

Oregon's Paint Product Stewardship Law

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

The Paint Product Stewardship Law establishes the nation's first manufacturer-financed system for managing leftover architectural paint. Architectural paint includes both oil-based and latex paints used for the interior and exterior of buildings that is sold in containers of 5 gallons or less. This pilot program is expected to begin in early 2010 and will serve as a demonstration for similar programs in other states.

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 800,000 gallons of leftover paint each year and to provide Oregon governments with service valued at more than \$6 million annually. Counties and other local governments and districts that currently collect leftover paint will realize a direct financial savings. The program will build on existing local programs and infrastructure and provide new service in areas that do not now collect paint.

The law was supported by the National Paint and Coatings Association, DEQ, and Metro, among others, and is a result of a national negotiation facilitated by the Product Stewardship Institute. Find out more about Product Stewardship at: www.productstewardship.us.

What does the law require of manufacturers?

Manufacturers of paint sold in Oregon – or a stewardship organization representing the manufacturers – are required to set up and run a convenient, statewide system for the collection of post-consumer architectural paint. Manufacturers or the stewardship organization must:

- Identify the brands of paint sold by a manufacturer.
- Implement a pilot program by July 1, 2010, as described in an approved plan.

- 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.
- 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 bring their leftover paint.
- Pay an administrative fee to Oregon DEQ (\$10,000 upon plan submission and \$10,000 annually thereafter) for plan approval, oversight of the program and enforcement activities.
- Submit a plan to Oregon DEQ by March 1, 2010, and submit a report to Oregon DEQ by September 1, 2011 (and annually thereafter).

Manufacturers may not sell their product in Oregon unless they are in compliance with the requirements of the paint stewardship program. The law specifically allows manufacturers to exchange information as needed to implement the requirements of the program 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 the 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. Retailers will access this information on DEQ's Web site.

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?

Oregon residents will purchase and use their paint in the same way they always have, but will



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be provided information that recommends ways to purchase the right amount of paint and reduce the amount of paint that becomes waste. They will also be provided information on what to do with any leftover paint. Individuals and businesses will be able to drop their leftover paint off at convenient locations for no charge.

What is DEQ's role?

DEQ will review and approve the stewardship plan and reports and will provide an up-to-date Web page with a list of compliant manufacturers and the brands of paint they sell. By October 1, 2011, DEQ must report to the legislature on the outcomes of the pilot program and provide recommendations on whether the program should continue. DEQ must also recommend any changes that should be made to improve the program.

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 production, use, and end-of-life management of the product.

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, the

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/measures/hb3000.dir/hb3037.en.html>.

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

www.productstewardship.us/PaintNationalDialogue.

For more information please contact:

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Alternative formats

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