## Contents

1. **Introduction** ................................................................. 4  
   Section Overview .......................................................... 4  
   A. Introduction ............................................................... 4  
   B. Paint Stewardship in the United States .......................... 5  
   C. New York Paint Stewardship Program Plan ..................... 5  
   D. Citations ........................................................................ 6  

2. **Stewardship Organization & Program Contacts** .................. 7  
   Section Overview ............................................................. 7  
   A. PaintCare New York LLC .............................................. 7  
   B. Program Contacts ........................................................... 7  

3. **Manufacturers and Program Products** ................................ 8  
   Statutory Citation .............................................................. 8  
   Section Overview ............................................................. 8  
   A. Manufacturer and Brand Registration ............................ 8  
   B. Private Label Agreements ............................................. 9  
   C. Use of Registration Lists .............................................. 9  
   D. Program Products .......................................................... 9  

4. **Paint Drop-Off Sites and Services** ................................... 10  
   Statutory Citation .............................................................. 10  
   Section Overview ............................................................. 10  
   A. Program Audience ........................................................ 10  
   B. Paint Drop-Off Sites and Services ................................. 11  
   C. Convenience Criteria ................................................... 16  
   D. Paint Drop-Off Site Operations ....................................... 19  

5. **Materials Management** .................................................. 21  
   Statutory Citation .............................................................. 21  
   Section Overview ............................................................. 21  
   A. Paint Transportation ..................................................... 21  
   B. Paint Processing ........................................................... 22  
   C. Non-Program Products and Empty Containers ................ 25  
   D. Legal Compliance ........................................................ 26  
   E. Insurance and Financial Assurance .................................. 26  

6. **Education and Outreach** .................................................. 28  
   Statutory Citation .............................................................. 28  
   Section Overview ............................................................. 28  
   A. Outreach Methods ......................................................... 28  
   B. Message Platform ........................................................ 29  
   C. Target Audiences .......................................................... 29  
   D. Phased Outreach Approach .......................................... 31  
   E. Stakeholder Input from Retailers ..................................... 32
F. Joint Outreach with Local Government Programs ......................................................... 33
G. Website and Site Locator .............................................................................................. 33
H. Hotline ....................................................................................................................... 34
I. Evaluation of Outreach ............................................................................................... 34
J. Examples of Outreach Materials .................................................................................. 34

7. Funding and Budget .................................................................................................... 35

Statutory Citation ............................................................................................................. 35
Section Overview .............................................................................................................. 35
A. Funding Mechanism ................................................................................................... 35
B. Paint Sales Estimates .................................................................................................. 36
C. Paint Collection Volume Estimates .......................................................................... 37
D. Budget Description ..................................................................................................... 37
E. PaintCare Fee ............................................................................................................... 37

Appendices
A. Registered Manufacturers and Brands
B. Definition of Program Products and Sample Product Notices
C. Examples of Education and Outreach Materials
D. Independent Audit of the Proposed PaintCare Fee (not yet available)
1. Introduction

Section Overview
This section discusses:

- Introduction
- Paint stewardship in the United States
- Program plan for the New York postconsumer paint collection program (referred to as the New York paint stewardship program in this plan)
- Citations

A. Introduction

In December 2019, Governor Andrew Cuomo signed Senate Bill 4351 into law. This bill is codified in New York Environmental Conservation Laws, Article 27: Collection, Treatment and Disposal of Refuse and Other Solid Waste, Title 20: Postconsumer Paint Collection Program.

The law requires, by July 1, 2020, the submission of a plan for the establishment of a postconsumer paint collection program. Throughout this plan, PaintCare refers to the program as the New York "paint stewardship program," rather than the New York "postconsumer paint collection program," as it is referred to in the supporting legislation. This is done to allow for consistency with the names of the other 10 paint stewardship programs operated by PaintCare across the country and because the New York law and program encompass more than just paint collection. The broad goals stated in the New York law are for paint manufacturers to design and operate a program that "will minimize public sector involvement in the management of postconsumer paint by reducing its generation, promoting its reuse and recycling and negotiating and executing agreements to collect, transport, reuse, recycle and properly dispose of postconsumer paint using environmentally sound management practices."

Due to a delay in finalizing the regulatory framework that will apply to program operations, PaintCare will be submitting an updated implementation schedule (referred to as the approved schedule) to DEC that details the activities, tasks, and requirements that need to be completed for PaintCare to submit a final program plan no earlier than July 1, 2021 and start the New York paint stewardship program no earlier than January 1, 2022. The original approved schedule details the activities, tasks, and requirements that need to be completed for PaintCare to submit a final program plan on May 1, 2021 and start the New York paint stewardship program on November 1, 2021. The revised schedule represents PaintCare’s intended approach based on information available at this time. Any unforeseen changes in future circumstances could pose new challenges that may disrupt the revised schedule. PaintCare will keep DEC informed of any material changes to its planning efforts as described in the schedule.
B. Paint Stewardship in the United States

At the urging of state environmental agencies and government household hazardous waste programs across the United States, the Paint Product Stewardship Initiative began in 2002 to bring about an industry-operated paint stewardship system in the U.S. Facilitated by the Product Stewardship Institute, the initiative involved several years of dialogue and research on paint use habits and recycling opportunities. Participants included the American Coatings Association, paint manufacturers, paint recyclers, the Environmental Protection Agency, and state and local governments across the country.

The initiative resulted in the development of a model state law to establish an economically and environmentally sustainable, industry-designed and implemented postconsumer paint management system. To date, paint stewardship legislation has been signed into law in California, Colorado, Connecticut, the District of Columbia, Maine, Minnesota, New York, Oregon, Rhode Island, Vermont, and Washington.

C. New York Paint Stewardship Program Plan

The New York law requires the following to be addressed in the program plan:

(a) Provide a list of each participating producer and brands covered by the program.

(b) Provide information on the architectural paint products covered under the program.

(c) Describe how the producer or representative organization will collect, transport, recycle, and process postconsumer paint for end-of-life management, including recycling and disposal, using environmentally sound management practices.

(d) Describe how it will provide for convenient and cost-effective statewide collection of postconsumer paint in the state. The producer or representative organization may coordinate the program with existing municipal waste collection infrastructure as is mutually agreeable. A paint retailer may participate, on a voluntary basis, as a paint collection site if the paint retailer volunteers to act as such and complies with all applicable laws and regulations.

(e) Provide geographic modeling to determine the number and distribution of sites for collection of postconsumer paint based on the following criteria (i) at least ninety percent of New York residents shall have a collection site within a fifteen mile radius; and (ii) one additional collection site will be established for every fifty thousand residents of an urbanized area (as defined by the United States Census Bureau), unless the producer is a small business taxpayer as defined in paragraph (f) of subdivision one of section two hundred ten of the tax law or unless otherwise approved by the commissioner.

(f) Describe the intended treatment, storage, transportation and disposal options and methods for the collection of postconsumer paint. The management of paint under the program shall promote reuse and recycling.
(g) Describe in detail education and outreach efforts to inform consumers and retailers about the program. These materials should include (i) information about collection opportunities for postconsumer paint; (ii) information about the charge for the operation of the program that shall be included by the producer in the price charged to the retailer of all architectural paint sold in the state; and (iii) efforts to promote the source reduction, reuse, and recycling of architectural paint.

(h) Set forth the process by which an independent financial auditor will be selected and identify the criteria used by the producer or representative organization in selecting an independent auditor.

(i) Identify, in detail, the operational plans for interacting with retailers on the proper handling and management of postconsumer paint.

(j) Include the targeted annual collection rate.

(k) Be reviewed by an independent financial auditor to assure that any added cost to paint sold in the state as a result of the postconsumer paint collection program does not exceed the costs of the program. The independent auditor shall verify that the amount added to each unit of paint will cover the costs of the postconsumer paint collection program.

D. Citations

To aid the reader, each section of this plan is preceded with the relevant text of the law.
2. Stewardship Organization & Program Contacts

Section Overview

This section discusses:

- PaintCare New York LLC
- Program contacts

A. PaintCare New York LLC

On behalf of participating paint manufacturers, PaintCare New York LLC is pleased to submit to Department of Environmental Conservation a preliminary version of the New York paint stewardship program plan.

PaintCare Inc. was formed in 2009 by the American Coatings Association, the primary trade association for the paint and coatings industry. PaintCare Inc. now organizes a separate single-member limited liability company (LLC) as a subsidiary to serve as the representative stewardship organization for architectural paint manufacturers (also referred to as producers) in each state that passes a paint stewardship law. PaintCare New York LLC was formed in 2020. Both organizations are 501(c)(3) non-profit entities.

PaintCare representation is open to all architectural paint manufacturers and they may register with PaintCare at any time. PaintCare currently represents 191 paint manufacturers across its paint stewardship programs.

PaintCare’s corporate office is in Washington, DC. State program staff work in the states in which PaintCare programs operate.

PaintCare Inc. and its subsidiaries are overseen by an 11-member unpaid Board of Directors representing architectural paint manufacturing companies. Per the organization’s bylaws, the function and duties of the Board are to manage and control the affairs and property of the corporation.

B. Program Contacts

Below is the current contact for the New York program.

Marjaneh Zarrehparvar
President, PaintCare Inc.
(202) 360-8187
mzarrehparvar@paint.org

The names and titles of PaintCare staff are listed on PaintCare’s webpage. PaintCare will notify DEC of changes to any key state personnel.
3. Manufacturers and Program Products

Statutory Citation

New York Environmental Conservation Laws, Article 27: Collection, Treatment and Disposal of Refuse and Other Solid Waste, Title 20: Postconsumer Paint Collection Program. Section 27-2003:

3. The plan submitted by the producer or representative organization to the department under this section shall:

(a) Provide a list of each participating producer and brands covered by the program.

(b) Provide information on the architectural paint products covered under the program.

Section Overview

This section discusses:

- Manufacturer and brand registration
- Private label agreements
- Use of registration lists
- Program products

A. Manufacturer and Brand Registration

PaintCare identified potential manufacturer participants through a variety of sources, including the following:

- Prior registrations with PaintCare for other PaintCare programs
- American Coatings Association
- Internet research

Manufacturers register their company and brands of architectural paint products through PaintCare’s website dedicated to registrations and reporting sales.

Starting in January 2020, manufacturers were notified about the New York law and program through email and a notice on PaintCare’s reporting website.

While national paint manufacturers have already registered for existing PaintCare programs, some local or regional manufacturers may still be unfamiliar with the program and may need to be contacted several times to become aware of their obligations under the law. Therefore, the identification and notification of potential manufacturers is an on-going process. The list of registered manufacturers and brands is expected to change as any additional manufacturers become aware of the program.
B. Private Label Agreements

Private label agreements (or services) represent products manufactured or distributed by one company for use under another company’s label. The products are also referred to as store brands, generic brands, and the agreements are also known as tolling agreements. These agreements are often kept confidential to protect the arrangements from competitive interests. Therefore, PaintCare will not specify which brands are produced by which manufacturer, unless the name of the manufacturer is included in the brand name. Instead, registered manufacturers and their registered brands will always be presented in separate lists to ensure the confidentiality of these agreements.

C. Use of Registration Lists

PaintCare will post the lists of registered manufacturers and brands on its website to make them available for retailers and distributors. Retailers and distributors will use the brand list to learn which brands may be legally sold in New York upon implementation of the program. DEC will use the manufacturer list to ensure that any manufacturer whose paint is sold in New York is participating in the program and use the brand list to verify that only registered brands are being sold in the state.

The list of registered manufacturers and brands as of the submission date of this plan are provided in Appendix A. PaintCare will provide DEC with current lists periodically and post them to PaintCare’s website.

D. Program Products

The terms program products, PaintCare products, architectural paint, and paint are used interchangeably in this plan and in PaintCare communications. In addition, this plan uses the common term latex paint to mean non-combustible or water-based program products, and oil-based paint to mean combustible or petroleum solvent-based program products.

Program products are architectural paints in containers no larger than five gallons in size. They do not include industrial coatings, coatings used for original equipment manufacturing, and other specialty coatings. The full definition and examples of both program and non-program products are provided in Appendix B. This definition is used to determine the products on which manufacturers are to apply the assessment (referred to as the PaintCare fee) to fund the program, as well as to determine which products are accepted by the program’s paint drop-off sites.

As needed, PaintCare issues product notices to explain or clarify whether and why certain types of products are a part of the program or not. PaintCare posts these product notices on its website and plans to share with stakeholders when such notices are issued. Examples of these notices are also provided in Appendix B.
4. Paint Drop-Off Sites and Services

Statutory Citation

New York Environmental Conservation Laws, Article 27: Collection, Treatment and Disposal of Refuse and Other Solid Waste, Title 20: Postconsumer Paint Collection Program. Section 27-2003:

3. The plan submitted by the producer or representative organization to the department under this section shall:

(d) Describe how it will provide for convenient and cost-effective statewide collection of postconsumer paint in the state. The producer or representative organization may coordinate the program with existing municipal waste collection infrastructure as is mutually agreeable. A paint retailer may participate, on a voluntary basis, as a paint collection site if the paint retailer volunteers to act as such and complies with all applicable laws and regulations.

(e) Provide geographic modeling to determine the number and distribution of sites for collection of postconsumer paint based on the following criteria: (i) at least ninety percent of New York residents shall have a collection site within a fifteen mile radius; and (ii) one additional collection site will be established for every fifty thousand residents of an urbanized area (as defined by the United States Census Bureau), unless the producer is a small business taxpayer as defined in paragraph (f) of subdivision one of section two hundred ten of the tax law or unless otherwise approved by the commissioner.

(i) Identify, in detail, the operational plans for interacting with retailers on the proper handling and management of postconsumer paint.

Section Overview

This section discusses:

- Program audience
- Paint drop-off sites and services
- Convenience criteria
- Paint drop-off site operations

PaintCare uses the term paint “drop-off” site in place of paint “collection” throughout this plan to denote the action of users of the program (which is to drop off paint), rather than the action of drop-off sites (which is to collect paint).

A. Program Audience

The New York PaintCare program will serve the state’s residents, businesses, schools, government agencies and other entities that have leftover, unwanted paint, as described below. PaintCare has designed its program to serve the following program audiences to the extent permitted by applicable law.
A1. Households

Households are eligible to drop off any quantity of postconsumer latex or oil-based paint through the program, subject to any quantity limits set by individual drop-off sites.

A2. Very Small Quantity Generators (VSQGs)

Painting contractors, small businesses, and other small to medium-sized organizations are typical VSQGs (as described in federal rules in 40 CFR 262.14) and CESQGs (analogous term described in New York rules in 6 NYCRR 371.1(f)). VSQGs are eligible to drop off any quantity of postconsumer latex paint through the program, subject to any quantity limits set by individual drop-off sites. VSQGs are eligible to drop off oil-based paint through the program in quantities at or below the monthly generation limits that apply to VSQGs and subject through the program in quantities at or below the monthly generation limits that apply to VSQGs and subject to any quantity limits set by individual drop-off sites. To qualify as a VSQG, among other criteria, a business/organization must (1) generate no more than 100 kilograms (about 25 gallons or 220 pounds) of hazardous waste per calendar month, (2) generate no more than 1 kilogram (about 2.2 pounds) of acute hazardous waste per calendar month, and (3) accumulate no more than 1,000 kilograms (about 250 gallons or 2,200 pounds) of hazardous waste at any given time.

A3. Small Quantity Generators (SQGs) and Large Quantity Generators (LQGs)

The program will accept any quantity of postconsumer latex paint from SQGs and LQGs (as described in federal rules in 40 CFR 260.10). The program does not accept postconsumer oil-based paint from SQGs or LQGs. SQGs and LQGs (as described in federal rules in 40 CFR 260.10 and in state rules in part at 6 NYCRR 370.2(b)(170)) are eligible to drop off any quantity of postconsumer latex paint through the program, subject to any quantity limits set by individual drop-off sites. PaintCare currently does not allow drop-off sites to accept oil-based paint from SQGs and LQGs because under current law, drop-off sites typically lack the legal permits required to accept oil-based paint from this audience. At least initially, PaintCare intends to provide a pickup service to SQGs and LQGs for oil-based paint. PaintCare may consider other service opportunities for this audience under the program to the extent permitted by applicable law.

B. Paint Drop-Off Sites and Services

PaintCare partners with household hazardous waste (HHW) collection facilities and events (referred to as HHW programs in this plan) and increases paint collection by setting up new paint drop-off sites and services. The New York program is expected to include the following:

- HHW programs
- Solid waste management facilities including transfer stations, recycling centers and landfills (referred to as solid waste facilities in this plan)
- Retail stores
- Material reuse stores
Direct pickup of large volumes

PaintCare events

All eligible locations are invited to participate as paint drop-off sites, provided they have adequate space for at least two paint collection bins. The bin storage space must be secure, inaccessible to the public, have an impermeable surface, and be protected from the elements.

Paint drop-off sites must comply with PaintCare’s operational requirements; they must accept all program products, have staff available to accept paint during operating hours, accept paint from households and businesses, and accept paint free of charge from participants who drop off paint. In addition, sites must be willing to be listed on the site locator on PaintCare’s website and post and distribute PaintCare point-of-sale outreach materials, including a window poster advertising their site as a paint drop-off site. Some exceptions to these operational requirements are allowed for HHW programs and other sites, which are discussed later in this section.

For all sites, PaintCare provides and covers the cost for paint collection bins, paint transportation, and paint processing (end-of-life management). In addition, all sites other than HHW programs and RLVPs are provided spill kits. All sites are provided signage, training and training materials.

Prior to the start of the program and on an agreed upon timeframe thereafter, PaintCare will provide DEC with a current list of paint drop-off sites. PaintCare will contact potential sites several times prior to the start of the program to make them aware of the opportunity to be a paint drop-off site. Some may wait until after the program starts to decide to participate. The identification and recruitment of potential paint drop-off sites is an on-going process and will continue after the start of the program.

B1. Household Hazardous Waste Programs

HHW programs are excellent partners because they provide their customers the convenience of dropping off other products at the same time as paint, and they often have regular customers that have used their programs for many years.

HHW Program Recruitment and Outreach Activities

With assistance from DEC, the New York Product Stewardship Council, and other organizations involved with waste management in New York, PaintCare plans to identify and reach out to all known HHW programs in the state to learn about their services, inform them about the PaintCare program, highlight the benefits, and outline the steps to partnering with PaintCare. These benefits include cost savings, offering expanded services to their community, reducing waste, and increasing paint recycling.

For the time being, outreach to HHW programs will include statewide webinars and calls with individual programs. Once staff can safely travel within New York, PaintCare plans to hold in-person stakeholder meetings, conduct site visits to HHW facilities, and participate in conferences and other meetings attended by
HHW and other waste management programs including the New York State Association for Reduction, Reuse and Recycling (NYSAR3) and the Federation of New York Solid Waste Associations conferences.

PaintCare, in partnership with DEC, held the first of several planned webinars for HHW programs and their service providers (on-site operators, transporters, and processors) on June 11, 2020. The webinar had approximately 60 participants and some of the topics covered included:

- Overview of the New York law
- The role of DEC and program oversight
- History of the PaintCare programs
- Program products
- The program’s funding mechanism
- Planned paint drop-off sites and services
- How HHW programs can partner with PaintCare
- How PaintCare works with transporters and paint processors
- Planned outreach and education

A fact sheet and an interest form for HHW programs are available on the New York page of PaintCare’s website. The current version of the fact sheet is provided in Appendix C.

**Exceptions for HHW Programs and Solid Waste Facilities**

Most paint drop-off sites and events are expected to be able to accept all program products, free of charge, from all audiences. However, in recognition of restrictions on HHW programs and solid waste facilities, some exceptions may be made. Examples include:

- Programs with a limited geographical service area due to their funding source (e.g., local tax or utility) will not be required to accept paint from participants outside of their service area.
- Programs that do not accept waste from businesses will not be required to do so.
- Programs that accept oil-based paint but do not currently accept latex paint will not be required to change their operations to accept latex paint.
- Programs that already charge a fixed amount to businesses to schedule an appointment for paint drop-off may continue this practice as long as it is clear to the customers that the charges do not relate to services funded by the PaintCare program, including paint collection bins, transportation and processing.
B2. Solid Waste Facilities (Transfer Stations, Recycling Centers, Landfills)

Solid waste facilities, transfer stations in particular, can be important program partners because like HHW programs, they provide their customers the convenience of dropping off other products at the same time as paint, and they may also have regular customers that have used their facilities for many years. Solid waste facilities also tend to fill the gap, particularly in rural areas, where there might not be HHW facilities or paint retailers to be drop-off sites.

PaintCare has typically observed that solid waste facilities become more interested in joining the program after retailers and HHW programs have joined. Efforts to identify and recruit both public and private solid waste facilities to be paint drop-off sites will be on-going.

A fact sheet and an interest form for solid waste facilities are available on the New York page of PaintCare’s website. The current version of the fact sheet is provided in Appendix C.

B3. Retailers

Paint retailers are valuable program partners because they are located throughout the state, are often centrally located in cities and towns, are open five or more days per week, and have staff familiar with paint products and how to handle them safely. In addition, their customers are likely to have some leftover paint and often ask store staff for advice on what to do with it. Retailer participation as a paint drop-off site is voluntary. Retailers are not compensated for being a drop-off site.

Material Reuse Stores

Material reuse stores, such as Habitat for Humanity ReStores, are a subset of retailers that can offer reuse in addition to serving as paint drop-off sites. At these sites, paint can be screened for possible reuse and then donated or sold back to the local community. Paint that is not set aside for reuse will be placed in paint collection bins.

Retailer Recruitment and Outreach Activities

PaintCare has identified approximately 1,435 paint retailers in New York including paint, hardware, home improvement stores, and 21 material reuse stores. These include large and small independent, co-op, chain, and corporate stores. Of these stores, approximately 1,030 were identified as potential drop-off sites based on PaintCare’s experience in other PaintCare programs.

In September 2020, PaintCare began its outreach efforts to paint retailers and material reuse stores with a letter informing them about the new law. PaintCare plans for additional mailing to take place before the program starts to remind retailers about the new law, explain their responsibilities under the law, inform them about the PaintCare fee that will be applied to architectural paint, highlight the benefits of the program, recruit them as paint drop-off sites, and provide point-of-sales outreach materials to inform their customers about the PaintCare program. Current versions of some of the materials that will be included in the mailings are provided in Appendix C.
PaintCare also plans to hold several webinars for retailers to provide an overview of the program and answer any questions. Once staff can be on the ground in New York, PaintCare plans to conduct site visits to recruit paint retailers and material reuse stores, and to train and set-up sites volunteering as paint drop-off sites.

**B4. PaintCare Events**

Paint drop-off events may be held by PaintCare in areas of the state that are not within 15 miles of a paint drop-off site or have too few drop-off sites for the population of the area. Participation at PaintCare events will not be restricted by county or other geographical boundaries; participants from any place in New York will be allowed to use the events.

**B5. Direct Pickup**

**Large Volume Pickup (LVP) Service**

The LVP service is free and will be offered to New York painting contractors, other businesses, organizations, and households with large volumes of paint with a minimum quantity, currently 200 gallons. This service allows approved users to have paint picked up at their business or home.

Under PaintCare’s current practices, in order to utilize the service, users must submit an LVP request form, where they are asked to identify themselves as a household or as a business, and provide specific information about their volume of leftover paint, paint type (latex or oil-based), and container sizes. Once approved for pickup, the user will be put in direct contact with PaintCare’s transporter to arrange an appointment.

**Recurring Large Volume Pickup (RLVP) Service**

The RLVP service is a free service offered to painting contractors and other businesses and organizations that generate large volumes of paint on a on-going basis. These sites will be set up and trained by PaintCare staff on program requirements similarly to public drop-off sites, but they will only use the program for paint from their own operations.

Users of the RLVP service will be asked to provide information about the volume and type of paint they generate on a regular basis, and they must sign an agreement for service with PaintCare.

**SQG/LQG Pickup Service**

PaintCare plans for the SQG/LQG pickup service to accept volumes less than 200 gallons. This service is a pilot program for PaintCare, so volume limits may be changed based on program experience and on whether PaintCare is able to offer other drop-off opportunities to this audience.

**B6. Additional Activities**

Paint drop-off sites permitted by state and federal law to conduct specific additional activities that are beneficial to the program can be compensated for their work. Examples of these activities include operating a reuse program, reprocessing latex paint, bulking oil-based paint, and providing local transportation services.
Reuse
Sites may operate reuse areas in which they place leftover paint that was brought to their site in good condition to be given away or sold "as is" to their customers and local community. This paint management method represents the highest, best use of paint and typically reduces program costs by avoiding the transportation and processing costs that would otherwise be required to manage the paint. To support existing paint reuse programs and to provide incentive for additional sites to do reuse, PaintCare provides compensation based on the number gallons given away or sold.

Latex Paint Reprocessing
Latex paint reprocessing involves color sorting, combining, and mixing leftover latex paint together to make recycled-content paint that is given away or sold locally. Reprocessing is the same thing as paint-to-paint recycling but PaintCare uses the term reprocessing to distinguish this activity that usually occurs at HHW facilities from the activity that occurs at commercial paint recyclers. As with reuse, latex paint reprocessing typically reduces program costs by avoiding the transportation costs that would otherwise be required to manage the paint. To support existing paint reprocessing programs and to provide an incentive for additional sites to reprocess paint, PaintCare negotiates a per-gallon rate to compensate the site for reprocessed paint that is given away or sold.

Oil-Based Paint Bulking
PaintCare makes paint management simple for paint drop-off sites by allowing them to place program products directly into paint collection bins. However, if a site chooses to bulk oil-based paint, it results in lower transportation costs for PaintCare. To support these sites, PaintCare negotiates compensation based on a per-drum rate.

Transportation
Sometimes it is more cost-effective for a paint drop-off site to transport paint from one of its locations to another, or to transport paint from an event back to its facility, rather than using PaintCare’s contracted transporter. This is most commonly done by HHW programs. In these cases, PaintCare negotiates compensation for the service (e.g., based on a per-event or per-bin basis).

C. Convenience Criteria
To ensure that the program provides adequate and convenient paint recycling opportunities throughout the state, PaintCare used ArcGIS, a mapping and analytics software, to determine the minimum number and optimal locations for paint drop-off sites in New York. PaintCare recognizes that non-retail sites (e.g., HHW facilities and transfer stations) are not always available to all participants within 15 miles of the site and therefore runs its convenience models using only potential retail drop-off sites because they are available to all residents in the state. Applying the state’s distribution and density criteria, PaintCare will need to provide at least 322 paint drop-off sites in New York. The state’s distribution and density criteria are explained further below.
Distribution Criterion

The distribution criterion in the New York law states that the program should provide at least 90% of New York residents a paint drop-off site within 15 miles. This requirement can be met with 26 optimally located year-round sites shown as pink triangles on the map that follows.

Density Criterion

The density criterion in the New York law states that the program should provide an additional year-round paint drop-off site for every 50,000 residents of an Urbanized Area, as defined by the United States Census Bureau. This requirement is met with 296 optimally located year-round sites shown as light blue triangles on the map. The following table lists the Urbanized Areas in New York and the number of drop-off sites needed in each.

<table>
<thead>
<tr>
<th>URBANIZED AREA (Names from Census Bureau)</th>
<th>2010 POPULATION (NY ONLY)</th>
<th>NUMBER OF SITES NEEDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albany–Schenectady</td>
<td>594,962</td>
<td>11</td>
</tr>
<tr>
<td>Binghamton</td>
<td>155,662</td>
<td>3</td>
</tr>
<tr>
<td>Buffalo</td>
<td>935,906</td>
<td>18</td>
</tr>
<tr>
<td>Elmira</td>
<td>67,983</td>
<td>1</td>
</tr>
<tr>
<td>Glen Falls</td>
<td>65,443</td>
<td>1</td>
</tr>
<tr>
<td>Ithaca</td>
<td>53,661</td>
<td>1</td>
</tr>
<tr>
<td>Kingston</td>
<td>57,442</td>
<td>1</td>
</tr>
<tr>
<td>Middletown</td>
<td>58,381</td>
<td>1</td>
</tr>
<tr>
<td>New York-Newark</td>
<td>12,191,715</td>
<td>243</td>
</tr>
<tr>
<td>Poughkeepsie-Newburgh</td>
<td>412,338</td>
<td>8</td>
</tr>
<tr>
<td>Rochester</td>
<td>720,572</td>
<td>14</td>
</tr>
<tr>
<td>Saratoga Springs</td>
<td>64,100</td>
<td>1</td>
</tr>
<tr>
<td>Syracuse</td>
<td>412,317</td>
<td>8</td>
</tr>
<tr>
<td>Utica</td>
<td>117,328</td>
<td>2</td>
</tr>
<tr>
<td>Watertown</td>
<td>57,840</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>15,965,650</strong></td>
<td><strong>314</strong></td>
</tr>
</tbody>
</table>

*An Urbanized Area may cross into an adjacent state.*
The following map is for illustrative purposes to provide a picture of what an optimal statewide distribution of sites looks like. It does not represent the actual types, number or distribution of sites that may end up participating as paint drop-off sites in the program, but rather the best combination of paint retail sites if PaintCare hand-selected and only used paint retailer to meet the convenience requirements of the New York law. Using this set of sites is not the only way to satisfy the convenience requirement – it can be achieved through many other configurations of sites throughout the state – but it is unlikely to be accomplished with fewer than 322 sites.
D. Paint Drop-Off Site Operations

All paint drop-off sites must have an agreement in place with PaintCare, follow PaintCare’s operational requirements, and operate in accordance with applicable federal, state, and local environmental laws, regulations and permits.

D1. Drop-Off Site Training

All drop-off sites and RLVP sites will receive an in-person, on-site training regarding site guidelines and are provided a training binder that is reviewed during the training. The binder includes the site guidelines and a training log to be signed by all employees at the site who handle paint for the program. Examples of current training topics include:

- History and goals of paint stewardship programs
- Identification of program products
- Safe handling and storage of program products
- Spill clean-up and reporting
- Procedures for scheduling a paint pickup
- Screening for generator status to determine if a business qualifies to use the program for oil-based paint
- Recordkeeping

Due to uncertainty about the regulatory framework that will apply to program operations, PaintCare is not yet able to prepare site guidelines or a complete training binder for New York. PaintCare will prepare such materials after it determines the applicable regulatory framework with DEC.

D2. Collection Volumes

Drop-off sites may set their own limit on the amount of paint they will accept from the public, as long as the limit is no less than five gallons per participant per day and is consistent with legal limits applicable to VSQGs.

D3. Paint Storage

Paint collection bins used in the program may include but are not limited to reusable plastic bins or cardboard bins with liners (approximately 1 cubic yard in size); 55-gallon metal or plastic drums; 30 and 50-gallon cardboard boxes with liners; and 20 and 30-yard roll-off containers.

Drop-off sites will be required to keep paint collection bins in a secure location that does not have public access and the bins must be protected from the elements if stored outside.

D4. Non-Program Products

The volume of non-program products entering the program will be minimized through public education, signage at drop-off sites, and drop-off site training on product identification.
PaintCare's transporters and downstream processors will manage any incidental non-program products that they receive. They will be instructed to notify PaintCare of incidents and identify the specific drop-off site from where the non-program products originated and the quantity and type that were found. Depending on the severity of the contamination, PaintCare may do one or more of the following: (1) contact the site to let them know about the incident, (2) provide additional/refresher training on identification of program and non-program products, or (3) in extreme cases, remove the site from the program.

D5. Site Visits

Retail drop-off sites will receive site visits about every six months. HHW facilities, solid waste facilities, and RLVP sites will be visited annually. The purpose of these visits is to ensure compliance with program requirements, provide refresher trainings if needed, address any needs or concerns the sites may have, check their supplies of outreach materials, and solicit feedback about the program.
5. Materials Management

Statutory Citation

New York Environmental Conservation Laws, Article 27: Collection, Treatment and Disposal of Refuse and Other Solid Waste, Title 20: Postconsumer Paint Collection Program. Section 27-2003:

3. The plan submitted by the producer or representative organization to the department under this section shall:

(c) Describe how the producer or representative organization will collect, transport, recycle, and process postconsumer paint for end-of-life management, including recycling and disposal, using environmentally sound management practices.

(f) Describe the intended treatment, storage, transportation and disposal options and methods for the collection of postconsumer paint. The management of paint under the program shall promote reuse and recycling.

Section Overview

This section discusses:

- Paint transportation
- Paint processing
- Non-program products and empty containers
- Legal compliance
- Insurance and financial assurance

All descriptions in this section refer to current or typical activities as of the submission of this program plan.

A. Paint Transportation

A1. Transportation System

An efficient transportation system is required to move paint from a large number of paint drop-off sites to processing facilities. The transporters hired by PaintCare, which may include both private and public entities, usually have significant experience in scheduling pickups and routing to maximize efficiency – taking into account the number of stops, locations, volume of paint to be transported, and projected weight of the loads. Transporters must comply with all applicable state and federal rules and regulations and must track the paint from the point of collection to its final destination. Transporters, subsequent processors, and their records, are subject to audit by PaintCare.

PaintCare plans to use a competitive bid process to select transporters to provide service to paint drop-off sites, subject to successful negotiation of contract terms with those transporters. It is also common practice for PaintCare to try to negotiate agreements with each transporter providing service to HHW programs so that PaintCare and each HHW program will be able to use the same transporter at each HHW facility or event.
PaintCare intends to begin the process for selecting and contracting with transporters very soon after the regulatory framework for the program has been established with DEC.

Transporters will provide service to paint drop-off sites on an on-call basis (e.g., sites call for pickup when their storage capacity is 50% full) or on a set schedule (e.g., every Tuesday) – determined on a site-by-site basis. Transporters will deliver empty paint collection bins and spill kits to drop-off sites and pick up full bins in a timely manner. Transporters are typically required to provide service to drop-off sites within five days in urban areas and ten days in rural areas. The longer time period in rural areas is to maximize route efficiency and pick up from multiple locations, yet still serve the location in a reasonable amount of time. For HHW events, transporters will deliver empty paint collection bins prior to the start of the event and pick up full bins on the day of the event, unless other arrangements are agreed to prior to the day of the event.

All sites (both rural and urban) will be asked to accommodate a minimum of two paint collection bins because it is less expensive and more efficient to pick up two or more bins from one location than to serve the same location several times and pick up only one bin each time.

A2. Transporters

A list of transporters contracted to serve the program and/or under consideration will be provided to DEC once this information is available.

B. Paint Processing

B1. Processing System

PaintCare will contract for processing and proper end-of-life management of postconsumer paint collected in the program. Prior to releasing the transportation and processing request for proposal (RFP), PaintCare will make reasonable effort to contact all known paint recyclers (both in-state and out-of-state) to inform them of the RFP and contracting process. The following hierarchy will be followed when prioritizing management of paint collected through the program.

**Latex Paint**

1) Reuse
2) Paint-to-paint recycling or recycling into another product
3) Beneficial use
4) Disposal

**Oil-Based Paint**

1) Reuse
2) Paint-to-paint recycling
3) Energy recovery
4) Incineration

The condition of postconsumer paint when it is received by the program is an important consideration in determining how it will be managed. If paint containers are not sealed well or stored properly (indoors, out of rain or freezing temperatures), latex and oil-based paint can dry out or otherwise be spoiled by mold, rusting cans, or multiple freeze/thaw cycles making some or all of the contents of an individual container of paint unusable or not recyclable. Ultimately, the method of storage and the timing of the decision to recycle leftover paint are determined by the consumer. The program encourages the return of unwanted postconsumer paint in a timely manner in order to reduce the age and improve the condition of the paint.

The following provides a more detailed description of the latex and oil-based paint management methods that may be utilized by the program. With regard to the above hierarchies, PaintCare determines how to classify each management method based primarily on guidance provided by the EPA and the applicable state environmental agency. Due to differing state views on how particular management methods are classified, PaintCare may classify the same management method differently in different states.

B2. Latex Paint Management

Reuse

Oil-based paint may be managed via reuse, meaning that the collected paint is sold or given away in the United States in its original labeled container without any alteration of the container contents.

PaintCare will support reuse of latex paint through its partnerships with reuse sites including HHW facilities and material reuse stores. These sites will be required to document their reuse activities to receive compensation for the paint distributed to the public and are encouraged to obtain a participant waiver acknowledging that they accept the material “as is.”

Paint-to-Paint Recycling

Latex paint may be used to make recycled-content paint. Drop-off sites (most commonly HHW facilities) that make recycled-content latex paint typically sort the paint by color, then combine and blend the leftover latex paint into a uniform color which will vary from batch to batch. The recycled-content latex paint is then typically given away or sold locally. Commercial latex recyclers typically manufacture a color-sorted, blended, and filtered architectural paint product that is sold domestically and internationally. Typically, purchasers of this product either use/re-sell it as is or use it as an input in further paint production.

Lightweight Aggregate

Latex paint may be used as a component in the manufacturing process of lightweight aggregate. The lightweight aggregate is then either (i) sold as-is to third-party manufactures which use it as a component in their manufacturing process, (ii) colored and sold for various landscape applications, or (iii) is used as a component in the manufacturing process of various precast concrete products.
Decorative Ground Cover

Dry latex paint may be used as the primary ingredient in the manufacturing of a finished product sold as decorative ground cover.

Energy Recovery

Latex paint unsuitable for recycled-content paint may be processed by a waste-to-energy facility.

Alternative Daily Cover

Latex paint unsuitable for recycled-content paint may be used as a component in the manufacturing process of an alternative daily landfill cover (ADC) product.

Disposal

Dry latex paint and latex paint unsuitable for recycled-content paint may be solidified and sent to landfill for disposal. Use of a permitted landfill for disposal is the least preferred management method for latex paint.

B3. Oil-Based Paint Management

Reuse

Oil-based paint may be managed via reuse, meaning that the collected paint is sold or given away in the United States in its original labeled container without any alteration of the container contents.

PaintCare supports reuse of oil-based paint through its partnerships with reuse sites including HHW facilities and material reuse stores. These sites are required to document their reuse activities to receive compensation for the paint distributed to the public and are encouraged to obtain a participant waiver acknowledging that they accept the material "as is."

Paint-to-Paint Recycling

Oil-based paint may be used to make recycled-content oil-based paint. Commercial oil-based paint recyclers typically manufacture recycled-content oil-based paint in a variety of colors that is sold internationally. As of the submission of this program plan, this method is only available in certain geographic areas in the United States but is included to allow for future possibility for the New York program.

Energy Recovery

Oil-based paint may be used in an energy recovery process. Any facility, including cement kilns and waste-to-energy facilities, used to manage materials through the program are required to be fully permitted in accordance with all applicable federal, state, and local requirements for such waste management.
Incineration

Oil-based paint may be incinerated. Some hazardous waste incinerators process oil-based paint, flammable liquids, and other hazardous wastes and industrial byproducts as a substitute fuel source because they are readily available and have a high BTU value. Any incinerator used to manage materials through the program are required to be fully permitted in accordance with all applicable federal, state, and local requirements for such waste management.

B4. Processors

Once these details have been determined, PaintCare will provide DEC with a list of processors contracted to serve the program and/or under consideration.

C. Non-Program Products and Empty Containers

C1. Non-Program Products

Although drop-off sites will be instructed and trained to screen for non-program products, a small number of containers of non-program products may enter the program and be screened out during the sorting process by PaintCare’s transporters and processors. In all cases, non-program products collected through the program will be managed in accordance with all applicable law. The following is a description of typical practices from PaintCare’s other programs as of the submission date of this program plan:

For bins containing a mix of latex and oil-based paint, transporters transport the bins from drop-off sites to sorting facilities that are legally permitted to unpack and sort these materials based on product label before sending them to appropriate downstream processors. If a transporter finds any non-program products during this screening process, they package and send those materials to an appropriate downstream processor to be managed in accordance with applicable law. Transporters do not return non-program products to the drop-off site unless directed to do so by PaintCare.

PaintCare requires its transporters to report to PaintCare all incidents where they discover a non-program product through the transporter’s or processor’s sorting/screening process. PaintCare monitors incidents of such contamination and reaches out to the originating drop-off sites as appropriate to address contamination issues. Incidents of significant or repeat contamination may prompt PaintCare to schedule a refresher training with drop-off site staff to emphasize appropriate on-site screening practices. In very rare instances when a site is unable or unwilling to address repeat contamination issues, PaintCare may suspend the site from the program pending a satisfactory resolution of issues that cause contamination.

Once materials reach downstream processors, non-program products may be discovered in program product containers. When the contents of a container are inconsistent with the container label, the contents are identified and repackaged for processing in accordance with applicable law. This contamination is not reported to PaintCare.
C2. **Empty Paint Containers**

To the extent feasible, empty metal and plastic paint containers will be recycled. PaintCare will work with the program’s contracted transporters, processors, and interested recyclers to identify and utilize available opportunities for container recycling, as necessary. Unrecyclable containers will be disposed of as solid waste.

D. **Legal Compliance**

As part of their contract, all transporters, processors and their subcontractors will be required by PaintCare to have processes in place to ensure compliance with applicable federal, state, and local environmental laws, regulations, and permits. Transporters and processors must require any subcontractors they use to comply with all applicable environmental regulations and other laws relating to the services provided by those subcontractors. Under the contract terms, violations of law constitute a breach and can be grounds for termination.

PaintCare has established procedures for monitoring both transporters and processors that manage materials in connection with the PaintCare program. Such procedures include both routine monitoring of performance by transporters and processors, as well as a vendor audit program. These procedures are designed to provide reasonable assurances that all transporters and processors comply with all applicable laws and engage in appropriate recordkeeping, tracking, and reporting of materials managed through the program.

Examples of typical audit criteria include the following: a review of applicable licenses/permits, emergency response planning, insurance carriage (including environmental insurance for vendors that transport or process hazardous materials in connection with the PaintCare program), data tracking, and reporting practices.

E. **Insurance and Financial Assurance**

PaintCare will require all contractors – drop-off sites, transporters, processors, etc. – to carry insurance appropriate to the services provided for the PaintCare program. The specific amount and terms vary from contractor to contractor and may include the following:

- Commercial General Liability Insurance
- Commercial Automobile Liability Insurance
- Workers’ Compensation Insurance
- Environmental Pollution Liability Insurance
- Endorsements to name PaintCare as an additional insured on the required insurance coverage (other than Workers Compensation)
Because contractors have widely different insurance policies (e.g., commercial insurance vs. self-insurance, differing limits), PaintCare will evaluate (often with the assistance of outside legal counsel) the insurance terms in each contract on a case-by-case basis to ensure that the contractor maintains insurance of the types and in the amounts appropriate for the services the contractor provides to the PaintCare program. PaintCare itself also carries Pollution Liability and Commercial General Liability Insurance.

PaintCare also requires all contractors to comply with all federal, state, and local laws. If financial assurance requirements are applicable to a PaintCare contractor by law, then they must be in compliance with those laws.
6. Education and Outreach

Statutory Citation

New York Environmental Conservation Laws, Article 27: Collection, Treatment and Disposal of Refuse and Other Solid Waste, Title 20: Postconsumer Paint Collection Program. Section 27-2003:

3. The plan submitted by the producer or representative organization to the department under this section shall:

(g) Describe in detail education and outreach efforts to inform consumers and retailers about the program. These materials should include (i) information about collection opportunities for postconsumer paint; (ii) information about the charge for the operation of the program that shall be included by the producer in the price charged to the retailer of all architectural paint sold in the state; and (iii) efforts to promote the source reduction, reuse, and recycling of architectural paint.

Section Overview

This section discusses:

- Outreach methods
- Message platform
- Target audiences
- Phased outreach approach
- Stakeholder input from paint retailers
- Joint outreach with local government programs
- Website and site locator
- Hotline
- Evaluation of outreach
- Examples of outreach materials

A. Outreach Methods

PaintCare is committed to providing robust and effective statewide education and outreach for the New York paint stewardship program using a variety of communication methods, which include:

- Print materials (e.g., brochures, fact sheets, cards)
- Digital media (e.g., streaming audio channels, online video, website banner ads)
- Social media (e.g., organic and paid promotion on Twitter, Instagram, Facebook)
- Traditional media (e.g., newspaper, radio, television)
Earned media (e.g., articles in news outlets, TV & radio interviews, other press coverage)

Face-to-face communications (e.g., retail site visits, presentations, tabling at conferences, expos and public events, webinars)

B. Message Platform

B1. Paint Smarter – Buy Right, Use It Up, Recycle the Rest

The “Reduce, Reuse, Recycle” message platform has been used by environmental organizations and waste management programs for many years. To reduce the amount of postconsumer paint and to inform the public how and where to recycle their leftover paint, PaintCare uses an instructive, paint-specific version of Reduce, Reuse, Recycle:

- Reduce: Buy Right.
- Reuse: Use It Up. (Also: Store Right and Give It Away)
- Recycle: Recycle the Rest.

“Buy Right” means purchase the right amount of paint for a job to reduce potential waste; “Use It Up” means use up leftover paint whenever possible; and “Recycle the Rest” means if you still have unwanted paint, drop it off at a PaintCare site for management. PaintCare also promotes “Store Right” and “Give it Away” as part of Reuse. “Store Right” means that if you hold on to paint, keep it in good condition for use later, and “Give it Away” means pass it on to other households or organizations in the community in need of paint.

B2. Program Awareness

Additional messages are used to create awareness of the program and answer these questions:

- What is PaintCare and why does the program exist?
- Why was the law passed (e.g., product stewardship, potential cost savings to local government waste collection programs)?
- How much is the PaintCare fee and what is it for?
- Which products are accepted in the program and which products are not?

C. Target Audiences

PaintCare’s outreach and education strategy will focus appropriate messages to the following audiences:

- Households
- Businesses and organizations that generate paint (e.g., professional painters, contractors, property managers, schools and universities, hotels)
Relevant trade groups (e.g., associations that serve professional painters, contractors, realtors, and building managers)

- Paint retailers
- HHW programs and solid waste facilities
- Non-English speakers

The following examples illustrate how the program will adjust the emphasis of messaging in outreach materials based on target audience:

**C1. Households**

- Emphasize how to find a drop-off site to recycle paint, the information most often requested.
- Promote using up leftover paint to do-it-yourselfers as a primer or for creative projects.
- Educate consumers on how to buy the right amount of paint by describing factors involved (e.g., square footage of walls, surface texture, coverage rate of paint, whether surfaces have been primed) and prompting consumers to consult with paint professionals.

**C2. Businesses that Generate Paint**

- Emphasize "Recycle the Rest" as more recycling opportunities will be available than previously, and these will be available statewide.
- Promote using up leftover paint.
- Promote the LVP service so they can request a direct pickup of large quantities of leftover paint, rather than transport paint to drop-off sites a little at a time.

**C3. Relevant Trade Groups**

Associations of painting and building contractors have proven an effective avenue for PaintCare to reach out to professional painters who use large amounts of paint. In addition to utilizing PaintCare's services for leftover paint, professionals also often purchase paint on behalf of clients and can make them aware of the PaintCare program.

PaintCare will seek out other professional associations, such as networks of realtors and building managers. Realtors can provide information to home buyers who may find paint left behind by previous owners, or they may work with contractors to paint homes being prepared for sale. Building managers often accumulate leftover paint while maintaining buildings and facilities.

**C4. Paint Retailers**

PaintCare has developed print materials for use by all paint retailers to educate store staff and the general public about the program, regardless of whether they are drop-off sites. PaintCare will provide these materials at no charge. Examples include:
♦ Brochures and cards that help the public find drop-off sites and explain the program.
♦ Signage that promotes general awareness of the program, explains the PaintCare fee, lists accepted products, and displays how to find a paint drop-off site.
♦ Fact sheets designed for a variety of audiences and subjects (e.g., general information, how to become a paint drop-off site, how to use the LVP service).

Retailers will be able to download or order printed materials using PaintCare’s website order form or by phone. Drop-off sites will also receive materials from PaintCare staff during site visits.

Retailers will receive several mailed notifications from PaintCare before the start of the program, as well as a starter pack of printed materials. The mailers will include:

♦ Information about the statutory requirements to include the PaintCare fee in their product price and to only sell registered products.
♦ Program brochures and LVP service fact sheets to inform their customer about the PaintCare program.
♦ Information about how to request additional print materials, and how to access them online.

C5. HHW Programs and Solid Waste Facilities

PaintCare provides fact sheets and interest forms to explain how HHW programs and solid waste facilities, including transfer stations, recycling centers, and landfills, can partner as paint drop-off sites and the benefits of participating in the program.

C6. Non-English Speakers

PaintCare has translated its program brochure for all PaintCare programs into Amharic, Arabic, Armenian, Chinese, Farsi, French, Hmong, Khmer, Korean, Lao, Polish, Portuguese, Russian, Spanish, Somali, Thai, Turkish, and Vietnamese. Two widely used fact sheets are available in translated versions: the fact sheet for the LVP service is available in Spanish, and the fact sheet for painting contractors is available in 11 languages other than English due to requests from PaintCare programs. Translated materials will be available to retailers, HHW program and other stakeholders, and electronic copies are posted on PaintCare’s website. PaintCare will consider translating materials to other languages upon request.

D. Phased Outreach Approach

When starting a new program, PaintCare has learned that it is important to balance the need to inform the public about the new program with the need to allow new drop-off sites, retail stores in particular, time to become familiar and comfortable with program operations. To avoid overwhelming new retail drop-off sites with paint and allow them to grow accustomed to program operations, PaintCare will phase in public outreach gradually.
At the start of the program, PaintCare plans to limit outreach activities to providing point-of-sale educational materials to all paint retailers and distributing one or more press releases about the new program. These communications will announce the new program, provide details about the PaintCare fee and products accepted, and describe the network of paint drop-off sites. PaintCare does not plan to use full multi-channel advertising campaigns during this period.

During this period, painting contractors and other consumers who frequently purchase paint will be more likely to notice the new fee than those who do not buy paint frequently. To address this group, PaintCare plans to work with contractors and their associations to inform them of the fee in advance of the start of the program and to provide fact sheets to retailers to insert in their monthly bills to regular customers and make available in the stores so that their customers will not be surprised by the fee.

In the second year of the program, as drop-off sites become comfortable with receiving paint from the public and arranging shipments with transporters, PaintCare plans to phase in a more comprehensive media strategy and advertising campaigns to increase public awareness of the program and encourage households and businesses to use paint drop-off sites. Such campaigns may include digital media such as website ads, streaming audio sponsorship, social media, and online video commercials — as well as traditional media such as print, television, and radio.

E. Stakeholder Input from Retailers

Experience in previous PaintCare state programs demonstrated that retailers were slow to adopt written materials about the PaintCare program, despite PaintCare’s efforts to offer them free of charge. To address this, PaintCare worked with retail stakeholders to learn what would make them more willing or interested in utilizing PaintCare’s materials and promoting the benefits of the program. PaintCare held several meetings with retailers: in California in June 2012, in Oregon in 2013, and in California and Connecticut in 2019.

At these meetings, retailers reviewed PaintCare POS materials including posters, brochures, window signage as well as ideas for new materials such as counter mats and floor decals. The retailers provided feedback about messaging, design, size, adaptability, and other elements that may factor into their willingness or ability to use the materials. Key feedback from these meetings included:

- Messages should be simple and not abstract in any way (e.g., “Recycle with PaintCare” was recommended as a clear call-to-action).
- Retailers requested a simple, small card to hand to customers to help them contact PaintCare by phone or website to find a paint drop-off site.
- Estimating the correct amount of paint to purchase is complicated. It requires knowledge about the type of paint, surface to be painted, and other factors. Retailers would not utilize or distribute PaintCare materials addressing this subject due to concerns about an oversimplification of the purchasing process that could result in incorrect estimates. Instead, retailers suggested PaintCare educate consumers to seek advice on this topic from store staff.
It is important for PaintCare and retailers to provide advance notice to professional painters to provide them ample time to prepare for the new fee and incorporate the fee into their bids/estimates prior to the start of the program.

Based on historic practice, after the first year of the program, there are not many complaints about the fee and the focus is shifted more to information about drop-off sites and other recycling services, and less on the fee.

Drop-off sites typically see a benefit to being promoted through both print and digital advertising.

Much of the input received from retailers has been incorporated into PaintCare outreach materials and strategy and PaintCare continues to solicit and encourage feedback from paint retailers and manufacturers about the program’s print materials and other promotional efforts.

F. Joint Outreach with Local Government Programs

PaintCare plans to promote HHW and other local government drop-off site partners through its outreach efforts if they wish to be promoted. PaintCare has also established a process for local governments to coordinate joint outreach projects, through which PaintCare assists them with funding and developing outreach campaigns focused on paint recycling for digital, print, radio, and other media. To initiate a project, the local government partner will be asked to complete a form describing the project and budget for approval. PaintCare will consider a reimbursement proportional to the amount of the campaign devoted to the PaintCare program services. For example, when staff of the Housatonic Resource Recovery Authority in Connecticut published an annual newspaper advertisement promoting its calendar of HHW events for towns in its region, they devoted half of the page to PaintCare products and information, and PaintCare funded half of the advertisement cost. Local governments may propose any project that includes a PaintCare message using any medium. The current version of the joint outreach fact sheet is provided in Appendix C.

G. Website and Site Locator

PaintCare’s website provides public access to information about all key aspects of the program. The site makes it easy for the public to find paint drop-off options, request LVPs, view accepted products, and answer questions about the program. It also provides targeted resources for retailers, manufacturers, painting contractors, and local government waste facilities. State-specific pages for each PaintCare program contain links to program plans, annual reports, laws, and other official documents. The “Paint Smarter” section educates the public about PaintCare’s “Buy Right, Use It Up, Recycle the Rest” messages, including useful tips and resources. PaintCare’s website is available in Spanish translation.

PaintCare strives to continually provide accurate, up-to-date information regarding paint recycling options available to the public. PaintCare has developed and maintains a national database of paint drop-off sites and makes the information available through a drop-off site locator on PaintCare’s website. The locator provides a paint-specific, easy-to-use way to search for the nearest available paint drop-off site. Site-specific information explains who is eligible to use a site and what limitations apply.
The site locator resource is currently organized as follows: for PaintCare states, the locator lists only paint drop-off sites, including HHW programs, that partner with PaintCare. For non-PaintCare states, it lists HHW programs as locations where the public can bring leftover paint.

H. Hotline

PaintCare operates a weekday hotline to assist the public with finding the nearest drop-off site and to answer questions about the program. The hotline staff speak English and can access live language interpretation in Spanish and a number of other languages when requested.

I. Evaluation of Outreach

PaintCare typically conducts surveys to evaluate the effectiveness of the education and outreach efforts. The surveys measure awareness of paint recycling among households and painting professionals and include questions about reducing leftover paint, opportunities for reuse and recycling paint, and intention to use those options in the future. Other questions may vary from one survey to another. PaintCare typically reports on the results of each survey in annual reports.

J. Examples of Outreach Materials

Current versions of the following outreach materials are provided in Appendix C:

- Program trifold brochure (draft)
- Fact sheet for HHW programs about becoming a PaintCare partner
- Fact sheet for solid waste facilities about becoming a paint drop-off site
- Fact sheet for retailers describing their responsibility under the new law and providing a program overview
- Fact sheet for retailers about becoming a paint drop-off site
- Fact sheet for painting contractors describing the PaintCare fee, paint drop-off sites, and the LVP service
- Fact sheet about the LVP service
- Instore informational poster (draft)
- “Recycle Here” poster for paint drop-off sites
- Fact sheet on joint outreach with local governments
7. Funding and Budget

Statutory Citation

New York Environmental Conservation Laws, Article 27: Collection, Treatment and Disposal of Refuse and Other Solid Waste, Title 20: Postconsumer Paint Collection Program. Section 27-2003:

3. The plan submitted by the producer or representative organization to the department under this section shall:

(h) Set forth the process by which an independent financial auditor will be selected and identify the criteria used by the producer or representative organization in selecting an independent auditor.

(j) Include the targeted annual collection rate.

(k) Be reviewed by an independent financial auditor to assure that any added cost to paint sold in the state as a result of the postconsumer paint collection program does not exceed the costs of the program. The independent auditor shall verify that the amount added to each unit of paint will cover the costs of the postconsumer paint collection program.

Section Overview

This section discusses:

- Funding mechanism
- Paint sales estimates
- Paint collection volume estimates
- Budget description
- PaintCare fee

A. Funding Mechanism

The PaintCare fee will be applied to qualifying containers of architectural paint sold in New York beginning on the program’s start date. The PaintCare fee is set at a rate to cover but not exceed the cost of operating and sustaining the New York program. All revenue generated by the fee on New York paint sales will be spent to support the New York program. The following steps describe the application of the PaintCare fee:

- Manufacturers will add the PaintCare fee to containers of architectural paint sold in New York, whether it is sold directly or through dealers (retailers and distributors).
- Retailers and distributors will pass the PaintCare fee to their customers by including it in the price of architectural paint they sell in New York. This is how retailers and distributors will recoup the PaintCare fee they paid when purchasing architectural paint from their suppliers.
- When someone buys architectural paint in New York, the PaintCare fee will be included in the purchase price. While the fee is part of the product price, retailers have the option to list it as a line
item on the receipt. PaintCare encourages retailers to show the fee to aid in customer education and provide consistency across the program. In other PaintCare programs, most retailers have chosen to show the fee as a line item.

♦ Manufacturers will report sales and remit to PaintCare the PaintCare fee for architectural paint they sold in New York in the preceding month. Manufacturers will have already recouped the PaintCare fee they pay to PaintCare because the fee will be included in the price of their architectural paint when they sold it to their dealers. Some companies may be allowed to report sales on a less frequent schedule if their sales are minimal.

B. Paint Sales Estimates

Paint Sales Volume

Until PaintCare has a program in a state and requires state-based reporting, most manufacturers do not normally track all their sales based on the state where paint is ultimately sold. This is often due to distribution chains that may involve any number of distributors between the manufacturer and final point of sale. To estimate paint sales in New York for this plan, PaintCare has contacted the companies assumed to have the highest sales in New York and whose combined sales in other PaintCare programs are known to comprise the majority of sales in those programs, and asked them to provide their best estimate of sales in New York for the two years 2018-2019, and may ask for 2020 data as well at a later time. Using this data in combination with the same companies’ sales in other PaintCare programs, relative state populations using US Census data, assumed similarities between New York and adjacent PaintCare programs, estimated impacts on sales due to the COVID-19 pandemic, and consultation with PaintCare’s board of directors, PaintCare plans to project to the best of its ability the volume of PaintCare products that will be sold in the state.

Sales by Container Size

PaintCare plans to estimate the number of units sold in each of the three container size categories from the data received from the manufacturers discussed above and by comparison with sales data from other PaintCare programs. PaintCare has observed that a state’s geographic size and proximity to other states is a predictor of the relative percentages of each container size sold. The proportion of paint sold in 5-gallon containers as a percentage of overall paint sales tends to be relatively higher in geographically larger states. Knowing the container size mix is important in setting the PaintCare fee because the fee (and the resulting revenue) is lower for larger containers on a per-gallon basis.

Following implementation, the program will know the actual sales volume and container size mix in New York from manufacturer reporting. If actual sales differ significantly from the estimates, then the projected revenue and budget, and proposed PaintCare fee may need to be changed.
C. Paint Collection Volume Estimates

Paint is designed to be fully consumed through application to walls, buildings, and other surfaces. Although the amount of postconsumer paint received through collection programs is measurable, the actual quantity of postconsumer paint that is leftover, unwanted, and available for collection at any given time is unknown. Consumers purchasing paint may decide to recycle or dispose of their unwanted paint as soon as a painting job is finished, or – because architectural paint products have a long shelf life – they may keep it for several years. These factors make it difficult to determine how much postconsumer paint is available for collection.

Collection Volume Projections

The recovery rate for postconsumer paint collected by paint stewardship programs in the U.S. and Canada varies from a low of about 4% to a high of about 12%. Recovery rate is defined as the volume of paint collected divided by volume of paint sold in the same period. The volume of paint collected depends on the state’s paint collection infrastructure, extent of outreach, and age of the program. Based on its experience in other programs, PaintCare has observed a pattern showing that the recovery rate initially increases each year, with the largest increases in the first two or three years of the program. After a few years, the recovery rate stabilizes – with smaller increases, no increase, or small decreases. PaintCare plans to provide the assumptions used and estimate of volume of postconsumer paint to be collected in the first three years of the New York program in an update to this plan.

D. Budget Description

PaintCare plans to develop and present a budget and proposed a fee structure that are calculated to fully fund the New York program through its first five years and allow it to accumulate an operating reserve to help ensure sustainability of the program. The budget will reflect PaintCare’s expected revenue and expenses based on the projected sales and recovery rates described previously.

The program has already incurred and will continue to incur additional expenses before the program starts and revenue begins to be collected. These expenses are for program planning activities. Notable examples include personnel, travel expenses, and legal costs in connection with regulatory review.

As described in the outreach and education section of this plan, PaintCare plans to take a phased-in approach in promoting the program. As outreach and public awareness increase, paint collection volumes and the related costs for paint collection, transportation, and processing are expected to also increase.

The following describes the primary elements of the budget.

Revenue

The volume of paint sales in New York will be based on estimates of past sales and container mix as described previously.
Operations Expenses

Operations include all in-state expenses (also called direct expenses) specific to operating the New York program. These costs will be borne entirely by the New York program and not shared with other PaintCare programs. They are categorized as follows:

- **Paint transportation and processing.** These will be the most significant expenses of the program. Costs will be based on vendor pricing provided through the RFP process discussed in Section 5.
- **Paint collection supplies and support.** These will include the cost of paint collection bins, spill kits, PaintCare event expenses, training materials, signs, labor to assist LVP sites pack their paint, payments for additional activities (e.g., reuse) at sites, and other paint collection-related support.
- **Communications.** These expenses will include advertising and promotional materials to increase awareness of the program.
- **Personnel, professional services, and other.** These expenses will include the cost of staff working directly to implement the New York program; legal costs for regulatory review and developing contracts; and other logistical, professional support, and office expenses.
- **Loan repayment.** PaintCare plans to secure a loan from the American Coatings Association (ACA) to cover expenses incurred prior to the start of the program and until the program revenue is sufficient to cover program expenses. The interest rate on ACA’s loan to PaintCare will be equal to the rate that ACA pays to secure the funds it loans to PaintCare.

Corporate Expenses

Corporate expenses (also called indirect expenses) are those that are not specific to the New York program but support all PaintCare programs. These costs include but are not limited to corporate staffing (e.g., PaintCare’s president, director of operations, communications team); back-office support (e.g., information technology, legal, and accounting); company-wide auditing, insurance, outside counsel, and other professional services; software licenses and maintenance of data management systems; occupancy; general communications; and other supplies and services that support all PaintCare programs.

Corporate expenses are allocated among all PaintCare programs based on their relative populations in the most recent census and begin to be assessed about six months before program start. At the time of plan submission, New York represents 23% of the combined population of the PaintCare programs. When the results of the 2020 census are published in 2021, New York’s allocation will be revised accordingly. Some states’ percentage shares may increase, and some may decrease, based on how populations change across the other 10 PaintCare programs. In future years, PaintCare may update the corporate allocation based on the population estimates published annually by the Census Bureau.

In addition, as additional states pass paint stewardship legislation, those states will be added to the corporate allocation formula and the percentage share of corporate expenses will decrease for each of the current programs.
Operating Reserves

Reserves represent the net assets (cash and investments) of the New York program. Reserves are needed to sustain the program in times of either higher than expected paint collection volumes resulting in higher than expected expenses, lower than expected paint sales resulting in lower than expected revenue, or a combination of the two. PaintCare’s reserves policy establishes a target reserve as a percentage of annual expenses and sets a minimum and maximum threshold. If the reserves fall below the minimum threshold or rise beyond the maximum threshold, an evaluation of the program’s expenses and revenue will be performed to determine if changes are needed in operations, outreach, and/or the fee structure to bring the reserve balance within range. PaintCare currently has a target reserve of 100% of annual expenses (i.e., 12 months of operating expenses), with a minimum threshold of 75% (i.e., nine months) and a maximum threshold of 125% (i.e., 15 months).

E. PaintCare Fee

Based on the projected paint sales, revenue, and expenses, PaintCare will propose a fee structure, for DEC’s approval, with different (and increasing) amounts for the following four size categories:

- Half pint or smaller (currently $0.00 in all PaintCare programs)
- Larger than half pint up to smaller than 1 gallon
- 1 gallon up to 2 gallons
- Larger than 2 gallons up to 5 gallons

Audit of the PaintCare Fee

To help ensure that the program’s funding mechanism is appropriate to cover the cost of the program, the New York law requires the proposed PaintCare fee to be reviewed by an independent financial auditor.

An audit has not been completed at this time as the fees have not been determined for the New York programs. PaintCare will conduct a search for a qualified financial auditor to review the PaintCare fee as required by law. Criteria for selecting an auditor will include: relevant experience; cost; independence (e.g., no conflicts of interest with PaintCare, it’s related companies, PaintCare’s Board member companies); ability to meet PaintCare’s contractual requirements (including confidentiality requirements); and feedback from DEC. The capability for an auditor to complete the audit remotely may also be necessary due to COVID-19 considerations.
| 1. | Acrylatex Coatings & Recycling Inc. |
| 2. | Advanced Protective Products, Inc. |
| 3. | Armstrong-Clark Company |
| 4. | Backdrop Inc |
| 5. | Basic Coatings |
| 6. | Behr Process Corporation |
| 8. | Betco Corporation LTD |
| 9. | C&M Coatings |
| 10. | California Products Corp. |
| 11. | CBD Group |
| 12. | Clare, Inc. |
| 13. | Clinical Paints |
| 14. | Continental Products |
| 15. | Country Chic Paint Ltd. |
| 16. | CRC Industries, Inc. |
| 17. | Custom Paint Product Group |
| 18. | Dryvit Systems, Inc. |
| 19. | ECOS Paints |
| 20. | Farrow & Ball Ltd |
| 21. | Firestone Building Products LLC |
| 22. | Gardner-Gibson |
| 23. | Gemini Coatings, Inc. |
| 25. | Golden Artist Colors, Inc. |
| 27. | Harrison Paint Company |
| 28. | Henry Company LLC |
| 29. | ICP Construction |
| 30. | Imperial Paints LLC |
| 31. | Kop-Coat, Inc. |
| 32. | Laticrete International, Inc. |
| 33. | Lauzon Distinctive Hardwood Flooring |
| 34. | Lullaby Paints |
| 35. | Messmer's Inc. |
| 36. | NCH Corporation |
| 37. | Old Masters |
| 38. | Penofin |
39 Performance Coatings, Inc.
40 PPG Architectural Finishes, Inc.
41 Premier Finishes Inc.
42 Preserva Products, Ltd
43 Quikrete
44 Ready Seal, Inc.
45 Richard's Paint Manufacturing Co Inc.
46 Roman Decorating Products, LLC
47 RPM Wood Finishes Group, Inc.
48 Rudd Company, Inc.
49 Rust-Oleum Corporation
50 Sansin Corporation, The
51 Sashco, Inc.
52 SaverSystems, Inc.
53 Sherwin-Williams
54 Sika Corporation
55 Sto Corp.
56 Structures Wood Care, Inc.
57 Sutherland Welles Ltd.
58 Tex-Cote LLC
59 True Value Manufacturing Company
60 United Gilsonite Laboratories (UGL)
61 Van Sickle Paint Mfg.
62 Waterlox Coatings Corporation
63 Wood Iron Wood Finishes, Inc.
64 Wood Kote Products Inc.
Appendix B
Architectural paint is defined under the Paint Stewardship Program as:

*Interior and exterior architectural coatings sold in containers of five gallons or less.*

Architectural paint does not include:

*Industrial maintenance (IM), original equipment manufacturer (OEM) or specialty coatings.*

In order to distinguish between what is an architectural coating for the purpose of the assessment and what coatings should not be assessed the fee, we are using definitions and terminology from the U.S. Environmental Protection Agency, California Air Resources Board and other state and local Architectural and Industrial Maintenance (AIM) rules.

In order to determine the products on which the fee is assessed, and the products on which the fee is not assessed, a company should follow these steps:

A. Start with the type of coating. If the coating is an architectural coating, go to B. If the coating is not an architectural coating, it is not assessed a fee.

B. If the coating meets the definition of architectural coatings (see below), does not meet the definition of Industrial Maintenance Coatings (also below), and is not specifically excluded, it is assessed a fee.

I. Architectural Coatings

*Architectural coating* means a coating recommended for application to stationary structures and their appurtenances, portable buildings, pavements, curbs, fields and lawns. This definition excludes adhesives, aerosols and coatings recommended by the manufacturer or importer solely for shop applications or solely for application to non-stationary structures, such as airplanes, ships, boats, and railcars.

II. Industrial Maintenance Coatings

*Industrial Maintenance (IM) coating* means a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats formulated and recommended for application to substrates exposed to one or more of the following extreme environmental conditions in an industrial, commercial, or institutional setting:

1. Immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposure of interior surfaces to moisture condensation;
2. Acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions;
3. Repeated exposure to temperatures above 120 °C (250 °F);
4. Repeated (frequent) heavy abrasion, including mechanical wear and repeated (frequent) scrubbing with industrial solvents, cleansers, or scouring agents; or
5. Exterior exposure of metal structures and structural components.

One of the primary ways AIM rules distinguish IM coatings from other architectural coatings is the manufacturer’s recommendation for restricted usage. IM coatings must be labeled under the rules as:

1. “For industrial use only.”
2. “For professional use only.”
3. “Not for residential use” or “Not intended for residential use.”

Thus, if the product is not intended for and not labeled as an IM coating, it should be deemed a covered architectural coating and the fee should be assessed, unless it is specifically excluded (see next page).
III. Original Equipment Manufacturer (OEM) Coatings

*Shop application* means that a coating is applied to a product or a component of a product in a factory, shop, or other structure as part of a manufacturing, production, finishing or repairing process (e.g., original equipment manufacturing coatings).

Since OEM (shop application) coatings may be intended but not labeled for industrial or professional use, and may be sold in containers of 5 gallons or less, if a company can clearly document that the coating was sold exclusively for OEM use, the fee should not be assessed. However, if this coating can be sold to a consumer or contractor for other than shop application and/or the use cannot be distinguished via the method of sale, the fee should be assessed.

IV. Specialty Coatings

Lastly, in order to identify Specialty or Special Purpose Coatings, we have used the definition from the Federated Society of Coating Technology’s Coatings Encyclopedic (since AIM rules don’t have a definition), which states that these coatings include arts and crafts, and automotive refinish coatings. These products should be easier to distinguish, however, as they are clearly called out as non-assessed products on the list below. The fee should not be assessed for these coatings.

**Assessed Products** (maximum container size of 5 gallons)
- Interior and exterior architectural paints: latex, acrylic, water-based, alkyd, oil-based, enamel (including textured coatings)
- Deck coatings, floor paints (including elastomeric)
- Primers, sealers, undercoaters
- Stains
- Shellacs, lacquers, varnishes, urethanes (single component)
- Waterproofing concrete/masonry/wood sealers and repellents (not tar or bitumen-based)
- Metal coatings, rust preventatives
- Field and lawn paints

**Non-Assessed Products** (regardless of container size)
- 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
Purpose
The purpose of this notice is to clarify that “Drywall Primer-Surfacers” are included in the PaintCare program. As part of the program, manufacturers of these products must register with PaintCare and collect and remit the Assessment (“PaintCare Fee”) as with other architectural paints in states with active paint stewardship programs.

Background
In order to assist companies with determining what coatings were architectural coatings subject to the PaintCare Fee and what coatings were not, PaintCare developed a factsheet detailing what factors should be taken into consideration when making these determinations. In addition, the factsheet listed examples of PaintCare products and examples of non-PaintCare products (products that should not be assessed the fee). PaintCare, however, relies on individual manufacturers to determine what products are part of the program and what products are not, depending on their specific product lines. In some cases, PaintCare helps with this determination based on individual calls with manufacturers. In the case of Drywall Primer-Surfacers, based on these calls, it has come to our attention that some manufacturers were assessing the fee believing they were program products and some were not assessing the fee believing that they were non-program products. It appears that confusion arose when trying to distinguish drywall primer from drywall compound.

In order to ensure that all manufacturers are on a level playing field and the PaintCare Fee is indeed placed on all products subject to the assessment, PaintCare herein clarifies that Drywall Primer-Surfacer is considered a PaintCare product and the PaintCare Fee must be assessed and remitted by all manufacturers of Drywall Primer-Surfacers. The reason for including this category under the architectural coatings that are subject to the program is as follows:

- The Drywall Primer-Surfacer products are primers. Primers are considered architectural coatings.
- MSDS sheets, either in their title and or elsewhere in the product description, for these products indicate that they are paint or primers.
- MSDS sheets indicate that they contain some type of binder or resin.
- Marketing information published by manufacturers for their own products indicate that they are vapor barriers or coatings.
• Information published by manufacturers for their own products indicate that they are vinyl, acrylic, and/or latex-based.
• Competitors have reported that they make and sell equivalent products that are not excluded by PaintCare.
• Consumers with leftover/unwanted Drywall Primer-Surfacers may bring them to a PaintCare collection site for proper recycling/disposal.

**Action**
Starting August 1, 2012, manufacturers of “Drywall Primer-Surfacers” need to ensure that these products are registered with PaintCare and add the PaintCare Fee to the wholesale price of these products to all distributors and retailers. Manufacturers are not required to pay the fee on past sales because the fees were not charged to distributors, retailers, or consumers.

**More Information**
For more information about the PaintCare program and the responsibilities of manufacturers, please visit PaintCare.org or contact:

Taujuana Davis, Registration Coordinator for Manufacturers
tdavis@paint.org
(202) 232-2733

Marjaneh Zarrehparvar, Executive Director
mzarrehparvar@paint.org
(855) 724-6809

PaintCare Inc.
901 New York Ave NW Suite 300 W
Washington, DC 20001
www.paintcare.org
Masonry and Concrete Sealers labeled “For Professional Use Only”

Purpose
The purpose of this notice is to clarify that masonry and concrete sealers that are labeled “for professional use only” are excluded from the PaintCare program. Manufacturers of these products are not required to register with PaintCare and they are not required to collect and remit the Assessment (“PaintCare Fee”) in states with active paint stewardship programs operated by PaintCare.

Background
In order to assist companies with determining what products are architectural coatings subject to the PaintCare Fee and what products are not, PaintCare developed a definition of architectural paint detailing what factors should be taken into consideration when making these determinations. In addition, the definition lists examples of PaintCare products and examples of non-PaintCare products (products that should not be assessed the fee). PaintCare relies on individual manufacturers to determine which, if any, of their products are part of the program. In some cases, PaintCare helps with this determination based on individual calls with manufacturers. In the case of products used as sealers for masonry and concrete — based on inquiries from many industry representatives and manufacturers of these products — it has come to our attention that manufacturers of these sealers desire clarification on whether their products are considered architectural coatings for the purposes of active and future state PaintCare programs.

In order to ensure that all manufacturers are on a level playing field and the PaintCare Fee is placed on all products subject to the assessment, PaintCare herein clarifies that masonry and concrete sealers labeled for professional use are not considered PaintCare products and the PaintCare Fee is not required to be assessed and remitted by manufacturers of these products. Excluding these products from the definition of architectural coatings is based on the following:

- Originally PaintCare’s definition excluded products that are both (1) Industrial Maintenance Coatings and (2) labeled “for professional use only.” [Other acceptable phrases are (a) for industrial use only, (b) not for residential use, and (c) not intended for residential use].

- The definition of an IM coating varies somewhat from one state to another and from one regulatory air district to another. Generally, determining if a coating meets the criteria for IM is based on the manufacturers recommended use for the product and whether it meets any one of
certain criteria (simply put these criteria are: regular exposure to heat, chemicals, moisture, or abrasion). Masonry sealers are intended to act as waterproofing agents and are applied where water exposure is anticipated. Thus as a category they can generally be considered by manufacturers to be IM coatings and therefore meet the first criteria.

- Some manufacturers label these products for professional use. Others do not label them for professional use. There is no prohibition on a manufacturer from labeling a product for professional use. Therefore if a manufacturer chooses to change the product label on a product that they consider IM in order to also comply with the second criteria above (in the first bullet), they may do so in order have these products excluded from the PaintCare program. The manufacturer may change their regular container label or use an additional sticker.

- If PaintCare finds that manufacturers start to change their labels on other products that are clearly not for professional use or industrial maintenance coatings (e.g. house paint), the professional use labeling will not exclude such products.

- An important purpose of the paint stewardship programs is to collect and recycle unused paint, stains, and coatings that are normally managed through government-sponsored household hazardous waste (HHW) programs. Sealers for masonry and concrete are not known to be a problem at HHW programs.

**Conclusion**
Concrete and masonry sealers that are IM coatings and labeled for professional use using one of the phrases indicated above are categorically exempt from PaintCare.

**More Information**
For more information about the PaintCare program and the responsibilities of manufacturers, please visit PaintCare.org or contact:

Taujuana Davis  
Registration Coordinator for Manufacturers  
tdavis@paint.org  
(202) 232-2733

Marjaneh Zarrehparvar  
Executive Director  
mzarrehparvar@paint.org  
(202) 462-8549

PaintCare Inc.  
901 New York Ave NW Suite 300 West  
Washington, DC 20001  
www.paintcare.org
Shop Application and OEM

Purpose

This notice is to clarify that architectural paint products are excluded from the PaintCare program when they are used in Shop Application or Original Equipment Manufacturing (OEM). Retailers of these products may remove the Assessment (“PaintCare Fee”) from the purchase price of architectural paint (i.e., PaintCare products) in states with active PaintCare programs.

Background

In order to assist companies with determining what products are architectural coatings subject to the PaintCare Fee and what products are not, PaintCare developed a definition of architectural paint detailing what factors should be taken into consideration when making these determinations. In addition, the definition lists examples of PaintCare products and examples of non-PaintCare products (products that should not be assessed the fee). PaintCare relies on individual manufacturers to determine which, if any, of their products are part of the program. In some cases, PaintCare helps with this determination based on inquiries from a manufacturer. In the case of products used in a shop setting or for the manufacturing of goods or equipment, it has come to our attention that manufacturers and retailers of these products desire clarification on when the fees may be removed and how to keep records.

In order to ensure that all manufacturers and retailers are on a level playing field and the PaintCare Fee is placed on all products subject to the assessment, PaintCare herein clarifies that products used in Shop Application and OEM are not considered PaintCare products and the PaintCare Fee is not required to be assessed and remitted by manufacturers of these products. Products used “in the field” are not excluded.

Examples: Excluded (fees may be removed)

- A furniture shop stains and applies lacquer to furniture at the shop. The stain and lacquer are excluded because they are used in the shop.
- A tool manufacturer paints all of its tools in a factory. The paint is excluded because it is applied in the factory.
- A kitchen cabinet company builds and paints cabinets at their shop. The paint used to finish the cabinets is excluded because it is applied in the shop.
- A company builds pre-fabricated houses and paints the houses at their manufacturing facility. The paints used at the plant are excluded because they are applied at the plant.
Examples: Not Excluded (fees are to be applied)

- A kitchen cabinet company builds cabinets at the shop, and then the cabinets are installed and finished in a residence. The paint used to finish the cabinets in the field is not excluded because it is applied in the field.

- A pre-fab house is assembled at the final building site. The company that built the house sends a few gallons of paint (known as “loose-ships.”) to the final building site for touchups and final painting after the house is assembled. The loose-ship products are not excluded because they are applied in the field.

Record-Keeping

Manufacturers and retailers may exclude the PaintCare Fee from products for Shop Application and OEM provided they keep records, subject to audit, to demonstrate that the fees were not charged for a valid reason, e.g., a regular customer is known to be a furniture builder. PaintCare does not have specific requirements about how these records are to be kept, and leaves it up to the retailer and manufacturer to develop their own system. PaintCare suggests retailers and manufacturers work together to develop their own record keeping system, and that retailers at a minimum keep a file with copies of invoices showing products sold without the fee and notes regarding their customers.

Credits on Fees Already Paid

Retailers that pay fees on their wholesale invoices may request credits from their suppliers. Suppliers that remit to PaintCare may in turn apply the same credit to a future payment. These credits are also subject to audit.

More Information

For more information about the PaintCare program and the responsibilities of manufacturers and retailers, please visit PaintCare.org or contact:

Tajuana Davis
Registration Coordinator for Manufacturers
tdavis@paint.org
(202) 232-2733

PaintCare Inc.
901 New York Ave NW Suite 300 West
Washington, DC 20001
www.paintcare.org
Appendix C
New York Paint Stewardship Program

Each year about 800 million gallons of architectural paint is sold in the United States. Did you know that about 10 percent goes unused and is available for recycling?

New York’s paint stewardship law requires the paint manufacturing industry to develop a financially sustainable and environmentally responsible program to manage postconsumer architectural paint.

The program includes education about buying the right amount of paint, tips for using up remaining paint, and setting up convenient recycling locations throughout the state.

Paint manufacturers established PaintCare, a nonprofit organization, to run paint stewardship programs in states with applicable laws.

PaintCare Products

These products have a fee when you buy them and are accepted for free at drop-off sites:

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

Leaking, unlabeled, and empty containers are not accepted at drop-off sites.

Non-PaintCare Products

- Paint thinners, mineral spirits, solvents
- Aerosol paints (spray cans)
- Auto and marine paints
- Art and craft paints
- Caulk, 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

For information about recycling and proper disposal of non-PaintCare products, please contact your garbage hauler, local environmental health agency, household hazardous waste program, or public works department.

NY-BREN-0820
What Happens to the Paint?
PaintCare makes sure that your leftover paint is remixed into recycled paint, used as a fuel, made into other products, or is properly disposed if no other beneficial use for it can be found.

Who Can Use the Program?
Households can bring as much latex or oil-based paint as the site is willing to accept.

To use the PaintCare program for oil-based paint, a business must qualify as an exempt generator under federal and any analogous state hazardous waste generator rules. Please visit www.paintcare.org/VSQG for more information on exempt generator rules. If your business does not qualify as an exempt generator, it will not be able to use the program for oil-based paint, but it can still use the program for latex products.

Large Volume Pickup
If you have at least 200 gallons of paint to recycle at your business or home, ask about our free pickup service. Please visit paintcare.org or call for more details or to request an appointment.

PaintCare Fee
PaintCare is funded by a fee paid by paint manufacturers for each can of paint they sell in the state. Manufacturers pass the fee to retailers, who then apply it to the price of paint. Stores can choose whether or not to show the fee on their receipts. The fee is based on the size of the container as follows:

- $ 0.00 Half pint or smaller
- TBD Larger than half pint up to smaller than 1 gallon
- TBD 1 gallon up to 2 gallons
- TBD Larger than 2 gallons up to 5 gallons

Not a Deposit
The fee is not a deposit — it is part of the purchase price. The fee is used to fund the costs of running the program, including recycling, public education, staffing, and other expenses.

Contact Us
To learn more or find a drop-off site, please visit www.paintcare.org or call (855) PAINT09.
New York’s paint stewardship law benefits household hazardous waste programs.

START DATE: EARLY 2022 (PENDING APPROVAL)

A state law passed in December 2019 requires paint manufacturers to set up and operate a paint stewardship program in New York. Program funding comes from a paint stewardship fee (PaintCare fee) applied to each container of architectural paint sold in New York when the program begins in early 2022 (pending approval). Household hazardous waste (HHW) programs that participate as leftover paint drop-off sites can save money on paint management costs.

Paint Stewardship
PaintCare 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 pass paint stewardship laws. PaintCare currently operates programs in California, Colorado, Connecticut, District of Columbia, Maine, Minnesota, Oregon, Rhode Island, and Vermont, and is developing programs for New York and Washington. The New York program is required by state law, but it is designed and operated by the paint manufacturing industry through PaintCare.

Designing a Program for New York
The law requires PaintCare, on behalf of paint manufacturers, to submit a comprehensive program plan to the New York State Department of Environmental Conservation. PaintCare is holding a series of meetings and webinars beginning in spring 2020 to present the goals and design of the program and to receive input from HHW programs and other stakeholders.

Become a Drop-Off Site
Facilities (including events) that would like to become a drop-off site can fill out the interest form available in the Waste Facilities section of www.paintcare.org/NY.

Water-Based (Latex) Paint is a Resource
An important goal of PaintCare is to conserve resources and increase the amount of paint that is recycled. In areas where HHW programs do not accept water-based paint, households and businesses are often instructed to let water-based paint dry out and then dispose of the dry paint in the trash. Through the PaintCare program, all paint—including latex paint—is recycled to the maximum extent possible.

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. 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 and have their paint transportation and recycling costs paid by PaintCare.
Benefits of Partnering with PaintCare
- Save on paint management (supplies, transportation, and recycling) and public outreach
- Conserve resources and keep paint out of the solid waste stream
- Make recycling of leftover paint more convenient for your community

PaintCare Partners Receive
- Staff training at your site
- Paint collection bins
- Free paint transportation and processing services
- Site signage
- Compensation for value-added services including paint reuse programs, bulk oil-based paint, and other optional services
- Publicity of HHW site or event (optional)

Drop-Off Site Responsibilities
- Provide secure storage area for paint collection bins
- Accept all brands of leftover PaintCare products from the public during operating hours
- Place only PaintCare products in paint collection bins, taking care not to open containers
- Keep paint collection bins neat and properly packed
- Complete minimal paperwork related to tracking outgoing paint shipments
- Ensure all staff maintain training on PaintCare program guidelines and operating procedures

How do billing and payments work?
- In the most common scenario, when your site ships out PaintCare products, the hauler sends PaintCare an invoice directly. This avoids the need for reimbursement.
- If your site also contracts with PaintCare for value-added services such as paint reuse, your city/county sends an invoice to PaintCare for reimbursement.

Will PaintCare Require Operational Changes?
- If your program does not currently accept latex paint, PaintCare will not require you to do so. If you wish to start accepting latex, PaintCare will cover the transportation and processing costs.
- If your program does not currently accept paint from businesses, PaintCare will not require you to do so. If you wish to start accepting paint from businesses, PaintCare will cover the transportation and processing costs.
- HHW programs may continue to put restrictions on who can use their programs, e.g., to residents of certain towns or cities. (PaintCare retail drop-off sites accept paint from anyone in the state, and from both households and businesses.)

Our Program Would Like to Partner with PaintCare, What Are Our Next Steps?
- Contact PaintCare to begin contracting discussions as early as possible
- Analyze your current operations so you can describe them in detail to PaintCare to help determine the most appropriate type of contracting approach for your program
- Reach out internally to those who will be involved with the contracting process to understand their needs and time constraints
- Consult with staff involved with paint management operations to ensure they understand how partnership with PaintCare works and to address any questions and concerns with PaintCare staff
- Review the fact sheet Contracting with PaintCare for Waste Facilities for more details on contract types and other considerations as you prepare. Get a copy by contacting PaintCare or find the fact sheet in the Waste Facilities section of www.paintcare.org/NY.

Contact
info@paint.org
(855) PAINT09
PaintCare supports paint collection activities at solid waste facilities in states with paint stewardship laws. Funding for the program comes from a fee applied to the price of architectural paint sold in these states.

Paint Stewardship
PaintCare 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 pass paint stewardship laws. PaintCare currently operates programs in California, Colorado, Connecticut, District of Columbia, Maine, Minnesota, Oregon, Rhode Island, and Vermont, and is developing programs for New York and Washington. The main goal of the programs is to decrease paint waste and recycle more postconsumer (leftover) paint.

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

Benefits of PaintCare to Solid Waste Facilities
Solid waste facilities that generate leftover paint but are not PaintCare drop-off sites can still participate in the PaintCare program.

- Solid waste facilities, like other entities, can drop off leftover paint at PaintCare sites. All PaintCare drop-off sites accept up to 5 gallons of paint, but some PaintCare sites accept more. Visit paintcare.org/drop-off-locations to find a drop-off site.
- PaintCare offers a pickup service for businesses and organizations that have accumulated more than 200 gallons of paint measured by container size (not volume). Learn more about this in our fact sheet titled Large Volume Pickup (LVP) Service or at paintcare.org/pickup/.
- For entities that generate large volumes of unwanted paint on a regular basis, a service for recurring direct pickups is available. Contact PaintCare for additional information.

Benefits to Solid Waste Facilities and Their Customers of Becoming a PaintCare Drop-Off Site
There are many benefits to becoming a paint drop-off site. The cost of transportation and recycling of PaintCare accepted products (e.g., paint, stain, varnish) will be paid by PaintCare. As a participating drop-off site, you will:

- Make recycling of leftover paint more convenient for your customers
- Help relieve local government of their cost of managing leftover paint
- Help your state conserve resources, keep paint out of the stream, and prevent the improper disposal of paint in your community
- Optional: Offer paint in good condition collected at your site to the public for reuse and receive a reimbursement of $1.60 per gallon. See our fact sheet, Reuse Program – Compensation and Reporting, for more information.

Become a Drop-Off Site
Facilities interested in becoming paint drop-off sites can fill out the Interest Form available in your state’s Waste Facilities section of www.paintcare.org.
PaintCare Drop-Off Sites Receive

- Bins for storing collected PaintCare products
- Transportation and recycling of the collected PaintCare products
- Training materials and staff training at your site
- Program brochures, signage, and customer education materials
- Optional: listing your drop-off site on PaintCare website and in ads and promotional materials

Drop-Off Site Responsibilities

- Provide secure storage area for PaintCare product storage bins
- Accept all brands of leftover PaintCare products from the public during operating hours
- Place only PaintCare products in storage bins, taking care not to open containers
- Keep storage bins neat and properly packed
- Complete minimal paperwork related to tracking outgoing paint shipments
- Ensure all staff maintain training on PaintCare program guidelines and operating procedures

Water-Based (Latex) Paint is a Resource

An important goal of PaintCare is to conserve resources and increase the amount of paint that is recycled. In areas where HHW programs do not accept water-based paint, households and businesses are often instructed to let water-based paint dry out and then dispose of the dry paint in the trash. Through the PaintCare program, all paint—including latex paint—is recycled to the maximum extent possible.

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

Will Becoming a PaintCare Drop-Off Site Require Operational Changes?

No. Your facility may continue to put restrictions on who can access the paint collection program at your site. If your facility only services a specific geographic region (e.g., specific towns, cities, or counties), you will not be required to service customers that live outside of your service area. Similarly, if your facility is not permitted to take business waste, you will not be required to do so. (PaintCare retail sites accept paint from anyone in the state and from both households and businesses.)
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: EARLY 2022 (PENDING APPROVAL)

PaintCare
PaintCare is a nonprofit organization established by the American Coatings Association to implement paint stewardship programs on behalf of coatings manufacturers in states that pass paint stewardship laws. PaintCare currently operates programs in California, Colorado, Connecticut, District of Columbia, Maine, Minnesota, Oregon, Rhode Island, and Vermont, and is developing programs for New York and Washington.

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 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 about six months before the program begins.

2. Pass on the Stewardship 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 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 early 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 — a common misunderstanding.

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.
**Must we 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**
info@paint.org
(855) PAINT09

---

**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
PaintCare makes it easy for paint retailers to provide a convenient and valuable service for their community. Funding for the program comes from a fee applied to the price of architectural paint sold in these states.

PaintCare 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 pass paint stewardship laws. PaintCare currently operates programs in California, Colorado, Connecticut, District of Columbia, Maine, Minnesota, Oregon, Rhode Island, and Vermont, and is developing programs for New York and Washington. The main goal of the programs is to decrease paint waste and recycle more postconsumer (leftover) paint.

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.

Most drop-off sites are paint and hardware stores; others are waste transfer stations, recycling centers, and household hazardous waste facilities. Participation as a drop-off site is voluntary. There are more than 1,800 drop-off sites across all PaintCare programs.

All retailers in PaintCare states should be aware of the program, that the PaintCare fees are applied to the price of architectural paint products, and that drop-off sites are available throughout the state.

Benefits to Retailers and Their Customers
There are many benefits to becoming a paint drop-off site. As a participating retailer, you will:

- Make recycling of leftover paint more convenient for your customers
- Support the paint industry’s effort to lead the way in being responsible for end-of-life management of its products
- Promote your store as environmentally responsible
- 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

Become a Drop-Off Site
Retailers interested in becoming drop-off sites can fill out the Interest Form available at www.paintcare.org/retailer-interest-form.
PaintCare Drop-Off Sites Receive

- Bins for storing collected PaintCare products
- Transportation and recycling of the collected PaintCare products
- Training materials and staff training at your site
- Program brochures, signage, and customer education materials
- Paint spill kits
- Listing of your store as a drop-off site on our website and in advertisements and promotional materials

Drop-Off Site Responsibilities

- Provide secure storage area for PaintCare product storage bins
- Accept all brands of leftover PaintCare products from the public during regular business hours
- Place only PaintCare products in storage bins, taking care not to open containers
- Keep storage bins neat and properly packed
- Complete minimal paperwork related to tracking outgoing paint shipments
- Ensure all staff maintain training on PaintCare program guidelines and operating procedures
- Display "drop-off site" signs in store window and provide consumers education materials about the program

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
How do paint stewardship laws affect painting contractors?

Paint Recycling Made Easy
PaintCare 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 pass paint stewardship laws. PaintCare currently operates programs in California, Colorado, Connecticut, District of Columbia, Maine, Minnesota, Oregon, Rhode Island, and Vermont, and is developing programs for New York and Washington. The main goal of the programs is to decrease paint waste and recycle more postconsumer (leftover) paint.

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.

Most drop-off sites are paint and hardware stores; others are waste transfer stations, recycling centers, and household hazardous waste facilities. Participation as a drop-off site is voluntary. There are more than 1,800 drop-off sites across all PaintCare programs. To find a drop-off location, visit www.paintcare.org.

Fees and Funding
As required by laws in PaintCare jurisdictions, the program is funded by a fee (known as the PaintCare fee) that must be added by manufacturers to the wholesale price of all architectural paint sold in the state, including paint sold in stores and online. This fee is paid by manufacturers to PaintCare to fund program operations including paint collection and recycling, consumer education, and program administration. Displaying the fee on receipts is optional for retailers; however, PaintCare asks retailers to show the fee to inform consumers about the program.

Fees are based on container size and vary from one program to another:

**California, Colorado, Connecticut, Maine, Rhode Island**
- $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

**District of Columbia, Oregon**
- $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

**Minnesota**
- $0.00 — Half pint or smaller
- $0.49 — Larger than half pint up to smaller than 1 gallon
- $0.99 — 1 gallon up to 2 gallons
- $1.99 — Larger than 2 gallons up to 5 gallons

**Vermont**
- $0.00 — Half pint or smaller
- $0.49 — Larger than half pint up to smaller than 1 gallon
- $0.99 — 1 gallon
- $1.99 — Larger than 1 gallon up to 5 gallons

**New York and Washington**
Fees in upcoming states are not yet known. PaintCare will propose fees in the program plans for New York and Washington, and they will be based on the anticipated costs to run each state program. The fees must be approved by each state oversight agency. Visit www.paintcare.org for updates.

**RECOMMENDATIONS FOR CONTRACTORS**

**Preparing Estimates**
When estimating jobs, contractors should take PaintCare fees into account by checking with suppliers to make sure their quotes for paint products include the fees.

**Pass Fees to Customers**
PaintCare suggests that painting contractors pass on the fees to customers in order to recoup the fees they pay. Tell customers that quotes include PaintCare fees and that the fees fund a statewide paint recycling program.
Convenient Paint Drop-Off Sites
With paint drop-off sites conveniently located throughout PaintCare states, anyone can drop off their leftover paint year round. Many contractors report clearing out their storage spaces and no longer stockpiling paint. And contractors now have an answer for customers who ask what to do with old paint they no longer want; they can recommend that they use PaintCare drop-off sites too.

Most drop-off sites take 5 gallons per customer per trip, thought some take more. All retail drop-off sites take paint from businesses, although some transfer stations and household hazardous waste programs only serve households. Always call a drop-off site ahead of time to make sure they have space for your volume and to confirm they take paint from businesses.

Pickup Service for Large Volumes
Painting contractors, property managers, and others with at least 200 gallons of postconsumer paint to recycle may qualify to have their paint picked up by PaintCare for free. To learn more about this service or to request an appointment, visit www.paintcare.org/pickup or call (855) PAINT09.

Restriction on Use of the Program by Businesses
Businesses that generate less than 220 pounds of hazardous waste* per month can use drop-off sites and the pickup service for both leftover water- and oil-based paint (with some restrictions on quantity of oil-based paint). Businesses that generate more than 220 pounds of hazardous waste per month can use drop-off sites and the pickup service for water-based products only.

*220 pounds is about 20–30 gallons of paint. When businesses count how much hazardous waste they generate in a month, oil-based paint counts (because by law it is a hazardous waste), but latex paint (and other water-based paint) does not count toward the 220 pound monthly total.

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 of five gallons or less. 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
PaintCare offers a free pickup service to painting contractors, property managers, and others with large amounts of leftover architectural paint.

**Who is PaintCare?**
PaintCare is a nonprofit organization established by the American Coatings Association to operate paint stewardship programs on behalf of paint manufacturers in states that pass paint stewardship laws.

**Paint Drop-Off Sites**
In states with a paint stewardship program, PaintCare’s primary effort is to set up conveniently located drop-off sites—places where residents and businesses may take their unwanted paint for no charge. Sites set their own limits on the volume of paint they accept from customers per visit (usually from 5 to 20 gallons). To find a drop-off site near you, please use PaintCare’s site locator at www.paintcare.org or call (855) PAINT09.

**Large Volume Pickups**
For those who have accumulated a large volume of paint, PaintCare also offers a pickup service. Large volume means at least 200 gallons, measured by container size (not volume). On a case-by-case basis, PaintCare may approve a pickup for less than 200 gallons if there are no drop-off sites in your area. After two or three pickups, you may be switched to a repeat pickup service (see next page).

**Drums and Bulked Paint Are Not Accepted**
PaintCare only accepts paint in containers that are 5 gallons or smaller in size. Leave paint in original cans with original labels; do not combine or bulk paint from small cans into larger ones. If you have unwanted paint in drums or containers larger than 5 gallons, please contact a paint recycling company or a hazardous waste transportation company to assist you.

**HOW TO REQUEST A LARGE VOLUME PICKUP**

1) **Sort and count your paint**
   Tally the number of each container size and the type of products you have, sorted into two categories: (1) water-based paints and stains, and (2) oil-based paint and stains and any other program products (sealers and clear top-coat products, such as varnish and shellac).

2) **Fill out the LVP Request Form**
   Fill out the Large Volume Pickup Request Form on our website. Upon request, the form is also available as a PDF and can be returned to PaintCare by email, fax, or regular mail. Visit www.paintcare.org/pickup or call PaintCare for the form.

**Scheduling**
After reviewing your form, PaintCare staff will either approve your site for a pickup or inform you of the best place to take your paint if you do not meet the requirements. If approved, you will be put in contact with our licensed hauler to schedule a pickup. It may be several weeks before your pickup occurs.

**On the Day of Your Pickup**
Sort your products into the two categories noted above and store them in an area that has easy access for the hauler. If the paint is far from where the hauler parks, the path between should be at least four feet wide to accommodate movement of the boxes.
The hauler is responsible to pack the paint into the shipping containers. Once your paint is properly packed and loaded onto the hauler’s truck, you will sign a shipping document and receive a copy for your records. Your paint will then be taken to an authorized processing facility for recycling.

Repeat Service for Large Volume Pickups
For businesses that generate large volumes of unwanted paint on a regular basis, a service for recurring direct pickups is available. With this service, you will be provided with empty bins and can request a pickup when at least three bins are filled. Your full bins will be swapped with empty bins each time a pickup occurs. You will be required to sign a contract with PaintCare, and PaintCare will provide onsite training on how to properly pack the paint.

Limits on Businesses
To use the program for oil-based products, your waste must qualify as exempt under federal (40 CFR § 262.14) and state/local hazardous waste generator rules. Most notably, these rules require that your business (a) generates no more than 220 pounds (about 20–30 gallons, depending on product type) of hazardous waste per month, and (b) accumulates no more than 2,200 pounds (approximately 220 gallons) of hazardous waste at any given time. If your business does not qualify as an exempt generator, it will not be able to use the program for oil-based products, but can still use the program for water-based products. For more information on federal hazardous generator rules, please go to www.paintcare.org/limits.

Note: When calculating how much hazardous waste you generate in a month, do not count latex paint.

If You Have Products We Don’t Accept
PaintCare does not accept all paints (such as aerosols and automotive finishes) or other hazardous waste. If you have solvents, thinners, pesticides, or any non-PaintCare products (see list to right for examples), we recommend that residents contact their local household hazardous waste (HHW) program. Some HHW programs also allow businesses to use their program for a modest fee. Otherwise, businesses should contact a licensed hazardous waste transportation company.

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
Paint Recycling Program

About the New York PaintCare Program

PAINTCARE

Paint manufacturers created PaintCare, a nonprofit organization, to set up convenient places for households and businesses to recycle leftover paint. PaintCare sets up paint drop-off sites throughout states that adopt paint stewardship laws.

✔ PAINTCARE PRODUCTS

These products have a fee when purchased and will be accepted for free at PaintCare drop-off sites:

- Latex house paints (acrylic, water-based)
- Oil-based house paints (alkyd)
- Stains
- Primers and undercoaters
- Shellacs, lacquers, varnishes, urethanes
- Deck and floor paints
- Sealers and waterproofing coatings for wood, concrete, and masonry

❌ NON-PAINTCARE PRODUCTS

- Paint thinners and solvents
- Aerosol paints (spray cans)
- Auto and marine paints
- Paint additives, colorants, tints, resins
- Wood preservatives (containing pesticides)
- Asphalt, tar and bitumen-based products
- 2-component coatings
- Coatings used for Original Equipment Manufacturing or shop application
- Any non-coatings (caulk, spackle, cleaners, etc.)

PAINTCARE FEE

The PaintCare fee is applied to the purchase price of architectural paint sold in the state as required by state law. The fee is applied to each container and varies by the size of the container as follows:

<table>
<thead>
<tr>
<th>Size</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Half pint or smaller</td>
<td>$0.00</td>
</tr>
<tr>
<td>Larger than half pint up to smaller than 1 gallon</td>
<td>TBD</td>
</tr>
<tr>
<td>1 gallon up to 2 gallons</td>
<td>TBD</td>
</tr>
<tr>
<td>Larger than 2 gallons up to 5 gallons</td>
<td>TBD</td>
</tr>
</tbody>
</table>

For more information or to find a place to take your unwanted paint for recycling, please ask for the PaintCare brochure, visit [www.paintcare.org](http://www.paintcare.org) or call (855) PAINT09.
Recycle here.

Paint is accepted during business hours only. Staff will check all products before accepting.

ACCEPTABLE
✓ Latex house paint
✓ Oil based house paint
✓ Primer
✓ Stains and sealers
✓ Varnish and shellac
✓ All brands

NOT ACCEPTABLE
✗ Paint thinner
✗ Two component paints
✗ Aerosols
✗ Other chemicals
✗ Leaking or empty containers
✗ Containers without original labels

For a complete list of acceptable products, please ask for the PaintCare brochure, call (855) 724-6809 or visit www.paintcare.org.
THE BASICS
If you are a local government that has partnered with PaintCare, we offer limited funding support for outreach activities that involve PaintCare. We are most interested in partnering with you when setting up new PaintCare sites, where participation is low, or to promote one-day household hazardous waste events to boost the amount of paint we can collect at one time. We have supported radio, newspaper, and direct mail advertising and will consider other media.

Review and Approval
Project budgets and all creative work must be reviewed and pre-approved by PaintCare. Creative work includes text, images, and scripts. All projects must include PaintCare’s website address and logo and mention that other PaintCare drop-off sites can be found at paintcare.org.

Proposal Form
Please complete our Proposal Form for Joint Outreach Projects and email it to brodgers@paint.org or your local PaintCare staff person. Download the form in the Waste Facilities section of each state’s page at www.paintcare.org.

Images
We have artwork and photos you can borrow for creating drafts at www.flickr.com/photos/paintcare/, but please be sure to request permission to use them in your final design.

WHAT WE ASK OF YOU
At the start of each project, we request that you provide PaintCare with draft text, dimensions and/or specs, and due dates for the materials.

Print (brochures, postcards, etc.)
You are responsible for sending artwork files to your printer, coordinating mailings, and distribution. After the project is completed, we request a description of how, when, and where the piece was distributed and an electronic copy of the final piece.

Newspaper
You are responsible for scheduling and sending artwork files to the newspaper. After the project is completed, we request a list of run dates for each newspaper and a scan of each ad.

Radio
You are responsible for providing the pre-approved scripts to the stations and handling scheduling. After the project is completed, we request you provide text of the final script with a list of run dates and times.

Digital Media & Other
We are open to other types of projects such as digital advertising and social media campaigns, as well as other forms of outreach. Please coordinate details in advance and send PaintCare supporting documentation along with your invoice so we have a record of the projects and examples to show others.

DESIGN ASSISTANCE
PaintCare can provide assistance with basic layout and graphic design using in-house staff. When we provide this type of assistance, we will provide electronic files for you to send for printing or ad placement. Other than editing and commenting on scripts, we do not provide in-house assistance with audio or video production.

Please allow plenty of time for project planning, approvals, and editing. Depending on the time of year, this may take 4–8 weeks.

REIMBURSEMENT
PaintCare provides reimbursements for pre-approved projects only. We do not provide money up front, pay vendors directly, or accept requests for reimbursements on projects that have already been completed. Generally, PaintCare will reimburse costs for pre-approved projects proportional to the amount of the project dedicated to PaintCare information. Funding amounts may also differ depending on budgets available and our other outreach taking place in your area.

To be reimbursed after the project is completed, send an invoice from your government agency, samples of final pieces, and copies of invoices from your vendors to Brett Rodgers at brodgers@paint.org and copy paintcare@bill.com. The "To:" space on the invoice should be addressed to PaintCare Inc., 901 New York Ave NW, Suite 300 West, Washington DC, 20001. In the space for purchase orders please write "5839-OTJ." See sample invoice below.
Environmental Services Program
Washington County
123 Government Way
Anytown, State 55776

June 24, 2017

Invoice: 2452187

Purchase Order: 5839-OTJ

Outreach Department
PaintCare Inc.
901 New York Ave NW #300W
Washington DC, 20005

Description:

- Newspaper ad promoting one day event held in Anytown on May 1, 2017
- Three 5x5 ads ran on April 13, 2017 in the County Journal
- Total invoices from newspapers: $1,487.00
- Invoice and copy of one ad are attached
- Per prior discussion, PaintCare agreed to reimburse county for $750
- Contact person: Marie Chen, 202-555-1212

Invoice Amount: **$750.00**

Remit to: Environmental Services Program
Washington County
123 Government Way
Anytown, State 55776
This page is a placeholder for the audit required by Title 20: Section 27-2003 (3) k