PRODUCT STEWARDSHIP INSTITUTE

Paint EPR Background Document

Massachusetts EPR Commission Meeting
May 21, 2025

Prepared by the Product Stewardship Institute, Inc.

1 Beacon Street
Boston, MA 02108

617-236-4855
productstewardship.us

The Product Stewardship Institute

The Product Stewardship Institute is a policy expert and consulting nonprofit that powers the emerging circular economy to ensure products are responsibly managed from design to end of life. In 2000, PSI pioneered product stewardship in the United States by convening diverse stakeholders to build extended producer responsibility (EPR) policies and programs. Drawing on global best practices and expansive multinational relationships, our facilitated dialogues, policy models, and expert testimony have helped enact 142 EPR laws in 33 states across 20 product categories, including packaging, paint, batteries, mattresses, and electronics. Our members include state, local, and tribal governments in 48 states, and we partner with more than 120 businesses, academic institutions, environmental nonprofits, and international governments. Together, we advance scalable solutions that protect people and the planet. Join us at www.productstewardship.us.

Acknowledgements

PSI prepared this report for the Massachusetts Department of Environmental Protection as an information resource for the Extended Producer Responsibility Commission.

Project Contact

For more information, please contact Scott Cassel, PSI chief executive officer and founder, at scott@productstewardship.us or 617-236-4822.

Contents

1. History of Paint EPR in the U.S.

In 2002, the Product Stewardship Institute (PSI) invited the paint industry (through its national association, today called the American Coatings Association (ACA)), to work collaboratively along with state and local governments and other stakeholders to address the problem of leftover paint. At the time, legislators in California and Minnesota had introduced their own brand of legislation, both of which ACA opposed. When PSI invited ACA to join a national dialogue to develop a harmonized model bill that could be introduced in each state, ACA said yes.

PSI led and facilitated this national dialogue, called the Paint Product Stewardship Initiative (PPSI), which researched most phases of the paint lifecycle—source reduction, virgin paint manufacturing, leftover paint collection, reuse, recycling, and recycled paint sales. The series of discussions included more than 300 stakeholders including ACA, paint manufacturers, recyclers, retailers, state and local governments throughout the United States, paint stewardship program operators in Canada, the U.S. Environmental Protection Agency, and others. The resulting agreement included a detailed model policy framework for paint extended producer responsibility (EPR), as well as a coordinated state rollout plan to the first "demonstration" state and then to other states. This roll out plan ensured that the paint EPR programs expanded nationally while also being manageable for the paint industry.

Below is the basic timeline by which this first-in-the nation EPR dialogue led to a model paint bill that has been implemented around the country. For more information on the dialogue, see the Appendix.

Paint EPR Model Timeline

2002-2024	Paint Product Stewardship Technical Report and Action Plan
2005	First Memorandum of Understanding
2007	Second Memorandum of Understanding
2003-2004	National Dialogue: 4 meetings; 9 months; 8 workgroups
2005-2007	National Dialogue: detailed workplan; legislation elements
2007-2010	Pilot Program

To this day, the paint industry is one of the few industries that has engaged in multi-stakeholder dialogue to develop a model policy. The effort paid off; nearly identical paint EPR laws have been enacted in 12 states and the District of Columbia, all of which emanate from the PSI/ACA dialogue. It is because of the model that paint EPR bills can be enacted and programs implemented efficiently, effectively, and in relatively short time frames. By agreeing from the outset to meet with other stakeholders, the paint industry took the most important step needed to harmonize paint EPR laws nationwide.

Additional information about the national paint EPR dialogue, as well as additional information on the paint program, can be found in at the end of this background document.

2. Leftover Paint: Problems, Stakeholder Interests, Goals

Waste and Lost Resources

10% of Paint Goes Unused

Approximately 10 percent of the paint that consumers purchase goes unused, according to a U.S. EPA contracted study conducted for the PPSI dialogue. This key data point corroborated earlier research conducted by PSI. In Massachusetts, residents generate about 1.8 million gallons of leftover paint each year.[1]

Paint is a Highly Reusable and Recyclable Resource

Most latex paint, if stored properly, can be reused or reprocessed into recycled paint. On average, leftover latex paint that is collected through the PaintCare program has been reused at a rate of about 5% and recycled at a rate of approximately 70%. Recovered oil-based paint, which represents only about 10% of new paint sales, is blended and either recycled by one of two oil-based paint recyclers in Canada or used as an industrial fuel. There are currently about a dozen latex paint recyclers in the U.S. that receive leftover paint from PaintCare programs, although a significant portion is also transported for processing outside the U.S.

Cost to Government and Taxpayers

50% of Household Hazardous Waste (HHW) Budgets Go to Manage Leftover Paint

Municipal household hazardous waste (HHW) facilities typically spend up to 50% of their annual budget on paint alone – if they collect it at all. In cases where latex paint is not collected through HHW facilities, residents are typically instructed to dry it out and throw it in the trash, which incurs disposal costs. Oil-based paint, which is considered a hazardous waste in the U.S., is particularly expensive to manage.

Limited Access to Reuse and Recycling

Most Municipalities Collect Only Oil-Based Paint or Don't Collect At All

Due to budget constraints, local governments often instruct residents to dry out latex (water-based) paint and place it in the trash, even though this practice is time intensive, often impractical, and sometimes costly.

[1] Based on national paint sales for 2021 of 868 million gallons, 10% waste, and per capita waste scaled to the Massachusetts population.

Environmental Impacts

Water Contamination

When citizens lack convenient access to proper recycling and disposal, paint winds up down household drains and storm drains, in curbside trash, or dumped illegally. When improperly disposed of in these ways, paint can contaminate water directly or through landfill leachate. Paint can also kill organisms that degrade sewage in wastewater treatment plants. Waste haulers have also reported issues with liquid paint spilling in trucks and onto the streets and workers.

Toxic Elements

Oil-based paint, and even latex, can contain low-level volatile organic compounds, fungicides, and (in the case of very old paint) hazardous metals such as mercury, lead, cadmium, and hexavalent chromium, which can contaminate water and soil when improperly disposed.

Flood Risks

Paint stored in garages and basements become hazardous waste in flood waters, an increasing risk in a rapidly warming climate.

Lost Economic Value and Opportunities

Unrealized Market Potential for Recycled Paint and Local Job Growth

Despite the presence of a national paint stewardship model, Massachusetts continues to forgo the economic and environmental benefits of participating in PaintCare. Across North America, **at least 12 recycled paint manufacturers** are actively converting leftover paint into valuable, marketable products. Many of these companies are members of the **International Paint Recycling Association (IPRA)** – a nonprofit trade organization co-founded by PSI in 2019 to expand end markets for recycled paint and stimulate demand for post-consumer material.

Without a PaintCare program, Massachusetts lacks a dedicated infrastructure to consistently capture and supply leftover paint to these manufacturers, limiting its ability to participate in a growing **circular paint economy**. This results in:

- **Lost job creation** in paint collection, processing, and remanufacturing sectors.
- **Missed private investment** in recycled paint operations and drop-off site partnerships.
- **Reduced demand** for locally generated, recyclable material.
- **Continued reliance on taxpayer-funded HHW programs** instead of producer-funded systems.
- **Increased landfill/incineration costs** for a material that could otherwise be reused or remanufactured.

States that have adopted PaintCare—such as California, Oregon, and Colorado—have seen direct economic growth in recycled paint manufacturing and supply chain development. Until Massachusetts implements its own program, these opportunities will continue to bypass the state.

Key Paint Stakeholder Interests

Municipal Governments

- Cost savings
- Increased convenient services for constituents
- Statewide education and outreach provided by the paint industry
- Human health and environmental protection

Paint Manufacturers

- Reduced regulatory risk
- Regulatory harmonization
- Responsible end markets for off-spec[2] paint

Recycled Paint Manufacturers / Paint Processors

- Increased supply
- More production
- Business expansion

Hazardous and Solid Waste Transporters / Haulers

- Boost business opportunities for hazardous waste transporters
- Proper handling of paint products
- Reduce nuisance splatter of paint in curbside trash hauling

Retailers

- Foot traffic from customers dropping off leftover paint for retailers that want to voluntarily collect
- Easy, free, and voluntary paint recycling process
- Customer service and increased loyalty
- Customer resources for estimating the amount of paint needed
- Free point-of-sale materials and signage for consumer education

[2] "Off spec" refers to a product that does not meet industry standards.

Contractors and Bulk Waste Paint Generators

- Access to large volume pick-ups of waste paint at no cost

Consumers and Residents

- Convenient and free access to reuse and recycling services for leftover paint
- Educational resources such as paint estimation tools and proper disposal information
- Positive perception of their state and local governments, and the paint industry

3. Paint Management in Massachusetts

Leftover Paint Generation

Massachusetts residents generate an estimated 1.8 million gallons of leftover paint each year.[3]

Collection Access and Amounts

Just 23% of MA Residents have Year-round Collection Access for Leftover Paint

Even though there is plenty of paint to be managed, only 26% of communities (23% of the Massachusetts' population) have year-round access to leftover paint collection opportunities, according to data reported by municipalities to the Massachusetts Department of Environmental Protection (MassDEP).[4] Another 23% have intermittent access, while a third of Massachusetts communities (32% of the population) have no leftover paint services at all.

Table 1: Percentage of MA Communities and Residents with Leftover Paint Collection Access

Collection Frequency	% Communities	% of Population
Year Round	26%	23%
Weekly/ Monthly	2%	2%
6-11 months of year	5%	7%
< 6 months of year	16%	25%
0	32%	32%
No data	18%	11%

[3] Based on a U.S. EPA estimate that an average of 10% of paint is unused each year, sales volumes of about 800 million gallons nationally in 2021 scaled to the Massachusetts population.
[4] Massachusetts 2024 Recycling and Solid Waste Survey, accessed May 13, 2025 at https://www.mass.gov/doc/2024-municipal-solid-waste-recycling-survey-responses/download

The collection opportunities for oil-based paint are slightly better, with intermittent collection opportunities (e.g., one-day events) provided to 59% of the population, Even so, only 13% of Massachusetts municipalities offer year-round oil-based paint collection and 11% offer no oil-based paint collection opportunities.

Table 2: Percentage of Mass Communities and Residents with Oil Paint Collection Access

Collection Frequency	% Communities	% of Population
Year Round	13%	10%
Weekly/Monthly	8%	4%
6-11 months of year	13%	18%
< 6 months of year	38%	32%
0	11%	6%
No data	18%	11%

Most Leftover Paint is Landfilled or Combusted

We know from the most recent solid waste characterization studies, that Massachusetts residents dispose of about 1 million gallons[5] of paint through the municipal solid waste stream. If Massachusetts residents generate about 1.8 million gallons of leftover paint annually, the portion disposed of in the trash, or disposed of down household or storm drains, represents about 56% of all leftover paint generated each year. Of the amount disposed in the trash, about 33% was sent to an out-of-state landfill and 67% was sent to combustion facilities in Massachusetts.[6]

The Massachusetts Recycling and Solid Waste Survey does not capture information about the amount of paint managed by municipalities through their HHW programs. Based on access to latex and oil paint collection through HHW facilities (see above), and the amount disposed of in the trash, we can estimate that up to 44% of leftover paint generated is collected for reuse, recycling, and combustion through these sources. Recolor, a Massachusetts-based recycled paint manufacturer, estimates that it processes about 20% of leftover paint generated in the Commonwealth (about 360,000 gallons), and expects to expand significantly by the end of the year. See Table 3 for more detail. More data will be available later this year after a municipal survey that the Product Stewardship Institute will conduct.

[5] Estimate is based on the average weight of a gallon of paint at 11 lbs. and the waste characterization study estimate that 5,600 tons (11 million lbs.) of the solid waste stream was paint.

[6] Based on data from the most recent Massachusetts waste characterization studies that indicates paint comprises about 0.0012% of the 4,480,000 tons of municipal solid waste generated in 2023.

Table 3: Paint Generation and Disposition in Massachusetts (estimated)

Paint Generation & Disposition	Gallons (Est)	Percent of Total
Total leftover paint generated annually	**1,8000,000**	**100%**
Disposed of in trash	**1,000,000**	**56%**
Landfill	*330,000*	*18%*
Massachusetts Combustion Facility	*670,000*	*37%*
Collected at HHW for reuse, recycling, disposal	**800,000**	**44%**
Processed by Recolor into Recycled Paint	*360,000*	*20%*
No Data Available Yet	*440,000*	*24%*

Paint Management Costs

Municipal Paint Management Cost Estimated at $16 million/Year

In the PaintCare Connecticut 2024 Annual Report, the cost per gallon was reported at $9.11 per gallon, and the PaintCare Vermont 2024 Annual Report indicates a cost of $8.69 per gallon. Using an average cost of $8.90 per gallon, if Massachusetts municipalities collected and recycled or properly managed all 1.8 million gallons of leftover paint generated each year, it would cost $16 million annually.

What municipalities are spending to dispose of or otherwise manage (e.g., reuse, recycle) paint today is not known, since the Massachusetts Recycling and Solid Waste Survey does not request that information. However, more information will be available later this year through a survey that PSI will conduct.

4. EPR Laws in the U.S.

As of May 14, 2025, there were 13 paint EPR laws, in 12 states and the District of Columbia (see Table 4 below). All 13 programs are run by PaintCare, the nonprofit producer responsibility organization (PRO) established by ACA. California is the only state thus far that has amended its Paint EPR law to expand the products covered to include aerosols and other specialty paints (e.g., marine, furniture, craft).

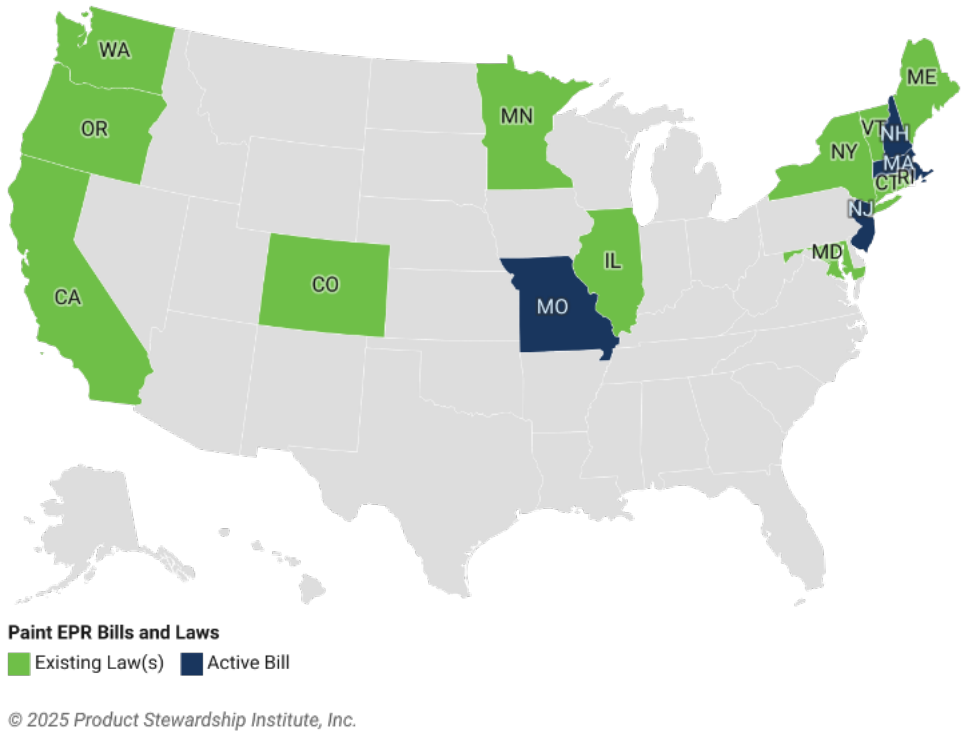
Table 4: Paint EPR Laws in the United States

State	Enacted	Implemented	State	Enacted	Implemented
Oregon*	2009	2010	**Colorado**	2014	2015
California**	2010	2012	**District of Columbia**	2015	2016
Connecticut	2011	2013	**Washington**	2019	2021
Rhode Island	2011	2013	**New York**	2019	2022
Minnesota	2013	2014	**Illinois**	2023	2025
Vermont	2013	2014	**Maryland**	2024	2026
Maine	2013	2014			

* Oregon's law was amended in 2013 to make the program permanent.
**California's law was amended in 2023 and 2024 to add aerosol and non-industrial specialty paints (e.g., furniture, marine, craft).

In addition to the states with laws, four state legislatures have introduced paint EPR legislation in 2025, including Massachusetts, Missouri, New Hampshire, and New Jersey (see Figure 1).

Figure 1: Paint EPR Laws and Bills in the United States



How Paint EPR Laws Work

PaintCare

Once a paint EPR law is enacted, PaintCare develops and submits a detailed program plan to the state oversight agency (typically the environmental agency) for approval. That plan includes all the information the agency needs to know about how the program will be run to meet the statutory requirements.

Once the oversight agency has approved the plan, PaintCare begins its work, which includes the following responsibilities:

- Securing and contracting with collection sites (e.g., retailers, HHW facilities, and others) while ensuring equitable access in urban, suburban, and rural areas.
- Providing retailer and collection sites with supplies, training, educational materials, and logistical support for registration and reporting.
- Securing and contracting with transporters and paint recyclers / processors while prioritizing reuse and recycling over landfill/incineration
- Conducting public education and outreach, which includes designing and implementing a statewide education and promotion campaign to inform consumers about how and where to recycle paint, and to promote waste reduction and proper paint storage/use.
- Manage finances and assess and adjust fees, while using funds exclusively for program operations (not for profit).
- Monitoring producer compliance and reporting.
- Reporting annually to the oversight agency on program activities and results.
- Ensuring transparency and accountability through audits and evaluations.

Producers

Producers (i.e., paint manufacturers) must register with PaintCare and charge the PaintCare Fee on all wholesale paint sold to retailers in the state, as well as all direct-to-consumer paint sold into the state (e.g., from Amazon). Producers may not sell paint in a PaintCare state if they are not registered with PaintCare and not participating in a state-approved stewardship program.

Consumers

When a customer purchases paint in a state with a paint EPR law, the price of the paint includes a fee – called the PaintCare Fee – that varies based on the size of the container. This fee ranges from $0.30 to $2.45, depending on the state, and is remitted to the retailer. Several of these programs have been amended over time to adjust the PaintCare fee (referred to in statute as a "paint stewardship fee") (see Table 5). When consumers have leftover paint, whether that paint was purchased before or after the law was enacted, they can bring that leftover paint to a PaintCare collection site for proper management or recycling/reuse.

Table 5: PaintCare Fee in Northeast States

State	< half pint	> half pint < than 1 gallon	1-2 Gallons	> 2 gallons up to 5 gallons
Connecticut	$0.00	$0.35	$0.75	$1.60
New York	$0.00	$0.45	$0.95	$1.95
Maine	$0.00	$0.35	$0.75	$1.60
Rhode Island	$0.00	$0.35	$0.75	$1.60
Vermont	$0.00	$0.65	$1.35	$2.45

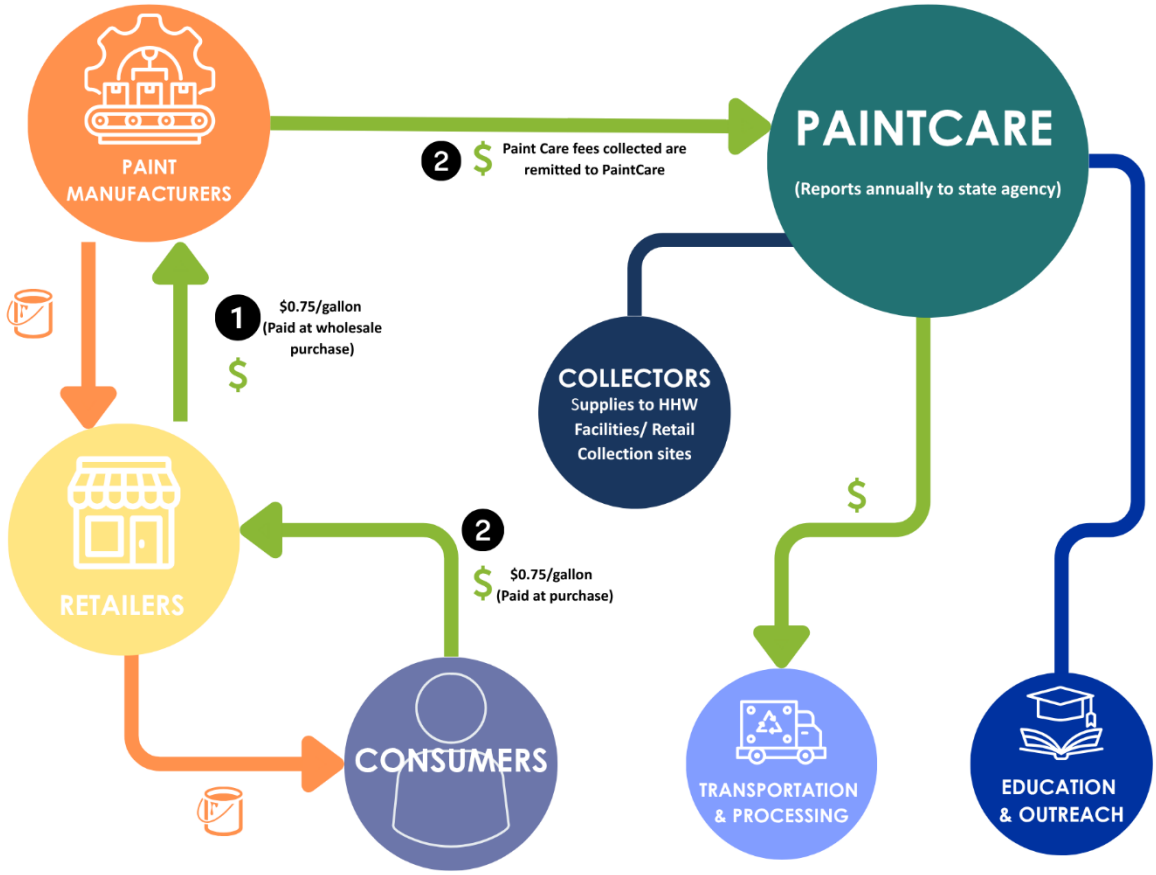
Retailers

All retailers, whether physical stores or online, are charged the PaintCare fee by the manufacturer when they purchase paint wholesale. The manufacturers then remit the fees to PaintCare. Retailers are required to pass on the PaintCare fee to consumers when they sell the paint and are made whole through the process. Although paint stewardship laws are silent on whether the PaintCare fee should be incorporated into the sticker price, most states have price accuracy laws that govern the nature of pricing information that must be disclosed to consumers. Retailers should be mindful that regulators in some states may view their state's laws as requiring retailers to incorporate the PaintCare fee in the sticker price of the product, regardless of whether a retailer chooses to break the PaintCare fee out separately on purchase receipts. Figure 2 on the following page shows the flow of the PaintCare fee in the process and includes roles of key stakeholders.

Retailers must also register with PaintCare and report on the brands of paint they sell. They are not permitted to sell paint brands that have not registered with PaintCare and that do not participate in the program. Retailers are also responsible for educating consumers about the program and the fee.

Retailers that choose, voluntarily, to participate as a drop-off site will collect leftover paint at their store and be provided with necessary supplies, training, and support by PaintCare.

Figure 2: Diagram of the Connecticut PaintCare Program with PaintCare Fee



Municipalities

Municipalities may also choose to participate as collection sites. When they do, they will establish a contract with PaintCare and be reimbursed for certain expenses associated with the program, including transportation, processing, supplies, and training. PaintCare also provides collection supplies, coordinates the pickup and transportation of collected paint, offers training and guidelines, and promotes the site on the PaintCare website and in public outreach campaigns. Staff training provided by PaintCare is required at all municipal sites choosing to participate, and proper storage and security is also required.

PaintCare Program Results

Since the PaintCare program launched in 2010, it has achieved significant increases in paint reuse and recycling. Typically, the amount of paint collected and recycled in a state jumps significantly after program implementation. In Connecticut, total paint recovery increased from

149,000 gallons in 2010 (nearly all oil-based) to 320,000 gallons in the third year of the program. About 51% of total leftover paint generated was collected that year. As of 2024, the Connecticut PaintCare program collected 378,000 gallons, an increase of 18%. Additionally, the program has saved municipal governments millions of dollars. The following data about PaintCare program results since 2010 have been compiled by PSI using annual reports for the 11 active programs. PaintCare annual reports can be found online.

- 77.9 million gallons latex and oil paint collected
- 43.4 million gallons of latex paint recycled into new paint -- 74% of total latex
- 3.3 million gallons of paint reused
- $454 million in local governments savings (PaintCare-paid transport + processing)
- 90% of residents have paint recycling opportunities within 15 miles of home
- 2,500+ voluntary drop-off sites (77% retail, 23% HHW and other)
- 12,266 large volume pick-ups
- 381 drop-off events

Table 6 below summarizes highlights of PaintCare program performance across states with active programs. Illinois and Maryland program data are not yet available.

Table 6: Summary of PaintCare Program Results as of latest annual report

	CA	CO	CT	DC	ME	MN	NY	OR	RI	VT	WA	Total
State Characteristics												
Population (in millions)	39.5	5.96	3.68	0.7	1.4	5.8	19.9	4.3	1.1	0.6	7.9	90.8
Urbanization rate	95%	86%	86%	100%	39%	72%	87%	81%	91%	35%	83%	
Year-Round Drop-Off Sites												
Retail Store	667	180	102	8	82	208	301	142	23	72	212	1,997
HHW and Other	208	42	58	0	47	61	33	52	4	11	67	583
Totals	875	212	160	8	129	269	334	194	27	82	279	2,569
Convenience												
Percent of Residents within 15 miles of a Drop-Off Site	99.4%	97.5%	100.0%	100.0%	95.9%	98.3%	99.2%	98.3%	100.0%	99.8%	97.9%	
Paint Processing												
Annual Gallons Processed Per 1,000 People*	84	134	103	37	87	157	36	215	61	133	121	91
Percent of Latex Reused or Recycled	**87%**	**91%**	**82%**	**82%**	**82%**	**60%**	**83%**	**73%**	**82%**	**75%**	**87%**	**83%**

5. Opportunities for Massachusetts

Increase Access and Collection Volumes

Increase access to paint recycling services

Paint EPR programs ensure a minimum level of collection convenience throughout the state. In the majority of states with the PaintCare program (VT, ME, CA, CO, CT, NY, RI, WA), the law requires at least 90% of the population to have access to a collection site within a 15-mile radius of their home. Minnesota and Oregon require 95% of the population to have a site within 15-miles, while DC requires 100% due to its small size. Ten out of the 13 states with laws have an additional convenience standard designed to accommodate particularly dense or rural populations, requiring an additional permanent collection site for every 30,000 residents of an urbanized area. Three states (CO, MN, WA) additionally require at least one collection event per year for residents outside of the 15-mile radius of a permanent collection site.

Currently only 23% of Massachusetts residents have access to year-round convenient paint recycling. A paint EPR program in Massachusetts would increase that year-round access to 95% of the population. Regardless of the region in which they reside, they would have convenient access to drop off their unwanted paint, either through a permanent site or collection events. Table 7 below shows projected improvements to be realized if Massachusetts were to enact a paint EPR law.

Table 7: Projected Access Improvements in Massachusetts with PaintCare

Metric	Current (2025)	With PaintCare Implementation
Permanent drop-off sites statewide	Approximately 5–6 year-round facilities, including NEDT (Sutton & Westfield), Clean Harbors (Braintree), and Devens Regional HHW Center	Estimated 125–150+ sites, incorporating retail paint stores and additional facilities, based on a ratio of one site per 30,000 residents
% of residents with year-round access	Estimated 23%, primarily in urban areas with existing facilities	Target of 95% of residents having access to a permanent collection site within a 15-mile radius
Annual collection events statewide	Varies by municipality; some towns hold 1–2 events per year	Supplementary events organized in areas lacking permanent sites to meet convenience standards
Retail drop-off participation	None	Numerous participating retailers (e.g., hardware and paint stores) serving as additional drop-off locations
Access for small businesses/contractors	Limited; most programs are restricted to residential HHW programs	Enhanced access through PaintCare's services for conditionally exempt small quantity generators (CESQGs)

Increase paint collection quantities

With access comes increased collection volumes. In the State of Washington, which has a similar population size to Massachusetts, the PaintCare program collected 954,521 gallons of oil and latex paint in 2024, or about 0.1 gallons per capita. Of that, 86% of latex paint collected in Washington (729,245 gallons) was recycled into new paint. Only 111,103 gallons of latex paint were disposed.

Based on Washington's projections and similar states such as Connecticut, Massachusetts could reasonably expect to collect about 785,000 gallons through both retail and HHW collection sites – about 83% of which would be reused or recycled, compared to currently sending 481,273 gallons to landfills or combustion through the municipal trash.

Potential Savings and Benefits for Municipalities

Paint EPR Could Bring Massachusetts Benefits Valued at more than $7M/year

PaintCare covers most of the costs of collecting and managing leftover paint in states with paint EPR laws. These costs include:

- **Transportation** of collected paint
- **Processing/Recycling** costs
- **Storage Containers** (bins, drums)
- **Supplies/Materials** (labels, signage)
- **Training** of site staff
- **Public Outreach/Education**
- **Reuse Program Compensation** (for paint given away)
- **Extra Handling Services** (bulking, internal transport)

In 2024, the PaintCare program in Connecticut paid $9.11 per gallon for transportation and processing costs to manage leftover paint, and the program in Vermont paid $8.69 per gallon.

Based on these states, Massachusetts could reasonably expect to collect about 785,000 gallons through both retail and HHW collection sites – about 83% of which would be reused or recycled – and reap transportation and processing benefits of about $7 million.[7]

[7] Assumes paint collection doubles from current municipal solid waste characterization and an average of $8.90 per gallon to transport and process, based on Connecticut and Vermont state costs.

Additional education and outreach and education services, supplies, and program administration costs would add another $1.5 million in benefits for a total value of $8.5 million.[8]

Regional Efficiency and Cross Border Harmonization

PaintCare – and all EPR programs – benefit from regional harmonization. The more states in a region that participate in the program, the greater the efficiencies of the program, including transportation and processing contracting, education, and outreach.

When residents of neighboring states have access to the PaintCare program, there is wider awareness of paint recycling, which could boost program participation.

In-state Jobs and Small Business Growth

Of the 12 recycled paint manufacturers in North America, one is based in Massachusetts – Recolor, a women-owned business on the South Shore. An increased supply of leftover paint would enable this business to expand production and support other regional processors in New York, as well as local hazardous waste transportation companies such as Clean Harbors.

A similar example is from GreenSheen Paint in Colorado, which experienced significant growth since the implementation of PaintCare programs across various states. The company's expansion aligns with the increased demand for recycled paint products and the establishment of paint stewardship programs.

Since PaintCare passed in Colorado in 2014, GreenSheen has established additional recycling facilities in Denver, Colorado; Kent, Washington; Rotterdam, New York; and Modesto, California. GreenSheen's growth has led to an increase in employment opportunities. The company now employs 50 employees, compared to two before PaintCare was passed in Colorado, and this is only one company.

Estimating Employment Impact

Drawing from GreenSheen's expansion and operations in states with established PaintCare programs, Massachusetts might expect the following employment opportunities:

- **Transportation and Logistics**: Managing pickups from collection sites might require 10-15 FTE drivers and coordinators.

[8] Based on expenses other than transportation, processing, and interest, as reported in the 2024 PaintCare Washington Annual Report.

- **Processing Facilities**: Depending on the volume, processing facilities may need 20-30 additional staff.
- **Administration and Outreach**: Program management and public education efforts could create 10-20 FTE positions across organizations involved in paint management.

Total Estimated Jobs: Approximately 40-65 FTE positions.

The implementation of PaintCare in Massachusetts could foster the growth of small businesses in several ways:

- **Recycled Paint Manufacturing**: Companies like GreenSheen have expanded operations in states with PaintCare programs. Massachusetts could see similar businesses emerge or existing ones grow, leading to increased employment and economic activity.

- **Support Services**: Ancillary businesses providing services such as transportation, logistics, and equipment maintenance may experience growth due to increased demand.

- **Innovation and Sustainability Initiatives**: Opportunities may arise for businesses focusing on sustainable practices, such as developing new methods for paint recycling or creating eco-friendly paint products.

Under a PaintCare program, Massachusetts stands to benefit from job creation and small business growth, mirroring the positive impacts observed in other states. This initiative could lead to a more sustainable paint industry and contribute to the state's economic development.

6. Challenges to be Managed

Typical Obstacles to Passing the Legislation

ACA's paint EPR bill has been filed for consideration in the Massachusetts legislature since 2014. Program-related concerns that have arisen during consideration, which have been addressed in other states, include the following:

Perception of the consumer fee as a hidden tax

Some view the point-of-sale consumer fee (PaintCare Fee) as a tax, even though the fee is paid directly to the producer for recycling services – not to the government. It is also paid by the paint consumer and not all taxpayers, some of whom do not receive the recycling benefits. Those who support the program view the PaintCare fee as advanced payment for future recycling services and perceive it as fairer than a tax, since only paint users pay for paint recycling, instead of all taxpayers. Some stakeholders perceive that a visible PaintCare fee

educates the consumers about the true cost of recycling, while others believe it should be considered a basic cost of doing business (like labor and fuel) and incorporated into the purchase price invisibly.

Other stakeholders object to the fee being "hidden" from consumers, as it is not required to be listed on the store shelf or receipt. They have proposed requiring that the paint cost advertised to consumers include the full cost of buying the product (including the PaintCare fee). Most EPR laws and bills for paint leave the choice of how to handle the fee to the retailer. However, others promote transparency and support putting the fee on the receipt. In addition to being transparent, consumer questions about the fee might provide an opportunity for consumer education.

In 11 out of 13 states with paint stewardship laws, and in DC, state pricing disclosure laws have been passed, to which PaintCare defers as to how the fee should be presented to consumers.

Concerns about cross-border sales loss

Some retailers, especially those near state borders, worry that cost-conscious consumers will drive to neighboring states without a PaintCare fee to buy new paint, leading to:

- Lost sales revenue
- Competitive disadvantage
- Reduced participation in EPR programs

PSI is not aware of any documented cases of consumers traveling across the border to buy paint in a neighboring state, perhaps because of the rather low cost of the PaintCare fee ($0.75 to $0.95 per gallon).

In Massachusetts, this issue is less significant a concern because of the following factors:

- Nearly all neighboring states (Maine, Vermont, New York, Connecticut, and Rhode Island) already have established paint EPR laws with a PaintCare fee.
- New Hampshire is the only state without such a law, and there is a 2025 bill under consideration in the legislature.
- PaintCare has implemented effective strategies to educate consumers, protect retailers, and maintain sales in the neighboring states with paint EPR laws.
- Proper implementation, including consumer and retailer education, as well as transparent and visible fee displays, can effectively mitigate these cross-border concerns.

Typical Challenges for Implementation

For the most part, paint EPR programs can be administered with relative ease. There are several considerations to be aware of, however, when planning for and implementing the program. These include the following:

Regulatory Barriers

- **Collection:** In some states, the definition of paint as hazardous waste, or changes in regulatory classification due to paint storage prior to collection, can present barriers. The implementation of some state programs has been delayed for a year or more due to lack of foresight in making the regulatory adjustment necessary to allow the retail collection of oil-based paint.

- **Recycled Paint Manufacturing:** Hazardous waste regulations must be well understood and followed at recycled paint manufacturing facilities and other facilities that accept large shipments of both latex and oil-based paint. PaintCare works with state agency officials and others to identify and address these issues in advance.

Large Retailer Participation Barriers

Paint EPR laws and bills do not require retailers to participate, although their participation is a key part of ensuring consumer collection convenience. Under a completely voluntary retail collection approach, over 2,500 drop-off sites primarily being retail locations across 13 jurisdictions (12 states plus the District of Columbia) participate as collection sites in the PaintCare program,[9] representing about 80% of the collection sites in each state, with many extremely supportive of the program. Table 5 identifies the percentage of retail collection sites in each state with an active program.

Even so, large "big box" retailers that sell paint have traditionally been reluctant to serve as drop-off locations. Due to the large quantities and types of products they sell, most have concerns regarding registration as a hazardous waste collection facility, with affiliated regulatory implications. Smaller hardware and paint retail stores have been more inclined to participate, since the added service value to customers helps attract foot traffic for potentially increased sales, and the program strengthens consumer loyalty. In areas where small retail stores are not plentiful, the lack of big box participation can make it challenging for the program to meet the convenience standards they aspire to. HHW facilities and collection events typically play a role in filling that gap.

[9] PaintCare website "About Us" 2025 statistics.

Cost Coverage for Municipal Collectors

PaintCare covers the costs of transportation and processing for all paint collected by the program and provides all supplies required for collection (e.g., bins). Once filled, a collection site operator contacts PaintCare's vendor, which collects the full container and drops off an empty one. That said, PaintCare does not compensate collection sites for all operating costs, such as labor, rent/space, and administration. The PaintCare program assumes that retailers and HHW facilities cover those costs already through the course of regular business and operating expenses. Over the years, some governments have increasingly sought reimbursement for the portion of labor and other operating expenses associated with serving as a collection site. This is one of several key trends that will influence policy discussions on paint EPR.

7. EPR Bills, Policy Elements, Policy Trends

Four state legislatures have introduced paint EPR bills in 2025—Massachusetts, Missouri, New Hampshire, and New Jersey. The paint EPR policy model ensures that each state enacts and implements the same program, which reduces regulatory complexity for the paint industry, reduces program costs, and creates consistency across the country – making it more efficient to comply and reducing cross-border confusion among residents.

Even though each bill has the same elements, there are small variations across states. Table 8 below identifies key policy elements and considerations for Massachusetts.

Table 8: Policy Elements of Paint EPR

Element	Paint Program Policy Model
Covered Materials	Interior/Exterior Architectural Paint *Phase-in Options*: (a) Aerosols; (b) Non-industrial specialty paints (e.g., furniture, craft, marine); and (c) Paint products (e.g., paint thinners)
Covered Entities	Consumers of architectural paint (i.e., residents, contractors, small businesses)
Collection Convenience	Maintain and Expand existing infrastructure Convenient, free, ongoing collection
Producer / Responsible Party	Tiered definition: brand owner or licensee or first importer into state, which can be a retailer in some cases.
Governance	Producer Responsibility Organization – runs program Government – oversight and enforcement

Element	Paint Program Policy Model
Funding Inputs	Consumer fee at point-of-purchase (PaintCare Fee)
Funding Allocation	Collection, Transportation, Processing, Government Administration, Education and Outreach
Performance Standards (waste management hierarchy)	1. Reduce 2. Reuse 3. Paint-to-paint recycling 4. Recycling into another product (e.g., paving stones or cement) 5. Incineration with energy recovery and alternative daily cover 6. Compliant disposal
Outreach and Education	The plan must include an outreach and education program and a method for evaluating such efforts (usually a consumer awareness study). Education and outreach must address consumers, painting contractors, and paint retailers.
Enforcement	Noncompliant producers may not sell/distribute paint in the state. The State may impose civil penalties. No consumer fees may be used to pay the penalties or lobby against the state.
Program Plan	Must be updated and re-submitted every five years and approved by the oversight agency. Must include details about the program as required by statute.
Annual Report Contents	Includes: where and how paint was collected and processed, program budget, evaluation of progress towards outreach & education goals and performance targets, and an independent audit. Published online.
Implementation Timeline	Agency has 120 days to review/approve plan.
Additional	Antitrust provisions for producers.

Trends in Paint EPR

There are several key trends in EPR for paint.

Expanding the Scope of Covered Products

- **Aerosols:** California has added aerosol paints to its existing paint EPR program. ACA and PaintCare will seek to phase aerosol paint into all state programs over time as they refine operational protocols.

- **Specialty Paints:** California also added non-industrial specialty coatings to its law, including furniture paint, craft paint, and marine paints. ACA seeks to add these paints to the scopes of other programs over time.
- **Paint Products:** ACA also seeks to add other paint products to the scope of covered materials, such as paint thinners and strippers. The effort is largely a reaction to the enactment of an EPR law for HHW in Vermont, and HHW bills in California and Illinois, that seek to have these products covered under a separate program that would charge producers directly for services, rather than charge consumers via a PaintCare fee.
- **Other Products:** There is similar activity to expand the scopes of covered products in EPR programs for batteries, mattresses, and electronics. These are all established EPR programs across the country and, therefore, expansion over time has been contemplated by most EPR practitioners.

EPR Laws for HHW

Local and state government officials in many EPR-active states, as well as members of associations such as the North American Hazardous Materials Management Association (NAHMMA), are interested in establishing EPR laws that cover all products that fall under HHW programs. These include flammable materials, automotive lubricants, paint products not covered under the PaintCare program, and other similar products. EPR programs for used oil and automotive products, and for other HHW products, have operated in Canada for decades. In 2023, Vermont established the first HHW EPR law in the U.S., which is currently being implemented. Illinois and California both have HHW EPR bills before their legislatures, and Oregon has also expressed interest in EPR for HHW in the future.

Overlap with Existing Systems

Paint EPR laws interact with EPR for other products in several ways:

Overlapping Infrastructure and Collection Points

As mentioned earlier, paint retailers often serve as collection points for both paint and other products under various EPR programs. Other collection sites have included lumber yards. In addition, many paint EPR programs utilize existing HHW collection facilities as drop-off locations, creating synergy between the systems. Although there are fewer HHW facilities in a state than retail or other collection sites, HHW facilities collect large quantities of paint. This shared infrastructure reduces costs and increases convenience for consumers.

Cross-Program Efficiency

States with multiple EPR programs can achieve further economies of scale by coordinating collection events, transportation, and processing facilities. For example, a single collection event might accept paint, batteries, electronics, and other materials covered under different EPR laws.

Complementary Coverage

Paint EPR fills specific gaps in waste management that general HHW programs might not address comprehensively. While HHW facilities typically accept paint, dedicated paint EPR programs provide more frequent and convenient collection opportunities.

Regulatory Harmony

States implementing multiple EPR programs often work with PSI to design them to work together by ensuring that certain elements of the EPR policy are consistent from program to program and ensuring that specific statutory and regulatory requirements for one program align with those in another. This integrated approach prevents regulatory conflicts and streamlines compliance for producers.

Overlap with EPR Laws for Packaging and HHW

EPR laws for packaging and HHW overlap with EPR laws for paint. In some cases, products covered under existing paint EPR laws are exempted from coverage under the packaging and HHW laws.

Packaging EPR

In most states, except Colorado, paint cans managed through the PaintCare program are exempted from their packaging EPR laws. Paint cans not recovered by PaintCare – those that are empty without paint in them – are subject to packaging EPR laws. Standard statutory language that other states have used reads, "architectural paint containers covered under other legislation are exempt from the packaging EPR requirements." This is significant because PaintCare will not accept empty paint cans in its program under a stand-alone paint EPR law. In Colorado, bill drafters inadvertently exempted all paint cans – even the empty cans not managed by PaintCare – from the packaging EPR law. This will need to be corrected in Colorado.

HHW EPR

The Vermont HHW law exempts architectural paint covered by the state's existing paint EPR law from the HHW law. However, the HHW law covers *paint and paint products that aren't included in existing statutes*, including aerosols, furniture paint, non-industrial specialty coatings, and paint thinners and solvents. Many of those coatings were intended to be collected when the PaintCare program began but were intentionally left out in legislative discussions to focus on implementing programs.

In California, the existing paint EPR law was amended in 2023 to include aerosol paints and then amended again in 2024 to include non-industrial specialty paints in response to an HHW EPR bill introduced that year. However, the HHW bill introduced this year includes other paint products like thinners and solvents.

In both cases, packaging and HHW, the covered products are manufactured by the same manufacturers of architectural paint covered under the EPR programs. But in packaging and HHW programs, unlike the paint EPR programs, the funding comes directly from producers and consumer fees are prohibited. This is a key issue that stakeholders are currently discussing.

8. Appendix of Additional Resources

Paint EPR Development Timeline

2002 - Paint Product Stewardship Technical Report and Action Plan: Developed by PSI, this technical background report contains information about recycled paint markets, regulatory barriers, costs of paint management, and key questions for consideration. The Action Plan and technical document became the basis for the Paint Product Stewardship Initiative (PPSI).

2003-2004 - National Dialogue Meetings: These four PSI-designed and facilitated meetings took place between 2003 and 2004 in Boston, Chicago, Sacramento, and Washington D.C. In between the meetings, stakeholders participated in workgroups that examined the root causes of leftover paint, educational strategies, funding mechanisms, collection systems and infrastructure needs, regulatory barriers, and reuse. These workgroups reported back to the larger group during each full stakeholder meeting.

2005 - First Memorandum of Understanding (MOU): In 2005, PSI-led dialogue meetings resulted in the first of two MOUs, which was signed by more than 60 entities. It is still the only such multi-stakeholder EPR agreement in the U.S. signed by the U.S. Environmental Protection Agency (US EPA).

2005-2007 – National Dialogue Meetings & Workgroups: Following the first MOU, stakeholders continued working together through five additional meetings in Portland (OR), Charlotte (NC), Sarasota (FL), Seattle (WA), and Washington D.C., as well as multiple workgroups that developed a financing mechanism, established infrastructure goals, developed an understanding of recycled paint markets, established a recycled paint standard, and conducted a paint lifecycle assessment (comparing latex paint recycling to disposal), among other initiatives.

2007 – Second MOU: More than 50 stakeholders, including the U.S. EPA, signed the second MOU, which committed ACA to develop a nationally coordinated approach to paint EPR and a pilot demonstration project in Minnesota.

2007-2010 – Demonstration Project: Following the second MOU, ACA, PSI, and other stakeholders worked with state legislators and officials in Minnesota to sponsor a bill that was intended to be a pilot program to test the model. Although the bill passed the legislature with overwhelming support in two consecutive years, it was vetoed twice by the governor. Oregon

then stepped up to become the pilot program state. Again, stakeholders worked with PSI and ACA to introduce a bill, which was enacted and successfully implemented. Other states then worked in collaboration with ACA, and usually PSI, to develop their own bills for future introduction.

Additional Paint Program Information

- Cassel, Scott; Aldred, Kristin. EPR Achievements: The Case of Paint in the U.S., Coatings World, November 2019
- Perspectives on Product Stewardship: navigating an extended producer responsibility path to a circular economy, Chapter 8 (Scott Cassel, 2023)
- Paint Product Stewardship Action Plan, Product Stewardship Institute, March 2004
  This 25-page document prepared participants for the dialogue phase of PSI's Paint Product Stewardship Initiative. It includes a problem statement, proposed project goals, dialogue process, and other information through 37 interviews of stakeholders to gain a greater understanding of paint management issues and potential solutions.
- Paint Product Stewardship Technical Background Report, Product Stewardship Institute, March 2004
- MOU #1, Paint Product Stewardship Initiative Memorandum of Understanding, October 6, 2004
- MOU #2, Paint Product Stewardship Initiative 2nd Memorandum of Understanding, October 24, 2007