Paint stewardship laws require retailers to add a fee to architectural paint products and make sure they are not selling unregistered brands of architectural paint.

Paint Stewardship Programs
PaintCare is a nonprofit organization established by American Coatings Association to implement paint stewardship programs on behalf of paint manufacturers in states that pass paint stewardship laws. The main goals of the program are to decrease paint waste and recycle more postconsumer paint by setting up convenient drop-off sites in each state. 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.

1. What is the Recovery Fee and how does it work?
The PaintCare program is funded through a paint stewardship assessment called the PaintCare fee. The fee is applied to the purchase price of architectural paint. The fee funds collection, transportation, and processing of unused postconsumer (leftover) architectural paint, public education about proper paint management, and administrative costs. The fee is paid to PaintCare by paint manufacturers. This fee is then added to the wholesale and retail purchase price of paint, passing the cost of managing postconsumer paint to everyone who purchases paint. This reduces municipal and state government costs for paint management and provides a funding source for a more convenient, statewide paint management program.

2. Do retailers have to pass on the fee?
Yes, each state’s or jurisdiction’s law requires retailers to pass on the fee to consumers, ensuring a level playing field for all parties. This requirement includes paint sold online on any e-commerce websites.

3. What is the fee?
The fee is based on container size and vary by state or jurisdiction, as shown here.

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<th>State</th>
<th>Fee Structure</th>
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| 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      | The fee structure in upcoming states is not yet known. PaintCare will propose fee structures in the program plans for each state, and they will be based on the anticipated costs to run each state’s program. The PaintCare fee must be approved by each state’s oversight agency. Visit www.paintcare.org for updates. |
4. How is the fee calculated?
The fee is set to cover the cost of a fully implemented program. PaintCare estimates annual sales of paint in each state and then divides the cost of the program in that state by the number of containers sold in that state. Next, the fee is adjusted based on container size by taking into consideration the typical percentage of unused paint for each size (e.g., the percentage of unused paint from one five-gallon container is typically less than from five one-gallon containers).

PaintCare is a nonprofit organization, so the fee may be decreased if set at a level beyond what is needed to cover program expenses. Likewise, the fee may be increased if PaintCare does not collect enough money to cover the costs to operate the state program.

5. Are retailers required to show the fee on receipts?
No, but PaintCare encourages retailers to do so and to display it as PaintCare fee to aid in consumer education. Most stores choose to show the fee on their receipts in order to inform the consumer about the PaintCare program and to explain the price increase.

6. Do retailers return the fee if someone returns a product?
Yes. The fee should be returned as part of the purchase price.

7. Is the fee taxable?
Yes, the fee is part of the purchase price of paint. Sales tax is collected on the fee in most cases, except in a state that does not have a sales tax, such as Oregon. Sales tax is not applied to the fee in Maine per additional legislation.

8. Is the fee to be applied to paint sold to customers who are exempt from sales taxes?
Yes, government agencies and other organizations that are exempt from sales taxes in PaintCare States must still pay the fee, because it is part of the price of paint. However, the fee, like the rest of the product price, should not be taxed for sales tax exempt organizations.

9. Is the fee a deposit that is returned to customers when they bring paint to a drop-off site?
No, the fee is not a deposit. The fee is used entirely to cover the cost of running the program.

10. How does the public know about the fee?
PaintCare provides public education materials to retailers. These materials explain the purpose of the fee, where to take paint for recycling, and other information about the program. When a new state program begins, PaintCare mails a “starter pack” of materials to retailers. As needed, retailers may order additional free materials from PaintCare. In addition to retailer information, PaintCare works with contractor associations to get information to trade painters and conducts general outreach including newspaper, radio, television, and online advertising.

11. How do we as retailers know what products to put the fee on?
Your supplier’s invoice should indicate that you are being charged the fee, so you simply pass on the fee for those items. Additionally, PaintCare and each state’s oversight agency list all architectural paint manufacturers and brands that are registered for the program on their websites. Retailers may not sell brands that are not registered with the program. If your store sells architectural coatings that are not on the list of registered products, please notify PaintCare so we can contact the manufacturer to get them registered.

12. 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. For a detailed list of PaintCare and non-PaintCare products, please visit www.paintcare.org/products-we-accept.

FOR NEW PROGRAMS
13. 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.