



North American Hazardous Materials
Management Association

NAHMMA

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Dedicated to Pollution Prevention and Reducing the Toxicity of Municipal Waste Streams

NAHMMA Policy Statement on Paint Product Stewardship Legislation

The North America Hazardous Materials Management Association (NAHMMA) is a professional organization established in 1993, dedicated to pollution prevention and reducing the hazardous constituents entering municipal waste streams from households, small businesses and other entities that may be exempt from local, regional or national regulations. We are a non-profit, membership based organization, with a membership that includes individuals, businesses, government officials, and non-profit organizations from more than 30 US states, as well as Canada and overseas.

As detailed in [NAHMMA's Policy Statement on Chemical and Product Policy Reform](#), NAHMMA advocates for comprehensive state product policy legislation. One waste that is of particular interest to NAHMMA members is architectural paint, and as such NAHMMA is in support of legislation establishing paint stewardship systems. NAHMMA lauds the paint industry's efforts to roll out legislation and collection programs in the first few states, and their eventual goal to provide a nationwide program. However NAHMMA believes that paint stewardship legislation, and subsequent rulemaking, must incorporate a number of principles, detailed below. For more information regarding the impacts of leftover paint and the potential benefits of paint stewardship legislation, see our separate paint product stewardship factsheet.

NAHMMA's Paint Stewardship Legislation Principles:

NAHMMA supports the creation of take back programs for unused paint that are ongoing, well promoted, provided by and fully financed by paint manufacturers. We believe this program should collect all architectural paint including latex and oil based paints from residents and small quantity generators. We believe that the collected paint should be managed according to the waste management hierarchy and in compliance with federal, state, and local regulations.

NAHMMA advocates for the following product stewardship principles and recommends they be adopted to guide the development of paint stewardship programs:

- **Responsibility and Roles**
All producers selling architectural paint into the State are responsible for designing, managing, and financing a stewardship program that addresses the lifecycle impacts of their product including end-of-life management. Product stewardship policies for paint should clearly define the role of all stakeholders including producers, government, haulers/collectors, recyclers/processors, retailers and consumers with regard to program financing, implementation, evaluation, reporting, education and outreach, market development, oversight, enforcement, agency coordination and other necessary responsibilities.
- **Program Financing**
The costs to collect, process, recycle and/or dispose of the product should be minimized to the greatest extent possible for local and state governments and ultimately shifted to the manufacturers and consumers of products. NAHMMA's preferred financing mechanism for the management of unwanted

paint is to internalize the costs into the price of the product. Currently, the paint industry's preferred financing mechanism is an "assessment" which is defined as an "amount determined by a stewardship organization that must be added to the purchase price of architectural paint sold in the state to cover a stewardship organization's costs of administration, education and outreach, collecting, transporting, and processing of the leftover architectural paint managed through a statewide architectural paint stewardship program". While an assessment is not NAHMMA's preferred choice, NAMMA is amenable to financing via an assessment provided that the policy requires the stewardship organization to provide full transparency of the program finances to the overseeing agency, which can protect confidential business information appropriately. The program finances that should be disclosed include, but are not limited to, a breakout of the following cost information:

- Program delivery, including education and outreach, collection, architectural paint exchange incentives, transportation, processing and labor; and
- Administration, including management costs for personnel, travel, compliance and auditing, legal services, banking services, insurance and other administrative services and supplies;
- An evaluation of the operation of the program's funding mechanism.

- **Compensation**

Product stewardship policies for paint should demonstrate that all program costs including collection, transportation, recycling/disposal are covered and that all vendors are fairly compensated. The ability of the state to recover its full costs for providing oversight and enforcement of the program should be clearly defined in statute.

- **Sustainable Management Practices**

Product stewardship policies for paint should create incentives for the development of a sustainable and environmentally-sound system to collect, reuse, and recycle or dispose of unwanted paint. The stewardship program should follow the paint waste management hierarchy in the order as follows: reduce consumer generation of leftover paint; reuse; recycle; provide for energy recovery; and disposal of non-recyclable paint. Consideration should also be given to reducing emissions of greenhouse gases.

- **Program Performance**

Product stewardship programs for paint should include performance requirements of responsible parties that are measured by the achievement of goal-oriented results and standards. Policies should ensure that all consumers have reasonable access to paint collection by providing a collection convenience standard. The standard should be established in statute and include specific criteria about the number of collection sites, based on geographic distribution of the population at the local level, including requirements for minimum operating days per month and hours per day. Convenience standards should require that the program use the existing infrastructure, where possible, including existing waste and recycling programs and services, retail stores, non-profit entities and others that express an interest in participating as a collector in the program.