

SB325_ Brooks.pdf

Uploaded by: Benjamin Brooks

Position: FAV

BENJAMIN BROOKS
Legislative District 10
Baltimore County

Education, Energy, and the
Environment Committee

Energy Subcommittee

Chair, Joint Electric Universal
Service Program Workgroup



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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TESTIMONY IN SUPPORT OF SB325 **Maryland Paint Stewardship**

Education, Energy and the Environment Committee
February 6, 2024

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

Thank you for the opportunity to testify before you on Senate Bill 325— Maryland Paint Stewardship. The goal of this bill is to implement a self-sufficient paint stewardship program in our State which will benefit paint retailers, lower local government spending, and help consumers protect the environment.

Each year, Maryland accumulates 1.3 million gallons of unused paint and local authorities are responsible for managing Hazardous Household Waste (HHW) collection events and/or facilities. Currently, 19 Counties collect oil paint, 11 of which also collect latex paint. Four counties: Washington, Somerset, Garrett, and Dorchester Counties offer no postconsumer paint collection services at all. Collecting post-consumer paint comes at an immense cost to local governments, with HHW processing costing upwards of \$100,000 a year for Anne Arundel and Prince George's Counties. Baltimore City alone spends \$10,500 to \$24,000 per month on HHW, of which paint is a substantial portion. Despite these costs, collections are infrequent with some localities doing collections as little as once a year.

SB325 creates a paint stewardship program to more efficiently collect and manage paint waste at no cost to the State. The bill states that by July 1st, producers of paint sold at retail establishments in Maryland will have to prepare a plan for statewide collection of paint so that at least 90% of Maryland residents will have a collection site within 15 miles of their homes with additional sites in urban areas. The plan may also provide that retail stores are designated as paint collection sites, so long as the designated stores volunteer to participate. This allows for paint collections to happen at locations where consumers buy paint— attracting potential shoppers to these retailers. Paint stewardship programs have already been implemented in ten States and Washington D.C and have collected 70.6 million gallons of post-consumer paint. Additionally, 70% of these collection sites are at voluntary retail locations.

How will the collection and recycling costs be handled? SB325 requires that every can of paint sold come with a small Paint Stewardship assessment fee. The value of this fee would be determined by an independent financial auditor designated by the Department of the Environment and would ensure the costs of the stewardship program are covered but not

exceeded. In other States with a similar program, the fee for a gallon or less of paint averages between \$0.30 and \$0.80 cents per gallon. With most gallons of paint retailing between \$25-\$40 a can, this fee would be a minuscule increase in the total price of paint. Since 2009, these programs have saved local governments approximately \$240 million in transportation and recycling costs.

Last year, the Legislature was close to making this paint stewardship program a reality with SB 260/HB255. In the Senate, the Education, Energy, and the Environment Committee gave this program a favorable report as well as the House Economic Matters Committee and the Environment and Transportation Committee. This program was approved in both chambers before it barely missed the deadline for a final vote in the closing days of the 2023 Legislative Session.

SB325 is the exact bill that so many legislators have already lent their support. Let's finish the job and take an important step in helping local communities and businesses protect the environment from paint waste.

For these reasons, I am requesting a favorable report on SB325.

With kindest regards,

A handwritten signature in cursive script that reads "Benjamin T. Brooks".

Benjamin Brooks

SB 325

MARYLAND PAINT STEWARDSHIP



\$240 MILLION SAVED

California, Colorado, Connecticut, District of Columbia, Maine, Minnesota, New York, Oregon, Rhode Island, Vermont, and Washington have paint stewardship programs which has saved local governments millions.

WHAT IS PAINT STEWARDSHIP?

Currently, postconsumer paint is collected as Hazardous Household Waste (HHW) and disposed of by local governments. A paint stewardship program puts this job in the hands of the paint industry— increasing cleanup and lowering costs for local governments.

THE PAINT PLAN FOR MARYLAND

The steps for implementing a paint stewardship program in Maryland



Producers of paint sold at retail establishments will have until July 2025 to come up with a plan to collect paint from Marylanders.



The plan will have to ensure that 90% Marylanders are within 15 miles of a collection site with additional sites in urban areas.



Paint retailers and other organizations will volunteer to collect paint and then dispose of it.

THE LOW COST OF THE PAINT STEWARDSHIP PROGRAM



In other States with a similar program, the fee for a gallon or less of paint averages between 0.30 and 0.80 cents per gallon. With most gallons of paint retailing between \$25-\$40 a can, this fee would be a miniscule increase in the total price of paint.

62.6 MILLION

Gallons of postconsumer paint have already been recycled by ten states and Washington D.C. at little to no cost to local governments.

WE ALMOST MADE IT HAPPEN!

Last year, an identical bill SB 260 (2023) was nearly approved in both chambers before it barely missed the deadline for a final vote in the closing days of the 2023 Legislative Session. Let's finish the job and take an important step in helping local communities and businesses protect the environment from paint waste.



FAVORABLE

SB 260 received a 8-3 favorable vote in the Energy, Education, and the Environment Committee.



FAVORABLE

SB 260 received a 17-6 favorable vote in the Environment and Transportation Committee.



APPROVED

SB 260 was approved in both the House of Delegates and the Senate but did not advance before Sine Die.

SB0325_Maryland_Paint_Stewardship_MLC_FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0325 Maryland Paint Stewardship

Bill Sponsor: Senator Brooks

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 SB0325 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.

MRN2024SB325.pdf

Uploaded by: Chaz Miller

Position: FAV



February 5, 2024

To: Maryland Senate Education, Energy, and the Environment Committee
Re: SB325 Maryland Paint Stewardship

The Maryland Recycling Network promotes sustainable reduction, reuse and recycling (the 3 "R's"), to ensure that the use of virgin materials is minimized, materials otherwise destined for disposal are reused or recycled and strong demand exists for buying 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.

Our members are county and municipal government recycling managers, private sector recyclers, non-profit recyclers and citizens who support recycling. We have direct experience operating recycling and composting programs at the county and municipal government level. We know the ins and outs of recycling in Maryland. Our experience informs our comments.

The Maryland Recycling Network supports SB325, the Maryland Paint Stewardship Program. This bill will substantially increase paint recycling in Maryland and reduce its financial burden on local government. Paint is a fairly ubiquitous product whose recycling is a mystery to most consumers. Yet, ten states and the District of Columbia have successfully established paint recovery and recycling through a stewardship law. 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.

Enacting this legislation has been a priority for several years. Last year, both houses agreed on final language for SB260 and its House counterpart HB255. Unfortunately, the legislation died at the last minute as legislative time expired. Legislation introduced this year, SB325 and HB1, contain the final language agreed to by both houses. We urge speedy adoption of this bill. This legislation is an environmental win for Maryland.

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 thank you for your consideration.

A handwritten signature in black ink, appearing to read "Peter Houstle".

Peter Houstle
Executive Director

Maryland Recycling Network
c/o Mariner Management • PO Box 1640 • Columbia, MD 21044
Phone: (443) 741-8740 • www.MarylandRecyclingNetwork.org

SB325_IndivisibleHoCoMD_FAV_CrystalKonny.pdf

Uploaded by: Crystal Konny

Position: FAV



SB325 – Maryland Paint Stewardship

Testimony before

Senate Education, Energy, and the Environment Committee

February 6, 2024

Position: Favorable

Chair Feldman, Vice Chair Kagan, and members of the committee, my name is Crystal Konny, 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 SB325, which creates a new program to require paint manufacturers to take responsibility for the waste issues associated with their products. We appreciate the leadership of Senators Brooks and West for sponsoring this important legislation.

Ten 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- 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 1, 2025, and for this plan to begin implementation in 2026. The bill makes it easier for citizens to recycle, reduces City and County landfilling and hazardous waste collection, and helps the environment. 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.

Crystal Konny
11605 Dark Fire Way
Columbia, MD 21044

SB0325_FAV_ACA_Paint Stewardship.pdf

Uploaded by: Drew Vetter

Position: FAV



AmericanCoatings
ASSOCIATIONSM

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

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

DATE: February 6, 2024

RE: **SUPPORT** – Senate Bill 325 – *Maryland Paint Stewardship*

The American Coatings Association (ACA) is pleased to submit this letter of **support** for Senate Bill 325. 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 11 states and the District of Columbia.

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 2009. Since that time, the program has been replicated in 11 other states and the District of Columbia. The results have been remarkable.

- 70.6 million gallons of un-used paint have been collected.
- PaintCare has provided 9,590 large volume pickups from governments and contractors.
- PaintCare has hosted 356 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.¹

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, which 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.

¹ See attachment for details on the Paint Stewardship Assessment.

About the PaintCare Fee

Updated — January 2024



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, and is developing a program for Illinois. 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 Painting Contractors

Preparing Estimates

When estimating jobs, painting 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:

	Larger than half pint up to smaller than 1 gallon	1–2 gallons	Larger than 2 gallons up to 5 gallons
California	\$0.30	\$0.65	\$1.50
Colorado	\$0.35	\$0.75	\$1.60
Connecticut	\$0.35	\$0.75	\$1.60
District of Columbia	\$0.30	\$0.70	\$1.60
Maine	\$0.35	\$0.75	\$1.60
Minnesota	\$0.49	\$0.99	\$1.99
New York	\$0.45	\$0.95	\$1.95
Oregon	\$0.45	\$0.95	\$1.95
Rhode Island	\$0.35	\$0.75	\$1.60
Vermont (through 4/30/24)*	\$0.49	\$0.99	\$1.99
Vermont (starting 5/1/24)	\$0.65	\$1.35	\$2.45
Washington	\$0.45	\$0.95	\$1.95

*A fee increase in Vermont will take effect on May 1, 2024.

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. Most states have enacted price accuracy statutes that govern the nature of pricing information that must be disclosed to consumers. Retailers should be mindful that regulators in some states may view their state's laws as requiring retailers to incorporate the PaintCare fee in the product price displayed to consumers, regardless of whether a retailer chooses to break the PaintCare fee out separately on purchase receipts. For more information, visit www.paintcare.org/pricinglaws.

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 coatings, 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.

SB0325_FAV_Benjamin Moore_Paint Stewardship.pdf

Uploaded by: Drew Vetter

Position: FAV



Benjamin Moore®

February 5, 2024

Benjamin Moore & Co.
101 Paragon Drive
Montvale, NJ 07645

To the Honorable Members of the Senate Education, Energy, and the Environment Committee,

As the leader in the paint industry, we ask for your support for Senate Bill 325 **Maryland Paint Stewardship**. Please vote "YES" on Paint Stewardship.

Benjamin Moore & Co. has been proudly producing and selling paint for over 140 years and have many independent retailers throughout Maryland. My company and my colleagues in the paint industry fully support this bill.

The Paint Stewardship bill will make it easy for all Maryland residents to empty their garages and basements of leftover household paint **and** keep it out of the landfill! If possible, the leftover paint is recycled and turned back into paint.

In other states across the country, this program has collected over 70 million gallons of paint – almost all of the leftover paint has been recycled or burned for energy recovery. Successful programs already exist in California, Oregon, Minnesota, Colorado, Maine, Rhode Island, Vermont, Connecticut, New York, Washington, DC, and Washington state.

The key to Paint stewardship is to provide convenient collection facilities for the public and to relieve local governments from this responsibility. Convenient locations are critical in Maryland. Those few counties that accept latex paint do so at a great cost. This program could potentially save Maryland counties over \$224,000 annually. These services are financed by a modest assessment on the sale of new paint, collected by the stewardship organization. Oversight of the program is conducted by Maryland Department of the Environment (MDE) and the agency is reimbursed for its costs – so there is no cost to the state!

The paint stewardship program – SB 325 – is a WIN/WIN for Maryland. I urge you to help make these services available in our state.

If I can answer any questions for you, please do not hesitate to reach out to me.

Best regards,

Kimberly Ezdebski

Kimberly Ezdebski
Vice President, Quality & EHSS Compliance
(Active Member of the PaintCare Board of Directors)
Kimberly.ezdebski@benjaminmoore.com

SB0325_FAV_PPG_Paint Stewardship.pdf

Uploaded by: Drew Vetter

Position: FAV



One PPG Place
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ppg.com

Kevin Baird
Senior Government Affairs Associate
Law and Compliance

February 5, 2024

Honorable Members of the Education, Energy, and the Environment Committee
2 West
Miller Senate Office Building
Annapolis, MD 21401

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

PPG Industries, Inc. (PPG), a U.S.-based company founded in 1883 in Pittsburgh, Pennsylvania, is a global manufacturer of paints, coatings, and specialty materials. At PPG, our 50,000 employees in 70 countries bring life to our purpose and promise: WE PROTECT AND BEAUTIFY THE WORLD™. We develop and deliver the paints, coatings, and specialty materials that our customers have trusted for more than 140 years. Through dedication and industry-leading expertise, we solve our customers' biggest challenges, collaborating closely to find the right path forward. PPG has a long heritage of, and commitment to, innovation, safety, sustainable production development, and community engagement.

We write today to make you aware of our support for Senate Bill 325 (SB 325). SB 325 would 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. PPG encourages passage of this important legislation, and we look forward to working with the Maryland Department of the Environment and the paint and coatings industry to implement the program upon enactment of this bill.

SB 325 would 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. Paint stewardship programs already operate in jurisdictions including California, Colorado, Connecticut, Maine, Minnesota, New York, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia. SB 325 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.

We believe SB 325 would establish a paint stewardship organization that benefits the State of Maryland's environment and economy, and we respectfully encourage you to move this bill forward. Please do not hesitate to reach out should you have any questions. Thank you for your consideration of this important legislation.

Sincerely,

A handwritten signature in black ink that reads 'Kevin Baird' in a cursive script.

Kevin Baird
Senior Government Affairs Associate

SB0325_FAV_Sherwin-Williams_Paint Stewardship.pdf

Uploaded by: Drew Vetter

Position: FAV



SHERWIN-WILLIAMS.

Steve Revnew

Sr. Vice President, Global Technology Platforms

February 5, 2024

Education, Energy, and the Environment Committee
Miller Senate Office Building, 2 West Wing
11 Bladen Street
Annapolis, MD 21401

RE: Support for Senate Bill 325 – Maryland Paint Stewardship

Dear Chairman Feldman and Members of the Committee,

On behalf of the Sherwin-Williams Company and as a Board Member of PaintCare, I write to ask your support of SB 325, **Maryland Paint Stewardship**. Across the state of Maryland, Sherwin-Williams operates 90 retail locations and three manufacturing facilities with a total of 945 employees. SB 325 will contribute to the continued vitality of the paint and coatings marketplace in Maryland and provide positive economic and environmental benefits.

This bill establishes a convenient paint recycling program at no cost to the state of Maryland. It provides an easy way for consumers to drop-off their leftover paint at retail sites that voluntarily choose to participate in the program. A Maryland Paint Stewardship program could create financial savings for Maryland counties currently directing dollars for individual paint recycling programs.

PaintCare, a 501(c)(3) non-profit, which operates paint stewardship programs on behalf of the paint industry in jurisdictions with paint stewardship laws, has collected and recycled over 70 million gallons of paint since 2010 at over 2,400 drop-off sites across the country. Most of the paint collected is used as recycled content paint products, while the remaining paint is used in a wide range of applications, depending on the type of paint, such as concrete mixtures, landscaping materials, or as a component of daily cover for landfill management. A small percentage of dry latex paint is securely disposed of if no other use can be found. Oil paints are generally sent to processors to become fuel.

Sherwin-Williams stores currently participate in a network of volunteer collection sites for PaintCare in 11 other states, with Illinois's PaintCare program expected to begin accepting paint in 2025.¹ We have found that not only does the program allow us to provide a benefit to the community but also for our customers including both paint contractors as well as do-it-yourselfers. They understand that this program and its' related fee associated with paint purchases leads to environmentally sound recycling and reuse of unused paint. Passage of SB 325 will enable our stores in the state and all Marylanders to have the opportunity to participate in an effective paint recycling program.

We appreciate your consideration of this legislation and ask you to vote YES on SB 325. If you have questions, please contact me at steve.revnew@sherwin.com.

Sincerely,

Steve Revnew
Senior Vice President Global Technology Platforms

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

SB325 Maryland Paint Stewardship - Clean Water Act

Uploaded by: Emily Ranson

Position: FAV



SB325: Maryland Paint Stewardship
Senate Education, Energy, and the Environment

Position: Favorable

Dear Chairman Feldman and Members of the Committee,

Clean Water Action, Maryland PIRG, and the undersigned 10 organizations support HB1/SB325 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 HB1/SB325, 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

Emily Scarr
Maryland PIRG
Emily@marylandpirg.org

Cedar Lane Unitarian Universalist Environmental Justice
Institute for Local Self-Reliance
#CoalFreeCurtisBay
Go Green OC
Maryland PIRG
Less Plastic Please
Curtis Bay Association
Echotopia LLC
Chesapeake Physicians for Social Responsibility
Maryland Legislative Coalition - Climate Justice Wing

ACA Testimony 2.6.24 Senate EEE SB325.pdf

Uploaded by: Heidi McAuliffe

Position: FAV



AmericanCoatings
ASSOCIATION

**Testimony of the
American Coatings Association
in Support of SB. 325**

**Senate Committee on Education, Energy and the Environment
February 6, 2024**

The American Coatings Association (ACA) fully supports House Bill 1 which establishes a paint stewardship program in Maryland. Paint stewardship programs are currently operating in 10 states and the District of Columbia. Many thanks to our sponsor, Senator Brooks, and to this committee for its support in prior sessions since you previously voted favorably on a nearly identical proposals last session.

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. ACA represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals. ACA serves as an advocate for members on legislative, regulatory and judicial issues, and provides forums for the advancement and promotion of the industry through education and professional development.

PaintCare, is a non-profit 501(c)(3) organization that represents paint manufacturers in developing and operating paint stewardship programs. PaintCare undertakes the responsibility for ensuring an environmentally sound and cost-effective program by developing and implementing strategies to reduce the generation of post-consumer architectural paint; promoting the reuse of post-consumer architectural paint; and providing for the collection, transport, and processing of post-consumer architectural paint using the hierarchy of “reduce, reuse, recycle,” and proper disposal.

What Does PaintCare Do?

PaintCare establishes a network of convenient drop-off locations for consumers and eliminates a considerable financial burden on local governments by assuming the cost of transportation of leftover architectural paint. Maryland residents will be able to drop-off their leftover paint free of charge at retail locations that voluntarily agree to participate as drop-off locations. The legislation requires PaintCare to provide a specific level of convenience which includes density and geographic parameters. PaintCare makes it as easy as possible for consumers to drop off leftover paint by building on the existing infrastructure for leftover paint disposal by

adding retail outlets as an option for drop off sites. In addition, for residents or institutions that have large amounts of paint (typically over 100 gallons), PaintCare offers a large-volume pickup service, which collects such paint on site, free of charge. In our current program states, businesses such as painting contractors, schools, hospitals, hotels, prisons, warehouses, and government operations use this service very effectively. PaintCare then contracts with haulers and transporters to pick up leftover paint from these collection sites and transports it directly to processors. A significant portion of the collected leftover paint is diverted from landfills as it is either re-used, recycled or burned for energy recovery.

Why is Legislation Needed to Implement PaintCare?

PaintCare is a cost-effective and successful program, in part, because the authorizing legislation provides two necessary elements for the paint industry to develop and operate a product stewardship program. These elements are 1. a level playing field among all producers and retailers, and 2. the need for a sustainable financing system engaging the consumer. The legislation requires all manufacturers selling paint in the state to participate in the program. Consequently, there are no “free

riders”. Not only are all manufacturers required to participate – they are required to participate in a uniform manner, which levels the playing field for manufacturers, distributors and retailers of all sizes. This language also provides for protection from any claims of unfair trade practices due to these requirements.

The legislation also mandates that a sustainable financing mechanism be developed. Revenue to PaintCare is based upon the sale of new paint at retail stores. PaintCare works with a financial auditor to develop a budget for a new program and develops a fee schedule for new paint purchased in retail outlets. This fee, which in current programs, ranges between \$.60 to \$1.25 per gallon, finances the entire PaintCare program in the state, including establishment of retail drop off sites, costs of transportation, outreach materials, state program staff, and other ancillary expenses. The fee, which depends on the size of the container purchased, is collected at the point of purchase of new paint and is assessed on every container, regardless of brand or location of purchase.

What is the Role of the Oversight Agency?

Once legislation is adopted, PaintCare staff will work with the oversight agency to develop a program plan for the state of Maryland. PaintCare will submit the plan, which will include the fee schedule along with the financial auditor's report, to the agency for approval. Once the agency approves the plan, PaintCare will begin implementation by recruiting retail sites, building the list of registered brands of paint, developing training materials for retailers, contracting with transporters and developing outreach to the citizens of Maryland.

At the end of the year, PaintCare will provide an annual report for review by the agency. This report will include extensive financial information along with a report from an auditor. PaintCare works hard to maintain transparency regarding its operation and financial data. All of this information will be posted on PaintCare's website page dedicated to Maryland.

PaintCare Successes in Current Program States

ACA and the paint industry are committed to finding a viable solution to the issue of post-consumer paint, which is often the number one product, by volume and cost, coming into Hazardous Household Waste (HHW)

programs. This legislation will enable the paint manufacturing industry to develop and implement a post-consumer paint management system for the collection, reuse, recycling, and proper disposal of this paint in Maryland that is cost-effective and successfully diverts more than 85% of the collected material from landfills. Here are a few highlights from the 11 existing programs:

Collection volume > almost 72 **million** gallons of postconsumer architectural paint since 2010 (**7 million** annually)

Sites > **2,513** year-round drop off sites, **1,949** are paint retailers (77%)

Large volume pick-ups > More than **9,590** from painting contractors, hotels, universities, and other businesses and institutions (avg. 378 gallons per pick up)

PaintCare events > 356 held in underserved communities

Manufacturers > **199** architectural paint manufacturers participate in PaintCare

- **Awards and Recognition** >

- PaintCare was one of the recipients of the Environmental Initiative Award at the 2023 SEAL (Sustainability, Environmental Achievement and Leadership) Business Sustainability Awards.
<https://sealawards.com/sustainability-award-2023/>
- “Best Paint Recycling Initiative- USA,” BUILD’s Recycling and Waste Management Awards 2020. Awarded to PaintCare via email on September 16th, 2020. Link: <https://www.build-review.com/awards/recycling-waste-management-awards/>
- “Best Public/Private Partnership,” CalRecycle Used Oil/HHW Awards. Awarded to PaintCare’s California program at annual symposium March 26, 2020.
- “Outstanding Industry Partner,” North American Hazardous Materials Management Association (NAHMMA). September 17, 2019. Awarded to PaintCare at the NAHMMA national conference in Denver, CO.
- Program of the Year Award 2019, Maine Resource Recovery Association. April 29, 2019. External link TBD.
- “Community Champion” recognition in Washington, D.C. November 26, 2018. Awarded to PaintCare Washington, D.C. External Link:

<https://us4.campaign-archive.com/?u=659c4ece0c1135dfd98ca6386&id=18e3097cd0>

- Northeast Recycling Coalition (NERC), Environmental Sustainability Leadership Award. October 31, 2018. Awarded to PaintCare Connecticut, Maine, Rhode Island, Vermont. External link: <https://nerc.org/about-nerc/awards-and-recognition>
- ASAE Power of A Gold Award. October 5, 2016. External Link: <https://www.thepowerofa.org/awards-2016/>
- California Product Stewardship Council, Arrow Awards, Bow & Arrow Award for Coalition Building. August 9, 2016. Awarded to California program. External Link: <https://calpsc.org/about-us/arrow-awards/2016-arrow-award-winners/>
- CRRRA Award for Outstanding Household Hazardous Waste, Universal, Electronic Recycling earned May 2021. External link TBD.
- PaintCare was one of the recipients of the [Environmental Initiative Award](#) at the 2023 SEAL (Sustainability, Environmental Achievement and Leadership) Business Sustainability Awards. The SEAL

Environmental Initiative Award category recognizes businesses that demonstrate environmental and sustainability initiatives.

We are anxious to begin to develop a program for the commonwealth of Maryland. Please support House Bill 1, so we can get to work.

SB0325 AIAMD Ltr of Support.pdf

Uploaded by: Jaclyn Faulkner

Position: FAV



5 February 2024

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 O325
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 O325. 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 O325) 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 SB0325/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 black ink, appearing to read 'C. R.' with a long horizontal line extending from the end of the 'R'.

Chris Parts, AIA
Director, Past President of AIA Maryland

SB325 Maryland Paint Stewardship-EEE-CJW-FAV.pdf

Uploaded by: Laurie McGilvray

Position: FAV



Committee: Education, Energy and the Environment
Testimony on: SB325 - Maryland Paint Stewardship
Organization: Maryland Legislative Coalition Climate Justice Wing
Submitting: Laurie McGilvray, Co-Chair
Position: Favorable
Hearing Date: February 6, 2024

Dear Chair and Committee Members:

Thank you for allowing our testimony today in support of SB325. The Maryland Legislative Coalition (MLC) Climate Justice Wing, a statewide coalition of nearly 30 grassroots and professional organizations, urges you to vote favorably on SB325.

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. SB325 requires a producer of architectural paint sold at a retail store in Maryland to submit, by July 1, 2025, 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 SB325 and recommend a **FAVORABLE** report in committee.

350MoCo
Adat Shalom Climate Action
Cedar Lane Unitarian Universalist Church Environmental Justice Ministry
Chesapeake Earth Holders
Chesapeake Physicians for Social Responsibility
Climate Parents of Prince George's
Climate Reality Project
ClimateXChange – Rebuild Maryland Coalition
Coming Clean Network, Union of Concerned Scientists
DoTheMostGood Montgomery County
Echotopia
Elders Climate Action
Fix Maryland Rail
Glen Echo Heights Mobilization
Greenbelt Climate Action Network
HoCoClimateAction
IndivisibleHoCoMD
Maryland Legislative Coalition
Mobilize Frederick
Montgomery County Faith Alliance for Climate Solutions
Montgomery Countryside Alliance
Mountain Maryland Movement
Nuclear Information & Resource Service
Progressive Maryland
Safe & Healthy Playing Fields
Takoma Park Mobilization Environment Committee
The Climate Mobilization MoCo Chapter
Unitarian Universalist Legislative Ministry of Maryland
WISE

SB 325 MDE SUP.pdf

Uploaded by: Les Knapp

Position: FAV



The Maryland Department of the Environment
Secretary Serena McIlwain

Senate Bill 325
Maryland Paint Stewardship

Position: Support
Committee: Education, Energy, and the Environment
Date: February 6, 2024
From: Jeremy D. Baker

The Maryland Department of the Environment (MDE) **SUPPORTS** SB 325. The bill would establish a new Paint Stewardship Program (Program) to address the collection and end-of-life management of postconsumer architectural paint.

Bill Summary

The bill requires producers of architectural paint, or a representative organization, to plan and implement the Program. On or before July 1, 2025, producers, or a representative organization, are required to submit to MDE for approval, a plan for carrying out the Program. The plan must, among other things, minimize public sector participation and financial responsibility in the management of postconsumer paint. It must also provide for the convenient and available statewide collection of postconsumer paint. By January 1, 2026, 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. Beginning April 1, 2026, and annually thereafter, a producer, or the representative organization, is required to submit to MDE for approval a report on 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 may not exceed the costs of implementing the Program. A producer, or the representative organization, is 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.

Position Rationale

MDE supports this bill because it will implement a tried and tested model for end-of-life paint management. Architectural paint can be easily recycled and should not be landfilled. This program will give Maryland residents confidence that their old paint will be managed appropriately while also providing efficient take-back infrastructure.

For the reasons detailed above, MDE urges a **FAVORABLE** report for SB 325.

Contact: Les Knapp, Government Relations Director
Cell: 410-453-2611, Email: les.knapp@maryland.gov

SB0325_Paint Stewardship_EEE_LPP.org_FAV.pdf

Uploaded by: Liz Feighner

Position: FAV



Testimony on: SB0325 - Maryland Paint Stewardship
Bill Sponsor: Senators Brooks and West
Committee: Education, Energy and the Environment
Organization: Less Plastic Please
Submitting: Liz Feighner
Position: Favorable
Hearing Date: February 6, 2024

[Less Plastic Please](#) is a Howard County based grassroots organization representing more than 200 subscribers. We are also a partner of the [Zero Waste Team](#) of [Howard County Sierra Club](#) and a [Beyond Plastics](#) Affiliate

Less Plastic Please supports SB0325, a bill that 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. 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. The paint stewardship program will save money for local governments and prevent household hazardous waste from ending up in landfills.

Eighteen counties, including Howard County, 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. Residents of Howard County would no longer have to drive up to 20 miles to the Alpha Ridge Landfill on Saturdays only to recycle paint.

SB0325 requires a producer of architectural paint sold at a retail store in Maryland to submit, by July 1, 2025, 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.

SB0325 will save money for local governments when budgets are very tight, foster reuse of paint products creating a circular paint economy, and reduce a waste management challenge.

We support SB0325 and recommend a FAVORABLE report in committee.

Submitted by Liz Feighner

[Less Plastic Please](#)

LessPlasticPleaseHoCo@gmail.com

Testimony Support- Written SB325 - Maryland Paint

Uploaded by: Marisa Olszewski

Position: FAV



Kim Coble
Executive Director

2024 Board of
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The Hon. Nancy Kopp,
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The Hon. Steve Lafferty
Patrick Miller
Bonnie L. Norman
Katherine (Kitty)
Thomas

February 5, 2024

Support: SB 325 - Maryland Paint Stewardship

Dear Mr. Chairman and Members of the Committee:

Maryland LCV supports SB 325 - Maryland Paint Stewardship and we thank Sen. Brooks for his leadership on this issue.

Despite the fact that most architectural paints are readily recyclable, most Maryland consumers do not have access to convenient, consistent collection programs for their unused paint. Without a sustainable, accessible system in place for collection, unused paint becomes just another hazardous household waste material in our landfills and incinerators with the potential to contaminate our air and water.

SB 325 offers a sustainable and demonstrated alternative. This product stewardship program will take the guesswork out of paint disposal for Maryland consumers and establish a system for paint retailers to share in the responsibility of collecting and recycling excess paint.

Already established in numerous other states in this country and, also successfully operating across Canada, paint recycling prevents harmful substances from entering our environment. Just one example of such a program in another state, Connecticut enacted a paint stewardship bill in 2011. Since that time, the program has collected over 1 million gallons of unwanted paint and in 2022 more than 80% of collected paints were successfully recycled.

Recycling paint also saves energy. Manufacturing paint from recovered material can prevent up to four times the greenhouse gas emissions that producing paint from virgin materials causes¹. Additionally, a system for paint collection and recycling keeps this hazardous, but otherwise reusable material out of landfills, reducing the cost burden to local governments and extending landfill capacity.

This esteemed committee, as well as the full Senate body, passed this legislation last year. We urge you to do so again. SB 325 represents smart resource use that will benefit Maryland's environment. **Maryland LCV urges a favorable report on this important bill.**

¹Israel Dunmade , "Recycle or Dispose Off? Lifecycle Environmental Sustainability Assessment of Paint Recycling Process", Resources and Environment, Vol. 2 No. 6, 2012, pp. 291-296. doi: 10.5923/j.re.20120206.07.
[<http://article.sapub.org/10.5923.j.re.20120206.07.html#Ref>]

SB325_MDSierraClub_fav 6Feb2024.pdf

Uploaded by: Martha Ainsworth

Position: FAV



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

Committee: Education, Energy, and the Environment

Testimony on: SB 325 - Maryland Paint Stewardship

Position: Support

Hearing Date: February 6, 2024

The Maryland Sierra Club strongly supports SB 325. 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,

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. In 2023, Illinois passed the program, which will go into effect in 2025.

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.

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 ^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 responsible 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 325.

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-Eventrecycling@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 ; Denice 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.

SB0325-EEE-FAV.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

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

SB0325

February 6, 2024

TO: Members of the Senate Education, Energy, and the Environment Committee

FROM: Nina Themelis – Director of Mayor’s Office of Government Relations

RE: Senate Bill 325 – Maryland Paint Stewardship

POSITION: **SUPPORT**

Chair Feldman, Vice Chair Kagan, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) supports Senate Bill (SB) 325.

SB 325 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 post-consumer paint statewide. The plan for the Paint Stewardship Program includes measures to minimize public sector involvement and financial responsibility for the management of post-consumer paint; reduce paint generation; promote the reuse and recycling of paint; and execute agreements to collect, recycle, and dispose of the post-consumer paints.

Unused paint and improper disposal of paint can result in serious negative impacts on 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. Baltimore City would welcome a program that establishes producer responsibility and promotes source reduction and recycling, setting a positive precedent for other types of products that are difficult and expensive to dispose of properly.

The paint stewardship program proposed in SB 325 would result in cost savings to the city. Baltimore City 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, making paint a substantial portion of that expense.

Baltimore's 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. 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 that is collected is brought to the municipal landfill or the waste-to-energy facility for disposal, both of which have disposal and operational costs.

SB 325 eases the disposal burden off local government and assigns the implementation of the proposed Paint Stewardship Program to the producers or representative non-profit organizations. 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.

For these reasons, the BCA respectfully requests a favorable report on SB 325.

2024.02.02_PSI_Testimony_SB 325.pdf

Uploaded by: Scott Cassel

Position: FAV



Scott Cassel
Chief Executive Officer/Founder

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February 5, 2024

Senator Brian J. Feldman, Chair
Senator Cheryl C. Kagan, Vice Chair
Education, Energy, and the Environment Committee
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

RE: Support for SB 325, 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 325**, 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 325 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 11 states, including Rhode Island, New York, Connecticut, Maine, Vermont, California, Colorado, Oregon, Washington, Illinois, and Minnesota. SB 325 is consistent with these laws. It is also consistent with the basic principles of extended producer responsibility included in HB 1 (the cross-filed paint EPR bill for SB 325).

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.

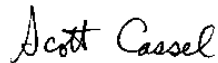
In 2019, PSI worked with a dozen recycled paint remanufacturers in North America to establish the International Paint Recycling Association (IPRA). IPRA members produce high-quality recycled latex paint from leftover paint that would otherwise go to waste. Collectively, they have recycled more than 25 million gallons of paint collected through PaintCare programs like the one that SB 325 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.

Sincerely,



Scott Cassel
Chief Executive Officer / Founder

Paint Stewardship Testimony (2-5-24).pdf

Uploaded by: Tom Taylor

Position: FAV

Testimony in Support of SB325: Maryland Paint Stewardship

This testimony is in support of HB1/SB325 to establish a paint stewardship program for Maryland.

This legislation is an important step in reducing and managing waste in Maryland, and in protecting our waterways, environment and public health from negative impacts. We need to do everything we can to protect the natural resources that are a foundation of our lives.

Paint collection is one of the costliest components of household hazardous waste management. The proposed Paint Stewardship program would establish a program for disposing of household paint at the end of its product life that 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. The program would be a significant step forward in good product stewardship.

For these reasons, I urge a favorable report.

Sincerely,
Tom Taylor
11-G Laurel Hill Road
Greenbelt, MD 20770

SB325_MRA_UNF.pdf

Uploaded by: Sarah Price

Position: UNF

MARYLAND RETAILERS ALLIANCE

The Voice of Retailing in Maryland



SB325 – Maryland Paint Stewardship Education, Energy, and the Environment Committee February 6, 2024

Position: Unfavorable

Background: HB1 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 and all such stewardship programs for items that are difficult or impossible to recycle.

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 collected may not surpass the cost of the program's operation, we continue to have concerns about the ability for any stewardship organization to only collect exactly as much funding as is required for operation. Assessment collection is based exclusively on the purchase of paint, and the law contains no mechanisms for ending fee collections once the program's needs have been met or for providing refunds to customers if assessments exceed the program's operational costs. We would also note that PaintCare, the nonprofit organization which operates paint stewardship programs in all other states that have enacted similar legislation, has historically reported revenues exceeding their operating expenses, 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. The fiscal analysis for the bill predicts a significant impact to small businesses even without considering the increased need for waste disposal and recycling.
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. Additionally, the fiscal analysis predicts an increase in local expenditures as government entities are not exempt from paying the additional fee for paint.
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 continue to urge an unfavorable report on the Paint Stewardship Program. Thank you for your consideration.