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**New Brunswick**  
**Paint Stewardship Program Plan**  
**Product Care Association**

**Part A - Introduction**

**1 Program Submission and Background**

**Program submission:** The **New Brunswick Paint Stewardship Program Plan** (the “Product Care Program”) is submitted to the Recycle New Brunswick (RNB) for its consideration and approval by Product Care Association on behalf of the paint brand owners who have appointed Product Care as their agent (listed in **Schedule A**).

**Background:** The New Brunswick government (New Brunswick Department of Environment) has issued The *Designated Materials Regulation - Clean Environment Act* (the “Regulation”) under the New Brunswick *Clean Environment Act* by Order-in-Council 2008-180 dated April 25, 2008.

The Regulation transformed the existing Tire Stewardship Board into the new multi-material stewardship board, Recycle New Brunswick (the “Board”) and added architectural paint as a designated material. The Regulation requires every “Brand owner” to register with Recycle New Brunswick and to submit or have its agent submit a paint stewardship plan for approval by the Board before July 31, 2008.

**About Product Care:** Product Care Association is a federally incorporated non-profit industry association incorporated under the laws of Canada. Product Care has managed paint and other household hazardous waste industry stewardship programs since 1994. Currently, Product Care is involved in the following programs:

- British Columbia: Product Care operates a stewardship program for paint (established 1994), flammable liquids, pesticide and gasoline (1997).
- Alberta: Product Care manages the collection of fees from paint brand owners for the Alberta Paint Recycling Program under contract with Alberta Recycling.
- Saskatchewan
  - Product Care operates the Saskatchewan Paint Stewardship Program (2006) and also manages the Household Hazardous Waste Collection Days Program (roaming collection events at different municipalities throughout Saskatchewan) under contract to the Ministry of Environment (2007);
  - Product Care is the program manager for the provincial electronic waste program SWEEP (2007) [www.sweepit.ca](http://www.sweepit.ca);
- Manitoba: Product Care leads the paint and household hazardous waste industry working group in consultations with the Green Manitoba and Conservation Manitoba with respect to the proposed household hazardous waste stewardship regulation.
- Ontario: Product Care provides steward services to Stewardship Ontario in connection with the Municipal Hazardous or Special Waste program which began July 1, 2008. Currently that program includes paint & coatings, solvents, antifreeze, oil filter, oil containers, pressurized containers, pesticides, single use dry cell batteries, fertilizers, with additional products expected to be added to the program in the future.
- Nova Scotia: Product Care operates the Product Care Nova Scotia Paint Stewardship Program (2002) in partnership with RRFB Nova Scotia.

Product Care's members are the brand owners obligated under each of the provincial stewardship regulations. Product Care's existing programs include over 100 members who are manufacturers, distributors and retailers of the regulated products.

Product Care follows the principle of sector representation on its board. Currently the Product Care board is comprised of the following positions:

coatings	5
pesticides	1
flammable liquids	2

petroleum products	1
retailers	<u>1</u>
TOTAL	10

This structure ensures representation for all sectors producing, distributing and retailing the products managed in Product Care’s programs.

For more information about Product Care see [www.productcare.org](http://www.productcare.org).

## **2 Summary of Proposed Product Care New Brunswick Paint Stewardship Program**

Product Care proposes to establish a paint stewardship program in New Brunswick pursuant to the requirements of the Regulation.

The Product Care Program will include the following elements:

- **Collection system** of depots and events providing coverage across New Brunswick, including contracts and training.
- **Transportation and Logistics system** to deliver and pick up collection bins from collection sites and to consolidate before shipment to processor
- **Processing and recycling** of collected paint and containers
- **Tracking system** to ensure accountability of the waste paint collected including audits of collection sites and service providers
- **Communication program** to ensure consumer awareness of the program, easily obtainable information on program products and location of collection points, and the key message of “reduce, reuse, recycle”, all available in both official languages.
- **Administration** including collection of fees from brand owners based on sales in New Brunswick, member relations, reporting to Recycle New Brunswick
- **Risk Management**, including environmental insurance, best management practices

### **Part B: Response to Paint Stewardship Plan Review Elements**

In this part of the submission, Product Care provides information responding to the Paint Stewardship Program Plan Review Elements issued by Recycle New Brunswick. For efficiency, sometimes more than one review element is dealt with in the same section of this plan. For ease of cross referencing, the particular plan review element(s) being covered in each section are indicated at the beginning of the section in a text box, e.g.:

1.0 Plan Review Element.
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### 3 Program Products

1.1 A paint stewardship plan shall address the requirement to collect all waste paint brought to a return facility by consumers, including the waste paint of other brand owners

2.4 Program product identification

**Product Definition:** The Product Care Program will manage post consumer leftover “paint” as defined in the Regulation:

"paint" means

(a) a tinted or untinted latex, oil or solvent-based architectural coating used for commercial or household purposes, including stain, and includes the coating's container, or

(b) a coloured or clear paint or stain sold in an aerosol container and includes the paint's or stain's container, but does not include coatings intended for marine antifouling, industrial or automotive applications.

Where possible, the Product Care Program will harmonize the list of accepted products (“Program Products”) with paint stewardship programs in other Canadian jurisdictions. Accordingly, based on discussions with Recycle New Brunswick, the definition of “paint” will also be considered to include:

- paint, as defined, and related containers, (including already empty containers) to a maximum container size of 25L, which were sold in New Brunswick
- all paint aerosols including industrial and automotive paints

**Products Accepted:** For further clarity, the following paints and coatings are included as Program Products:

- Architectural house paint including:
  - interior & exterior,
  - latex, water-based,
  - alkyd, enamel and oil based paints,
  - stains
- Deck, porch and floor paints and coatings
- Driveway sealers (non bitumen or tar based)
- Drywall paints & sealers
- Marine enamel (non antifouling)
- Masonry & wood water sealers and repellents
- Melamine paint
- Rust paints and decorative metal paints
- Shellacs
- Stain blocking paints
- Stucco paints
- Swimming pool paint (single component)
- Textured paints
- Varnishes

- Urethanes (single component)
- Wood finishing oils

**Brand Owner of Products:** The Product Care Program will accept Program Products sold in New Brunswick regardless of brand owner.

**Type of User:** The Product Care Program will accept program paint sold in New Brunswick from any consumer/user of the Program Products including householders, businesses, government (all levels) and commercial painters.

**Non Program Material:** Non-program materials, whether paint (e.g industrial coatings) or non paint products (e.g. paint thinners), introduce unfunded costs and safety hazards into the system and will not be accepted. Minimization of non-program material will be achieved through a comprehensive program of public education, signage, depot staff training, as well as effective regulatory enforcement against those who abandon products at or near collection sites. Any non program material which does enter the system will be segregated at the time of processing for special handling. Non program paint material included but not limited to the following:

- Paints containing pesticides e.g. antifouling paints
- Paints for industrial use
- Automotive paints (non aerosols)
- Baked on coatings
- Craft paints (non aerosols)
- 2 component epoxies
- 2 part paints
- Nitrocellulose or catalyzed lacquers
- Traffic or line marking paint
- Unlabelled or improperly sealed containers

#### 4 Paint Management

1.2 The hierarchy of the 3R principle shall be addressed in the stewardship plan submitted to the Board.

1.3 Identification of how the brand owner will achieve a 70% reuse rate

2.3 A description of markets established for all recovered materials

2.7 Research and Development of new markets for waste paint and residuals

**Objective and regulatory requirements:** The objective of the Product Care Program is to eliminate the improper disposal of paint in the environment, while recovering the resources present in leftover paint in order to achieve the objective of “70% reuse” by the end of the first year of the program. Relevant provisions of the Regulation include:

**34...**

"reuse", with respect to waste paint, means to process in such a way that it is capable of being used by a consumer as paint.

"reuse rate" means the amount of paint (excluding containers) reused under a paint stewardship plan divided by the amount of paint (excluding containers) collected that may be reused, expressed as a percentage.

**44** A brand owner shall ensure that it achieves a reuse rate for waste paint of at least 70% within one year after the commencement of this Regulation, and that it achieves such reuse rate in each subsequent calendar year.

**Factors affecting reuse rate:** Factors which influence the ability of the program to achieve a 70% reuse rate include:

- condition of returned paint
- capacity of paint reprocessing facilities
- current technology for reprocessing paint
- markets for recycled paint

The condition in which the leftover paint is returned may limit the available management options. If containers are not sealed properly for storage, the paint becomes hardened due to evaporation and may be no longer useable or recyclable. If latex paint is frozen a number of times, it is not suitable for reuse or recycling. The program will include paint storage and handling information, and encourage the return of unwanted paint in its communication program, in an effort to improve the condition of the returned paint. Ultimately the method of storage and the timing of the decision to dispose of the paint is determined by the consumer.

### **Paint Management Options**

The following is a summary of management options for leftover paint collected by the program, in order of priority:

#### Latex Paint

- paint exchange
- reprocessing as paint
- engineered landfill

#### Oil Based Paint

- paint exchange
- reprocessing as paint
- energy recovery

#### Aerosol Paint

- energy recovery

### Paint Containers

- recycling
- other options (as approved by RNB)

**Paint Exchange:** Product Care will also consider the implementation of a “paint exchange” program. The paint exchange program makes better quality returned paint available to the public at participating collection depots or at other non depot locations such as used building material stores, without charge. This is a highly efficient way to achieve reuse as the paint does not require transportation and reprocessing, however it has the effect of reducing the average quality of the paint sent for reprocessing. As with other second hand products, users of the Paint Exchange program will be notified that the suitability of the container contents cannot be guaranteed. Special labels will be applied by depot staff to each container informing consumers of this and participants will be required to sign a waiver form prior to taking the paint away for reuse. Subject to these procedures the program will be responsible for any liability arising out of the paint exchange program.

**Paint Reprocessing:** The market for the sale of recycled paint is still developing in Canada and elsewhere. Currently, the majority of recycled paint manufactured in Canada is sold overseas. The Canadian market continues to grow, and is influenced by the steady improvement in consumer awareness and the trend to “green” building practices. The current market for recycle paint is likened to the early days of paper recycling.

Product Care intends to contract with Preferred Environment-Société Laurentide as the primary reprocessor of leftover paint. Laurentide operates a paint bulking facility in Springhill Nova Scotia and a paint bulking and reprocessing facility in Victoriaville, Québec. Laurentide markets recycled paint through a number of channels, including increasing sales of the successful “Boomerang” brand of recycled paint in Canada.

#### Other Options:

Not all leftover paint will be of suitable quality for paint exchange or paint reprocessing and will be managed as follows:

- latex paint: engineered landfill
- oil based paint: blended with other hydrocarbons as an alternative fuel in facilities such as cement kilns with high level air quality controls

**Managing aerosol paints:** Paint aerosols will be punctured and the contents drained. The steel container will be recycled. If no reuse/recycling options are available the contents will be used for energy recovery through traditional hazardous waste management companies, If possible, the propellant will be captured and utilized for energy value. The residual volumes of recovered from paint aerosols are very small and represent a variety of product formulations limiting the option of recycling. Landfilling is not an option as most of the formulations are solvent based.

**Empty paint containers:** Once empty, steel and plastic paint containers will be recycled by the reprocessing facility where possible.

Metal paint containers are currently sent by Laurentide Atlantic to Little Forks Landfill, Nova Scotia, for baling and forwarding to a scrap metal recycler and plastic containers are sent to White Star Plastics in Waverly, Nova Scotia for recycling.

In order to reduce unnecessary transportation and cost, collection depots already managing scrap metal on site will be encouraged to include already empty metal paint containers with other scrap metal. The program will cover any costs associated with such recycling, and ensure guidelines are followed and accurate records are maintained by depots for containers managed in this way.

All container material types appear to have recycling options at this time. If circumstances change, the program will communicate with RNB to determine an acceptable method of managing containers that cannot be recycled.

**PCB contaminated paint:** Alkyd /oil based paint will be tested on a regular basis for PCB contamination. Where the paint exceeds allowable PCB limits, it will be managed as PCB waste according to regulatory requirements.

**Non-program material:** Non-program material which enters the system will be segregated at the processing stage for shipment to a hazardous waste management company for processing. Depending on material type processing methods for non-program material include landfilling, physical or chemical treatment, energy recovery or incineration.

## 5 Design for Environment

1.4 A description of the efforts being made by the brand owner to redesign paint products to improve reusability and recyclability.
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1.8 Elimination or reduction of environmental impacts of waste paint
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The Regulation requires brand owners to describe efforts to redesign paint products to improve reusability and recyclability. The paint industry is a consolidating industry and most brand owners manufacture for a market area that includes more than one province or country.

The overall program objective is to reduce the environmental impact of leftover paint through the application of the pollution prevention hierarchy of reduce/reuse/recycle. The program will continue to seek improvements in the reduction of environmental impact through a number of pathways.

Many of the products included in the Product Care programs have changed over time as a result of design for environment activity. In particular:

- There has been a steady shift in the marketplace from oil based (alkyd) paints to water based latex paints. This trend is expected to continue as the consumer preference for latex paint increases and technical specifications improve.
- Federal regulations relating to volatile organic compounds and the composition of surface coatings are hastening the process of reducing the environmental impact of paint products.

Tools used by Product Care Association that may have an impact on product life cycle and reduction of environmental impact include:

- Variable fees paid to the program by brandowners which increase with the size of the container
- Promotion to the consumer of the “B.U.D.” rule, i.e. **B**uy what you need, **U**se what you buy and **D**ispose of the remainder responsibly
- Educating the consumer on the proper storage of leftover paint
- Research into potential applications for leftover paint including latex paint as a component of concrete manufacture
- Participation with the Product Stewardship Institute <http://www.productstewardship.us/>, which is examining a number of issues relating to paint stewardship including lifecycle analysis.
- Product Care continues to interact with manufacturer associations such as Canadian Paint and Coatings Association to provide feedback to manufacturers regarding recyclability of both products and containers.

## 6 Communication and Public awareness

1.5 Communication plan
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**Regulatory background:** The Regulation provides that:

**46(1)** A brand owner shall provide to each retailer of its paint, educational and consumer material, including printed handouts, that informs consumers about

(a) the brand owner's paint stewardship plan,

(b) access to return depots, and

(c) the environmental and economic benefits of participating in the paint stewardship plan.

**46(2)** A brand owner shall not release any educational and consumer material referred to in subsection (1) unless the material has been submitted to the Board at least one month before its intended release.

46(3) A retailer shall post or distribute the educational and consumer material it receives from brand owners at the area inside the retailer's premises where paint is displayed, and

(a) at the main entrance of the retailer's premises, or

(b) at the area inside a retailer's premises where the transaction to purchase paint takes place.

### **Program Launch**

The communications plan for the program includes a “program launch”. Details of the launch plan are set forth in Schedule “D”.

### **Ongoing communication plan**

Following program launch the program will employ an ongoing communication outreach which will include partnering with Solid Waste Commissions, retailers, public educators and the media, to facilitate its communications and public education program. The program will review with Recycle New Brunswick the option of coordinating certain communication functions with other New Brunswick stewardship programs.

Communication objectives will include:

- building awareness among consumers of the program
- identifying what products are included in the program
- facilitating the location by the consumer of the nearest collection site
- explaining the “BUD” rule, i.e., “**B**uy what you need, **U**se what you buy, **D**ispose of any leftovers responsibly”.
- emphasizing the negative impact to the environment if leftover paint is not managed properly.

Delivery mechanisms for the communication program will include:

- **Point of Purchase materials** – design, print and distribute to retailers, municipal offices and collection depots, public awareness and education material including:
  - signage – posters will be printed to advise consumers of the program and how to obtain information. .
  - brochures will be produced which include information including reference to the “B.U.D.” rule (see above).
  - paint can stickers – stickers will be offered without charge to all paint retailers. The stickers will identify the program, and the website and telephone hotline number.

Point of Purchase materials will be distributed in advance of the program commencement date to all retailers, municipalities and collection depots.

- **Website** –the establishment of a special New Brunswick Paint program page on the Product Care website which will provide information for consumers, retailers, brand owners, municipalities and other stakeholders on:
  - what’s in, what’s out (i.e. accepted program products)
  - collection system location and hours of operation, including a “depot finder” search function
- **800 number “hotline”** – the program will employ a toll free public enquiry “hotline” as an alternative method to enable consumers to obtain program information.
- **Media Awareness** – the Program will create “earned media” through the issuance of media releases and providing information to news media.
- **Local Government** – program information will be provided to local governments and solid waste commissions. Partnering opportunities will be sought such as advertising in local garbage calendars and distributing program brochures with municipal mailings.
- **Depot Advertising** – as new collection depots open, site specific advertising will be placed in local newspapers
- **Point of Return --** Signage will be provided to the collection depots informing the public that it is a collection depot for paint and further information on what products the program accepts. Point of sales brochures will also be made available for the public at the depots.
- **Trade Painters** – trade painters are significant consumers of paint products. Dedicated mailings to trade painters and related associations (such as apartment owners) will be provided.
- **Other:** Other promotion methods will be examined such as radio advertising and Yellow Pages.

**Awareness Survey:** The program will conduct a consumer awareness survey within the first 2 years in order to set determine the program awareness baseline and then will repeat the survey after 2 years to measure the success of the communications strategy.

## 7 Collection and Transportation System

1.6 Establishment of return depots
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2.2 Program accessibility
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**Collection network:** A well developed collection network is critical to the success of the program. The program will establish a system for the collection of leftover paint. Consumers, mainly homeowners and commercial house painters, will be able to drop off leftover paint at the depots during normal operating hours throughout the year at no charge. The program will ensure good province-wide accessibility for consumers, including high-density urban areas, towns and villages, and rural communities in the north and the south of New Brunswick.

Generally, the system will utilize existing infrastructure such as:

- participating Solid Waste Commission sites
- other municipal sites
- participating retailers
- selected beverage container redemption centres
- other sites, e.g fire halls and other businesses or entities as available and appropriate.
- one day events - may be appropriate in certain areas where a permanent site has not been established

A “collection services contract” will be established between the program and each collection site.

Product Care has undertaken significant preliminary work with New Brunswick’s Solid Waste Commissions, through the New Brunswick Solid Waste Commission Association and directly with each Commission, to discuss participation in the province wide collection system. Leftover paint currently collected at household hazardous waste programs operated by Solid Waste Commissions will be incorporated into the program.

Beverage container redemption centres are utilized in the Nova Scotia, Saskatchewan and British Columbia paint stewardship programs. Based on the information available, Product Care has identified a number of municipalities in which the Beverage Container Redemption Centre could be utilized as the paint collection site.

Recycle New Brunswick and the public will be informed of any changes to the collection network (opening, closure or relocations) and updates will be provided on the program website.

**List of Sites and Roll-out:** Attached as **Schedule B** is a list of possible collection site locations which have been identified, and **Schedule C** is a map of those locations. In some cases the likely service provider is listed (e.g. Solid Waste Commission, or beverage container redemption centre) but in some cases this has not yet been determined. It is intended that the majority of collection sites will be operational on the date of commencement of the program, and additional sites will be added in an incremental fashion as sites are identified, contracts settled and experience is gained.

**Large volume users:** Certain depots that are better able to handle large volumes may be designated as “preferred depots” for commercial painters. Advance notice of large volumes will be requested to ensure proper storage and handling at the collection site. The program will give consideration to special direct pickups for high volume users.

**Infill events:** In any location where service is considered inadequate but a depot cannot be located by the time of the program start date, consideration will be given to conducting one or more one day events.

**Environmental Regulatory requirements:** Product Care has obtained confirmation from the New Brunswick Department of Environment that an “Approval to Operate” is not required based on the Environmental Management Plan developed by Product Care and included in this stewardship program plan. See Environmental Management Plan dated Aug. 28, 2008 and the letter from NB Department of Environment in Schedule E),

**Depot training:** The program will communicate with and visit depots to ensure adequate training of depot operators including Solid Waste Commissions. This is important for customer service and environmental risk reduction.

**“Tubskid” collection bin system:** The Product Care Program will collect and transport waste paint in reusable standard plastic collection bins known as “tubskids”. The tubskids are approximately 0.76 m<sup>3</sup> (1 cubic yard) in volume, with an integrated pallet allowing movement by forklift or pallet jack. The tubskids are stackable, fitting well in a standard truck trailer in a 2 wide by 3 high configuration. Empty tubskids can be nested on a 3:2 basis for transportation efficiency. Tubskids have been successfully used in the BC, SK and NS paint programs. The tubskids have lids and may be placed indoors or outdoors. The tubskids are leakproof (when upright) in order to contain any paint leaking from consumer containers. Collection sites will be required to keep tubskids in a secure location, not accessible at the time the depot is closed.

**Transportation and Consolidation:** An effective transportation system is required to ensure that the collection system operates efficiently. The transportation system for the program will visit each collection site, including Solid Waste Commission sites, on a regular basis to pick up full tubskids of collected paint, and to drop off empty tubskids and any related supplies.

Product Care has concluded a transportation services agreement with Hebert’s Recycling Inc. of Miramichi. Hebert’s is a transportation service provider for the New Brunswick beverage container stewardship program and is able to provide the province wide coverage and frequency required for the program.

In particular, Hebert’s can provide significant operational synergies for servicing beverage container redemption centres which participate in the Paint Stewardship Program. Hebert’s already visits every redemption centre at least weekly in peak periods. Following the introduction of the EnviroPactor technology (compaction and baling of beverage containers on the truck) Hebert’s has existing capacity to add the paint tubskids to their loads. Hebert’s will manage the logistics function. Hebert’s will maintain communication with depots to ensure timely pickups of the paint tubskids in order to maintain maximize collection capacity at all depots. Depot operators will be trained accordingly.

Full paint tubskids will be consolidated at Hebert’s Miramichi plant into full trailer loads which can then be transported for processing.

**Program Accessibility:** The success of the program will depend on consumer awareness and program accessibility, meaning convenient access to collection sites. It will be an ongoing objective of the program to make it more convenient for people to dispose of their leftover paint.

Variables which contribute to accessibility include:

- number, location of collection sites relative to the distribution of population in New Brunswick
- hours of operation of collection sites
- ease of access to program information including collection site locations
- relative cost to operate collection sites in relation to number of users and quantity collected

The proposed collection site network has been developed with a view to optimizing these variables based on available information. Following program implementation it will be important to gather data by which to assess accessibility. Such data might include:

- number of users at collection sites
- quantity of paint received at collection sites
- distance and travel time for users, using geographic information systems (GIS) - map based analysis tools based on service radius (time or distance), postal codes etc.
- user feedback and program awareness surveys, conducted at collection sites, through the program's 800 number enquiry service and by telephone surveys

Based on the findings from these evaluations, accessibility can be analysed, and targets can be developed for subsequent years of the program that will provide for greater accessibility for residents throughout New Brunswick.

## 8 Estimated Paint Sales

2.1 The amount, or estimated amount, of paint products sold in New Brunswick per year (in both volume and number/sizes of containers sold)

### Estimated New Brunswick Annual Paint Sales

<b>Container size range</b>	<b>Typical size format</b>	<b>Units</b>	<b>Litres</b>
< = 250 ml		68,543	17,136
251 - 1 L	One US quart (946 ml)	273,747	258,965
1 - 5 L	One US gallon (3.78 L)	934,539	3,532,557
5 - 20 L	5 US gals (18.9 L)	65,213	1,232,533
Aerosols	300 ml	304,975	91,492
<b>Totals:</b>		<b>1,647,018</b>	<b>5,132,683</b>

**Volumes sold:** Specific data does not exist for architectural paint sales for New Brunswick. Comparing available data from other provinces, and assuming an equal rate of paint sales per capita, it is estimated that annual sales of new architectural paint in New Brunswick are approximately 1.65 million units containing 5.13 million litres. Once the program is underway, accurate data will be available based on actual reports provided to the program by participating brand owners.

## 9 Tracking and Auditing Mechanisms

2.5 A tracking and audit mechanism to ensure program compliance
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2.8 Clean-up and de-commissioning plan
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**Tracking and audit:** The Product Care Program will utilize a database tracking and control system to record and track waste materials managed from point of collection to recycling and disposal. Product Care's existing system including database will be adapted for use by the New Brunswick program. This system requires record keeping and reporting by every point of collection, by the transporters and by processors and will track only waste paint originating from New Brunswick. Only reputable suppliers utilizing adequate record keeping and control systems will be contracted to manage the collected paint.

Data will be collected to track volume of paint containers managed by the collection system. Also, data will be required of all processors and recyclers to track residual volumes collected by the program, and how those volumes are managed. This data will be recorded and used to develop reports which will be used for tracking and auditing purposes. In particular the program will report on the requirement in the Regulation of the reuse of 70% of the recyclable paint collected. The system will employ best management practices and guidelines including handling and safety requirements.

**Environmental Risk Management:** A necessary element of a tracking and audit system is environmental risk management. Product Care is cognizant of the need to minimize the potential for environmental incidents. Product Care will work with its contractors (collections sites, transporters and processors) to ensure compliance with environmental regulations and best environmental practices with respect to the collection, transportation and consolidation of leftover paint. The environmental risk management system will include:

- system wide manifest and tracking system
- due diligence reviews of depots, transporters and recyclers (initial processors and downstream) to ensure compliance and for tracking system verification, conducted by third party auditor or in-house
- requirement of certificates of disposal & recycling, use of only reputable recyclers
- development of "recycler standards" as necessary

- development of best management practices, including training, reporting and guidelines etc. for collection sites and transporters
- where required and available environmental impairment insurance will be obtained.

**Brand Owners:** The Regulation requires all paint brand owners to register with Recycle New Brunswick and to submit a program plan. Product Care already has an extensive database of brand owners and their products from programs in other provinces. Any brand owner not part of the Product Care Program or any other approved program will be identified and referred to Recycle New Brunswick for information regarding the obligations imposed by the Regulation and, if necessary, enforcement proceedings. This ensures a level playing field among brand owners.

**Clean up and decommissioning:** The program will take a preventive approach, as described in its environmental risk management section (regular reporting, collection site inspections etc). From Product Care's experience, the risk of environmental impact at collection depots or consolidation points is minimal because of the following:

- paint is generally returned to the depots in original consumer container, on average 1/3 full
- collection sites and transporters do not open containers
- containers of paint will be stored in leakproof tubskids (secondary containers)
- tubskids will be stored on pavement or solid floors
- paint tends not to migrate in the ground in the event of spill
- dried paint is not considered environmentally hazardous

Unless there is a major incident, the program does not anticipate any site mitigation required for on the closure of collection depots.

## 10 Performance measurement

2.6 Performance measurement and targets
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Experience in other provincial paint programs has indicated that program performance cannot be measured by a single factor. As such, the program will utilize a number of methods.

**Recovery Rates:** This is the comparison of the volume of paint recovered to the volume of paint "available to be collected" (i.e. 100% of the waste paint). Another measure is the volume of paint recovered compared to the volume of paint sold.

The quantity of leftover paint "available for collection" is difficult to determine with any precision. Leftover paint is often stored by consumers for several years before the decision is made that it is not longer wanted. Once this decision is made, the unwanted paint is often stored for a further period until there is reason to remove it such as a change of

residence. The amount of paint available for collection, compared to the amount sold, has been estimated to be from 5% to 10% or more.

However the measure of paint recovered compared to paint sold can be determined based on program data. The quantity of paint collected (measured in litres) will be known to the program from collection and processing reports. The quantity of paint sold (measured in litres) can be determined from brand owner reports to the program. Based on Product Care’s program experience in other provinces, the New Brunswick program is expected to achieve a rate of about 2% (litres of paint recovered v. sold), but this number is expected to climb as the program matures. Currently the BC program (in existence for 14 years) has a recovery rate of about 6.5%.

**Reuse rates:** The program will track the management methods and disposition of the leftover paint collected. This will include records of quantities given away at depots as part of the “paint exchange” program, residual quantities recovered by processors, and the volumes of residual paint utilized in different management methods. In particular the program will report on the requirement in the Regulation of the reuse of 70% of the recyclable paint collected.

**Historical comparison:** Another indicator of program performance is to compare the change in recovered volumes over a period of time. This provides a measure of program performance compared to the prior year. Generally, an increase of recovered volumes over time indicates an improvement in program performance. However, other influences which may increase or decrease the quantities available to be recovered must be considered such as population growth, the effect of housing market activity on the consumption of products such as paint, product reformulation and regulatory changes. The program would target an increase in recovery rate of 0.5% per year.

**Benchmarking:** Another indicator is to compare other similar programs. The following table compares data from the BC, SK and NS paint programs:

	<b>BC</b>	<b>SK</b>	<b>NS</b>
Population	4,402,931	1,006,644	935,573
Area (km <sup>2</sup> )	944,734	651,035	55,490
Collection depots	103	71	109
Collection event days	19	0	6
Capita per depot	42,746	14,178	8,583
Paint Sales (L)	36,127,580	6,308,843	6,509,303
Volume Recovered (L)	2,346,565	201,176	363,517
Leftover Paint Recovery Rate based on sales volume	6.5%	3.2%	5.5%

**Containers recovered:** Recycle New Brunswick has indicated that “already empty containers” (ie. paint containers already emptied by the consumer and not containing residual product) are included in the program. Although the leftover paint has more

environmental importance than the empty container, the number of empty containers collected may be indicative of recovery rate for the residuals.

The following are some factors affecting the number of containers recovered:

- delay before emptying: containers sold in one year may not be emptied for many years.
- shortest path recycling: dry empty metal paint containers can usually be recycled with other scrap metal and may not enter the collection system.
- containers reused: many containers are reused, especially the 5 gallon white plastic containers. A study conducted by the Saskatchewan used oil program estimated that 24% of 5 gallon bucket oil containers were retained by the consumer for other uses.

After the first year of the program, a base rate and target increment would be established.

**Waste audits:** another approach to measuring recovery is to try to measure what is not recovered through techniques such as waste audits. However, household hazardous waste is only about 1% of the waste stream, and waste audits are based on a very small sample, so that the extrapolation error can be significant. Also, while conducting an audit, it is often difficult to identify the type of paint if the label is no longer intact, or the volume of the contents, if any, due to handling and compacting.

**Consumer awareness:** another possible measure is that of consumer awareness. While this is not a direct measure of recovery rate, higher consumer awareness presumably will lead to increased consumer participation. Product Care proposes to conduct a consumer awareness survey as part of its communication program. After the first year of the program, a base rate and target increment would be established.

**Collection Sites:** The number of collection sites can be a measure of accessibility. Performance of the collection system will be analysed during the first year and a determination will be made on the location and number of additional sites required.

## 11 Independent assessment of plan

1.7 Independent assessment of the plan submitted
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Product Care will provide for an independent assessment of the program plan following consultation with Recycle New Brunswick to determine the parameters of the assessment.

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For further information please contact Mark Kurschner, President at 604 592 2972, local 201 or via email [mark@productcare.org](mailto:mark@productcare.org).

Mark Kurschner, President  
Product Care Association

## Schedule A

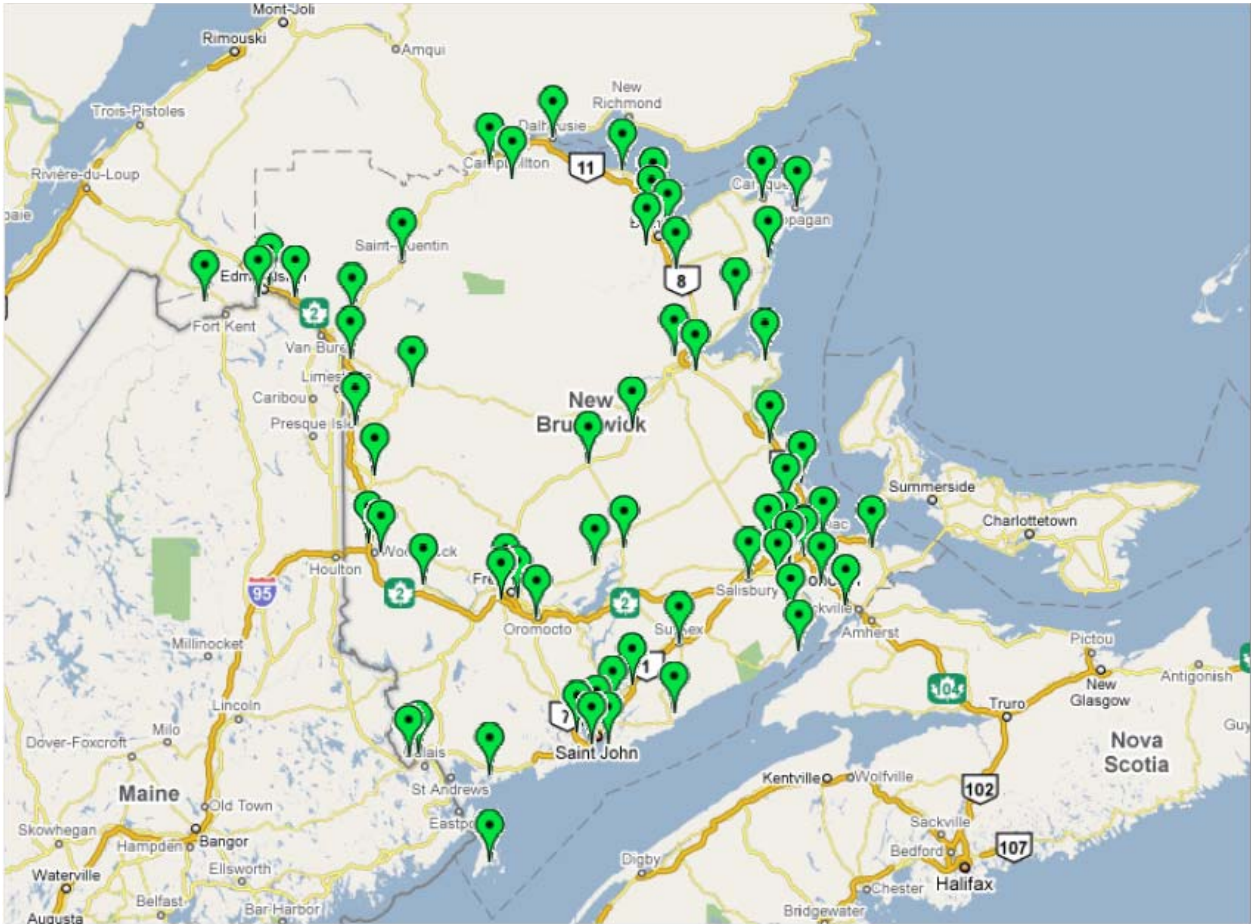
### List of Brand Owners who have appointed Product Care as Agent for the New Brunswick Paint Stewardship Program

Akzo Nobel Coatings Ltd.	Les Produits Techni-Seal Inc.
Behr Process Corp.	Liquidation World Inc.
Benjamin Moore & Co. Ltd.	LPS Canada - Division of LPS Laboratories
Canadian Tire	Micca Paint Inc.
CanWel Hardware Inc.	Napier Environmental Technologies
Castle Building Centres Group Ltd.	Peinture Laurentide Inc.
CBR Canadian Building Restoration Products	Peinture Recuperees du Quebec Inc.
Ducan Sales Inc.	Peinture Paints MF Inc.
Dural, Division of Multibond Inc.	Plasti Kote Inc. (Valspar)
Dynamic Paint Products Inc.	PPG Canada Inc.
Fibre Glass-Evercoat Co. of Canada	Pro-Form Products Limited
Forrest Paint Co.	Rust-Oleum Consumer Brands
Hudson Bay Company (Zellers)	Saman Canada (3777472 Canada Inc.)
Henry Company, Canada, Inc	Sansin Corporation
Homax Products	Seymour of Sycamore Inc.
Home Depot Of Canada Inc.	Sherwin-Williams Co.
Home Hardware	Sico Inc
ICI Canada Inc.	Sika Canada Inc.
ITW Canada Management Company	Sodisco-Howden Group Inc.
Kent Building Supply	Swing Paint Ltd.
K-G Packaging Inc.	TruServ Canada Inc.
Kleen-Flo Tumbler Industries Ltd.	WalMart Canada

**Schedule B List of proposed paint collection sites**

<b>Municipality</b>	<b>Number of Depots</b>	<b>Municipality</b>	<b>Number of Depots</b>
Allardville	1	Miramichi	2
Baie Ste Ane	1	Moncton	3
Bath	1	Nackwick	1
Bathurst	2	Oromocto	1
Belledune	1	Perth-Andover	1
Beresford	1	Petit Rocher	1
Blackville	1	Plasterock	1
Bouctouche	1	Quispamsis	1
Campbellton	2	Rexton	1
Cap-pele	1	Riverview	1
Caraquet	1	Riviere-Verte	1
Chipman	1	Sackville	1
Dalhousie	1	Saint John	3
Dieppe	1	Saint-Francois	1
Doaktown	1	Salisbury	1
Edmundston	2	Shediac	1
Fair Isle	1	Shippagan	1
Fredericton	3	St Leonard	1
Grand Bay	1	St. Antoine	1
Grand Falls/Grand -Sault	1	St. Georges/ Black Harbour	1
Grand Manan	1	St. Martins	1
Hampton	1	St. Quentin	1
Harvey	1	St. Stephen	2
Hillsborough	1	Sussex	1
Jacksonville	1	Tracadie	1
Memramcook	1	Woodstock	1
Minto	1		
<b>Total Number of Depots</b>	<b>64</b>		

### Schedule C: Map of proposed New Brunswick Paint Collection Sites



NB MHSW Depots

## Schedule “D”

### Program Launch Plan

It is proposed that the collection system will be launched in two phases:

- Phase 1: Fall 2008 – “soft launch”. During this program development period, the program will commit to Recycle New Brunswick and to the New Brunswick Solid Waste Commissions (SWCs) to cover the reasonable post-collection costs of the SWCs for managing paint program products, as of October 1, 2008. This commitment will continue until the proposed official program start date of April 1, 2009. Actual reimbursement of the costs of the SWCs will be funded by, and subject to, program cash flow from fees paid by brand owners after April 1, 2009.
- Phase 2: April 1, 2009 – “hard launch” It is proposed that Phase 2 will begin with a formal program launch over the period April - June 2009 (described in following section). On the program start date of April 1, 2009 the program will have in place the majority of collection sites in the province wide collection system including participating SWCs, retail sites and selected Redemption Centres. April 1, 2009 will also be the effective date of the obligation of brand owners to remit fees on the sale of program products.

### Launch messages

- RNB overseeing first stewardship program under new regulation
- brand owners that manufacture and market architectural paint are taking stewardship responsibility for their products and now cover the cost of recovering the leftover paint for reuse and recycling and for proper disposal if it is needed.
- partnership with NBSWC, retailers and others for collection system
- all operations are NB/Atlantic Canada based – collection, transport, processing

### Program information

- NB Paint program has started
- program will educate consumers to “buy what you need; use what you buy; bring leftover paint to the nearest collection site”
- Product Care, industry program manager, has worked with municipalities and commercial/retail organizations to establish a convenient province wide collection system, system will continue to improve over time
- leftover paint covered by the program can be dropped off without charge at any of the collection sites

- paint will be recycled, through reuse (free paint available at selected collection sites) otherwise reprocessed for resale. Paint of insufficient quality to be recycled will be managed in an environmentally responsible way.

#### Tactics/rollout

##### Earned media: News release with backgrounder

- Announcement of commencement of the program, description of industry role, what is in place, how the program will roll out and what consumers will see in the spring, note the key objectives of increased access and environmentally proper management.
- Possible quotes from minister, RNB chair, NBSWC, paint industry/Product Care rep, consumer or environmental association
- include list of collection sites
- Identify 800 number and website
- Distribution: province-wide news desks, reporters who have shown an interest, trade magazines, stakeholders
- Highlight the NB Paint program website homepage for more information
- Post on NB Env and RNB websites/ media pages

##### Advertising: Primary methods considered will include:

- radio clips
- newspaper ads

##### Other communications products

- Q & A for internal/external use
- Update FAQs and other information as necessary on website and in other materials
- Display material (branding) – pop up banner(s) for events/photo ops
- Speaking notes

##### Evaluation of launch

- Calls to 800 number
- RNB and stakeholder feedback
- Media coverage, tone/content/position
- Municipal and commercial/retail feedback

## Schedule E

Environment

Environment



January 20<sup>th</sup>, 2009  
File No.: 26150-16 ~  
26200-1

Mannie Cheung  
Director, Technical Services  
Product Care Association  
12337 – 82A Avenue  
Surrey, BC  
V3W 0L5

**RE: New Brunswick Used Paint Management Program**

The Department has received the request from Product Care Association to operate a Paint Stewardship Program throughout New Brunswick. This would involve recovering / collecting leftover paints as defined by the definition of *paint* in the *New Brunswick Regulation 2008-54* under the *Clean Environment Act (O.C. 2008-180)*.

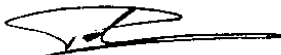
Product Care Association has proposed a detailed Environmental Management Program that includes emergency reporting, operational procedures, employee training, safety measures, facility insurance and environmental reporting. After reviewing this proposal, the Department has determined that this Program will provide a high level of environmental protection. As such, the proposed operation is not considered to be a source of contaminant and will not require an Approval to Operate.

Product Care's Environmental Management Plan must be submitted to Recycle NB as part of its requirement to develop and implement a Paint Stewardship Management Plan.

If at any time Product Care Association requires changes to the operation, notification to the Department must be made within a reasonable time before the implementation of the modifications in order to re-evaluate the Program.

Failure to comply with any of the details set out in the Paint Stewardship Environmental Management Program may consequently necessitate the implementation of the Approvals process.

This letter does not affect the status of any material under any other programs, including hazardous waste management programs under the jurisdiction of the federal government or other provincial governments. As well, this letter does not relieve Product Care from obtaining other applicable permits or approvals, as required.



Paul Vanderlaan, P.Eng  
Director  
Project Assessment & Approvals  
Department of Environment

Cc: Sheryl Johnstone, Project Assessment & Approvals  
Greg Shanks, Director of Stewardship

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August 28, 2008

Sheryl Johnstone  
Industrial Approvals Engineer  
Energy and Manufacturing Section  
Approvals Branch  
Environmental Management Division

**Re: Request to Exempt Leftover Paint from New Brunswick Department of the Environment's Definition of Hazardous Waste**

Product Care intends to operate a paint stewardship plan pursuant to New Brunswick Regulation 2008-54 under the Clean Environment Act (O.C. 2008-180). Product Care is requesting that leftover paint be exempt from the New Brunswick Department of Environment's (ENV) definition of "hazardous waste" and hence from ENV's Hazardous Waste Management Program (including the requirements of sector standards and approval process).

**Introduction:** Product Care Association (PCA), a non-profit, industry association has been managing and operating Paint Stewardship program since 1994. Current PCA programs include the following:

- Paint & HHW program in BC
- Paint program in SK
- Paint program in NS

PCA is also involved with the following programs:

- As the program manager for the Saskatchewan Waste Electronic Equipment Program
- Part of the program development and implementation team of the MHSW program in ON
- Administers the reporting and remittance of fees in the AB Paint program
- Leading the industry working group on proposed MB HHW program

**Background:** On May 1, 2008 the New Brunswick Tire Stewardship Board was transformed into a multi-material stewardship board known as Recycle New Brunswick under the new Designated Materials Regulation – Clean Environment Act. In addition, the new regulation designated architectural paint as the first material to be managed by utilizing the extended producer responsibility approach. This approach places the responsibility and cost of recycling end of life products on industry and consumer, not the general public.

Under the new regulation, paint “Brand Owners” are required to register with Recycle New Brunswick within 30 days. A program management plan (with elements outlined in the regulation) is required within 90 days. PCA will be developing a program plan and managing the program on behalf of its members and other brand owners that have designated PCA as their agent.

The regulation defines paint as:

- (a) a tinted or untinted latex, oil or solvent-based architectural coating used for commercial or household purposes, including stain, and includes the coating's container, or
- (b) a coloured or clear paint or stain sold in an aerosol container and includes the paint's or stain's container, but does not include coatings intended for marine antifouling, industrial or automotive applications. (*peinture*)

The program will seek to recover/collect leftover paints that are covered under the above definition.

Latex/water based paints are not deemed hazardous but oil/solvent based paints are captured under ENV’s definition of hazardous waste and hence subject to various regulatory requirements such as sector standards. To require each depot or event, transporter and receiver to go through the sector standard approval process and other regulatory requirements would be both an administrative burden and would limit the success of the program. Therefore, PCA is requesting exemption for leftover paint from the definition of hazardous waste. The following will describe the systems and procedures that PCA plans for the NB paint program in support of our request.

## **1. Collection System**

### *a. Collection system*

- PCA intends to utilize existing solid waste commission collection sites and events for the collection of leftover paint
- In-fill with select redemption centres, return to retail collection, and other entities or businesses such as fire departments where available
- PCA managed collection events as needed

Until PCA receives feedback from Recycle New Brunswick, we will not know the number of depots or events expected.

Minimum depot requirements:

- Must be staffed during opening hours (ie supervised drop off)
- Collected paint must be secured when the depot is closed (locked indoors or locked fence if outdoor storage)
- Must have adequate storage capacity
- Must have truck access

PCA will provide ENV with a list of depots and will provide an updated list in the event of changes to the list.

*b. Collection bins*

- PCA intends to utilize plastic boxes (approx 1 cubic yard) to collect and package the individual paint cans/containers. These bins are leak proof and provide secondary containment when upright. Damaged containers through wear and tear, that jeopardizes the integrity of the secondary containment aspects of the bins will be removed from the system by the transporter
- PCA has a Permit of Level of Equivalent of Safety from Transport Canada to utilize these collection bins as shipping containers for paint and aerosols (permit #s SU6812, SU 6811)



*c. Reuse*

PCA may include paint reuse as part of its program whereby fuller containers of leftover paint in its original container collected at the depots is made available to the public. Containers will not be allowed to be opened at the depots and the public may be return the container to the program should the quality or color not meet their requirements. These containers will be stored separately from the paint that is destined for processing.

**2. Transportation System, Tracking and Documentation**

PCA will contract local transportation companies to transport the full collection bins from the depots or events to a consolidation centre where the paint bins will be stored temporarily or transferred to a trailer for temporary storage until such time as a full trailer load can be accumulated at which time the trailer will be sent off to a paint recycling facility (most likely out of province)

- All full collection bins will be labeled with the proper TDG safety markings and shipping name (see picture above)
- A shipping document (see Appendix A for an example) will be utilized for every pickup and every shipment will be tracked
- The information on the shipping documents will be data entered into a database or spreadsheet and hard copies filed for record keeping
- A manifest will be utilized for out of province shipments, if required
- All vehicles carrying the paint will be placarded according to TDG

- Contracted transporters will be required to have the appropriate licensing/permits/approvals and TDG training for the drivers
- Each vehicle will contain a paint spill kit
- It is intended that Hebert's Recycling Inc. will be contracted to provide province wide transportation services and act as the consolidating center. ENV will be notified if the event of a change to the contracted transporter or consolidation center or the addition of new transporters or consolidation centers. PCA will supply ENV with a list of the contracted transporters and consolidation centers along with contact details.
- All vehicles carrying the paint will be locked when unattended including when the vehicle is at the consolidation center
- The consolidation center will be locked and secured during non business hours

### **3. Training**

Depots staff and collection event staff will be trained on product identification, collection, packaging, storing, safety and emergency procedures. PCA will provide training manuals to each depot. Attached as Appendix B is a copy of a PCA training manual which will be modified and adapted to the NB requirements including: bilingual, NB specific emergency reporting and TDG requirements as it relates to the collection, handling, safety marking, documentation and record keeping of paint.

### **4. Safety**

- Collection bins will be store in a secure area either indoors or in a lockable fenced off area; only depot staff will have access to the bins
- Each customer returning paint will be greeted by a depot staff member and the staff will visually inspect the label to determine that it is an acceptable product and that the container is properly labeled (non-acceptable products will be rejected). The depot staff will then take the container and place it into the paint collection bin. No opening of the containers will be allowed on site.
- Each collection depot will be supplied with a spill kit that consists of absorbent material, gloves, and safety glasses. PCA will ensure that a continuous supply is made available to the depots. Spill kits will also be made available for collection events that are managed by PCA.
- PCA has an Emergency Response Service Agreement with Newalta Corporation (formerly Philip Service Inc.) (Appendix C)

### **5. Insurance**

PCA has a blank insurance coverage for environmental liability coverage for all its operations (see Appendix D)

## 6. Reporting

### a. Emergency Reporting

In the event an environmental emergency is discovered, PCA be responsible for notifying ENV and providing the details of the incident. During normal business hours, PCA will contact the ENV's regional office until personal contact is made:

Bathurst (506) 547-2092  
Miramichi (506) 778-6032  
Moncton (506) 856-2374  
Saint John (506) 658-2558  
Fredericton (506) 444-5149  
Grand Falls (506)473-7744

After hours, PCA will notify the Canadian Coast Guard at 1-800-565-1633 until personal contact is made.

Within 24hrs of the time of initial notification, PCA will send a copy of the Preliminary Emergency Report and within 5 days of the time of initial notification, PCA will send a copy of the Detailed Emergency Report to ENV's regional office and central office.

Bathurst (506) 547-7655  
Miramichi (506) 778-6796  
Moncton (506) 856-2370  
Saint John (506) 658-3046  
Fredericton (506) 453-2893  
Grand Falls (506) 475-2510  
Central (506) 457-7333

The detailed report will at a minimum include:

- Description of the problem
- Description of the impact that occurred
- Description of what was done to minimize the impact
- Description of what was done to prevent recurrence of the problem

### b. Data Reporting

On a quarterly basis, PCA will provide a report to the ENV that contains the following information:

- Quantity of paint collected and transported from each depot/event (number of tubskids)
- Name of the transporter for each shipment
- Name of the receiver for each shipment

- Quantity shipped to recycler during the quarter and the name of the recycler
- Updated depot list and transporter list

On an annual basis, PCA will provide a report to the ENV that contains the following details:

- Total quantity of paint collected in the year
- The disposition of the paint
- Any spills of paint >50 L
- A list of all the currently active depots and transporters

Prior to the commencement of the program PCA will provide ENV the following:

- List of depots including contact information
- PCA 24 hr emergency contact person and contact details
- Consolidation center contact information
- List of contracted carriers/transporters

Should modifications occur to the program that would significantly alter the processes as described in each of the above sections, PCA will notify ENV to discuss the proposed changes and to see if an amendment or a submission of a new request for exemption is required.

## **7. Appendixes**

- a. Blank Bill of Lading**
- b. Paint Depot Training Manual**
- c. ER Contract**
- d. Insurance**

Thank you for considering this request for exemption. For further information please contact Mannie Cheung, Director of Technical Services at 604 592 2972, local 203 or via email [mannie@productcare.org](mailto:mannie@productcare.org)

Mannie Cheung  
Director, Technical Services  
Product Care Association