

PSI FACT SHEET ON THE OREGON PAINT PRODUCT STEWARDSHIP LAW

On July 23, 2009, the State of Oregon launched the nation's first manufacturer-financed system for the end-of-life management of leftover architectural paint. The bill was endorsed by the National Paint and Coatings Association, the Oregon Department of Environmental Quality (DEQ), and Metro regional government (representing 1.3 million people in the Portland Metro area), among other stakeholders, as a result of a national negotiation facilitated by the Product Stewardship Institute. The law establishes a **statewide paint stewardship pilot program** that will serve as a demonstration for programs in other states across the nation.

What was the motivation for the legislation?

An estimated 10 percent of the more than 750 million gallons of architectural paint sold each year in the United States is unused. Leftover paint is the largest component of local household hazardous waste collection programs and is difficult to manage. This material can be captured for reuse, recycling, energy recovery, or safe disposal, but doing so requires public awareness and a convenient and effective infrastructure at the local level that exceeds local government budgets and capacity. The law is expected to result in the proper management of an estimated 800,000 gallons of leftover paint each year and to provide Oregon governments with service valued at over \$6 million annually. Governments that currently collect leftover paint will realize a direct financial savings.

What is covered?

This law applies to "architectural paint," which includes both oil-based and latex paints used for the interior and exterior of buildings that is sold in containers of 5 gallons or less. It does *not* include industrial, original equipment, and specialty coatings (e.g., arts & crafts paints).

What does the law require of manufacturers and retailers?

The **manufacturers** of paint sold in Oregon, or a **stewardship organization** representing manufacturers, are required to set up and run a convenient, statewide system for the collection of post-consumer architectural paint. Manufacturers or the stewardship organization must:

- Identify the brands of paint sold by a manufacturer.
- Implement pilot program by July 1, 2010 as described in approved plan.
- Pay an "architectural paint stewardship assessment" for each container of paint sold in Oregon, such that the funds collected are enough to recover -- but not exceed -- the cost of running the paint stewardship pilot.
- Develop and implement strategies to reduce the amount of post-consumer paint that becomes waste, including contracting for the collection, transport, recycling, energy recovery, or sound disposal of leftover paint.
- Promote the reuse of leftover paint.
- Educate consumers about how to reduce their paint waste and where to bring their leftover paint. These materials will also make clear that the cost of running the program is being added to the purchase price of paint sold in the state. *Consumers will not be charged a fee at the time of purchase or drop-off of leftover paint at a collection site.*
- Pay an administrative fee to the Oregon DEQ (\$10,000 upon plan submission and \$10,000 annually thereafter) for plan approval as well as oversight and enforcement activities.
- Submit a plan to the Oregon DEQ by March 1, 2010, and submit a report to the Oregon DEQ by September 1, 2011 (and annually thereafter).

PRODUCT STEWARDSHIP

Product stewardship efforts aim to encourage manufacturers and retailers to take increasing responsibility to reduce the life-cycle impacts of a product and its packaging – energy and materials consumption, air and water emissions, the amount of toxics in the product, worker safety, and waste disposal – in product design and in the end-of-life management of the products they produce.

PSI

The Product Stewardship Institute (PSI) is a national non-profit environmental institute with membership from 45 states, over 100 local governments, and over 50 businesses, environmental groups, and organizations that establishes cooperative agreements to reduce the health and environmental impacts from consumer products. We work with state and local government agencies to partner with waste firms, manufacturers, retailers, environmental groups, federal agencies, and other key stakeholders. The mission of PSI is to pursue initiatives to ensure that all those involved in the lifecycle of a product share responsibility for reducing its health and environmental impacts, with producers bearing responsibility for financing collection and recycling, or safe disposal.

What are the roles in the Oregon Paint Product Stewardship Law?

Manufacturers	<ul style="list-style-type: none"> Manufacturers may not sell their product in Oregon unless they are in compliance with the requirements of the paint stewardship program. Manufacturers are also specifically permitted in the law to exchange information as needed to implement the requirements of the program without being in violation of federal and state anti-trust laws.
Retailers selling paint in Oregon	<ul style="list-style-type: none"> Ensure that the manufacturers of any paint they are selling in the state have submitted an approved product stewardship plan indicating their participation in the state-wide paint stewardship pilot program. Retailers will access this information on the Oregon DEQ's website. Provide information to consumers purchasing paint about the available end-of-product-life management options provided through the paint stewardship program.
State and local government	<ul style="list-style-type: none"> The Oregon DEQ will review and, as appropriate, approve the stewardship organizations' plan and reports, and will provide an up-to-date webpage with a list of compliant manufacturers and the brands of paint they sell. By October 1, 2011, the agency must report to the Legislature on the outcomes of the pilot and their recommendations of whether the program should continue and, if so, any changes that should be made. The paint program will build on existing local government programs and infrastructure.

What does this law mean for consumers?

Oregon residents will purchase and use their paint in the same way they always have, but will be provided information that recommends ways to purchase the right amount of paint, reduce the amount of paint that becomes waste, and what to do with any leftover paint that does accumulate. They will be able to drop their leftover paint off at convenient locations, for no charge.

What does this law mean for contractors?

Contractors will also be able to access the product stewardship system, and will no longer be charged when dropping off leftover paint.

What is "producer responsibility"?

The new law ties into the wider producer responsibility movement, in which Oregon is a national leader. Producer responsibility means manufacturers internalize the end-of-life management costs of their products rather having government set up and fund collection programs for waste products.

The Oregon Paint Law can be found at:

<http://www.leg.state.or.us/09reg/measures/hb3000.dir/hb3037.en.html>

The Oregon Paint Law is an outgrowth of the **Paint Product Stewardship Initiative**, facilitated by the Product Stewardship Institute. Information can be found at: www.productstewardship.us/PaintNationalDialogue

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