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Oregon has passed legislation which requires manufacturers of architectural paint to set up and run a convenient, statewide program (the “Program”) for the collection, processing and proper disposal of post-consumer architectural paint. As the Program can be run by a “stewardship organization,” on behalf of a group of architectural paint manufacturers, the National Paint and Coatings Association has formed the non-profit PaintCare Inc. as the industry-run stewardship organization for the Program. PaintCare is in the process of developing a Program Plan for submission to the Oregon Department of Environmental Quality (DEQ), as required under the legislation. As part of this Program Plan, PaintCare must identify each manufacturer participating in the Program and the brands of architectural paint sold by those manufacturers.

PaintCare is requesting manufacturers who sell architectural paint in Oregon and intend on participating in the PaintCare Program in order to fulfill their requirements under the new law, to fill out the attached form. This information is necessary to finalize and submit the Program plan to DEQ for approval before the intended Program start date of July 1, 2010. This information will be used by DEQ to maintain a list of participating manufacturers and brands. Retailers selling paint in Oregon must ensure that the manufacturers of any architectural paint they are selling in the state have or are participating in a Program, otherwise the paint can not be sold. Retailers will access this information on DEQ’s Web site.

Manufacturer’s specific brands will be kept completely confidential by PaintCare and DEQ. The information contained on DEQ’s website will not identify which manufacturers produce which brands, but will merely list all manufacturers and all brands separately that are participating in the Program. Thus, a retailer will be able to quickly ascertain whether or not it is legal to sell the architectural paint in Oregon, but the confidentiality of private labeling and other brand agreements will be assured. **Please see Appendix A for what constitutes “architectural paint” for purposes of the Program.**

A more formal Participation Agreement, with information including the PaintCare Recovery Fee amount (i.e., the paint stewardship assessment under the law), Schedule and Reporting Instructions, Terms and Conditions, etc. will be sent to you as a follow-up.

For more information on the Oregon law:

<http://www.deq.state.or.us/lq/sw/prodstewardship/paint.htm>

Participant Registration/Brand List

Manufacturer/Participant (Legal Name): _____

Operating as (if different than legal name): _____

Address: _____

Phone: _____

Fax: _____

Primary contact for PaintCare program: _____

Address (if different from above): _____

Phone: _____

Fax: _____

Email: _____

List of Brands: _____

For more brands, please attach a list or use additional sheets.

Please fax back to Alison Keane at 202-462-8549, email to akeane@paint.org or mail to 1500 Rhode Island Ave., NW, Washington, DC 20005.

Appendix A

Architectural Paint Products for Purposes of the Assessment

Architectural paint is defined under the OR legislation as:

Interior and exterior architectural coatings sold in containers of five gallons or less.

Architectural paint does not include:

Industrial, original equipment or specialty coatings.

In order to distinguish between what is an architectural coating for the purpose of the assessment and what coatings should not be assessed the fee, we are using the definitions and terminology from the U.S. Environmental Protection Agency's Architectural and Industrial Maintenance National Regulation (AIM Rule). In order to determine on which products the fee is assessed, and on which products the fee is not assessed, a company should start with the type of coating – if architectural, the fee should be assessed, regardless of the user. If not architectural, but could be sold for architectural purposes (consumer/contractor use) a company should use the following as guidance for whether or not the fee is assessed.

Architectural Coatings

Architectural coating means a coating recommended for field application to stationary structures and their appurtenances, to portable buildings, to pavements, or to curbs. This definition excludes adhesives and coatings recommended by the manufacturer or importer solely for shop applications or solely for application to non-stationary structures, such as airplanes, ships, boats, and railcars.

These coatings would be covered under the Program, and all would be assessed the fee.

Industrial Maintenance Coatings

Industrial maintenance coating means a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats formulated and recommended for application to substrates exposed to one or more of the following extreme environmental conditions in an industrial, commercial, or institutional setting:

- (1) Immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposure of interior surfaces to moisture condensation;
- (2) Acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions;
- (3) Repeated exposure to temperatures above 120 °C (250 °F);

- (4) Repeated (frequent) heavy abrasion, including mechanical wear and repeated (frequent) scrubbing with industrial solvents, cleansers, or scouring agents; or
- (5) Exterior exposure of metal structures and structural components.

One of the primary ways the AIM Rule distinguishes industrial maintenance coatings from other architectural coatings is the manufacturer's recommendation for restricted usage. In fact, industrial maintenance coatings must be labeled under the rules as:

- (1) "For industrial use only."
- (2) "For professional use only."
- (3) "Not for residential use" or "Not intended for residential use."

Thus, if the coating is not intended for use and labeled as an industrial maintenance coating, it should be deemed a covered architectural coating and the fee should be assessed, unless a company can clearly document that the coating was not sold for architectural use.

Original Equipment Coatings

Shop application means that a coating is applied to a product or a component of a product in a factory, shop, or other structure as part of a manufacturing, production, finishing or repairing process (e.g., original equipment manufacturing coatings).

Since OEM (shop application) coatings may be intended but not labeled for industrial or professional use, and may be sold in containers of 5 gallons or less, if a company can clearly document that the coating was sold exclusively for OEM use, the fee should not be assessed. However, if this coating can be sold to a consumer or contractor for other than shop application and/or the use can not be distinguished via the method of sale, the fee should be assessed.

Specialty Coatings

Lastly, in order to distinguish between Specialty or Special Purpose Coatings, we have used the definition from the Federated Society of Coating Technology's Coatings Encyclopedic (since the AIM Rule does not have a definition), which states that these coatings include aerosols, arts and crafts, and automotive refinish coatings. These products should be easier to distinguish, however, as they are clearly called out as non-assessed products on the attached list. The fee should not be assessed for these coatings.

Assessed Products (maximum container size of 5 gallons):

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

Non-Assessed Products (regardless of container size):

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