California’s paint stewardship law requires paint manufacturers to set up and operate a paint stewardship program in the state. Funding for the program comes from a fee applied to the price of architectural paint sold in California. 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, Oregon, Rhode Island, Vermont, and Washington, and is developing a program for New York. The California program is required by state law, but it is designed and operated by the paint manufacturing industry through PaintCare.

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 1,800 paint drop-off sites across its programs. While most sites are paint retailers, solid waste facilities including transfer stations, recycling centers, and landfills, as well as household hazardous waste (HHW) facilities, may also volunteer to be paint drop-off sites.

Participation as a Drop-Off Site is Voluntary
Paint retailers that would like to be drop-off sites can participate if they have space for paint collection bins and can provide minimal staff time to accept paint from the public. By doing so, retailers increase foot traffic and provide an environmental service for their community. They make it convenient for their customers to recycle leftover paint and help provide relief to local government programs that manage leftover paint. PaintCare provides everything the store will need, including paint collection bins, site training, and support. PaintCare pays for paint transportation and recycling and promotes sites to the local community.

Stores that would like to become a drop-off site can fill out the Interest Form available in the Retailers section of www.paintcare.org/CA.

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 CalRecycle website at www.calrecycle.ca.gov/paint/mfrbrands. Retailers can verify the registrations using the lists which are updated regularly. PaintCare also posts the lists at www.paintcare.org/lists. 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 pays for all aspects of running the program.

The fee is paid by manufacturers to PaintCare and then passed to their dealers. 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. 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
$ 0.35 — Larger than half pint up to smaller than 1 gallon
$ 0.75 — 1 gallon
$ 1.60 — Larger than 1 gallon up to 5 gallons

How is the initial fee calculated?
When a new program starts, the fee 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 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; therefore, sales tax is collected on the fee.

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 and not given back as a deposit for the return of paint or empty paint cans.

Are we required to show the fee on receipts?
No, but most stores do show the fee in order to explain the price increase. PaintCare encourages retailers to show the fee to aid in customer education and provide consistency across the program.

Do we refund the fee if a product is returned?
Yes, the fee should be returned because it is part of the purchase price.

How does the public know about the fee?
PaintCare provides brochures and other 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 paint drop-off locations. Additional materials can be ordered at any time for free. In addition to retailer information, PaintCare works with contractor associations to get information to trade painters, and conducts general outreach including newspaper, radio, television, and online advertising.

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

Contact
There are six regional program coordinators in California. Visit www.paintcare.org/CA or call (855) PAINT09 for the contact information of the coordinator in your area.