



# ***PaintCare***

## **The Oregon Paint Stewardship Pilot Program**

### **Illinois Counties Solid Waste Management Association 2010 Conference**

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# Presentation

- Background
- Product Stewardship
- Legislation
- Program Elements
- Next Steps
- PaintCare/ACA Roles
- Questions



# ACA

- **The American Coatings Association is a voluntary non-profit association, originally organized in 1888**
- **ACA represents approximately 250 manufacturers, distributors, raw material suppliers to the industry, and individuals working in the industry**
- **Serve as advocate, compliance assistance resource and community liaison**
  - Legislative
  - Regulatory
  - Judicial



# Background

- **Paint identified as the #1 issue by cost and volume for HHW Programs**
- **PPSI formed w/facilitation by Product Stewardship Institute**
  - capable of effectively coordinating multi-stakeholder and multi-state approach to the issue
- **ACA joined PPSI in 2003**
  - Coordinated approach versus state-by-state approach
  - Share information with state and local governments
  - Gain better information from non-industry stakeholders
- **Goal was to find a resolution**
  - Status Quo not adequate



# Background Cont.

- **1<sup>st</sup> PPSI MOU in 2005 for pilot projects**
  - Projects address the potential to eliminate or lower leftover paint volume and cost and data gaps
- **2<sup>nd</sup> PPSI MOU in 2007 following ACA Board Resolution**
  - Develop a nationally coordinated system for the management of post-consumer waste paint
- **Key Elements**
  - Consumer Education
  - No Mandatory Retail Take-Back
  - Cost Effective
  - Industry Operated Product Stewardship Organization
  - Market Based Financing
  - Begin w/Pilot State



# Product Stewardship

- **“Shared Responsibility”**
  - All participants involved in the life cycle of a product share responsibility for its impacts (production, use, end-of-life management)
  - Producers, retailers, consumers
- **Used interchangeably with “Extended Producer Responsibility”**
  - Should NOT be a way to merely shift end-of-life management costs to producers
- **If producers are going to take responsibility for end-of-life management of their products – they must be afforded the opportunity to run and manage their own programs**



# Product Stewardship, cont.

- **Should result in cost savings to local HHW programs**
  - Does not mean a reimbursement for current programs
- **Should result in better purchasing habits and waste minimization as well as collection and recycling**
  - Mandatory collection and recycling goals not appropriate for consumable products
- **Should result in more efficient, economic system**
  - Statewide systems – not a county by county or city approach
- **Should NOT result in larger state bureaucratic programs**
  - Beware of Product Stewardship “Framework” legislation
  - Minimum state oversight and enforcement authority



# Legislation

- **Implementing legislation was necessary**
  - Must have all producers participating to ensure a level playing field
  - Need anti-trust protection for financing system
- **Consensus language among all stakeholders**
- **Industry-run program with sustainable financing system**
  - Role for retailers and consumers
- **Program plan submitted for approval to**



## Legislation, cont.

- **Introduced in MN in 2008 and passed both houses, but vetoed by Governor**
- **Reintroduced in MN, OR, and CA for 2009 session**
  - Vetoed again in MN and held over in CA, but passed in OR
- **ACA's new "PaintCare" non-profit organization incorporated to implement**
  - Architectural paint manufacturers
  - Contracted with Product Care as Program Managers



# Program Elements

- **Manufacturer**

- Registers as a PaintCare participant
- Reports sales and pays PaintCare a PaintCare Recovery Fee for every architectural paint container sold in Oregon
- Adds PaintCare Recovery Fee to wholesale cost of paint to distributors and retailers

- **Retailer**

- Checks OR DEQ website to make sure producer is part of PaintCare
- Adds PaintCare Recovery Fee to the final purchase price of paint
- Provides point of sale PaintCare educational materials
- Acts as a collection site for return paint (on a voluntary basis)



# Program Elements, cont.

- **Household Hazardous Waste Programs**
  - Acts as a collection site for return paint (on a voluntary basis)
    - Permanent or events
    - Transportation and ultimate end-of-life paint management provided by PaintCare
    - Reuse, recycling and other management methods may also be contracted for
- **Consumer**
  - Pays PaintCare Recovery Fee when they buy new architectural paint in Oregon
  - Drop off unused, leftover paint to any of the PaintCare collection sites in Oregon



# Program Elements, cont.

- **PaintCare**

- Files Program Plan on behalf of manufacturers
- Contracts for collection, transportation and end-of-life management of program products
- Provides education and outreach materials and media
- Reports annually on program elements to Oregon DEQ



# Next Steps

- **Evaluate Oregon Pilot to bring program to other states**
- **CA bill awaiting Governor's signature**
  - Implementation date of 2012
- **Other PPSI states with staggered implementation dates**
  - VT, CT close to passing legislation in 2010
- **Non-PPSI states – coordinated approach**



# PaintCare/ACA Roles

- **PaintCare's role is operational – continue to pursue a successful pilot in OR and undertake administrative role in any other state that adopts program**
- **ACA's role is advocacy – continue to fulfill obligations of PPSI and manage paint and other extended producer responsibility legislation across US**



# Questions?



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