

Oregon's Paint Product Stewardship Law

Oregon is first in nation to adopt a law designed to prevent and recycle leftover paint

Oregon's Paint Product Stewardship Law, passed in 2009, established the nation's first product stewardship program for managing leftover architectural paint. Architectural paint includes both oil-based and latex paint used for the interior and exterior of buildings that is sold in containers of five gallons or less. This pilot program, which began July 2010 and will run at least through 2014, serves as a demonstration for similar programs in other states.

PaintCare, a stewardship organization funded by paint manufacturers, set up and is running the program in Oregon. The law also directs the Oregon Department of Environmental Quality to submit a progress report on the pilot program to the Oregon Legislature by Oct. 1, 2011. At that time, Oregon DEQ will recommend whether the program should continue. Oregon DEQ must also recommend any changes that should be made to improve the program.

Why was the law adopted?

An estimated 10 percent of the more than 750 million gallons of architectural paint sold each year in the United States is unused. Leftover paint is the largest component of local household hazardous waste collection programs and is difficult to manage.

In Oregon, the new system is expected to result in the reuse, recycling, energy recovery or safe disposal of an estimated 500,000 to 600,000 gallons of leftover paint each year and to provide Oregon governments with service valued at \$4 million to 5 million annually. Counties and other local governments and districts that currently collect leftover paint realize a direct financial savings. The program builds on existing local programs and infrastructure and provides new paint collection venues and services.

The law is the result of a national negotiation facilitated by the Product Stewardship Institute. Find out more about the institute at www.productstewardship.us.

What does the law require of manufacturers?

Manufacturers of paint sold in Oregon – or a stewardship organization representing the

manufacturers (PaintCare) – are required to set up and run a convenient, statewide system for the collection of post-consumer architectural paint.

The 2009 law requires paint manufacturers or the stewardship organization to:

- Submit a plan to Oregon DEQ by March 1, 2010 (already completed by PaintCare), and submit a report to Oregon DEQ by Sept. 1, 2011 (and annually thereafter).
- Implement a pilot program by July 1, 2010, as described in an approved plan. PaintCare, began implementation of the program by this date.
- Pay an “architectural paint stewardship assessment” for each container of paint sold in Oregon, to collect enough funds to recover, but not exceed, the cost of running the paint stewardship pilot. This assessment is then charged to consumers.
- Contract for the collection, transport, recycling, energy recovery or sound disposal of leftover paint.
- Develop and implement strategies to reduce the amount of post-consumer paint that becomes waste.
- Promote the reuse of leftover paint.
- Inform consumers about where to take their leftover paint.
- Pay an administrative fee to Oregon DEQ (\$10,000 upon plan submission and \$10,000 annually thereafter) for plan approval, program oversight and enforcement.
- Identify brands of paint sold by the manufacturer.

Manufacturers may not sell their product in Oregon unless they comply with the paint stewardship program's requirements. The law specifically allows manufacturers to exchange information as needed to implement program requirements without being in violation of federal and state anti-trust laws.

What does the law require of retailers?

Retailers selling paint in Oregon must ensure that manufacturers of any paint they are selling in the state have submitted an approved product stewardship plan indicating their participation in the statewide paint stewardship pilot program.



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DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.

Retailers may access this information on DEQ's website.

Retailers must provide information to consumers purchasing paint about recycling, reuse and other options for leftover paint provided through the paint stewardship program.

What does this law mean for consumers and contractors?

Consumers pay a small fee which is added to the cost of paint to cover PaintCare's program costs. Fees are based on container size:

- Half-pint container or less: No charge
- More than half pint to one gallon: \$0.35
- One-gallon container : \$0.75
- Larger than one-gallon container: \$1.60

In addition, Oregon residents who purchase paint receive information that recommends ways to purchase the right amount of paint and reduce the amount of paint that becomes waste. They also receive information on what to do with any leftover paint. Individuals and businesses are able to drop their leftover paint off at convenient locations for no charge.

What is Oregon DEQ's role?

Oregon DEQ reviewed and approved the stewardship plan in 2010. It will also review and approve future PaintCare reports and provide an updated Web page with a list of compliant manufacturers and the brands of paint they sell. Later in 2011, it will also provide the Oregon Legislature with an assessment of the program's effectiveness.

What is product stewardship?

Product stewardship is a principle that directs all participants involved in the life cycle of a product to take shared responsibility for the impacts to human health and the natural environment that result from the product's manufacture, use and end-of-life management,

The product stewardship approach provides incentives to manufacturers and retailers to consider the entire lifecycle impacts of a product and its packaging – energy and materials consumption, air and water emissions, amount of toxics in the product, worker safety, and waste disposal – in product design, and to take increasing responsibility for the end-of-life management of the products they produce and sell. The ultimate goal is to encourage manufacturers to redesign products with fewer toxics and to make them more durable, reusable and recyclable, using recycled materials when possible.

Resources

The Oregon Paint Product Stewardship Law is available at:

<http://www.leg.state.or.us/09reg/asures/hb3000.dir/hb3037.en.html>.

See <http://paintcare.org/oregon.php> for information about the Oregon pilot program.

Information about the Paint Product Stewardship Initiative, facilitated by the Product Stewardship Institute, is at:

www.productstewardship.us/PaintNationalDialogue.

For more information

Contact Abby Boudouris, DEQ Household Hazardous Waste Coordinator, Portland, at 503-229-6108, toll-free in Oregon at 1-800-452-4011, ext. 6108.

Alternative formats

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