New York’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 New York.

START DATE: 2022 (PENDING APPROVAL)

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.

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.

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

1. Check Registered Manufacturers and Brands
Once the program starts, retailers may not sell architectural paints in New York 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.

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 New York. This fee pays for all aspects of running the program.

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 covered products. Retailers 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.

COMMON QUESTIONS

How much is the fee?
Although the fee structure for New York has not yet been determined, we expect it to be similar to the fee structure in other states with a PaintCare program. The fee is based on container size and varies from one program to another:

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

When will the fee for New York be known?
The fee structure will be proposed by PaintCare in its program plan that will be submitted to the New York State Department of Environmental Conservation (DEC) in 2022 (pending approval). DEC must approve the fee structure. Retailers will be notified when the proposed fee structure is known, and also notified when it is approved (or if it changes).

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. The fee is not given back as a deposit for the return of paint or empty paint cans.

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.
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.

Do we apply the fee to sales on the first day of the program for inventory purchased before the first day of the program, even though we weren’t billed the fee by our supplier?
Yes, retail stores must add the fee on all covered products sold on or after the first day of the program, regardless of when (before or after program launch) they were purchased from the supplier.

How does the public know about the fee?
PaintCare will provide 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. 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.

Contact
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What Products Are Covered?
The products accepted at PaintCare drop-off sites are the same products that have a fee when they are sold. PaintCare products include interior and exterior architectural coatings sold in containers that are no larger than 5 gallons. They do not include aerosol products (spray cans), industrial maintenance (IM), original equipment manufacturer (OEM), or specialty coatings.

PAINTCARE PRODUCTS
♦ Interior and exterior architectural paints: latex, acrylic, water-based, alkyd, oil-based, enamel (including textured coatings)
♦ Deck coatings, floor paints
♦ Primers, sealers, undercoaters
♦ Stains
♦ Shellacs, lacquers, varnishes, urethanes
♦ Waterproofing concrete/masonry/wood sealers and repellents (not tar or bitumen-based)
♦ Metal coatings, rust preventatives
♦ Field and lawn paints

NON-PAINTCARE PRODUCTS
♦ Paint thinners, mineral spirits, solvents
♦ Aerosol paints (spray cans)
♦ Auto and marine paints
♦ Art and craft paints
♦ Caulking compounds, epoxies, glues, adhesives
♦ Paint additives, colorants, tints, resins
♦ Wood preservatives (containing pesticides)
♦ Roof patch and repair
♦ Asphalt, tar, and bitumen-based products
♦ 2-component coatings
♦ Deck cleaners
♦ Traffic and road marking paints
♦ Industrial Maintenance (IM) coatings
♦ Original Equipment Manufacturer (OEM) (shop application) paints and finishes