

Massachusetts Extended Producer Responsibility Commission

May 21, 2025 | 10 a.m. to 12:30 p.m.

100 Cambridge Ave, Boston, MA 2nd-floor conference room | via Zoom

Meeting minutes

Commissioners present

- John Beling, Chair, and Deputy Commissioner, Massachusetts Department of Environmental Protection
- Senator Mike Barrett, Chair, Joint Committee on Telecommunications, Energy, and Utilities (remote)
- Sharon Byrne Kishida, Nominee, Senate Minority Leader
- Leigh-Anne Cole, Executive Director, Community Action Works
- Rep. Christine Barber for Representative Michael Day, Massachusetts House of Representatives (remote)
- Jose Delgado, Councilor, City of Springfield, Arise for Social Justice (remote)
- Janet Domenitz, Executive Director, MassPIRG (remote)
- Magda Garncarz, Vice President of Government Affairs, Associated Industries of Massachusetts (remote)
- Sarah Kalish, Executive Office of Economic Development (remote)
- Dalene LaPointe, Assistant Director, Environmental Toxicology Program at Massachusetts Department of Public Health (remote)
- David Melly, Legislative Director, Environmental League of Massachusetts
- Josie Ahlberg (Mass Municipal Association) for Andrew Potter, Chair, Select Board, Town of West Stockbridge
- Catherine Ratte, Director, Land Use and Environment Department, Pioneer Valley Planning Commission (remote)
- Bill Rennie, Senior Vice President, Retailers Association of Massachusetts
- Neil Rhein, Executive Director, Keep Massachusetts Beautiful (remote)
- Waneta Trabert, Vice President, MassRecycle
- Tracy Triplett, Senior Enforcement Counsel, Office of Attorney General Andrea Joy Campbell
- Abbie Webb, Vice President of Sustainability, Casella Waste Management (remote)

Commissioners absent

- Lew Dubuque, Vice President, Northeast Chapter, National Waste and Recycling Association
- Conor O'Shaughnessy, Budget Director and Environmental Policy Analyst, Office of Senator Bruce Tarr

Staff and consultants present

- Greg Cooper, Director, Hazardous and Solid Waste, Massachusetts Department of Environmental Protection

- John Fischer, Deputy Director, Solid Waste, Massachusetts Department of Environmental Protection
- Julie McNeill, Attorney, Bureau of Air and Waste, Massachusetts Department of Environmental Protection
- Courtney Rainey, Deputy Chief of Staff and Director of Government Affairs
- Craig Altemose, Director of Programs, GreenerU
- Jennifer Haugh, Vice President of Planning, GreenerU
- Madeline Rawson, Project Manager, Planning, GreenerU (remote)

Special guests present

- Scott Cassell, Executive Director, Product Stewardship Institute
- Heidi McAuliffe, Senior Vice President, Government Affairs, American Coatings Association

Agenda and minutes

1. Welcome and roll call

Commission Chair John Beling welcomed the group and started the meeting at 10:03 a.m. He took roll call and noted a quorum.

2. Review of goals and agenda

Beling shared the meeting goals and agenda on slide 3. The meeting goals are as follows:

1. Approve agenda, minutes, and amended Commission ground rules
2. Establish advisory groups
3. Level set on past and present paint EPR efforts
4. Hear ideas, concerns, support
5. Identify and discuss support for proposed paint EPR recommendations

3. Approval of agenda and minutes

Commissioner David Melly moved to approve the agenda. Commissioner Bill Rennie seconded. The motion carried unanimously.

Commissioner Waneta Trabert requested a change to the meeting minutes. In the introductory section, the minutes reflect a request for two additional Commissioners representing environmental justice communities, the statute says environmental justice organizations. Beling said we will change the language to reflect the statute. He explained that we have filled one of those spots with the recent appointment of Mr. Jose Delgado.

Josie Ahlberg, filling in for Commissioner Andrew Potter, moved to approve the April 14, 2025, minutes as amended. Commissioner Bill Rennie seconded. The motion carried with Delgado abstaining.

4. Adoption of ground rules

Beling went through the proposed changes to the ground rules on slide 5:

- **Strike** from §II.5: “The timekeeper will also be responsible for tracking the three-minute allotment per Member on a given topic, as set forth in Section III below.”
- **Amend** §III.7 to “Members should focus their remarks on the topic being discussed and should avoid returning to items that have already been discussed.”
- **Strike** §III.8: “Members may be given three (3) minutes to speak on any agenda item, at the discretion of the Chair and may be limited or extended as deemed appropriate by the Chair.”

Commissioner Sharon Byrne Kishida moved to approve the amendment to the ground rules to strike the second sentence of §II.5. Ahlberg seconded. The motion carried unanimously.

Trabert moved to approve the amendment to the ground rules §III.7 as suggested above. Rennie amend. The motion carried unanimously.

Ahlberg moved to approve the amendment to the ground rules to strike §III.8 as depicted above. Rennie seconded. The motion carried unanimously.

Trabert moved to adopt the ground rules as amended. Rennie seconded. The motion carried unanimously.

5. Motion to launch advisory groups

Beling explained that following internal discussions, it was determined to create advisory groups to allow for greater flexibility in discussions. See Slide 6 for additional detail.

Kishida asked whether advisory groups would be formed for paint, mattresses, and batteries. Beling explained that these topics are sufficiently well formed and the other topics need more research, as they are more complicated.

Commissioner David Melly: Will these be supported by GreenerU?

Beling: Yes.

Melly: Along with presenting findings, can advisory groups also present any citations and findings they gathered outside of advisory groups?

Director of Solid Waste Greg Cooper: Yes. We were envisioning these as public meetings, as in open to public input. There will not be any recommendations or votes taking place, but information gathering to bring back to the Commission.

Beling shared Slide 7.

Triplett: Is there something about using the term advisory group vs. subcommittee in terms of open meetings law?

Beling: Typically a subcommittee would also consist of a quorum of the commission.

Triplett: There is no voting?

Beling: Yes, it just implies a less formal relationship. We wanted this to be a more efficient means of gathering information.

Triplett: Is this calling for a motion to create a structure for the groups that will have at least two meetings?

Beling: Yes. The motion is on slide 8.

Triplett: I'm curious about who can participate. I think there should be a limit in number as to who should participate and how many.

Sen. Michael Barrett: We have run into issues in other working groups recently in which essentially interest groups of different ideological stripes have packed meetings because there have been no requirement that there be one representative per group. It's great to have additional folks from the same interest area listening in, but there will be a lot of gaming once you open up the core group to as many people from the same interest area as can be organized to participate. So it is a tricky thing, certainly around voting. You would want to make sure that only one entity that was a part of the group was voting, but I've observed multiple speakers will pile into a discussion and you'll hear five people from an industry group all reinforcing each other's points. You want to be inclusive, but you certainly want to avoid a situation where gaming and meeting packing participating.

Cooper: Just to be clear, these groups would not be voting or making recommendations to the Commission with a majority or some other type of vote. We do a lot of these with solid waste advisory groups; there's a lot of discussion and information gathered. We're taking that in and making policy decisions without the vote of an advisory group. We see this similarly: if we're starting to limit the number of people who can attend, do we need to have an open meeting law as to who can participate?

Melly: This is where I go back to diligent citations and determining where the information is coming from. I would like the findings to come with a very careful sort of bibliography or tracking of the advisory group, just so we know where the findings are coming from and how to react to them.

Beling: I appreciate these comments. Part of the designated role of the DEP is to help take responsibility for the facts of the case.

Triplett: I have a separate question, so I'll wait.

Beling: As proposed, this is the motion (slide 8).

Ahlberg moved to form two advisory groups on (a) electronics and (b) plastics and packaging to perform research and present findings to the EPR Commission in September and October 2025. Rennie seconded. The motion carried unanimously.

Triplett: Is the vision that two or more public meetings are required for each advisory group, but this a situation where Commission members can separately gather information outside those meetings or meet with people? Sometimes that's the structure, but this seems maybe different, where to be efficient, it might be assigned to different Commission members to reach out and bring information back. This sounds like some larger meetings where that information is being gathered directly.

Beling: The way I see it, these meetings will be open to the public, where the information is being gathered will be accessible to everyone. The goal of the advisory group is to collaborate and put into written form what's going on with plastics and packaging and electronics. It will allow the Commission to have a robust conversation.

Triplett: So just to be clear, meeting 1 is to identify research tasks; meeting 2 is to report back. I can imagine there's another meeting in between to discuss. Plastics and packaging is very complicated.

Beling: We're saying a minimum of two meetings. If it requires more than two, that is fine, but we want to make some progress.

Triplett: Are you envisioning at this large meeting today that we will be setting the dates, or will that be part of the first meeting of the advisory groups?

Cooper: I was thinking we'd gather interest first, and then set a meeting date and formalize the first meetings at the June meeting.

Beling: We'll come back and propose dates.

Cooper: Meetings themselves will probably take place in late June, July, and August.

6. Presentation: PaintCare

Heidi McAuliffe of PaintCare and the American Coatings Association presented slides 10–23.

Melly: How much variance is there in oversight by states?

McAuliff: Good question. We have now been working with this model legislation since 2010. It has evolved over time. The model legislation that we're using today is so much clearer than what was passed in Oregon and California in 2013 and 2014. So the language of the statutory authorization has changed a bit over time, and we think it provides better guidance. The personality of organizations varies state to

state: California and Oregon are very active. Other states aren't inactive, but they don't ask as many questions, perhaps. Basically, the idea is the program in California and Oregon is the same that we're presenting to you, and the same as in New Hampshire and what's being implemented in Maine and Vermont. We have very good relationships with all of our oversight agencies. There are always questions about what's included and what's not. The guidelines for our oversight agencies is pretty much the same state to state.

Sen. Barrett: My question relates to the issue of fees and to the last bullet point of the preceding slide. What are the pros and cons in the industry's mind in recommending that the program be paid for by fees imposed on the industry? I can easily imagine a legislature deciding to impose fees on an industry to fund the program, but I'm interested in how the industry came to decide how the fees are determined.

McAuliffe: You mean that the consumer pays the fees?

Sen. Barrett: The model plan views this as a good thing. Can you shed some light on the thinking on the part of industry that led to their formulating on a proposed model law that would have industry pay for an overall industry review?

McAuliffe: I think this stems from some of the conversations at the very beginning in the 2000s when our manufacturers were sitting with the Product Stewardship Institute, environmental organizations, and other state environmental agencies, and we really developed the elements of this program. And the idea was to make it as attractive as possible to the states. We wanted it to be zero cost to the state. This is a zero-cost program, because we're paying the agency for its time to oversee the program itself. The operation of the program is conducted by the stewardship organization. There's no cost there for the state itself.

Barrett: I do understand the practical effect. I'm interested in the discussions within the industry that led to this policy.

McAuliffe: I'm struggling to respond a little bit because the feeling in the industry was we wanted to make this a zero-cost program for the state, so for it to pass, we didn't want there to be a fiscal note attached to the legislation.

Barrett: I am just wondering why it was the desire.

Scott Cassell, Product Stewardship Institute: As the organization that started this dialogue with the industry in 2002, it was funded by state and local governments that are members and have partnerships with industries, universities, and the private sector.

Barrett: You mean the state governments that have adopted the program...

Cassell: It's a long story and I don't want to get sidetracked. I'm happy to talk one on one about it with you. Our organization started the PSI as a way to bring this concept to the U.S. In terms of how this consumer fee came about, first let me say that you're putting your finger on an issue of debate—it's always been a debate with government officials. The paint industry was the first to come forward and

discuss it. The only programs at the time were in Canada. They had a paint EPR in place that used a consumer fee, so we had many ministry officials come down from Canada to our meetings in the U.S. They were hybrid, even back then. They talked about how their program worked and I think all of us, government and industry, were impressed by that, so we modeled our program off of what was happening in Canada.

Barrett: One final question: is this a fee paid by industry, or paid by consumers, and if it's the latter, when do consumers pay the fee?

McAuliffe: Senator, you're ahead by about two slides.

Beling: We will have opportunity for discussion, so if we could hold off on questions until we get through the presentation, I appreciate it.

McAuliffe continued presenting.

Melly: What's going on in Minnesota [regarding slide 20]?

McAuliffe: Minnesota has more stringent standards for recycling paint than in other places. Typically we're able to recycle between 70–80% of latex paint.

Melly: What is alternative/beneficial use?

McAuliffe: That's landfill cover. There are some other technologies; you can use paint as an additive in cements and other consumer products, but those technologies are emerging.

7. Presentation: paint in Massachusetts and other states

Director Cooper presented slides 24–26.

8. Clarifying questions

Commissioner Jose Delgado: Thank you so much for the presentation. I learned a lot. I'm one of those people who have a couple of buckets of paint in my basement. Did you say PaintCare represents paint manufacturers?

McAuliffe: American Coatings Association represents paint manufacturers; PaintCare is the stewardship organization.

Delgado: My perspective is impacts to gateway communities such as Springfield, including but not limited to municipal budget and costs to residents, so you did answer a lot of those questions. At the end of the day, the consumer is bearing the costs for these programs. Do you know how often a household pays for paint? I'm trying to imagine what the impact on a resident would be. I don't buy paint that often, maybe once every couple of years. Is the fee reflected on receipts once folks purchase paint?

McAuliffe: We don't have specific data on consumer behavior or how often consumers buy paint, but our sense of the matter is paint is not an everyday purchase, maybe not even monthly—it's project by project. I will make a couple other comments on the fee itself: I represent companies like Sherwin Williams and Benjamin Moore and Behr. These companies want to sell as much paint as possible. They have a vested interest in making sure the program runs as efficiently as possible and they want that fee as low as possible. They do not want the fee to be a barrier to consumers. So we work very hard to keep that fee as low as possible. As for impacts on municipalities, one of the reasons that this program is sought after by many municipalities and counties that come to us and ask us to bring this legislation in the state is they benefit directly from it. There's a positive financial impact to counties and municipalities, because when PaintCare comes in and operates, we work directly with local municipalities and operators of household hazardous waste programs. Our program will pay for the transportation processing of paint waste stream. So typically what happens is governments see cost savings right away and they have additional funds they can spend on other programs because we're taking care of the paint waste stream.

Delgado: Thank you. If you had more information about what Massachusetts does in different areas such as gateway communities around collection, because obviously accessibility is an issue, that would be helpful. I want to understand the current process for paint as it's collected now; who actually collects it? Is it retailers? Because sounds like you guys come after the fact, but what's the difference between now and the program?

Cooper: The way it works now is municipalities are providing 99.99% of the services that are offered now. This is limited to household hazardous waste days, a few collection days, and then there are some permanent collection centers. It's very limited access. The PaintCare program expands that to include retailers to offer that service, so you can imagine the collection points expand dramatically when retail options such as hardware stores start to take back paint.

Melly: My question is paint is somewhat unique compared to other product types in that end user isn't always a consumer. Often contractors come in here; I'm thinking about large-scale commercial development. Are there complementary clauses to require contractors to bring paint back to a collection point?

McAuliffe: The PaintCare program is designed to service all consumers of paint, whether that's contractors, hospitals, schools, prisons, hotels, etc. Anyone who is applying architectural paint is eligible to use PaintCare. The large-volume pickup program is designed to reach out to those large commercial entities to transport it. We've never considered a mandate because there's already high demand. People want space back. That service is exactly the same as a consumer bringing the paint to a retail store or household hazardous waste facility—there's no cost, because we want that paint coming in to us as well. We're reaching out to those communities all the time with our outreach.

Melly: To me there's a middle ground between large and individual consumers vs. a "two guys in a van" model.

McAuliffe: We're looking for them over time; that's part of our outreach model. We've done more than 12,000 pick-ups so we feel like we're getting to those audiences. We use TV, radio, billboards, etc., in terms of outreach, so every time you go into a retailer to buy paint, you're supposed to get information that we provide. We also have a really good website with a collection site locator on it, so you can punch in your zip code and find drop-off locations, etc., within a 20-mile radius. Also true for Mass, even though we don't have a program, we track municipalities. If you look in Connecticut, you probably have to drive less than three miles.

Rennie: We represent approximately 4,000 retail members across the state—independent, chain, large and small, probably more than 100–120 independent hardware stores and larger chain. We don't have paint manufacturers as members, but we happen to have stores. We have long opposed this program. You listen to how the program was developed, what I heard was that government, industry groups came together and the program that came out of it ended up being 100% financed by a group that wasn't in the room, and that's the consumer. When I think about EPR, I don't think of a program that is financed by consumer. So I think we've surveyed our members repeatedly over the years as to whether this is something they would support and participate in, and they certainly are not—I haven't found anyone looking to collect paint, and retail utilizes all the space they have to sell product to consumers. I want to ask a question on the fee and how it's moved over the years. When the fee is set, is it based on the paint sales specifically in that state? Do you look at how it's moved in other states?

McAuliffe: Fees are determined by sales in each state and the cost of transportation and processing, and then with those three data points in mind. The idea is we want to keep that fee as low as possible because manufacturers want to sell as much paint as possible. The fee is included in the program plan and set for a period of time. Over the course of time, we'll send an annual report at the end of the year, and we'll look at trends: are we covering our costs? Do we have enough of a rainy-day fund in case of a dip in sales? Are transportation costs going up? What are trends in this particular state? All of these questions are confined to each state; they're not based on the economic climate in another state. If, over the course of time, we determine that the fees are too high, we'll decrease those fees—we've done that for California and D.C. If over the course of time we're not covering our costs and we're operating the program in the red, we'll increase our fees. We want the fee to be set and known and stay in place for a certain period of time. Best case scenario is we have a fee structure stay in place for four to five years and then have four to five years of data and trends. If we feel like we need to change it, the first thing we'll do is another financial audit, figure out fees, then go to oversight agency to review and change those fees. Our philosophy is that fees will stay static for some period of time, because we don't want our retailers having to change their systems every six months or other short period of time.

Rennie: For a consumer like me, I buy a gallon of paint, put it on the wall, might have a little leftover, put it in the basement, and it stays there and it's not bothering me—I keep it there. I'm a horrible painter, so when I go to touch up, I go down and haven't sealed it properly and it's dried up. In that instance, as a consumer, what have I paid for? I do think there are a lot of folks like me who buy a gallon of paint, what percentage of that is actually put on the wall vs. what is open? I know you have different fee amounts for different size containers, but if I need a small amount of paint and buy a small container, I'm still probably going to have some left over. It's interesting that fees are higher based on size of the can.

McAuliffe: It's part of the cost of managing the end of life of that product. The important thing is you can bring all the paint from your basement or garage from at any point and you haven't paid a dime.

Sen. Barrett: Informational question here: you do accept the product regardless of its condition, so no dried-up paint cans are rejected? Can I bring anything back at any time regardless?

McAuliffe: That's absolutely correct. As long as it's an architectural paint product, whether it's liquid or solid or anything in between, you can bring it to a collection site.

Sen. Barrett: I think this is a very interesting program to consider. I'm not sure it's within the working definition of EPR. My understanding is we would build something into the manufacturing end to make the paint product less polluting, or alternatively where they innovated in terms of marketing in terms of container or the chemistry of the product because they were incentivized to do so. This is an alternative perhaps to EPR, rather than an example of it. It does move responsibility downstream to consumer, who not only pays but is responsible for whether the choice of how paint is disposed. If by just keeping the paint on hand, it's remaining as polluting as it ever was because the constituent elements have never evolved, isn't this an alternative to EPR, perhaps without merit, where 90% of the paint remains in our basements to be disposed of God knows how 20 years from now?

Melly: Senator, I think your point is well taken and this goes back to the role of the oversight agency; I imagine there are many things you can bake into a program plan to what the agency would require reducing the percentage of hazardous items. Unlike mattresses, it's not illegal to drop can of paint in the trash. There are a lot of ways the role of the regulatory agency and statute to provide guardrails to ensure that the money is spent for not just management but sustainability and waste reduction. I think that's accomplishable. Ultimately this is not just managing the cost of paint, but managing environmental goals as well.

Barrett: Thank you.

Commissioner Neil Rhein: This is a little in the weeds here. We keep talking about paint, but what about stain? Is that considered paint, or are there other types of paints, stains, that are excluded from this program?

McAuliffe: I've mentioned the PaintCare website before. It's really good. There's an extensive list of products we do collect, and that does include stains. Regarding the Senator's comments, this program has been operating successfully since 2008. It's really one of the—tooting my own horn here from the industry, it's an award-winning program and has been winning awards since it started. It's really known as one of the gold standards of stewardship within the industry. Is it a strict EPR program? I believe that it is—I know Scott Cassell and I might differ on the definitions, but this is a program that was developed through conversation with stakeholders at the table including the U.S. EPA, and this is the result. And we've been demonstrating since 2010 that this program does work. It gets leftover paint out of people's garages and basements and keeps it out of landfills. We're working on reuse program and trying to educate consumers on how much paint to buy. There's a calculator on our website to help people figure

out how much paint to buy so you don't have anything left over. Not only are we managing leftover paint; we are managing the containers. Our goal is to recycle paint and containers as well.

Sen. Barrett: I'm probing, but not criticizing. I think you've got a very interesting program and I don't want you to be discouraged by my questions. Do you have percentages of the total paint stream diverted as opposed to, as you say, remaining in somebody's basement, or otherwise unaffected by the incentives we've set up here? I'm looking for overall success of the system, which is to say, at the end of the day, how much paint is still going into the ground as illicit disposal or in the trash can for trash pickup? How much of the potential disposal waste stream is captured by your program and how much is continuing in the fashion that it would have had the program not existed?

McAuliffe: That's a difficult metric to try and put your hand on. We do know how much paint is sold, because that's reported to us by manufacturers. We don't know how much is actually used by consumers and how much they're putting away because they want to hold onto it for one to five years, because we cannot track those numbers. We don't have numbers on what would actually go into the municipal waste stream.

Sen. Barrett: It matters if we're capturing 10% of excess or unused in states that have EPR, etc.

McAuliffe: It's hard to tell if paint is relatively new or how old it is.

Rennie: On the financing model, is there a PaintCare California, Rhode Island, etc.? Does the money from states intermingle, or are they all sort of siloed in their own entities? Then in an instance where you have costs that increased compared to revenue in particular state, I imagine there's a rainy-day fund? Are those funds mingled together or are they all siloed?

McAuliffe: Those are all siloed. PaintCare is all LLC; all money from paint sold in one state remains in that state.

Ahlberg: I'm curious if you could speak to payments to municipalities and other paint collectors. Is that on a reimbursement basis? How does the first year go? Are there any upfront costs or how does that shake out?

McAuliffe: I don't think there are any upfront costs, but I have to think about that. There are no direct payments to municipalities. What occurs is a partnership agreement between municipalities and PaintCare, and then the costs for the transportation and processing of paint waste is paid directly by PaintCare. We're not sending checks to municipalities; we're literally paying expenses for transportation, processing of a waste stream. So there are no upfront cost that I'm aware of. There is a relationship agreement and training materials provided by PaintCare, which for a municipal facility may not be necessary since you're already doing that activity. There are program outreach materials that PaintCare would provide as well. I might have to follow up on that.

Ahlberg: That's helpful, thank you.

9. Discussion: proposed EPR paint recommendation

Trabert: I have a lot of experience in the municipal sector handling waste. Newton has household hazardous waste, etc. PaintCare would absolutely work in Massachusetts by creating a tremendous amount of convenience that does not exist now. As to impacts to municipalities, it's been estimated that household hazardous waste costs could be reduced by up to 50%, which varies depending on the size of the municipality. Newton spends about \$50,000 per year on household hazardous waste. Only 20% of all paint sold is oil-based, but Newton only takes oil-based paint. The state's guidance is to dry out latex paint in the can and throw in trash. When I tell residents that response, they want to throw that paint can at me. People don't understand what a nuisance issue is until they're trying to get rid of that paint. Right now it's very difficult to do so. A lot of people just hoard paint until they move. The Realtor's Association is now requiring people dispose of paint. It's becoming more and more of a problem. Just want to emphasize that right now taxpayers as a whole are paying for what little collection system we have, whether they are buying paint or not. So by changing this system, it is a fee for only those who are consuming paint. Paint has a lot of benefits, but for the most part it is a luxury purchase. A fee is not going to prohibit someone from making a purchase. It's already \$40–80 for a can of paint. An additional \$0.75 is not going to be prohibitive. Regarding the receipt, in the bills before the legislature, it's typical to put the fee right on the receipt to make it visible to the consumer. I think that this system would close a lot of gaps that we have right now in our current lack of a system. So it really creates a closed-loop system that allows people to do the right thing as easily as possible.

Byrne Kishida: I concur with everything Trabert said. I retired from the DEP several years ago. I ran a regional household hazardous waste contract for 39 communities north of Boston. For Jose, this included many gateway cities. At beginning of that contract, there was a whole lot more oil-based than latex paint. Before that, I worked as the state recycling coordinator for Essex County, a position funded by the MassDEP. When I started, the first thing they said was we want you to come up with a regional collection program for our communities and want to change it so we'd know what the cost was going to be. Municipalities would hold household hazardous waste collection events, but communities had no way of knowing what the costs were, so it was revolutionary to charge based on volume. Most of that volume was paint; now it's just limited to oil-based paint. But we are seeing most of what's coming still is paint. On the other side, I really appreciate hearing from you, Bill, and what the challenges are. My experience in talking with smaller retailers is that they want to see this. They want the foot traffic. Greg mentioned several times, for Recolor paint, this is a home-grown, Hanover-based thriving business that has to go outside of Massachusetts to source recycled paint. I have it in my home and it's a fabulous paint. Just recently, it was announced that Recolor was partnering with the Home Décor Group, a retail group that's partnering with Recolor to accept latex paint and charging \$5 a can. Back when I worked for MassDEP, many charged more than \$1 per can. So consumers want it and at least what I'm hearing from retailers because it's great customer service and we're actually completing the circle.

Rennie: Thank you for the presentation, excellent job. On the question, would it work? I think it would, as it works in other states. The question is, who pays for it? With 100% consumer financing, retailers are collecting the fee at point of sale. We've dealt with the competitive problem of New Hampshire for decades. They have no sales tax. There's a tremendous amount of retail in southern New Hampshire and a significant portion of our population will take advantage of that. We'll say it's only \$1.35 per can and that

doesn't seem like a lot, but it's another incentive not to shop in Massachusetts as they could buy it in New Hampshire for less. That amounts to \$4–5 per can. I'd have concerns on the competition side. My understanding is the fee is on the receipt in all of the states, which I think is important so consumer knows what they're paying for. You mentioned Recolor and they are a Retail Association of Massachusetts member. We would prefer a program that works on a volunteer basis without charging every consumer. The old legislative version was just dealing with post-consumer architectural paint; in the new version, they're changing it to paint or paint products, which includes aerosols and "additional products as defined in the program plan." We would have concerns with an open-ended program as well. Architectural paint is one thing, but when adding aerosols to the bill, that's an additional concern for us.

Ahlberg: Just wanted to state that the Massachusetts Municipal Association (MMA), which represents 351 different cities and towns, adopted a resolution almost unanimously in 2019 supporting PaintCare and paint stewardship broadly. We heard at last meeting the cost increases that cities and towns have borne. I'm happy to share this resolution. This continues to be an issue, and wanted to reiterate that cities and towns are grateful for any financial assistance and really want to expand the number of options available to residents. The more convenience we can offer, the better, and the more paint can be diverted from landfills and improper use, the better. I reiterate our support for PaintCare.

Beling: We would appreciate a copy of the resolution.

Melly: Two comments. The first is I come back to this middle ground, someone like a professional painter, where it feels like there's an opportunity to bake into legislation some complementary policies that if someone is going to pay you to paint, if you're offering professional services, you have a greater role in participating in the program. That's not necessarily the EPR program, but would support the overall goal. The second is to reiterate importance of giving clear legislative intent in the enabling statute and giving regulating authority a strong role to play in setting guidelines. We have a solid waste master plan. A program plan should explicitly meet the goals of the solid waste master plan and integrating what the DEP is handing off to PSI.

Ahlberg: One concern I have is for MassDEP to take another look at the RDP program to see if there are any other approaches. If a municipality did volunteer to be a paint collection site, maybe there could be additional incentives for those communities. I'm not sure if there should be incentives for general paint retailers.

Triplett: We come at this in part from a consumer protection standpoint which may not apply so much for paint, but different bills have different definitions of recycling from the Senate and House. From what we hear, there can be confusion about what recycling means in general, i.e., what is a recyclable product. So I would urge that there be some consistency in legislation and looking at DEP's definition of recycling, and in particular regarding plastics. Creating energy from products is not something that's considered recycling. This is tangential; there are definitions of recycling in the bills out there right now. Second, I imagine there would be some enforcement process in the statute and maybe there are already, but just wanted to point that out there, too.

Trabert: I just wanted to go back to two quick concerns, and it's kind of in reverse. I have concerns about keeping things the way they are. One that was mentioned earlier is the concern about cross-border sales into New Hampshire. Every single other state has this law that borders Massachusetts, so I would counter to say that Massachusetts is causing problems for all of those other programs, because we have gone to hardware stores across the Connecticut border who have asked where they're coming from. They're making purchases and offering foot traffic because they couldn't recycle paint. Superusers are obligated by law to responsibly manage paint: right now the economic incentives are for those superusers to pay for disposals as trash, and this policy would shift that incentive for them to do the right thing. So there doesn't need to be a separate parameter to make it the right thing to do and the cheapest thing to do.

Commissioner Abbie Webb: It would be helpful to offer some additional data for municipalities to run hazardous household waste programs. That would be a useful data point to have.

10. Public input

Phil Goddard, Town of Bourne, Department of Integrated Solid Waste Management, Cape Cod: We were the recipient of a DEP grant that we managed for the entire Cape for PaintCare. We worked with Recolor. That was very successful and proved that people wanted it. Dennis is collection host. We fill a 53-foot trailer every year in one afternoon. All the towns on the Cape support this and have contributed to keep the program alive. Not everyone has a paint shed. We pour oil-based paint into 50-gallon drums. That's combustible. We used to light it on fire in the 1960s. With the recycling definition in the bill, oil-based paints are part of this, and they're used for fuel blending—to recycle it is difficult and it should be managed in a hazardous waste facility. The staff burden is considerable; there are hours of paint pour-offs every year. There are also serious gaps in hazardous waste collection time periods, so there's an off-season issue as well as availability. New Hampshire also has a bill pending, so that gap could be closing soon. Would be very helpful to municipalities to have this, as it would reduce the burden on staff at recycling centers across the state that have very few employees.

Peg Hall: I live in Greenfield where there are exactly four places to buy paint in town. Three small retailers would enthusiastically volunteer. I explained what would happen under this program, and they have written letters in support. I think you will find that they are actually quite excited about this.

11. Straw poll

Beling read the proposed language from slide 31 and explained the straw poll concept. He explained that staff will develop a more formal and detailed recommendation between now and next meeting, where we would have a more formal vote.

Commissioner Janet Domenitz: I don't want to complicate this, but how does this relate to bills that are currently filed this session?

Beling: We wouldn't identify specific bills. The legislature will identify what they want to pursue. We would state something in essence like this. We're looking for consistency. I don't anticipate that we'll say this is the bill; we'll say we have a bill that has these features to it and leave it to legislature as to draft it.

We'll lay out parameters. There may be some things other states are doing. My thinking is not to identify bills by number.

Trabert: I don't recall that from our first meeting. If there was a relevant bill, we can choose to support it or not.

Beling: That's something we can discuss. Right now we will offer some direction.

Trabert: I think this Commission should specify bills by number this session as opposed to asking them to connect those dots.

Melly: I support this model; what I'd like to see added to it is a date. These bills have been kicking around for a decade now so I would like the Commission to officially endorse enacting legislation by 2026; some version of that. Because that can be read by the legislature as "when you get around to it." Specifically, this Commission should call for action this legislative session.

Beling: Would you recommend adding that to this language?

Melly: I would recommend by December 31, 2025, because they're not actually going to do it until next year at the earliest. The key here is that this is overdue, and we're behind other states, and there's an urgency to this work that we're doing. That should be reflected.

Cooper: The Commission's recommendations are due in January.

Melly: Let's include "by July 1, 2026," then, in alignment with legislation.

Trabert moved to amend the motion to include "by July 1, 2026." Ahlberg seconded.

Beling clarified the purpose of the language.

The motion carried with Rennie voting no.

Ahlberg moved to support a recommendation to enact legislation by July 1, 2026, to establish an extended producer responsibility law for paint that aligns with the Paintcare model in surrounding states (Connecticut, Maine, Rhode Island, Vermont, and New York) to provide consistency across the region. Melly seconded. The motion carried with Rennie voting no.

Beling repeated that staff will set up a more formal recommendation to review at the next meeting.

Ahlberg: There were some questions that had been answered online as of earlier this month, but if there are questions or comments around paint recommendations in particular, can we see them in advance before approving a recommendation on EPR law for paint?

Cooper: We can share those as they come in. We've been looking at trying to answer the questions as best we can every couple weeks vs. instantly answer every one of them. This is a good time to remind to public that there is a public comment section that the MassDEP EPR public comment website.

Trabert: To Josie's point, there should be some type of deadline to get those materials collected from interested stakeholders so they could get out to Commission members—perhaps two weeks from now to allow for a week to accumulate and get to Commission members in preparatory materials for next meeting.

Deputy Director John Fischer: In response to Josie, similar to Waneta, we're working this out as we go in the cycle of reviewing and responding to comments so we can share those. I think this is an appropriate time to gather and consolidate comments after we have a meeting.

Cassell: I just want to bring your attention to a background document that PSI put out; there's information that we put out as materials for this meeting. There's lots of data in there that may answer some of your questions.

Cooper: We'll be posting that and all of the other information distributed on the website.

Ahlberg: One more point is that there are differences between House and Senate legislative language. The House version is updated and includes aerosols, which is preferred by ACA. That's the main difference.

Rennie: One last question. Are you envisioning that we will recommend a specific bill?

Beling: That's open to debate. We need to consult with our attorney on that. We need to make sure it's legal to do so. We'll have to figure that out. If the Commission votes, as long as it's appropriate, that's what we'll do.

Rennie: In my mind, we'll look at policies, and legislation will be up to the legislature. Paint might have two different versions; mattresses might have three, plastics might have 20. I would prefer that we stick to policies vs. legislation.

Trabert: The legislature tasked this commission with making recommendations to them, so it makes the most sense to specify the bills before them.

12. Next steps and adjourn

Ahlberg moved to adjourn. Melly seconded. The motion carried unanimously.

The meeting adjourned at 12:31 p.m.

Respectfully submitted,
Jennifer A. Haugh
GreenerU