

PAINT STEWARDSHIP LEGISLATION

Process for Roll-Out to States

Background: Since December 2003, the Product Stewardship Institute, Inc. (PSI) has facilitated a national dialogue aimed at reducing the generation of leftover paint while increasing reuse and recycling opportunities. This dialogue, known as the Paint Product Stewardship Initiative (PPSI), has included paint manufacturers and their association (American Coatings Association (ACA)), retailers, painting contractors, recyclers, and government agencies at the local, state, and federal levels. The dialogue resulted in two Memorandums of Understanding, eight research projects, a pilot paint stewardship law in Oregon, and an evaluation of the Oregon program. The Oregon law was supported by all stakeholders and was introduced in the legislature by ACA. Information about the PPSI can be found on the [PSI website](#).

All US states were invited to participate in the PPSI, but only nine states have been active: CA, CT, FL, IA, MN, NC, OR, VT, and WA. These states contributed significant time and financial resources with the understanding that they would be first in line to introduce the paint stewardship legislation and to implement paint stewardship programs. Their engagement, along with that of other stakeholders, was formalized in a [Memorandum of Understanding](#) dated October 2007. (The original list of active states included IL, but CT took its place when it contributed funds and resources to finalize the second MOU.)

Action Steps and Recommendations

For MOU Signatories

- (1) Continue participation in dialogue calls and meetings to:
 - a. Work with the architectural paint industry to develop legislation specific to each state.
 - b. Evaluate existing paint stewardship programs, beginning with the first program in Oregon.
- (2) Introduce legislation according to the revised rollout timeline (see Appendix A, attached).
- (3) Continue to support the PPSI process financially.

For Non-MOU States

- (1) Become part of the PPSI process by contributing financially to support the effort, participating in the dialogue meetings or calls, and/or becoming a signatory on the MOU.
- (2) Prepare for introduction of the industry-supported model paint stewardship legislation by doing the following:
 - a. Become familiar with paint stewardship legislation by accessing information and networks. One way to do that is to participate in PPSI dialogue meetings (usually held by teleconference) and sign up to receive briefings. (Contact PSI at lisa@productstewardship.us; 617 236-4866.)
 - b. Educate local governments and other stakeholders about the importance of paint stewardship and how to support and implement it.
 - c. Implement programs to reduce the existing backlog of leftover paint stored in people's homes.
 - d. Document the performance of existing programs to reduce, reuse, collect, and recycle leftover paint.

- e. Engage retailers to become potential leftover paint collection sites and begin discussions with retailers about the industry-supported paint stewardship model to pave the way for future in-state retailer support.
- (3) Wait to introduce paint stewardship legislation until all states that are MOU signatories have had the opportunity to introduce legislation. Signatory states have had the benefit of working together with the paint industry through numerous legal, policy, and administrative issues. States that are not MOU signatories can use the lessons learned from these early programs to design and implement better legislation and subsequent paint programs.

Justification: The reasons why PPSI stakeholders prefer the introduction of paint legislation in the MOU states prior to non-MOU states are two-fold. First, the paint industry and the PPSI's resources are limited. Substantial resources are required to draft and enact paint stewardship legislation, including finding bill sponsors and building support among legislators and other stakeholders within the timeframe of a legislative calendar. Substantial resources are also required to design and implement paint stewardship programs, including developing stewardship plans in coordination with the state agency; procuring bids from service providers; establishing an appropriate collection infrastructure; engaging retailers, local governments, and consumers to build support; and developing a marketing program targeted to specific audiences. Second, the PPSI group seeks to learn from paint stewardship programs as they are implemented. Oregon's paint stewardship program was designed as a pilot to inform other states' programs. PPSI stakeholders envision that federal paint legislation will be appropriate after programs in a representative number of states have been enacted and tested. Time is needed to learn from programs that are just now being put into place.

CONTACT: To find out more about the Paint Product Stewardship Initiative, please contact Scott Cassel, PSI Executive Director, at (617) 236-4822, or Scott@productstewardship.us.

Appendix A: “Rollout” Timeline (as of December 2010)

The following nine states were listed in the 2007 Paint Product Stewardship Initiative Memorandum of Understanding, which included a timeline for implementation. This chart updates that timeline. The first two states, Oregon and California, have already passed laws. The dates listed for the other seven states are revised dates for when bills are expected to be introduced in those states. The one state in red (Connecticut) indicates a formal commitment by the American Coatings Association (ACA) to lobby for passage of the bill. Other states listed are also expected to receive ACA support. Illinois and Massachusetts, two **non-MOU states**, are also listed because they contributed significant resources during the first four years of the paint dialogue.

State	Target for Legislation	Target for Implementation
MOU States		
Oregon	2009	2010
California	2010	2012
Connecticut	2011	
Vermont	2011?	
Minnesota	2011?	
Iowa	2011?	
North Carolina	2012?	
Florida	2012?	
Washington	2012?	
Non-MOU States		
Illinois	2012 (study bill) 2013 (ACA bill)	
Massachusetts	?	