

**2022\_SB0143\_testimony.pdf**

Uploaded by: Andrew Hinz

Position: FAV

**Testimony of Andrew Hinz for  
SB0143 -Maryland Paint Stewardship**

Education, Health, and Environmental Affairs Committee Members,

The Program will save money for local governments, foster reuse of paint products, and reduce waste management challenge. Please issue a FAVORABLE report in committee.

I have been a DIY painter in Maryland for 50 years. ALL paints must be managed responsibly. This bill achieves an effective balance between consumer, producer, and local community/government sharing of responsibility and expense and risk management.

All counties will realize an increase in reuse and recycling of paint and a reduction in waste under the program.

According to the Product Stewardship Institute, about 10% of latex and oil-based paint is leftover or unused. Leftover paint is the most costly 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 collect, 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.

February 4, 2022

Andrew Hinz

1427 Park Avenue

Baltimore, Maryland 21217

# **SB 143 Maryland Paint Stewardship (1).pdf**

Uploaded by: Barbara Matheson

Position: FAV



## **SB143 – Maryland Paint Stewardship**

**Testimony before**

**Senate Education, Health and Environmental Affairs Committee**

**February 8, 2022**

**Position: Favorable**

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's less populated 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 since their conception in 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

**SB0143\_Paint\_Stewardship\_MLC\_FAV.pdf**

Uploaded by: Cecilia Plante

Position: FAV



## TESTIMONY FOR SB0143 Maryland Paint Stewardship

**Bill Sponsor:** Senator West

**Committee:** Education, Health, and Environmental Affairs

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** FAVORABLE

I am submitting this testimony in favor of SB0143 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.

# **Senator West - SB 143 - Maryland Paint Stewardship**

Uploaded by: Christopher West

Position: FAV

**CHRIS WEST**  
*Legislative District 42*  
Baltimore County

icial Proceedings Committee

ce Chair, Baltimore County  
Senate Delegation



**THE SENATE OF MARYLAND**  
ANNAPOLIS, MARYLAND 21401

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February 8, 2022

Senate Education, Health and Environmental Affairs Committee

The Honorable Paul G. Pinsky

2 West Miller Senate Building

Annapolis, Maryland 21401

**RE: SB 143 – Maryland Paint Stewardship**

Dear Chairman Pinsky 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 143 provides that by January 1<sup>st</sup> 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 143 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 143 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 143 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 143 and will be more than happy to answer any follow-up questions the Committee may have.

**SB143\_eranson\_fav (1).pdf**

Uploaded by: Emily Ranson

Position: FAV

## **SB143: Maryland Paint Stewardship**

Senate Education, Health, and Environmental Affairs Committee

February 8, 2022

### **Position: Favorable**

Dear Chairman Pinsky and Members of the Committee,

Clean Water Action and Maryland PIRG support SB143 to establish a paint stewardship program for Maryland.

Many Maryland jurisdictions offer paint collection as part of their hazardous waste management, but the frequency and convenience of drop-off locations and hours vary. Paint collection is one of the most costly components of household hazardous waste management.

The proposed Paint Stewardship program would establish a program for disposing of the end-of-life of household paint which would be more convenient to consumers and less costly for local jurisdictions. The proposed program provides for collection so that at least 90% of Maryland residents have a collection site that is within a 15-mile radius, and that urban areas have an additional site for every 50,000 residents.

Producer responsibility, like that outlined in SB143, is an effective way to manage waste, especially hazardous waste like paints that when disposed of improperly pose negative impacts on our waterways and environment, public health, and sewer infrastructure.

For these reasons, we urge a favorable report.

Thank you,

Emily Ranson  
Clean Water Action  
[eranson@cleanwater.org](mailto:eranson@cleanwater.org)

Emily Scarr  
Maryland PIRG  
[emily@marylandpirg.org](mailto:emily@marylandpirg.org)

**SB0143- Maryland Paint Stewardship-EHEA-CJW-fav.pdf**

Uploaded by: Laurie McGilvray

Position: FAV



**Committee: Education, Health, and Environmental Affairs**  
**Testimony on: SB0143 - Maryland Paint Stewardship**  
**Organization: Climate Justice Wing of the Maryland Legislative Coalition**  
**Submitting: Laurie McGilvray, Co-Chair**  
**Position: Favorable**  
**Hearing Date: February 8, 2022**

Dear Mr. Chairman and Committee Members:

Thank you for allowing our testimony today in support of SB0143. The Maryland Legislative Coalition (MLC) Climate Justice Wing, a statewide coalition of over 50 grassroots and professional organizations, urges you to vote favorably on SB0143.

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. SB0143 requires a producer of architectural paint sold at a retail store in Maryland to submit, by January 1, 2023, 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 most costly 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 collect, 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. This testimony is also supported by Maryland PIRG. We support this bill and recommend a **FAVORABLE** report in committee.

**SB143\_EHEA\_PaintStewardship\_FAV\_HoCoCA.pdf**

Uploaded by: Liz Feighner

Position: FAV



**HoCoClimateAction.org**  
Howard County, Maryland

**Testimony in SUPPORT of – SB143, *Maryland Paint Stewardship***

**Hearing Date: Feb 8, 2022**

**Bill Sponsor: Senator West**

**Committee: Education, Health, and Environmental Affairs**

**Submitting: Howard County Climate Action**

**Position: Favorable**

[HoCo Climate Action](#) -- a [350.org](#) local chapter and a grassroots organization representing more than 1,450 subscribers, and a member of [Climate Justice Wing](#) of the [Maryland Legislative Coalition](#), and the [Howard County Climate Collaboration](#) – strongly supports SB143 - Maryland Paint Stewardship.

HoCo Climate Action works with several organizations in Howard County in advocating for reducing waste. 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 paint. The Paint Stewardship 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.

A paint stewardship program is already operating in Howard County but the Maryland Paint Stewardship program will increase the collection, reuse, and recycling of leftover paint. Even though Howard County offer paint collection to their residents, the frequency and convenience of the drop-off location is quite limited. The program operates weekly only on Saturdays, eight months out of the year and monthly, four months of the year. The only drop-off site is the Alpha Ridge landfill which is not centrally located in the county and not convenient for residents in the western, eastern and southern parts of the county. Residents could travel up to **34 miles round trip** to drop off paint at the Alpha Ridge landfill and not every county in Maryland even offers a recycling option.

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. The Paint Stewardship Program could save many counties the costs for paint disposal services that they are currently financing and all counties would save the costs of landfilling or incinerating paint that is disposed of in the trash. According to Howard County's recycling

coordinator, \$31,000 was spent on their paint recycling program in 2020. 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 benefits from higher foot traffic when people drop off their unused paint. 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.

We encourage a FAVORABLE report for this essential legislation.

HoCo Climate Action

[HoCoClimateAction@gmail.com](mailto:HoCoClimateAction@gmail.com) -

Submitted by Liz Feighner, Steering and Advocacy Committee, Columbia MD

[www.HoCoClimateAction.org](http://www.HoCoClimateAction.org)

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We encourage a Favorable With Amendments report for this essential legislation.

HoCo Climate Action

[HoCoClimateAction@gmail.com](mailto:HoCoClimateAction@gmail.com) -

Submitted by Liz Feighner, Steering and Advocacy Committee, Columbia MD

[www.HoCoClimateAction.org](http://www.HoCoClimateAction.org)

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**SB0143-ET-FAV.pdf**

Uploaded by: Natasha Mehu

Position: FAV



BRANDON M. SCOTT  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

**SB143**

February 8, 2022

**TO:** Members of the Environment and Transportation Committee  
**FROM:** Natasha Mehu, Director of Government Relations  
**RE:** SENATE BILL 143 – Maryland Paint Stewardship  
**POSITION: SUPPORT**

Chair Barve, Vice Chair Stein and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 143.

SB 143 would require certain producers of architectural paint sold at retail in the State or a certain representative organization to submit a plan for the establishment of a “Paint Stewardship Program” to the Maryland Department of the Environment for approval. It would establish a “Paint Stewardship Assessment” to be added to the purchase price of the architectural paint sold in the State that is necessary to cover the Paint Stewardship Program’s cost of collecting, transporting, and processing postconsumer paint statewide. The plan for the Paint Stewardship Program shall include measures to minimize public sector involvement and financial responsibility for the management of postconsumer paint; reduce paint generation; promote reuse and recycling of paint; and execute agreements to collect, recycle, and dispose of the postconsumer paints.

Unused paint and improper disposal of paint can result in serious negative impacts to health and the environment, as paint contains toxic chemicals including lead and mercury. The establishment of a program to encourage the reduction, reuse, recycling, and proper disposal of paint will minimize the potential for improper disposal of hazardous chemicals, protecting public health and the environment.

This type of paint stewardship program has a successful track record in 10 other states, including New York and Washington, D.C. The Baltimore City Department of Public Works, Bureau of Solid Waste welcomes such a program that establishes producer responsibility and promotes source reduction and recycling. This could set a positive precedent for other types of products that are difficult and expensive to properly dispose.

The paint stewardship program proposed in SB143 would result in a cost savings for the City. The Bureau of Solid Waste hosts Household Hazardous Waste (HHW) events for residents one weekend a month from April to October at the City’s Northeast Residential Drop-Off Center. The materials dropped off at these events are then collected by a vendor who safely collects and disposes of the material, following RCRA requirements. Paint is consistently the largest expense of all the materials collected. The cost to dispose of paint is \$3,000 to \$4,500 per month. For context, the total cost of the HHW material disposal ranges from \$10,500 to \$24,000 per month, so paint is a substantial portion of that expense.

Bureau of Solid Waste crews will collect dried latex paint during weekly curbside trash collection. However, the paint is often not completely dry when residents put it in their trash cans, which results in paint leaking out into the collection truck and at times onto the street. On multiple occasions, paint has leaked out of trash trucks onto residential streets. While this is not a significant cost, it does disrupt operations and there is an expense for staff time and materials to address these issues. It is also disruptive to residents to see spilled paint on the street or sidewalk. The latex paint that is collected is brought to the municipal landfill or the waste to energy facility for disposal, both of which have a disposal and operational cost.

SB143 eases the disposal burden off local government and assigns the implementation of the proposed Paint Stewardship Program to the producers or a representative non-profit organization. The creation of this program has the potential to generate local jobs, while leveraging the existing infrastructure of retail locations where paint is generally purchased – reflective of similar programs in states across the country. It would also provide a more convenient method for residents to properly dispose of unwanted paint at various drop-off points.

We respectfully request a **favorable** report on Senate Bill 143.

**SB0143\_FAV\_American Coatings Assoc\_ MD Paint Stewa**

Uploaded by: Pam Kasemeyer

Position: FAV



AmericanCoatings  
ASSOCIATION<sup>SM</sup>

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*

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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:**

Pamela Metz Kasemeyer

J. Steven Wise

Christine K. Krone

410-244-7000



# 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

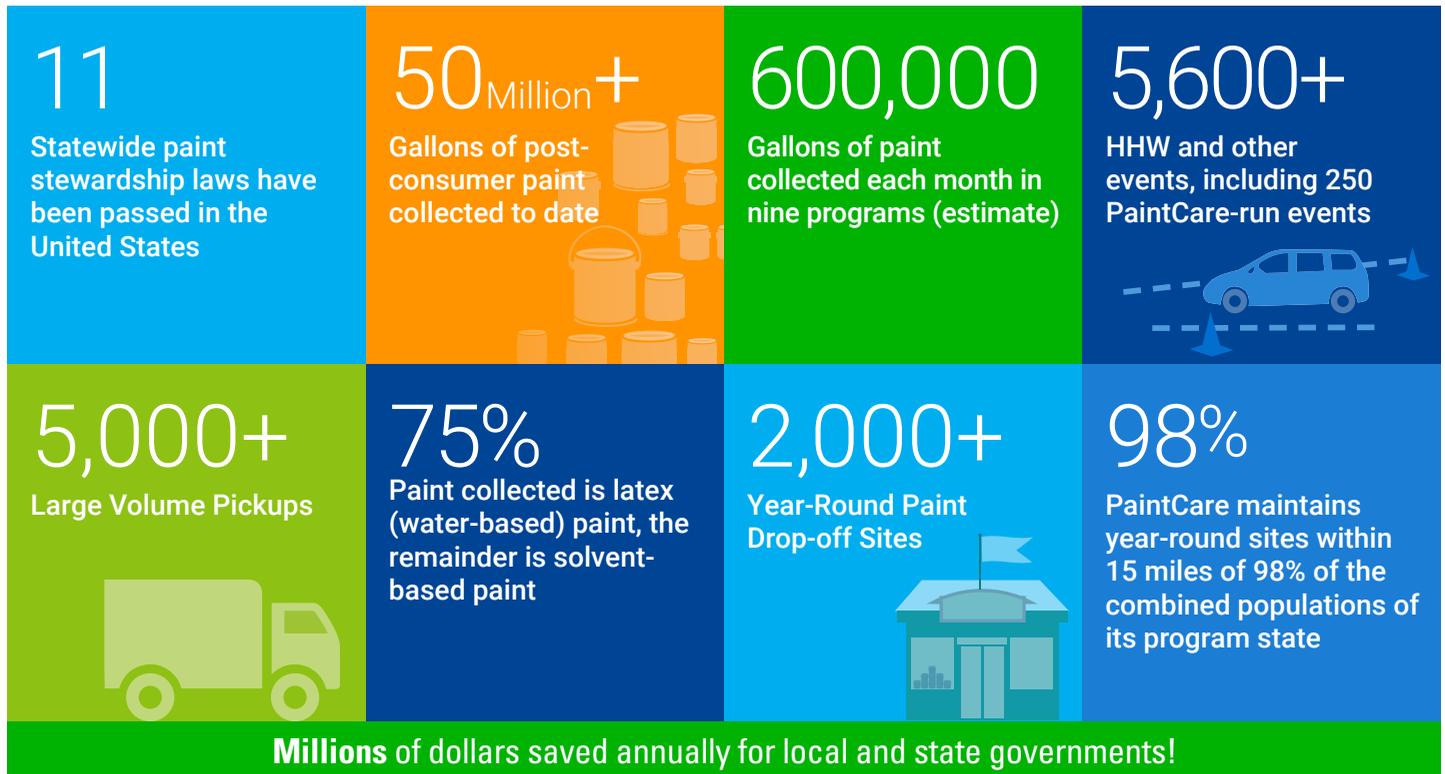
- Self-sufficient and sustainable
- Operates without state funds
- Provides households and businesses increased opportunities to reuse/recycle their leftover paint
- Provides direct large-volume pickup services for amounts more than 100 gallons
- Oversees the collection, transport, and processing of 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](http://www.paintcare.org), or contact ACA's Heidi McAuliffe ([hmcauliffe@paint.org](mailto:hmcauliffe@paint.org)) for legislative matters; or PaintCare's Marjaneh Zarrehparvar ([mzarrehparvar@paint.org](mailto:mzarrehparvar@paint.org)) for operational matters.

**2022.02.04 IPRA Support MD SB143.pdf**

Uploaded by: Sanjeev Bagaria

Position: FAV



February 4, 2022

**INTERNATIONAL PAINT  
RECYCLING ASSOCIATION**  
www.recycledpaint.org

**Executive Committee**

Sanjeev Bagaria  
**President**

Andrew Staab  
**Vice President**

André Buisson  
**Secretary**

**Founding Member Companies**

Acrylatex Coatings & Recycling

American Paint Recyclers

Amazon Paint

GDB International

Local Color

Loop Recycled Paint

MetroPaint

MXI

Recolor Paints

Re-Coat Recycled Paint

Société Laurentide

Visions Paints

**Facilitator**

Product Stewardship Institute

Senator Paul G. Pinsky, 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 143, An act concerning Maryland Paint  
Stewardship.**

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

The International Paint Recycling Association (IPRA) **strongly supports SB 143** to establish a Maryland Paint Stewardship Program, and we ask that you report the bill favorably from your Committee.

IPRA is an association of 12 North American recycled paint manufacturers with decades of experience in recycling post-consumer paint back into high quality paint and other recycled products. The group is facilitated by the Product Stewardship Institute (PSI).

Each year, about 10 percent of paint purchased by Maryland residents becomes leftover, resulting in more than 1.3 million gallons of leftover paint per year in the state. If all this paint were to be managed properly through household hazardous waste collections, it would cost more than \$10 million per year.

HB 18 would establish a convenient statewide paint collection and recycling program for all Maryland residents and businesses that is operated and financed by the paint industry.

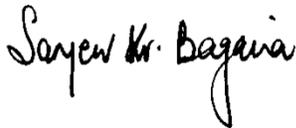
Paint stewardship legislation is actively supported by the American Coatings Association. Legislation is also supported by a vast majority of paint retailers, who value the opportunity to bring more customers into their stores by providing paint collection services. Producer responsibility for paint is not an uphill battle against manufacturers and retailers, but rather an opportunity to work with the industry to benefit your constituents financially and environmentally, and to make leftover paint management more convenient for them.

**SB 143** is consistent with paint stewardship legislation passed in the following states and jurisdictions: the District of Columbia, Rhode Island, New York, Connecticut, Maine, Vermont, California, Colorado, Oregon, Washington, and Minnesota. This model bill has produced tremendous results, including the following (since 2009):

- Collected more than 50 million gallons of leftover paint;
- Relieved local governments of over \$240 million in paint transportation and processing costs;
- Created more than 200 jobs related to paint collection and recycling; and
- Added more than 2,000 voluntary collection sites (70% of which are retailers), providing far greater convenience to residents and decreasing the burden on local government programs.

***We respectfully urge your support for this important legislation.*** If you have any questions, feel free to call Sanjeev Bagaria, CEO of GDB International and President of IPRA, at (732) 246-3001 or [sanjeev@gdbinternational.com](mailto:sanjeev@gdbinternational.com). Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Sanjeev Mr. Bagaria". The signature is written in a cursive, flowing style.

Sanjeev Bagaria  
President, International Paint Recycling Association

Cc: Senator Chris West

**2022.02.04 PSI Support MD SB143 Paint.pdf**

Uploaded by: Scott Cassel

Position: FAV



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February 4, 2022

Senator Paul G. Pinsky, 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 143, An act concerning Maryland Paint Stewardship**

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

The Product Stewardship Institute (PSI) **strongly supports SB 143**, 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 143 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 143 is consistent with these laws. It is also consistent with the basic principles of extended producer responsibility included in HB 18 (the cross-filed paint EPR bill for SB 143), SB 292 and HB 307 (packaging EPR bills), and a mattress EPR bill introduced last session in Maryland (HB 1146).

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.

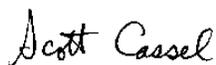
In 2019, PSI worked with a dozen recycled paint remanufacturers in North America to establish the International Paint Recycling Association (IPRA). IPRA members produce high-quality recycled latex paint from leftover paint that would otherwise go to waste. Collectively, they have recycled more than 25 million gallons of paint collected through PaintCare programs like the one that SB 143 would establish.

PSI is a national nonprofit working to reduce the health and environmental impacts of consumer products from design and production through end-of-life. PSI takes a unique approach to solving environmental problems by bringing key stakeholders together in well-designed dialogues to forge lasting agreements rooted in producer responsibility and sustainable materials management. Our organization has built capacity for product stewardship in the U.S. for the past 20 years, conducting both voluntary and legislative product stewardship initiatives. We work closely with 47 state environmental agency members, hundreds of local government members, and over 120 partners from businesses, universities, organizations, and international governments.

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](mailto:scott@productstewardship.us).

Sincerely,



Scott Cassel  
Chief Executive Officer / Founder

Cc: Senator Chris West

**S143\_MDSierraClub\_fwa - 8Feb2022.pdf**

Uploaded by: Josh Tulkin

Position: FWA



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

**Committees: Education, Health, and Environmental Affairs**

**Testimony on: SB143 - Maryland Paint Stewardship**

**Position: Support with amendment**

**Hearing Date: February 8, 2022**

The Maryland Sierra Club strongly supports SB 143. 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.<sup>1</sup> 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 nine states and Washington, D.C., with a tenth state program to be launched in 2022.<sup>2</sup>

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.<sup>3</sup>

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).<sup>4</sup> 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.<sup>5</sup> For the few Maryland counties where costs could be identified,

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

<sup>2</sup> California, Colorado, Connecticut, Maine, Minnesota, Oregon, Rhode Island, Vermont, Washington state, and Washington, D.C. have programs up and running; New York will launch its program in 2022.

<sup>3</sup> Heidi McAuliffe, Vice-President, American Coatings Association, July 2020.

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

<sup>5</sup> 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.

the Paint Stewardship Program could save counties more than \$100,000 annually for paint 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 <sup>a</sup>	2019	\$61,085	\$121,085
Baltimore City		<sup>b</sup>	Average	\$21,000-\$31,500 <sup>c</sup>	\$21,000-\$31,500
Calvert		<sup>b</sup>	2020	\$5,650.40	\$5,650
Cecil	Average	\$16,000		<sup>d</sup>	\$16,000
Howard	2020	\$31,000		<sup>d</sup>	\$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 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 that includes convenient paint collection and acceptance locations; environmental 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 Sierra Club recommends that the Program Plan be renewable every 4-5 years. A renewable Plan is a standard feature of recent stewardship programs, increasing the programs’ accountability and effectiveness by allowing changes to the Plan as lessons are learned and technology changes. This could be achieved with the addition of the following language: “*A stewardship organization must submit a new plan or plan amendment to the department for approval when there is a change to the amount of the assessment, if required by the department, or every five years, if the department deems it necessary.*”

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 143.

Martha Ainsworth  
 Chair, Chapter Zero Waste Team  
[Martha.Ainsworth@MDSierra.org](mailto:Martha.Ainsworth@MDSierra.org)

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

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

# **The Maryland Recycling Network Response - HB18-SB1**

Uploaded by: Peter Houstle

Position: FWA



January 25, 2022

**To: Maryland House Environment and Transportation and Economic Matters Committee  
Senate Education, Health, and Environmental Affairs**  
**Re: HB 18/SB143 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 HB 18 and SB 143, the Maryland Paint Stewardship Program with the following amendments to allow sufficient time for counties to include the volume of paint collected in their annual MRA report due April 1:

PART V. 9-1733 (H) BEGINNING ~~APRIL~~ MARCH 1, 2024

PART V. 9-1733 (H) (1) (III) ... THAT INCLUDES AN ACCOUNTING OF THE VOLUME OF POSTCONSUMER PAINT COLLECTED IN THE STATE FOR EACH COUNTY IN THE STATE, SAID REPORT TO BE MADE AVAILABLE TO EACH COUNTY WITH SUFFICIENT TIME FOR THE VOLUME OF PAINT COLLECTED TO BE INCLUDED IN THE COUNTY'S ANNUAL MRA REPORT;

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](mailto: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

**SB143\_MRA\_UNF.pdf**

Uploaded by: Sarah Price

Position: UNF



**SB143 – Maryland Paint Stewardship  
Education, Health, and Environmental Affairs Committee  
February 8, 2022**

**Position:** Unfavorable

**Background:** SB143 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. 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, routinely collects surplus funds from consumers year after year, as is visible on their 990 forms.
2. 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 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.
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

# MARYLAND RETAILERS ASSOCIATION

*The Voice of Retailing in Maryland*



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.

**SB0143 LOI.pdf**

Uploaded by: Tyler Abbott

Position: INFO



# Maryland

## Department of the Environment

Larry Hogan, Governor  
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary  
Horacio Tablada, Deputy Secretary

February 8, 2022

The Honorable Paul G. Pinsky, Chair  
Education, Health, and Environmental Affairs Committee  
Miller Senate Office Building, Suite 2W  
Annapolis, Maryland 21401

### **Re: Senate Bill 143 - Maryland Paint Stewardship**

Dear Chair Pinsky and Members of the Committee:

The Maryland Department of the Environment (Department or MDE) has reviewed SB 143 entitled *Maryland Paint Stewardship* and would like to provide the committee with some information regarding this bill.

SB 143 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, 2023, 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 and provide for the statewide collection of postconsumer paint in a manner at least as convenient as programs available to consumers prior to the Program. By October 1, 2023 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 retailer authorized to act as a postconsumer collection site would be prohibited from accepting fees for "the disposal of paint offered for disposal." Note, 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). Beginning April 1, 2024, 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. 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 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 or used for energy recovery.

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.

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 October 1, 2023, or 6 months after plan approval by the Department, *whichever is later*” (page 9, lines 4-8). If MDE has not approved a plan by October 1, 2023, 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. The bill also contains no provisions describing MDE’s authorities in the event that it finds the submitted plan to be unapprovable, nor does it include enforcement provisions. MDE is working with the bill’s sponsor and proponents to address these issues.

Thank you for your consideration. We will continue to monitor SB 143 during the committee’s deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at [tyler.abbott@maryland.gov](mailto:tyler.abbott@maryland.gov).

Sincerely,



Tyler Abbott

cc: Kaley Laleker, Director, Land and Materials Administration