A state law passed in May 2019 requires paint manufacturers to set up and operate a paint stewardship program in Washington. Funding for the program comes from a fee applied to the price of architectural paint sold in the state.

**START DATE: OCT. 1, 2020 (PENDING APPROVAL)**

**Paint Stewardship in Washington**
PaintCare Inc. is a nonprofit organization established by the American Coatings Association (ACA) to implement state-mandated paint stewardship programs on behalf of paint manufacturers in states that adopt paint stewardship laws. While the program is required by state law, it is designed and operated by the paint manufacturing industry through PaintCare. Similar programs operate in California, Colorado, Connecticut, District of Columbia, Maine, Minnesota, Oregon, Rhode Island, and Vermont.

**Convenient Paint Recycling**
A primary requirement of the law is for paint manufacturers to set up paint drop-off sites across the state to make it more convenient for households and businesses to recycle their postconsumer (leftover) paint.

In addition to retailers, drop-off sites may include municipal household hazardous waste facilities and drop-off events, solid waste transfer stations, and landfills. Paint retailers represent over 75% of the more than 1,700 paint drop-off sites across ten existing programs.

**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 storage bins and can provide minimal staff time to accept paint from the public. Participating retail drop-off sites can increase foot traffic and sales and provide a valuable service to their community by making it convenient for customers to recycle leftover paint. PaintCare provides everything the store will need, including paint collection bins, signage, and staff training. In addition, PaintCare pays for paint transportation, recycling and promotion of drop-off sites to the local community.

**REQUIREMENTS OF RETAILERS**

1. **Check Registered Manufacturers and Brands**
Retailers may not sell architectural paints in Washington 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 to view registration lists.

2. **Pass on the Stewardship Fee**
The law requires that a PaintCare fee be applied by manufacturers to the wholesale price of all architectural paint sold in Washington. This fee pays for all aspects of running the program. The fee is paid by manufacturers to PaintCare and then passed to their dealers. Retailers will see the PaintCare fee on invoices from suppliers.

The law also requires that retailers and distributors apply the fee to the price of architectural paint they sell in the state. The fees paid by the customers to the retailers offsets the fees charged to the retailers. All manufacturers, distributors, and retailers that sell architectural paint in Washington must pay and pass down the fee, ensuring a level playing field for all parties.
3. Provide Information to Customers
Paint retailers in Washington must provide customers with information regarding the program and the available options for end-of-life paint management. PaintCare has developed the materials, ensured they meet state requirements, and provides them free of charge to all paint retailers and others wishing to distribute them.

COMMON QUESTIONS ABOUT FEES

How much are the fees?
Although fees for Washington have not yet been determined, we expect them to be similar to other states with a PaintCare program. The fees are based on container size and vary across programs:

- $0.35–$0.49 — Larger than half pint up to smaller than 1 gallon
- $0.75–$0.99 — 1 gallon up to 2 gallons
- $1.60–$1.99 — Larger than 2 gallons up to 5 gallons

When will the fees for Washington be known?
Fees will be proposed by PaintCare in its program plan that will be submitted to the Washington State Department of Ecology by May 2020. The Department of Ecology must approve the fees and will do so after a public comment and review period of approximately 120 days. Retailers will be notified when the proposed fee structure is known, and also notified when it is approved (or if it changes).

How are the fees calculated?
Fees are set to cover the cost of a fully operating program. PaintCare estimates the annual sales of architectural paint in a program state and divides the estimated annual expenses of the program by the estimated number of containers to be sold (by size category), and determines a fee per size that will provide the budget needed to fund the program. PaintCare is a nonprofit organization and operates programs on a state-by-state basis. Fees may increase or decrease and be different from state to state, but fees from each state are only used to fund the program in the respective state.

Is sales tax applied to the fee, itself?
Yes. The fee is part of the purchase price; therefore, sales tax is collected on the fee. The fee itself is not a tax.

Must we show the fee on receipts?
No, this is not required, but most stores show the fee in order to explain the price increase to their customers. PaintCare also encourages retailers to show the fee to increase awareness of the program.

Is the fee a deposit to be returned to customers?
The fee is not a deposit. Fees are used entirely to cover the expenses of running the program. Fees are not given back as a deposit for the return of paint or empty paint cans, a common misunderstanding.

Do we refund the fee if a product is returned?
Yes, the fee should be refunded if a product is returned 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 didn’t pay a fee for the product to the distributor or manufacturer?
Yes, retailers 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 distributor or manufacturer.

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 including newspaper, radio, television, and online advertising.