

How Does the Paint Stewardship Program Affect Reuse Stores?

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States with paint stewardship laws require that a fee be applied to all new paint sold, including recycled-content paint. Reuse stores may volunteer to be a drop-off site and can be compensated by PaintCare for operating a paint reuse program.

Paint Stewardship

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, Oregon, Rhode Island, Vermont, and Washington, and is developing a program for New York.

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 are able to take leftover architectural paint, free of charge. PaintCare has established more than 1,800 paint drop-off sites across its programs. Sites include paint retailers as well as solid waste facilities such as transfer stations, recycling centers, and landfills, and household hazardous waste (HHW) facilities. Reuse stores are also encouraged to volunteer to be paint drop-off sites.

Become a Paint Drop-Off Site

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

Paint Reuse

Paint reuse (partial or full cans of leftover paint sold “as-is”) is a preferred method of managing leftover paint. PaintCare encourages reuse stores to operate paint reuse

programs. PaintCare will compensate paint drop-off sites operating a paint reuse program under a contract with PaintCare.

BENEFITS TO REUSE STORES AND THEIR CUSTOMERS

There are many benefits to becoming a paint drop-off site and offering paint for reuse. As a participating reuse store, you will:

- Make recycling of leftover paint more convenient for your customers
- Add paint recycling to your environmental sustainability mission
- Increase customer foot traffic and sales
- Help relieve local government of their cost of managing leftover paint
- Help your state conserve resources, keep paint out of the waste stream, and prevent the improper disposal of paint in your community
- Receive compensation for operating a paint reuse program (see the fact sheet Reuse Programs – Compensation & Reporting for more information)

REQUIREMENTS OF REUSE STORES THAT SELL PAINT IN STATES WITH PAINT STEWARDSHIP LAWS

1. Check Registered Manufacturers and Brands

Retailers, including reuse stores, may not sell architectural paints, including recycled-content paints that are not registered. Paint manufacturers must register their company with PaintCare, and they must register all architectural paint brands they sell in the state. PaintCare publishes lists of registered manufacturers and brands so that retailers can check to see that the products they sell are registered. Please visit www.paintcare.org/lists for registration lists. Lists are posted starting about six months before a state program begins. This requirement does not apply to reuse paint.

2. Pass on the PaintCare Fee

State paint stewardship laws require that a stewardship fee (PaintCare fee) is applied by manufacturers to the wholesale price of all architectural paint sold in stores and

online in those states. This fee pays for all aspects of running the PaintCare program. This requirement does not apply to reuse paint. Architectural paint is defined under the paint stewardship program as interior and exterior architectural coatings sold in containers of five gallons or less. The fee applies to new paint products **and new, recycled-content paint products** sold. The fee does not apply to reuse paint.

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

3. Provide Information to Customers

Paint retailers in Colorado, Oregon, Vermont, and Washington are required by law to provide customers with information regarding the program and the available options for end-of-life paint management. The requirement to provide paint stewardship information at the time of purchase applies to both in-store paint retail and online paint retail. PaintCare has developed the materials, ensured they meet state requirements, and provides them free of charge to all paint retailers and others wishing to distribute them.

COMMON QUESTIONS

How much is the fee?

The fee structure is based on container size and vary across the PaintCare programs:

- \$0.35 - \$0.49: Small containers (pints & quarts)
- \$0.75 - \$0.99: Mid-size containers (1–2 gallons)
- \$1.60 - \$1.99: Larger sizes up to 5 gallons

Find the PaintCare fee by state at www.paintcare.org/fees.

How is the fee initially calculated?

When a new program starts, the fee structure is set to cover the cost of a fully operating program. PaintCare estimates the annual sales of architectural paint in each state and divides the estimated annual expenses of the program by the estimated number of containers to be sold, adjusts for container size, and determines a fee per container size 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 per container size may increase or decrease and is different from state to state.

Is sales tax applied to the fee, itself?

Yes, the fee is part of the purchase price of paint. Sales tax is collected on the fee in most cases, except in a state that does not have a sales tax, such as Oregon. Sales tax is not applied to the fee in Maine per additional legislation. **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 the return of paint or empty paint cans.

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. If a reuse store sells architectural paint, PaintCare encourages them 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 materials for retail and reuse stores 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. Before the program starts, PaintCare provides a “starter pack” of brochures and other information to all paint retailers. Additional materials can be ordered as needed for no charge. In addition to retailer information, PaintCare will work with contractor associations to get information to professional painting contractors and will conduct general outreach campaigns that may include digital and online advertising, newspaper, radio, and television.

What products are covered?

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