



How Does the California Paint Stewardship Program Affect Paint Retailers?

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California's paint stewardship law requires paint manufacturers to set up and operate a Paint Stewardship Program in California. Funding for the program comes from a fee applied to the price of architectural paint sold in California. The program started in October 2012.

Paint Stewardship

PaintCare Inc. is a nonprofit organization established by the American Coatings Association to implement state-mandated paint stewardship programs on behalf of paint manufacturers in states that adopt paint stewardship laws. In addition to operating the California Program, PaintCare operates programs in Colorado, Connecticut, the District of Columbia, Maine, Minnesota, Oregon, Rhode Island, and Vermont.

Convenient Paint Recycling

PaintCare's primary effort is to establish paint drop-off sites throughout each PaintCare state at paint retailers and other locations in order to provide convenient recycling opportunities for the public. Other locations include municipal household hazardous waste facilities and events, solid waste transfer stations, and landfills. There are more than 1,600 PaintCare sites in the United States; more than 750 of them are in California.

Participation as a Drop-Off Site is Voluntary

Retailers who wish to serve as drop-off sites are able to do so if they have adequate space for paint storage bins and can provide minimal staff time to accept paint from the public. By doing so, retailers can increase foot traffic and provide an environmental service for their community. They make it convenient for customers to recycle unused paint and help provide relief to local government programs that manage leftover paint. PaintCare provides storage bins, supplies, and site training, and also pays for paint transportation and recycling and promotes the site to the local community.

REQUIREMENTS OF RETAILERS

1. Check Registered Manufacturers and Brands

Retailers must make sure 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. 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) 726-6809.



2. Pass on the Stewardship Fee

State law requires that a stewardship fee (PaintCare Fee) is applied by manufacturers to the wholesale price of architectural paint sold 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 fees paid by customers to retailers offset the fees 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 ABOUT FEES

How much are the fees?

Fees are by container size, as follows:

\$ 0.00 — Half pint or smaller

\$ 0.35 — Larger than half pint to smaller than 1 gallon

\$ 0.75 — 1 Gallon

\$ 1.60 — Larger than 1 gallon up to 5 gallons

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.

How are the fees calculated?

Fees are 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 size that will provide the budget needed to fund the program. PaintCare is a nonprofit organization and operates programs on a state-by-state basis, so the fees may increase or decrease and be different from state to state.

Is the fee a deposit to be returned to customers?

No, the fee is not a deposit. Fees are 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 — a common misunderstanding.

Must we 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 and list it as PaintCare Fee to aid in customer education and provide consistency across the program.

Do we return 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 on-line 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 our website.