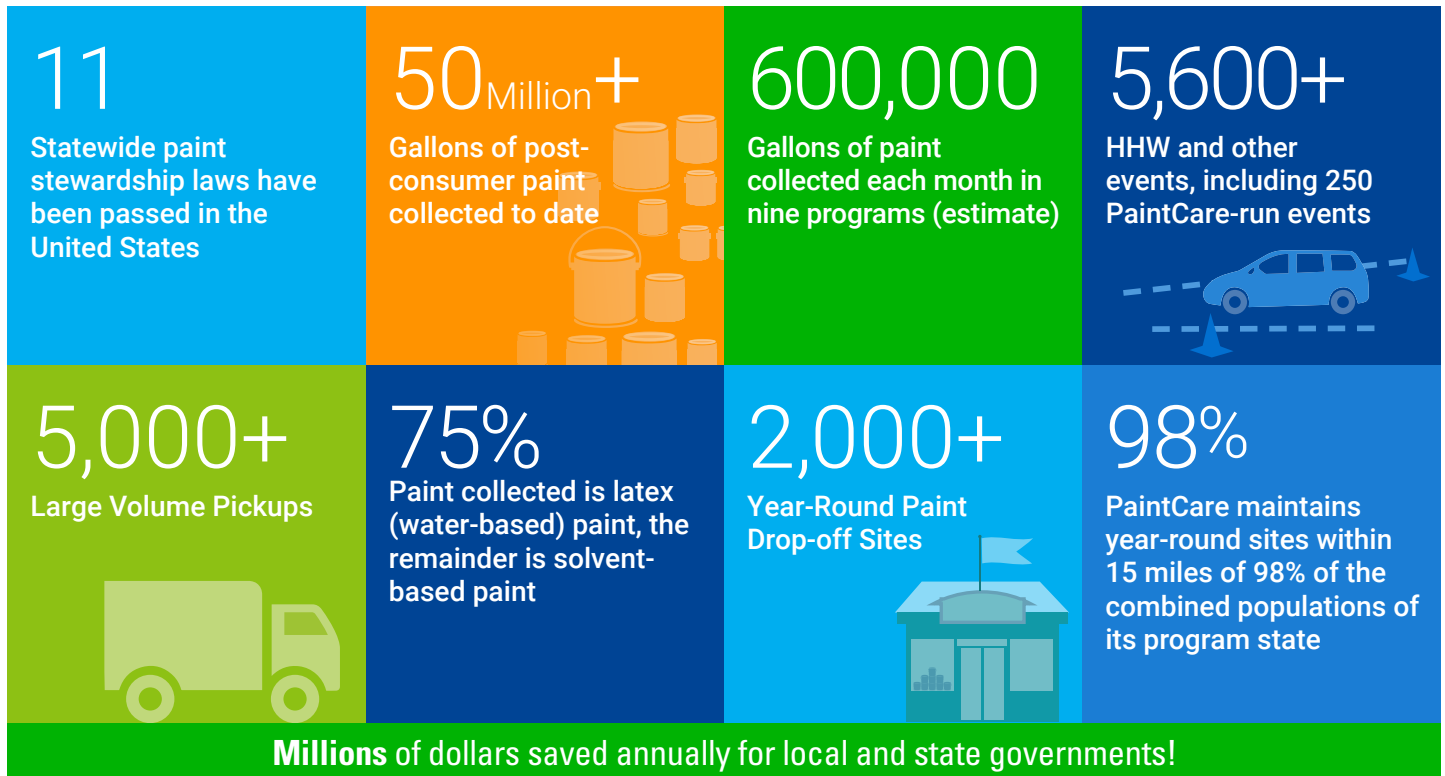
- Self-sufficient and sustainable
- Operates without state funds
- Provides households and businesses increased opportunities to reuse/recycle their leftover paint
- Provides direct large-volume pickup services for amounts more than 100 gallons
- Oversees the collection, transport, and processing of returned paint
- Saves local governments money by reducing the HHW collection and management burden currently borne by municipalities
- Provides consumers information on how to buy the right amount of paint and use up what's left



STATE PROGRAM OPERATIONS

CA (Est. 2012) • CO (Est. 2015) • CT (Est. 2013) • DC (Est. 2016) • ME (Est. 2015) • MN (Est. 2014)
NY (Launching 2022) • OR (Est. 2010) • RI (Est. 2014) • VT (Est. 2014) • WA (Est. 2021)

PaintCare Program Milestones



FAQs



Is this a government program?

No. A state law requires paint manufacturers to provide a stewardship program and PaintCare is the industry organization that operates the program and fulfills this requirement. The role of the Maryland Department of Environment (MDE) is to provide regulatory oversight by ensuring that PaintCare fulfills its obligations under the law. MDE will approve the stewardship program plan, including the proposed fees. PaintCare will reimburse MDE for the cost of program oversight.

Why is there a need for this program?

Leftover paint is currently managed through inadequately funded, government-run collection programs. PaintCare partners with existing local government programs and paint retailers to reduce costs, expand collection infrastructure, educate consumers about the program, and recycle leftover paint.

How is PaintCare funded?

PaintCare is funded by a product stewardship fee, which is paid to PaintCare by U.S. paint manufacturers based on their annual architectural paint sales in the participating state. The paint stewardship fee directly funds collection, transportation, processing, and education efforts. The fee paid to PaintCare by paint manufacturers is charged to retailers, which then add it to the purchase price of paint. PaintCare is a non-profit organization; the fee is set at a rate to cover, but not exceed, the cost to manage and sustain the program. PaintCare will provide an annual report to MDE that includes an independent financial audit.

What does PaintCare mean for consumers?

Consumers purchase paint in the same way they always have, but are provided information that recommends ways to purchase the right amount of paint, reduce the amount of paint that becomes waste, and what to do with any leftover paint that does accumulate. They are able to drop off their leftover paint at convenient locations, for no additional charge.

For more information, including detailed information on state PaintCare programs, please visit www.paintcare.org, or contact ACA's Heidi McAuliffe (hmcauliffe@paint.org) for legislative matters; or PaintCare's Marjaneh Zarrehparvar (mzarrehparvar@paint.org) for operational matters.