

How Does the California Paint Stewardship Program Affect Paint Retailers?

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California's paint stewardship law requires a fee to be applied by manufacturers to all new architectural paint sales in California. Retail stores must pass the fee on to consumers and may volunteer to be a postconsumer paint drop-off site. The program started in October 2012.

PaintCare

PaintCare is a nonprofit organization established by the American Coatings Association to implement manufacturer-led paint stewardship programs in states that pass paint stewardship laws. PaintCare currently operates programs in California, Colorado, Connecticut, District of Columbia, Maine, Minnesota, New York, Oregon, Rhode Island, Vermont, and Washington, and is developing programs for Illinois and Maryland.

Paint Drop-Off Sites

The primary requirement of paint stewardship laws is for paint manufacturers to set up paint drop-off sites at retailers and other locations where households and businesses can take postconsumer (leftover) architectural paint, free of charge. PaintCare has established more than 2,400 paint drop-off sites across its 11 programs. Most sites are paint and hardware stores, as well as government run waste collection facilities. There are nearly 800 PaintCare drop-off sites in California.

Participation as a Drop-Off Site is Voluntary

Paint retailers are encouraged to participate as paint drop-off sites. Participating can increase foot traffic and provide an environmentally responsible service for retailers' customers by making it convenient for them to recycle leftover paint.

Store staff will screen and accept paint from the public. All supplies, including collection bins, as well as

transportation and recycling of the paint, and site training, will be provided by the PaintCare program. PaintCare also promotes sites to the local community.

Become a Paint Drop-Off Site

Retailers interested in becoming drop-off sites can fill out the Interest Form available at www.paintcare.org/drop-off-site-interest-form.



REQUIREMENTS OF RETAILERS

1. Check Registered Manufacturers and Brands

Retailers must ensure that they do not sell unregistered brands of architectural paint by monitoring the brand lists posted on the PaintCare website at www.paintcare.org/manufacturers and the CalRecycle website at www.calrecycle.ca.gov/paint/mfrbrands. If you are a retailer and do not see a manufacturer or brand of paint sold in your store on the lists, please contact PaintCare at (855) PAINT09.

2. Pass on the PaintCare Fee

State law requires that a stewardship fee (PaintCare fee) is applied by manufacturers to the wholesale price of architectural paint sold in stores and online in California. This fee funds all aspects of running the program.

The fee is remitted by manufacturers to PaintCare. Manufacturers then pass the fee to their dealers and retailers, who add it to the wholesale price of covered products. Retailers should see the PaintCare fee on invoices from suppliers. The law also requires that retailers and distributors apply the fee to the price of architectural paint they sell in store and online. The fee paid by customers to retailers offsets the fee charged to the retailers. This ensures a level playing field for all parties.

3. Record Keeping

Retailers are required to maintain records for three years that identify the manufacturer, the date(s) paint was purchased from suppliers, and the date(s) paint was sold to the consumer. Retailers may maintain this information in any way they believe will verify compliance in the event of a review by CalRecycle, the state oversight agency. CalRecycle may use a variety of mechanisms to verify retailer compliance, including, but not limited to, program awareness, physical inspection, product review, and inspection of records as noted above. CalRecycle has stated that it takes a progressive enforcement approach, with education being the first step in the case of non-compliance. If you have additional questions about this requirement, please email CalRecycle at paint@calrecycle.ca.gov.

COMMON QUESTIONS

How much is the fee?

The fee is by container size, as follows:

\$ 0.00 — Half pint or smaller

\$ 0.30 — Larger than half pint up to smaller than 1 gallon

\$ 0.65 — 1–2 gallons

\$ 1.50 — Larger than 2 gallon up to 5 gallons

How is the fee calculated?

The fee is set to cover the cost of a fully operating program. PaintCare estimated the annual program expenses and sales of architectural paint in California and determined a fee structure that will provide the revenue needed to fund the program. PaintCare is a nonprofit organization and operates programs on a state-by-state basis, so the fee may increase or decrease in the future and is different from state to state.

Is sales tax applied to the fee itself?

Yes. The fee is part of the purchase price; therefore, sales tax is collected on the fee. The fee itself is not a tax.

Is the fee a deposit to be returned to customers?

The fee is not a deposit. The fee is used entirely to cover the expenses of running the program. The fee is not given back as a deposit for dropping off covered products or empty paint cans (empty cans are not accepted by the PaintCare program at all).

Are we required to show the fee on receipts?

Showing the fee on receipts is not required, but most stores show the fee in order to explain the price increase to their customers. PaintCare encourages retailers to display the fee to increase awareness of the program.

Do we refund the fee if a product is returned?

Yes, the fee should be refunded because it is part of the purchase price.

How does the public know about the fee?

PaintCare provides printed materials for retailers to distribute to the public to help explain the purpose of the fee, how the program works, and how to find a paint drop-off site. Translated materials are available in Spanish and over two dozen other languages, provided upon request. Additional materials can be ordered as needed for no charge. In addition to retailers, PaintCare works with contractor associations to inform professional painting contractors and conducts general outreach campaigns that may include digital and online advertising, direct mail, newspaper, radio, and television.

What products are covered?

Architectural paints include most house paints, stains, and clear coatings (e.g., varnish and shellac). For the definition of covered architectural paint (PaintCare products) for the purposes of this program and for examples of PaintCare and non-PaintCare products, please contact PaintCare or visit www.paintcare.org/products.

Contact

Terri Marsman, California Program Manager
(209) 404-8625
tmarsman@paint.org