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New Paint Product Stewardship Pilot Program in Oregon

The American Coatings Association (ACA) has worked over the last number of years with various stakeholders interested in the management of post-consumer paint to develop and implement an industry led Paint Stewardship Pilot Program in the US. With the successful passage of legislation in Oregon this year enabling such a pilot, ACA, and its new non-profit stewardship organization – PaintCare – is now in the process of implementing the Program.

As a Retailer – What do I need to know?

The Oregon PaintCare pilot program is now scheduled to begin on July 1, 2010, subject to approval of the program plan filed with Oregon Department of Environmental Quality. We will notify you as soon as possible if the program start date is delayed. As of the program start date, a PaintCare Recovery Fee must be added by the manufacturers to the cost of all architectural paint for sale in Oregon. This Recovery Fee will fund the collection, transportation, recycling and proper disposal of architectural paint in the state and distributors and retailers will see this fee on their invoices for Program Products. The legislation also provides that “....each Oregon retailer or distributor shall add the assessment to the purchase price of all architectural paint sold in [Oregon]”. Therefore the Recovery Fee must be added by the retailer to the final purchase price of Program Products and retailers have the option of displaying it separately on consumer receipts. The recovery fee paid to the retailer by the consumer offsets the recovery fee charged to the retailer by the manufacturer or distributor.

What Products are covered by the Program?

Architectural paint is defined under the Program as interior and exterior architectural coatings sold in containers of five gallons or less. It does not include industrial, original equipment or specialty coatings. Examples of Program Products versus Non-Program Products are provided below:

Program Products

(maximum container size of 5 gallons):

- Interior and Exterior Architectural Paints: Latex, acrylic, water-based, alkyd, oil-based, enamel (all types of finishes and sheens, including textured coatings)
- Deck coatings and floor paints (including elastomeric)
- Waterproofing concrete/masonry/wood sealers and repellents (not-tar-based or bitumen-based)
- Melamine, metal and rust preventative
- Primers, undercoaters and sealers
- Stains and Shellacs
- Swimming Pool Paints (single component)
- Varnishes and urethanes (single component)
- Lacquers, Lacquer Sanding Sealers, and Lacquer Stains
- Wood Coatings (containing no pesticides)

Non-Program Products

(regardless of container size):

- Industrial Maintenance Coatings
- OEM and Industrial surface coating (shop application) paints and finishes
- Aerosol Paints
- Automotive Paints
- Marine Paints
- Craft Paints
- Caulking Compounds, epoxies, glues or adhesives
- Colorants and tints
- Resins
- Paint Thinners, mineral spirits or solvents
- Paint Additives
- Pesticide containing products
- Roof patch or repair
- Tar-based or bitumen based products
- 2-Component Coatings
- Deck Cleaners
- Traffic Paints

How much is the PaintCare Recovery Fee?

The Recovery Fee is based on container size as follows:

<i>1/2 pint container or less</i>	No Charge
<i>more than 1/2 pint to 1 gallon</i>	\$ 0.35
<i>1 gallon container</i>	\$ 0.75
<i>more than 1 gallon to 5 gallon</i>	\$ 1.60

What are my obligations under the Program?

In addition to adding the PaintCare Recovery Fee to Program Products that you sell in Oregon, you are required to ensure that the manufacturers of any Program Products you are selling in the state have or are participating in the Program – otherwise the products can not be sold. Retailers will access this information on Oregon's Department of Environmental Quality's (DEQ) web site. Also, you are required to provide information about the Program to consumers – information that will be provided to you by PaintCare. Lastly, while not required to do so, you may volunteer to be a collection site for Program Products at no cost to you.

Is this a Government program?

No – the Program is mandated by law, but it is being implemented by PaintCare, which is an industry association run by architectural paint manufacturers. The Program is entirely funded by the PaintCare Recovery Fee, which is paid to PaintCare by the manufacturers based on their architectural paint sales in Oregon. PaintCare engages and manages all contracts for collection, transportation, recycling, and proper disposal of the Program Products. PaintCare submitted a Program Plan for approved by the DEQ and will submit reports on the Program on an annual basis.

Who is Product Care?

PaintCare has engaged Product Care to develop, implement and manage the Oregon paint stewardship pilot program including contracts for collection, transportation, recycling, and proper disposal of the Program Products. Product Care has incorporated an Oregon non-profit called PCA Paint Stewardship Inc. for this purpose. Product Care is a not-for-profit industry sponsored association that manages product stewardship programs for paint and for other household hazardous and special waste on behalf of its members across Canada.

For Further Information visit www.paintcare.org, or contact:

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