

## HB 2048 Paint Product Stewardship

Thursday, March 14, 2013



State of Oregon  
Department of  
Environmental  
Quality

### About the Paint Product Stewardship law

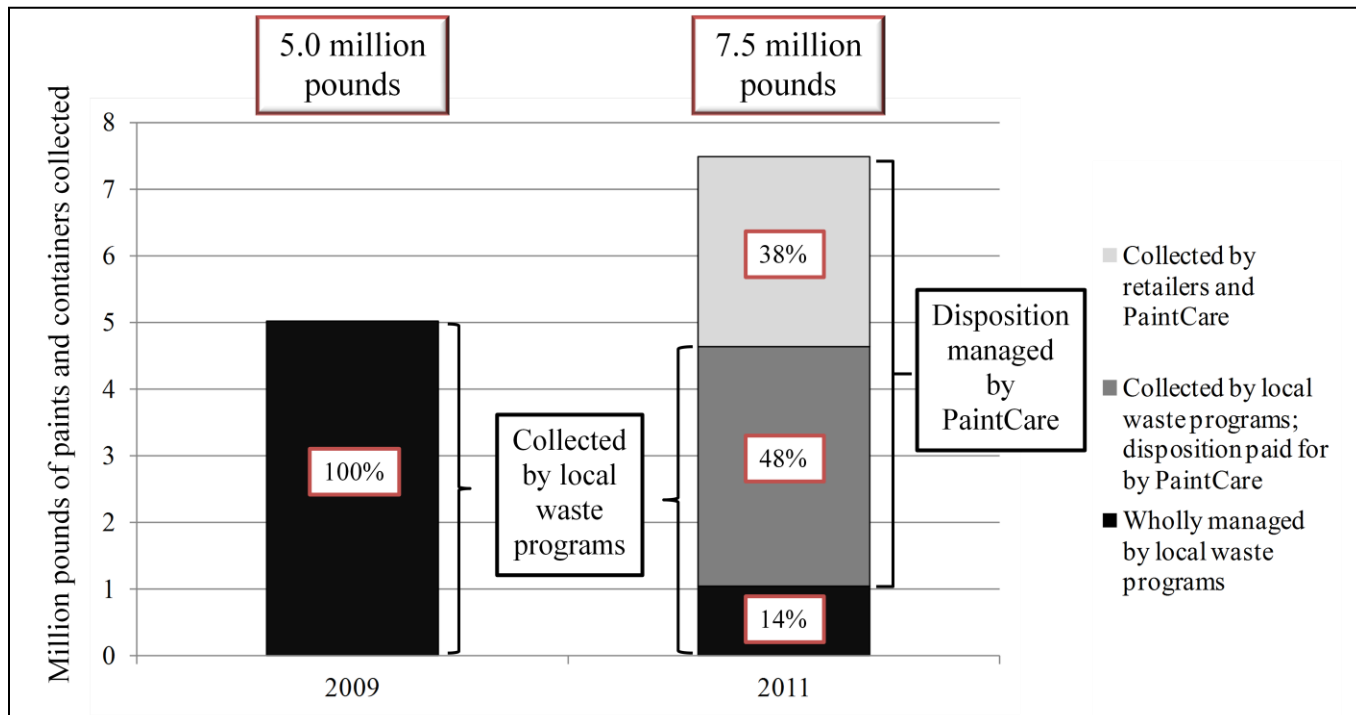
House Bill 2048 modifies the paint product stewardship law passed in 2009 (HB 3037), which established the nation's first statewide product stewardship program for managing leftover architectural paint. The pilot program launched in July 2010. The paint product stewardship program is paid for by Oregonians who buy paint, managed by industry, and overseen by DEQ.

### Results from the Pilot Program

Figure 1 shows DEQ's estimate of all paint and paint containers collected in Oregon during calendar years 2009 (before the PaintCare program) and 2011 (first full year of the PaintCare program). This includes paint and containers collected by local government Household Hazardous Waste programs, retail sites, and PaintCare-managed collection events.

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Figure 1. Paint and paint containers<sup>1</sup> collected in Oregon, 2009 and 2011



- Approximately **49% more paint and containers were collected in Oregon** during 2011 (first full year of the PaintCare program) than 2009 (before the PaintCare program). Most of this increase can be attributed to the existence of the PaintCare program.
- In 2011, **62% of paint was collected by local HHW programs and 38% by retail sites and PaintCare-managed collections.**
- In 2011, **PaintCare provided for the transportation and disposal of 86%** of the paint collected in Oregon. Local programs paid to dispose of paint and containers not covered by the PaintCare program (14%).

<sup>1</sup> Both years exclude oil-based paint collected from regulated hazardous waste generators, all other collections by private contractors, and aerosol paints. 2009 data excludes a very small amount of paint that was reused. Collections shown are totals, regardless of final disposition of materials (e.g., recycling vs. landfill). Of totals shown, paints are approximately 89% by weight; containers 11%. Results shown are subject to several potential sources of error, including errors in estimation methods, recordkeeping, and reporting.

## Issues for a Permanent Paint Product Stewardship Program

DEQ introduced legislation to make the pilot program permanent and make changes to improve the program for the benefit of consumers buying paint, the paint industry, Oregon's environment and DEQ. DEQ is working on an amendment for House Bill 2048 that will address the following issues:

### 1. Ensuring convenient collection opportunities for all Oregonians (Section 4)

- The current paint product stewardship law is general requiring “*convenient and available statewide collection... in urban and rural areas of the state.*”
- DEQ's proposed new language would require a stewardship organization to set goals and meet a standard that would provide:
  - 1 site per county (to expand service to very rural areas)
  - 1 additional site for every 30,000 people in a county (to fill in service gaps in urban areas)
  - At least 90% of residents live within 15 miles of a collection site (to provide service for the majority of Oregon's population).

### 2. Strengthening education and outreach (Section 4)

- The current law includes very general requirements for a producer or retailer to provide educational material about the program and funding mechanism to consumers.
- Proposed more specific language would require a stewardship organization to provide information about the program to retailers and provide enforcement authority to penalize retailers that do not provide required information to consumers.

### 3. Ensuring transparent reporting sufficient for DEQ to provide oversight, allowing antitrust protection (Section 6)

- The current law outlines in broad terms the content of the required program plan and annual report.
- Reporting under the proposed new language also requires additional detail for plan submittal and the stewardship organization's annual reports to DEQ, including specific financial information and a standardized metric for paint collection data.

### 4. Ensuring DEQ costs are covered (Section 7)

- The current law provided DEQ \$50,000 over the 4 year pilot program.
- New language would provide DEQ with \$20,000/year in administrative fees and \$15,000 when a new or revised plan is submitted. The proposed amendment language would increase the annual fee to \$40,000, which would more adequately cover agency costs.

### 5. Adding enforcement authority (Section 11)

- The current law provides only general enforcement authority.
- New language provides specific DEQ authority and penalties for non-compliance.



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