How Does the District of Columbia Paint Stewardship Program Affect Paint Retailers?

The District of Columbia’s paint stewardship law requires paint manufacturers to set up and operate a paint stewardship program in the District. Funding for the program comes from a fee applied to architectural paint sold in the District. The program started in November 2016.

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 District of Columbia program is required by 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 can 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/DC.

Requirements of Retailers

1. Check Registered Manufacturers and Brands
Retailers may not sell architectural paints in the District that are not registered. Paint manufacturers must register their company with PaintCare, and they must register all architectural paint brands they sell in the District. 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.
2. Pass on the PaintCare Fee
State law requires that a stewardship fee (PaintCare fee) is applied by manufacturers to the wholesale price of all architectural paint sold in store and online in the District. 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 the customers to the retailers offsets the fee charged to the retailers. This ensures a level playing field for all parties.

COMMON QUESTIONS

How much is the fee?
The fee is by container size, as follows:

$ 0.00 — Half pint or smaller
$ 0.45 — Larger than half pint up to smaller than 1 gallon
$ 0.95 — 1 gallon up to 2 gallons
$ 1.95 — Larger than 2 gallons up to 5 gallons

How is the fee initially 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 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 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 materials for retailers to distribute to the public to explain the purpose of the fee, how the program works, and how to find a paint drop-off location. Before the program started, PaintCare provided a “starter pack” of brochures and other information to all paint retailers. Additional materials can be ordered as needed at no charge. In addition to retailer information, PaintCare works with contractor associations to get information to professional painting contractors, 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.

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