

Price of paint could rise in Mass.

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STATE HOUSE NEWS SERVICE

BOSTON -- The cost of a can of paint in Massachusetts could increase next year under a new program supporters say would save millions in waste disposal costs for cities and towns, while opponents blast it as a hidden tax.

Legislation filed by Sen. Anne Gobi would create the Massachusetts Paint Stewardship Program, which would add an assessment fee to the cost of all house paint sold in the state. The money would be used for the collection, reuse and recycling of used leftover paint. Paint manufacturers would run the program, and collection points could be set up at retailers or municipal government sites on a voluntary basis.

The Product Stewardship Institute, which first mediated an agreement with the paint industry to develop a model paint stewardship program 12 years ago, estimates that Massachusetts could save \$12 million annually by implementing the program, already in place in Maine, Connecticut, Vermont, Rhode Island, Oregon, California, Colorado and Minnesota.

"It saves local governments millions of dollars because right now, recycling any of the paint that's collected needs to be paid for by taxpayer-funded government programs," said Scott Cassel, founder and chief executive officer of the Boston-based institute.



Sen. Gobi

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The paint stewardship bill (S 2052) was teed up for advancement by the Senate last Wednesday in its last formal session of the year, but postponed after Minority Leader Bruce Tarr, a Gloucester Republican, asked for more time so that the legislation and substantial amendments to it could be given "careful

consideration."

A similar bill was proposed last year and did not make it through the Senate.

Tom Philbin, outreach and advocacy coordinator for the Massachusetts Municipal Association, said the cost of paint recycling has been an issue facing municipalities for years.

"It's another article of material that cannot be disposed of in landfills, so it's got to be managed," Philbin said. "Municipalities have been out there dealing with this stuff, and it's costly to dispose of it. With the paint industry stepping up and voluntarily providing the resources to maintain paint and help with the infrastructure, I have nothing but praise for that industry for doing that. No other industries have done that. They've fought it tooth and nail."

The statewide trade group representing retailers has expressed concern that passage of the paint stewardship bill could lead to similar recovery fees or takeback programs for an array of products, such as thermostats, tires, carpets, mattresses and televisions, potentially driving up consumer costs and burdening retailers.

"And after paint, what's next?" Retailers Association of Massachusetts President Jon Hurst wrote in a letter to senators. "Proponents of this bill have described paint as 'the gateway drug to Extended Producer Responsibility.'"

The association believes the stewardship program would hurt local paint sellers, putting them at a competitive disadvantage with internet sellers and stores in New Hampshire that do not charge sales tax or paint assessment fees.

"For a consumer who uses the entire gallon of paint, they will have paid the 'fee' and yet received no service," Hurst wrote. "Most RAM members and most consumers would argue that this is not a fee at all, but rather a TAX."

Cassel, the head of the stewardship institute, said he had been surprised to hear of the retailer group's opposition in Massachusetts and that small store owners in states with paint stewardship programs approve of them.

"They compete on service, whereas maybe the larger retailers compete on cost, so it gives them an opportunity to bring in customers, talk to them, and provide a service which to them is virtually free," he said.

Cassel also disputed the idea that the paint assessment would be a tax, saying that taxes go into the state's general fund while this fee would go directly to recycling or reusing paint and education on reducing paint wastes.

"This is the future," Cassel said. "It's not a tax. It is approximating more of the true cost of what these products should be sold for, in order to manage them after the consumer uses that product."

The legislation does not establish a particular amount for the proposed paint stewardship fee.

Gobi, a Spencer Democrat, said during debate on the bill that manufacturers would set the amount, which in other states has varied based on the size of the can. For a half pint or less of paint, nothing extra is

charged, she said. An extra 75 cents is added to gallon containers, with \$1.60 tacked on for five gallons or larger.

A series of amendments, including one that would strike the assessment fee, have been filed to the bill by Tarr and Sen. John Keenan and are backed by the retailer's association, which says they would "mitigate the impact of the bill" on sellers and consumers.

A Keenan amendment seeks to remove the assessment entirely, while amendments from Tarr would make the fee optional, require the Legislature to be notified of the fee amount before it goes into effect and require the paint industry to provide retailers with "educational materials, including materials detailing the total amount of the paint stewardship amendment."

Tarr has also put forth an amendment that would delay the start of the program from October 2016 until 2017. Keenan has proposed changes that would make it clear that paint manufacturers cannot force retailers to participate, and that would provide assistance or incentives for small retailers to participate if they lack the staffing capacity or physical space to serve as collection points.

The bill remains on the Senate's calendar and will surface for consideration each time the Senate meets with a formal calendar.