



Vermont Department of Environmental Conservation

Waste Management & Prevention Division, Solid Waste Program

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December 15, 2025

Vermont General Assembly

Senate Committees on Natural Resources & Energy and Finance

House Committees on Environment and Ways and Means

SENT VIA EMAIL

RE: Report Recommending a Paint Consumer Fee for Paint Products ([Act 59 of 2025](#))

Dear Senate Committees on Natural Resources and Energy and on Finance, and the House Committees on Environment and Ways and Means;

Act 59 of 2025 required the Secretary of Natural Resources to submit to the Legislature a report recommending a paint consumer fee or fees to be charged for paint products that are not architectural paint on or before December 15, 2025. This cover letter and the attached letter from PaintCare represent this report.

The attached letter from PaintCare summarizes the various implementation activities undertaken by PaintCare since passage of Act 59 on June 11, 2025, as well as the remaining research, data and analysis required to successfully plan program expansion in Vermont.

In short, the letter explains that PaintCare is not prepared—at this time—to recommend a fee or fees to be charged for the expanded paint products because:

- a. they are actively working to determine what products are in “scope” and to harmonize them with Vermont and California’s paint product laws;
- b. they have hired a consultant to assist with determining the **sales data** of paint products sold;
- c. they have hired a contractor to obtain **collection data** on what paint products are collected by Vermont Solid Waste Management Entities (SWMEs), to determine their hazard level and percentage weight;
- d. they have requested **paint product costs** from SWMEs to determine how they can cover their portion of new costs such as facility costs, equipment, and labor; and
- e. they need to **identify and register new manufacturers** in sectors like automotive, marine, and arts and crafts paints.

PaintCare has informed the Agency that a paint product consumer fee proposal is likely either late in the 2026 Legislative session or in early 2027.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Josh Kelly".

Josh Kelly, Solid Waste Program Manager
Vermont Agency of Natural Resources
Dept. of Environmental Conservation
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November 25, 2025

Matt Chapman, Director
Waste Management and Prevention Division
Vermont Agency of Natural Resources
1 National Life Drive, Davis 2
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Dear Mr. Chapman,

PaintCare is providing a summary of its activities towards the implementation of Act 59 (2025), which expands the PaintCare program in Vermont to cover additional product categories and types. This information is being provided to the Vermont Agency of Natural Resources (ANR) to assist with their statutory obligation to submit a report to the Vermont Legislature regarding fees for non-architectural paint.

PaintCare Expansion Overview

Two states, California (2024) and Vermont (2025), have passed laws that require PaintCare to expand its list of acceptable program products to include three new categories: aerosol coatings, coating-related products, and non-industrial coatings (referred to as “expansion products” in this letter). The American Coatings Association (ACA) worked with stakeholders in California to develop the legislative framework to ensure the paint industry’s products are managed by PaintCare and not a third party. Similarly, in Vermont, a law was previously passed requiring ‘producers’ of certain household hazardous waste (HHW) products, including expansion products, to pay into a third-party producer responsibility organization to cover expenses for managing these products at their end-of-life. ACA worked to pass Act 59, which removed the expansion products from the HHW program and brought them under the PaintCare program. PaintCare is pursuing implementation in both states, though Vermont’s truncated timeline has led it to be prioritized for planning purposes.

Implementation Activities

Product Guidance

PaintCare’s first implementation step was to develop guidance documents for the expansion products. While both state laws are harmonized in terms of the general product types covered by these new categories, they lack sufficient detail to assist manufacturers with identifying these products among their consumer offerings without additional information. For example, coating-related products include “surface preparation,” though the law is silent on the specific types of products this covers. This required PaintCare to develop additional criteria and definitions that provide greater specificity – a prerequisite to understanding the scope and scale of these products, as well as a tool to communicate clearly with manufacturers and other stakeholders. Guides were initially drafted in Q1 and Q2 of 2025 with input from PaintCare staff with prior industry experience (retail and sales) and subsequently submitted to three ACA committees for feedback. The guidance documents have undergone subsequent minor revisions based on continued dialogue with ACA members. This process plays an integral part in program planning, much like the effort undertaken to work

with the industry to clearly define the types of products covered by architectural coatings prior to the start of the first PaintCare program in Oregon.¹

The next three implementation steps, all still underway, are critical to understand PaintCare financial obligations and to develop fee schedules.

Sales Volume

In order to determine sales forecasts for revenue projections, PaintCare is working with Decision Metrics, a consultant specializing in sales forecasting for the paint and coatings industry, to begin cataloging new products. This involved identifying the manufacturers of these new products as well as the product mix sold to consumers, a necessary prelude to create forecasts for the number of units sold in the expanded product categories. Unfortunately, there was no preassembled public data available to guide forecasting for the new product categories. Decision Metrics pulled together disparate information from many sources, including various companies' quarterly reports, while PaintCare worked with two ACA members on a confidential basis to obtain some preliminary sales figures.

A preliminary sales forecast model is being developed utilizing this data, along with independent variables to account for potential fluctuations in the forecast such as leading economic indicators and sales of related items (homes, boats, etc.). This level of research takes time and model development requires testing – key factors dictating how quickly the model can be deployed. The preliminary model is estimated for delivery at the end of December with further refinement to follow in Q1 2026. Ultimately, any new forecast model will have some level of embedded uncertainty until it can be compared to actual (total) sales reports submitted to PaintCare.

Collection Volume

Work is also underway to determine the quantity of expansion products brought into Vermont's HHW programs and how they are managed at their end-of-life. Many of the expansion products contain new chemistries – hence new hazards – and are collected and managed differently from architectural coatings. PaintCare has conducted primary research to understand how these are currently received and managed at HHW programs and in what quantities.

PaintCare began engagement with Vermont HHW programs as soon as possible following the passage of Act 59, conducting two rounds of field visits to key HHW programs in August and September. This also included a meeting with ANR to clarify program expectations. Subsequently, in October PaintCare staff conducted four waste sorts at Vermont HHW facilities to characterize the expanded PaintCare products entering this waste stream. Working with MSW Consultants, data was collected on product type, weight, and hazardous waste category, as well as the overall percentage of weight in each hazard class comprised of PaintCare expansion products. The consultant is still analyzing the resulting data and preparing a report.

HHW Costs

The amended paint stewardship law requires PaintCare to cover additional costs borne by HHW programs for expansion products, including facility costs, equipment costs, labor, supplies, maintenance, event costs and event contractor costs.

At the beginning of November, PaintCare requested invoices and other documentation from the four HHW facilities that participated in the waste sorts to begin compiling potential costs and to ensure adequate substantiation, particularly for those expenses that would be payable to the municipality, as this is a new

¹ For an example, please see "PaintCare Products Defined" at <https://www.paintcare.org/manufacturers/> for information related to the definition of architectural coatings and which specific products are included or excluded from the program.

component of the program. Three of four HHW programs have submitted documentation to date. PaintCare will likely need to request documentation from additional HHW programs to further validate costs and establish a protocol for submitting invoices and back up documentation.

The three data sets discussed above – sales data, collection data, and HHW costs – are all needed to determine the fee schedule sufficient to implement and sustain the expanded PaintCare program. Once the Decision Metrics model is available along with the report from MSW Consultants and an analysis of costs from Vermont's HHW programs and PaintCare service providers, PaintCare will have a better understanding of its potential revenue and expenses. However, there is still critical research and analysis to complete before a fee schedule can be provided.

Manufacturer Identification and Registration

While many of the manufacturers currently registered with PaintCare for architectural paints may also manufacture expansion products, we anticipate needing to register many new manufacturers (and remitters), particularly in the automotive, marine and art and crafts spaces. The effort to identify these companies is underway but will be more challenging than identifying architectural paint manufacturers was, as this sector was represented by and known to ACA. For example, many manufacturers of arts and crafts paints are represented by an entirely different trade association – The Arts and Creative Materials Institute, Inc. PaintCare has started the process of reaching out to other associations and identifying new manufacturers, but we are in the early stages of this effort.

Conclusion

PaintCare has ramped up its efforts as quickly as possible and is working toward meeting the July 1, 2026 deadline to submit a program plan. Our due diligence – including stakeholder engagement, data identification and acquisition, and analysis – is a prerequisite to a successful expansion of the program. However, the complexity of the foundational research and program development necessary to inform planning – especially given the novelty of expanded products – precludes us from having a completed fee schedule at this time.

PaintCare remains open to further discussion on this topic and looks forward to implementing the program once the many critical planning steps are completed.

Sincerely,



Steve Pincuspy
Director of Corporate Initiatives

CC: Josh Kelly, Solid Waste Program Manager, ANR
Mia Roethlien, Environmental Analyst, ANR
Jacob Saffert, Director of Eastern States, PaintCare
Nichole Dorr, Vice President of State Programs, PaintCare
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