

## Responsiveness Summary for Proposed Paint Program Stewardship Plan

ANR received a revised Paint Stewardship Program Plan from PaintCare on March 1, 2023. This revised plan was posted for a first 30-day public comment period that ended May 30, 2023.

After ANR rejected PaintCare's March 1<sup>st</sup> revised Plan, PaintCare submitted a second revised version of the Plan on July 26, 2023 and this was posted for a second 30-day public comment period ending September 25, 2023. Below are comments received with associated responses from each of these public comment periods.

### **First Public Comment Period on the March 1<sup>st</sup> version of the Plan**

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ANR received six (6) comments from the following parties: Mary O'Brien, Southern Windsor Windham County SWMD; Esther Fishman, The Londonderry Solid Waste Group; Pam Clapp, Solid Waste Alliance for Communities; Joyce Majors, Lamoille Solid Waste Mgmt. District; Shannon Choquette, Northeast Kingdom Waste Mgmt. District; and Josh Estey, Chittenden Solid Waste Mgmt. District.

1. **Comment:** My comment is that those increased fees will drive even more people to purchase their paint in New Hampshire (but dispose of it through Vermont's PaintCare program).

**Response:** ANR recognizes that some people living in border towns may travel to NH for shopping because of convenience.

2. **Comment:** Is this the time to comment about the unrealized costs of collecting paint at our events? After all, paint amounts to a large percentage of what we collect with no compensation for set-up costs or environmental costs covered. If the folks who run events decide not to collect paint that would impact PaintCare's goal?

3. **Comment:** Would the increase in costs trickle down to assisting with costs for the events? Approximately, 50% of SWACs materials collected at events is paint and paint related items.

**Response:** SWMEs are required by the 2019 State Materials Management to provide collection for household hazardous waste which includes paint. Since the paint stewardship program started in 2014, paint disposal costs have been covered, but collection event set-up and environmental and energy surcharge fees have historically not been covered.

4. **Comment:** Is there an explanation as to why these fees must increase? The cost of paint has doubled since the pandemic so I don't feel this is the time to raise this fee by \$.35 for a gallon of paint. If it means the program can continue as is to stay alive, I guess we will have to accept it. I assume this is because contractor rates have increased?

**Response:** PaintCare explained in the budget section of the revised plan that the request to increase the fee is a result of projected decreases in the sale of paint and increased contractor and administrative costs and the fact that the program has always operated under a deficit.

5. **Comment:** With regards to the fee increase, it is my understanding that PaintCare has been working to get out of a deficit for quite some time now. I do think it is important that any fee

associated with this program can truly cover the cost of end of life management, and we all know that these costs are increasing all the time. So, I think it makes sense to increase the fees, however it's hard to know if this increase will be enough, which I suspect an audit process as mentioned would help shed some light on that. Of course, increasing fees may end up sending some folks over the river to NH to purchase paint, but let's be honest, the incentive to not pay tax probably does that already. Not that I want to promote that more. That being said, wouldn't it be great if manufacturers paid this fee, rather than the customer seeing it on their bill at the time of purchase? I can imagine this was proposed but lobbied against by manufacturers. The idea of working with a lobbyist is interesting and probably very beneficial. Knowing that the fee has not provided enough revenue to fully support this program, it would be nice to see more accountability on the manufacturers to cover the true costs of this program.

Which leads me back to my thoughts about the true costs of the program. Many SWMEs mention high costs associated with setup and labor costs. And yes, its true, the cost of hosting an event with a HHW contractor is very expensive, and that a large majority of what is collected at these events is paint (from my experiences at events). However I believe that we can see from what's happening now that there are many ways for SWMEs to address this. We can allocate funding to create the local infrastructure that will allow us to decrease costs and manage more HHW activities in-house, or we could continue using HHW vendors to set up events at extremely high costs and continue to try to find methods to meet those costs (which are set by for-profit corporations). I understand that this is difficult and a multifaceted issue across the state, but we should not allow for profit businesses to dictate how we propose fee structures. The focus should always be decreasing costs as much as possible, not finding ways to continue paying for increasingly expensive services.

**Response:** ANR notes the above comments and will take them into consideration.

6. **Comment:** Is the goal to have this new plan implemented for July 1?

**Response:** PaintCare has proposed the fee increase go into effect on January 1, 2024. If the Agency were to deny the proposed plan, the current plan would stay in effect until a new plan is approved.

### **Second Public Comment Period on the July 26<sup>th</sup> version of the Plan**

ANR received four (4) comments from the following parties: Bryan Gazda, Town of Hartford; Esther Fishman, The Londonderry Solid Waste Group; Pam Clapp, Solid Waste Alliance for Communities; Joyce Majors, Lamoille Regional Solid Waste Management District.

1. **COMMENT:** Thank you for the information. Just so I am clear on pricing, the proposed increase in fees is what is passed along to the consumer when buying the paint. Correct?

**Response:** Yes, this is correct and is reflected in the paint assessment fee that is listed on the receipt at the time the consumer purchases paint.

2. **Comment:** Might this new plan offer any relief for the SWMEs who run collections and incur rather hefty fees for setup and EIS fees? Paint is about 50% of what we collect. If the SWMEs choose to no longer collect paint at the events our fees would be less and PaintCare might not be able to reach their goal.

**Response:** Since the paint stewardship program started in 2014, paint disposal costs have been covered, but collection event set up and environmental and energy surcharge fees have historically not been covered.

3. **Comment:** I'd like to see some discussion about them accepting paint in aerosol cans.

**Response:** The cost to collect and properly dispose of paint containing aerosol cans has not historically been covered by the stewardship program since aerosols were previously categorized as hazardous waste by EPA.

4. **Comment:** I'm not crazy about the increase in the fee. I'm hearing many grumblings out there that I haven't heard in a long time.

**Response:** ANR will review the fee increase against the requirements of state statute.