

July 24, 2009

Paint Stewardship Law Enacted in the U.S.

The producer responsibility program is a demonstration intended to spread from state to state.



Oregon Gov. Ted Kulongoski has signed a number of environmental measures into law recently, including one for recycling paint.

Oregon has launched the first legally mandated program in the US requiring manufacturers to finance the management of leftover latex and oil-based paint. The law covers consumer and contractor jobs that use architectural paint sold in containers of five gallons or

less.

The new program is the result of an historic national agreement among paint makers, retailers, and other interested parties facilitated by the nonprofit Product Stewardship Institute (see **Paint Stewardship Prepped and Ready**, 12 April 2008). The deal has been in the making for seven years and demanded an unparalleled level of perseverance by all the parties, not least of all by the National Paint and Coatings Association. No trade association in any industry in the US has come close to the consensus forged on the paint takeback initiative.

Manufacturers of paint sold in Oregon, or a stewardship organization representing them, must run convenient, statewide collection sites as laid out in an approved plan by 1 July 2010. They must pay fees on each container sold high enough to recover — but not exceed — the cost of the program. Consumers will not be charged a separate, visible fee at the time they buy paint or when they drop off leftover paint at a collection site. The cost per gallon could rise by perhaps \$0.25 or \$0.35 cents.

The manufacturers must also ante up an annual administrative fee of \$10,000 each to the state Department of Environmental Quality for oversight and enforcement activities.

The paint industry is also required to implement strategies to reduce the amount of paint wasted, promote the reuse of leftover paint, and educate consumers about the program.

The plans for the stewardship program are due by 1 March 2010. Annual reports on how the program is doing must be filed starting 1 September 2011.

“The new law will make paint recycling more convenient throughout the state, particularly in areas where local governments do not offer paint recycling opportunities,” says Abby Boudouris, Household Hazardous Waste Coordinator for the Oregon Department of Environmental Quality. “Getting ahead of the producer responsibility trend rather than fighting the inevitable, the paint manufacturers were active partners in figuring out a meaningful solution.”

The Portland area’s elected **Metro** regional government is expected to play a vital role in collecting and recycling the leftover paint. It has operated MetroPaint since 1992, each year turning leftover paint into about 120,000 gallons of high-quality recycled latex, which it sells to consumers and painting contractors for from \$6 and \$10 per gallon. Beginning this month, Miller Paint stores in the greater Portland area will be selling eight colors of MetroPaint in 1- and 5-gallon containers.

“This innovative public-private partnership reflects our region’s commitment to conserving natural resources by preventing waste, reusing valuable materials, and recycling,” says David Bragdon, Metro council president.

The Oregon law is expected to result in the management of an estimated 800,000 gallons of leftover paint each year. Leftover paint is the largest component of local household hazardous waste collection programs. In the US, an estimated 10% of the more than 750 million gallons of architectural paint sold is unused.

Because Oregon is first, all the stakeholders will be on the scene to watch, evaluate, and tinker with various aspects of the program. The **Product Stewardship Institute**, as the

convenor and central player in the effort, is likely to continue to have an important role in the process.

Representatives from other states and the US Environmental Protection Agency will be on hand, too.

Connecticut and Vermont could be the next states to adopt the model within a few years' time.

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