

House Bill 3037

Sponsored by COMMITTEE ON SUSTAINABILITY AND ECONOMIC DEVELOPMENT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates pilot program for paint stewardship. Directs manufacturers of paint to create program. Requires paint manufacturers to report to Director of Department of Environmental Quality. Sunsets January 2, 2014.

A BILL FOR AN ACT

1
2 Relating to paint stewardship.

3 The Legislative Assembly finds that a paint stewardship pilot program would allow paint man-
4 ufacturers to:

5 (1) Establish an environmentally sound and cost-effective paint stewardship program;

6 (2) Undertake responsibility for the development and implementation of strategies to reduce the
7 generation of post-consumer paint;

8 (3) Promote the reuse of post-consumer paint; and

9 (4) Collect, transport and process post-consumer paint for end-of-life management.

10 **Be It Enacted by the People of the State of Oregon:**

11 **SECTION 1. As used in this section and sections 2 to 4 of this 2009 Act:**

12 (1) **“Architectural paint” means interior and exterior architectural coatings, including**
13 **paints and stains purchased for commercial or homeowner use, but does not include archi-**
14 **tectural coatings purchased for industrial or original equipment manufacturer use.**

15 (2) **“Distributor” means a person that has a contractual relationship with one or more**
16 **manufacturers to market and sell architectural paint to retailers.**

17 (3) **“Manufacturer” means a manufacturer of architectural paint.**

18 (4) **“Paint stewardship assessment” means the amount included in the purchase price of**
19 **architectural paint sold in this state.**

20 (5) **“Post-consumer paint” means architectural paint not used by the purchaser.**

21 (6) **“Representative organization” means the nonprofit organization created by the man-**
22 **ufacturers to implement the paint stewardship pilot program described in section 2 of this**
23 **2009 Act.**

24 (7) **“Retailer” means a person who sells architectural paint at retail.**

25 **SECTION 2. (1) On or before September 1, 2010, manufacturers of architectural paint sold**
26 **at retail shall, through a representative organization, implement a statewide paint**
27 **stewardship pilot program for the development and implementation of strategies to reduce**
28 **the generation of post-consumer paint, promote the reuse of post-consumer paint and**
29 **undertake the responsibility of negotiating and executing agreements to collect, transport,**
30 **and process post-consumer paint for end-of-life management in an environmentally sound**
31 **fashion.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (2) The plan must include a funding mechanism whereby each architectural paint man-
 2 ufacturer remits to the representative organization payment of the paint stewardship as-
 3 sessment for each container of architectural paint the manufacturer sells in this state.

4 (3) The paint stewardship assessment must be included in the cost of all architectural
 5 paint sold to Oregon retailers and distributors. Each Oregon retailer or distributor must in-
 6 clude the assessment in the purchase price of all architectural paint sold in this state.

7 (4) To ensure that the funding mechanism is equitable and sustainable, a uniform paint
 8 stewardship assessment must be established by the representative organization for all ar-
 9 chitectural paint sold in this state. The paint stewardship assessment must be approved by
 10 the Director of the Department of Environmental Quality and must be sufficient to recover,
 11 but not exceed, the costs of the paint stewardship pilot program.

12 (5) Paint manufacturers or their representative organization shall provide consumers
 13 with educational materials regarding the paint stewardship assessment and the paint
 14 stewardship pilot program in a manner designed to ensure that consumers are made aware
 15 that a provision for the operation of a paint stewardship program is included in the purchase
 16 price of all architectural paint sold in this state.

17 **SECTION 3.** (1) On or before September 1, 2011, manufacturers of architectural paint sold
 18 at retail in this state must, through a representative organization, submit a report to the
 19 Director of the Department of Environmental Quality describing the paint stewardship pilot
 20 program. At a minimum, the report must contain:

21 (a) A description of the methods used to collect, transport and process post-consumer
 22 paint in all regions of Oregon;

23 (b) The volume of post-consumer paint collected in all regions of Oregon;

24 (c) The volume of post-consumer paint collected in Oregon by method of disposition, in-
 25 cluding reuse, recycling and other methods of processing;

26 (d) The total cost of implementing the pilot program as determined by an independent
 27 financial audit funded from the paint stewardship assessment;

28 (e) An evaluation of the operation of the program's funding mechanism;

29 (f) Samples of educational materials provided to consumers of architectural paint and an
 30 evaluation of the methods used to disseminate those materials; and

31 (g) An analysis of the environmental costs and benefits of collecting and recycling latex
 32 paint.

33 (2) Data reported to the director by a manufacturer or organization of manufacturers is
 34 exempt from disclosure under ORS 192.501, except that the director may release the data in
 35 summary form in which individual manufacturers, distributors or retailers are not identified
 36 and from which neither their identities nor any other characteristics that could uniquely
 37 identify an individual manufacturer or retailer is ascertainable.

38 **SECTION 4.** On or before October 1, 2012, the Director of the Department of Environ-
 39 mental Quality shall submit a report to the appropriate legislative committee of environment
 40 describing the results of the paint stewardship pilot program and recommending whether it
 41 should be made permanent and any modifications to improve its functioning and efficiency.
 42 The report must also include an evaluation and recommendation of how to unite any per-
 43 manent paint stewardship program with any extended producer responsibility program the
 44 department has established.

45 **SECTION 5.** Sections 1 to 4 of this 2009 Act are repealed on January 2, 2014.

