

Paint Program

Collection, Storage & Handling

In order to promote proper management and recycling of waste paint, the Vermont Legislature passed the **Paint Stewardship Program (Act 58)** legislation in May 2013. This legislation implemented a new paint manufacturer stewardship program that will become effective on May 1, 2014, and requires paint manufacturers to collect and properly manage leftover “postconsumer paint” (both oil and latex).

According to § 6680 of Act 58 (Universal Waste Designation for Post-consumer Paint), postconsumer paint that is regulated as hazardous waste under **Vermont’s Hazardous Waste Management Regulations (VHWMR)**, and collected according to an approved stewardship plan, may be managed as “universal waste” under Subchapter 9 of the VHWMR. In general, the Subchapter 9 universal waste standards are alternative streamlined standards that apply to specific common low-risk wastes (e.g., batteries, thermostats, fluorescent lamps) that would otherwise need to be managed as hazardous waste.

What is postconsumer paint? As defined in Act 58, “post-consumer paint” means architectural paint and its containers not used and no longer wanted by a purchaser. “Architectural paint” means interior and exterior architectural coatings, including interior or exterior water- and oil-based coatings, primers, sealers, or wood coatings that are sold in containers of five gallons or less. “Architectural paint” does not mean industrial coatings, original equipment coatings, or specialty coatings.

What postconsumer paints are typically regulated as “hazardous waste” under the VHWMR (and therefore may be managed as “universal waste”)? In general, **oil- or solvent-based** post-consumer paints that are accepted from small businesses or other non-household sources (e.g., municipalities) are likely regulated as hazardous waste in Vermont and therefore may be managed according to the less-stringent universal waste standards as long as they are collected as a part of the approved paint stewardship program.

Latex paint is typically not regulated as hazardous waste.

All waste generated by households is exempt from regulation as hazardous waste.

Besides the container management and marking standards specified for universal waste postconsumer paint in Act 58, what additional universal waste standards apply to collected postconsumer paint?

While § 6680 of Act 58 specifies container management and marking standards for universal waste postconsumer paint, it does not address the additional requirements that apply to all other universal wastes under VHWMR Subchapter 9. As such, the following information is provided with the assumption that facilities collecting postconsumer paint are acting as “small quantity handlers.”¹

¹ Since the Agency believes it is unlikely that facilities accepting/collecting postconsumer paint will exceed the 5,000 kilogram (11,000 pound) accumulation limit (total amount of universal waste accumulated on-site at one time) for “small quantity handlers” of universal waste, this document only addresses those additional requirements that apply to small quantity handlers; facilities that accumulate 5,000 kilogram or more of universal waste must also meet the more stringent requirements that apply to “large quantity handlers” of universal waste.

In addition to the container management and marking requirements specified in Act 58, the following universal waste standards apply to postconsumer paint:

- Universal waste postconsumer paint may not be accumulated for longer than one year
- All employees handling universal waste postconsumer paint must be thoroughly familiar with proper waste handling and emergency procedures relative to their responsibilities during normal facility operations
- Any discharge/release (i.e., to the environment) of universal waste postconsumer paint must be managed according to the emergency response/reporting/corrective action requirements of VHWMR § 7-105
- All off-site shipments of universal waste postconsumer paint must be made in accordance with VHWMR § 7-912(i); it should be noted that the “universal waste” designation for postconsumer paint only applies in Vermont; any collected paint that is sent out of Vermont must be managed in accordance with the requirements of the states through/to which it is sent.
- Universal waste transporters must comply with the requirements of VHWMR § 7-913

Paint Stewardship Legislation (Act 58):

<http://www.anr.state.vt.us/dec/wastediv/HHW/documents/ACT058.pdf>

VHWMR Subchapter 9:

http://www.anr.state.vt.us/dec/wastediv/rcra/hazregs/VHWMR_Sub9.pdf

Waste Management & Prevention Division’s Paint Page:

<http://www.anr.state.vt.us/dec/wastediv/HHW/paint.htm>

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