

**Report to the Vermont Legislature:  
Act 148 Implementation**

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**Prepared by:**

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# Agency of Natural Resources Report on Paint Stewardship Assessment

## Act 58 of 2013

*An act relating to establishing a program for the collection and recycling of paint.*

Act 58 of 2013 is product stewardship legislation in which architectural paint recycling and disposal will be handled by a manufacturer-led paint stewardship program. This stewardship program will be funded by paint manufacturers and the paint consumer. Manufacturers can create their own individual plan or work with a stewardship organization such as Paint Care. All manufacturers of architectural paint who wish to sell paint in Vermont will have to participate in an approved paint stewardship program plan. Architectural paint is defined as interior and exterior architectural coatings. This includes interior and exterior water and oil based coatings, primers, sealers and wood coatings that are sold in containers of five gallons or less. A stewardship assessment will be placed on all paint containers 5 gallons or less to fund the transportation and recycling or proper disposal of architectural paint.

Act 58 of 2013 requires that the Agency of Natural Resources report to the House and Senate Committees on Natural Resources and Energy, the House Committee on Ways and Means, and the Senate Committee on Finance on the following:

1.) A summary of the number of paint producers or stewardship organizations submitting plans.

One stewardship organization, Paint Care, has submitted a stewardship plan.

One stewardship organization representing multiple manufacturers allows for implementation with ANR of a consistent and comprehensive state wide stewardship program. Paint Care is a non-profit 501 (c) (3) stewardship organization that was created by the American Coatings Association (ACA). The ACA is a voluntary, nonprofit organization working to advance the needs of the paint and coatings industry and the professionals who work in it. Paint Care was established in order to create a consistent implementation of paint product stewardship programs for both the consumer and the industry. Oregon, Connecticut and California have had successful implementation of their stewardship plans with Paint Care as the sole stewardship organization.

2.) The paint stewardship assessment proposed in any submitted plan.

The following shows the proposed paint stewardship assessment:

<b>Container Size</b>	<b>Fee</b>
Half pint or less	\$0.00
More than half pint to less than 1 gallon	\$0.35
1 gallon	\$0.75
More than 1 gallon to 5 gallons	\$1.60

3.) A recommendation from the Secretary as to whether a proposed paint stewardship assessment is adequate or should be modified.

The budget submitted with the plan supported the proposed paint stewardship assessment. ANR finds this assessment adequate to cover successful implementation of the architectural paint stewardship program and to meet the required convenience criteria for Vermont. The above stewardship assessment is consistent with assessments in the other states that have paint stewardship programs: Oregon, California and Connecticut. The Third Party Audit performed by HRP Associates found both the assessment and the research and analysis used to estimate the volume of paint containers to be reasonable and accurate.

4.) A recommendation from the Secretary whether and at what amount to establish a statutory maximum cap on the amount of a paint stewardship assessment.

ANR does not recommend establishing a statutory maximum cap on the amount of the paint stewardship assessment at this time. ANR reached that conclusion based on the affirmative review of the budget and the opinion that there is incentive for the manufacturers to lower costs of the stewardship program in order to lower the costs to the consumer. Additionally, there should be a tendency to decrease assessments in the future due to efficiencies gained by a Northeast Regional stakeholder process supported by the American Coatings Association and the Product Stewardship Institute.