



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

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Maura T. Healey  
Governor

Kimberley Driscoll  
Lieutenant Governor

Rebecca L. Tepper  
Secretary

Bonnie Heiple  
Commissioner

June 30, 2025

The Honorable Ronald Mariano  
Speaker of the House  
Massachusetts House of Representatives  
State House, Room 356  
Boston, MA 02133

The Honorable Karen Spilka  
Senate President  
Massachusetts Senate  
State House, Room 332  
Boston, MA 02133

The Honorable Christine Barber  
House Chair, Joint Committee on Environment  
and Natural Resources  
State House, Room 167  
Boston, MA 02133

The Honorable Becca Rausch  
Senate Chair, Joint Committee on Environment  
and Natural Resources  
State House, Room 215  
Boston, MA 02133

The Extended Producer Responsibility Commission was established pursuant to Section 108 of Chapter 239 of the Acts of 2024 (the Act) to recommend to the General Court extended producer responsibility (EPR) policies for the Commonwealth. The Act further provides that the policy recommendations “shall include, but not be limited to: (i) recommendations on specific and other strategies for product and packaging categories including, but not limited to, paint, mattresses, electronics, lithium-ion batteries, plastics and other packaging.”

The Act also provides that

Not later than January 15, 2026, the commission shall issue initial recommendations and related findings to the senate and house committees on ways and means, the joint committee on environment and natural resources, the joint committee on telecommunications, utilities and energy and the clerks of the senate and house of representatives. The department of environmental protection shall publish said recommendations and related findings on its website.

The Commission has held three meetings to date: on April 14, 2025 (kick off), May 21, 2025 (paint) and June 18, 2025 (mattresses). There are three remaining meetings: July 16 (batteries), September 17 (electronics), and October 29 (plastics and packaging). Advisory groups have been formed to assist the Commission in evaluating electronics and plastics and packaging.

At the May 21 meeting, the Commission was presented with information relating to EPR approaches for paint. At the June 18 meeting, the Commission voted to issue a recommendation for a preferred approach for paint in advance of the report to be issued on or before January 15, 2026. This letter contains that recommendation.

## **Background**

Americans generate more than 80 million gallons of leftover latex and oil-based paint every year. In the Commonwealth of Massachusetts, an estimated 1.8 million gallons of leftover paint is generated annually, with more than half—67%—discarded in either a combustion facility (waste-to-energy) or a landfill.

When dumped in the trash or down the drain, leftover paint—particularly oil-based paint—can contaminate the environment with hazardous materials. According to MassDEP’s most recent waste characterization studies, paint accounts for 0.13% of all solid waste annually, or 6,100 tons, in Massachusetts.

Currently in Massachusetts, responsibility for the collection and appropriate disposal of household hazardous waste (HHW) falls predominately on municipalities. Most leftover paint that is recovered is collected by municipalities during an annual, one-day HHW event, which is an inconvenient and expensive method to divert paint away from household trash bins and drains. This collection method, for only a third of leftover paint, costs taxpayers approximately \$2 million annually. A third of Massachusetts residents have no access to municipal HHW collection services and only 23% of Massachusetts residents have access to year-round paint collection.

Paint is highly recyclable. Leftover oil-based paint can be used as industrial fuel. Approximately 70% of collected latex paint is reused or recycled back into paint or non-paint products. Extended producer responsibility (EPR) programs for paint have been operating successfully in 12 states and the District of Columbia, beginning with Oregon in 2010. PaintCare, a nonprofit 501(c)(3) organization established by the American Coatings Association, collects and recycles unwanted and leftover paint, preventing it from being discarded. PaintCare collects leftover paint through participating retail stores and municipal HHW collection efforts providing extensive access to this service year round. It also provides consumer information and resources on how much paint to buy, how to store paint longer, and ideas on how to use leftover paint. To date, PaintCare programs have collected nearly 80 million gallons of unwanted paint with a recycling rate of more than 80%.

## **Extended Producer Responsibility Commission Recommendation**

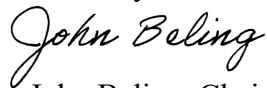
The Commission recommends that the Massachusetts Legislature enact legislation on or before July 31, 2026 establishing an extended producer responsibility program for paint. The Commission recommends the development and implementation of a program (e.g., PaintCare) that aligns with programs already in place in other Northeast states (Connecticut, Maine, Rhode Island, Vermont, and New York), to provide consistency

across the region.

The Commission acknowledges proposed paint EPR legislation under consideration before the Massachusetts legislature at time of report publication: H.886, which includes aerosol-based paint, and S.647.

The Commission, through its Chair, can meet with the General Court in order to further discuss this recommendation. Please reach out to Massachusetts Department of Environmental Protection's Deputy Chief of Staff and Director of Government Affairs Courtney Rainey at [courtney.rainey@mass.gov](mailto:courtney.rainey@mass.gov) or 617-897-3703 to assist on scheduling or with any questions. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "John Beling". The signature is written in a cursive, flowing style.

John Beling, Chair  
Extended Producer Responsibility  
Commission

ec: EPR Commission members