



Paint Product Stewardship Law- Act 58

Why Paint Stewardship?

On average, 2.3 gallons of paint is sold per person per year in the United States, of which, 10% is unused leftovers. Less than half of that is collected for proper disposal or recycling. Part of the reason for this is that up until now convenient, year round proper paint disposal has not been available. Improper paint disposal has negative impacts on our environment and is a waste of resources. Through Vermont's new [paint stewardship legislation](#), paint recycling and disposal will be handled by a paint stewardship organization funded by paint manufacturers. All manufacturers of architectural paint who wish to sell paint in Vermont will have to participate in an approved paint stewardship program plan. Architectural paint is defined as interior and exterior architectural coatings. This includes interior and exterior water and oil based coatings, primers, sealers and wood coatings that are sold in containers of five gallons or less. Manufacturers can create their own individual plan or work with a stewardship organization such as [PaintCare](#).

PaintCare is a Stewardship Organization for the American Coatings Association who will implement the paint stewardship program for paint manufacturers in Vermont. Although manufacturers could submit their own individual program plan, many will most likely choose to join with Paint Care as this will provide for consistency and efficiency in implementation. PaintCare will work closely with [VT DEC's Solid Waste Program](#) staff to ensure that all residents and small businesses have access to convenient collection locations.

As a result of Act 58 requirements, paint retailers may voluntarily collect unwanted paint for recycling or disposal from residents and small businesses at no charge. Collection of architectural paint at Household Hazardous Waste(HHW) Events and Facilities will also be offered at no charge. The cost of transportation and recycling/disposal will be paid for by a fee at the point of purchase. By offering collection services in more locations this will not only provide many convenient options for collection, but it will also shift the burden of costs for disposal and recycling from taxpayers and municipalities to the paint manufacturers and individuals purchasing the paint. Prior to this program it has cost Vermont municipalities about \$227,000.00 per year to manage the collection of leftover paint.

This program designed specifically for paint collection is similar to other take back programs in Vermont, such as the [electronics waste](#), [mercury containing bulbs](#) and [mercury thermostats](#) collection programs.

Timeline for Act 58

December 1, 2013: Manufacturers must submit a Paint Stewardship Program Plan to the Agency of Natural Resources (ANR).

The Plan submitted to ANR for approval must include:

- A list of participating producers and brands,
- A list of architectural paints covered,
- A description of how the program will collect, transport and manage paint at no additional cost to the person from whom the paint is collected,
- A description of how the program will provide convenient state-wide collection using existing household hazardous waste collection infrastructure and paint retailers that wish to participate,
- Geographic modeling for collection sites that meets the criteria that 90% of the Vermont population has a permanent collection site within a 15 mile radius and one additional permanent site for every 10,000 residents in a municipality,
- Goals to reduce the generation of leftover paint, promote reuse and properly manage postconsumer paint based on current HHW information,

- A description of how paint collected will be managed in the most environmentally and economically sound manner following the waste management hierarchy of source reduction, reuse, recycling, energy recovery and disposal,
- A description of education and outreach efforts to promote collection, source reduction and information to consumers on how the program is funded,
- A budget for the proposed program that has been audited by a third party with a proposed uniform state-wide paint stewardship assessment on each container of paint to be paid to the stewardship organization to fund the program, and
- Recommendations provided by a third party auditor that the assessment and budget is cost effective, reasonable, and limited to covering program costs only.

January 15, 2014: The Secretary of ANR reports to the House and Senate Committees on Natural Resources and Energy, the House Ways and Means Committee, and the Senate Committee on Finance regarding:

- The number of paint producers or stewardship organizations submitting plans,
- The proposed assessment in any plans,
- A recommendation as to whether the assessment is adequate, and
- A recommendation on what dollar amount to establish as a maximum cap on the amount of the assessment.

Responsibilities of Agency of Natural Resources

- Approve stewardship plans within 90 days of receipt from the above committees if it meets the criteria,
- Approve the assessment, and
- Maintain website which lists participating brands that retailers can sell.

July 1, 2014: Plan Implementation Begins (or three months after plan approval, whichever is later)

Retailer Responsibility

- May not sell paint that is made by a producer that does not participate in the stewardship program as listed on the ANR website,
- Provide information regarding available management options for postconsumer paint,
- Voluntarily participate in the collection program, and
- Add assessment cost to paint.

Collectors and Transporters Responsibility

- Facilities collection and transportation solely for the paint stewardship program within Vermont. Facilities are not required to obtain solid waste certification and transporters are not required to hold a solid waste haulers permit.
- Postconsumer paint collected as part of a stewardship plan that is considered hazardous is regulated as a Universal Waste, contained without leaks and properly labeled.
- Collectors operating one day, paint only special collection events must receive an Insignificant Waste Management Event Approval ([IWMEA](#)) from ANR.

Manufacturer Responsibility

- Submit a \$15,000.00 fee to ANR and annually thereafter,
- Carry out all responsibilities outlined in the stewardship plan to ensure convenient state wide collection and management of leftover architectural paint,
- Amendments to the plan must be approved by Secretary of ANR if program changes include:
 - Changes in the assessment (Note: the program must continue under original plan if assessment change is not approved)
 - Changes for the category of product covered (added or removed)
 - Revisions to the product stewardship program goals
- Written notification is required within 30 days if program changes include:
 - Number of collection sites
 - The producers or brands participating in the plan

- The processors that manage the paint

ANR Responsibility

- Provide DEC Solid Waste Program staff for effective implementation, review, reporting and general program oversight

October 15, 2015 and annually thereafter: The producer (or, manufacturer) or stewardship program(PaintCare) shall submit a report to include:

- A description of the methods used to reduce, reuse, transport, recycle and process postconsumer paint,
- The volume and type of postconsumer paint collected at each collection center,
- The volume of paint collected by method of disposition,
- An independent financial audit,
- Prior year actual cost for each program element and administrative and overhead costs,
- Samples of educational materials, and
- Revised goals (optional).

Questions?

Contact Mia Roethlein, VT DEC, Waste Management & Prevention Division, Solid Waste Program

mia.roethlein@state.vt.us or 802-522-5926