

# FOCUS



## The Paint Industry Works toward a Nationally Coordinated System for Post-Consumer Paint Management

With the wide range of paint products, from hundreds of colors to paints formulated for specific uses, today's consumer paints offer the aesthetic value that consumers seek for their individual projects, as well as the protective properties necessary to safeguard their valuable assets. Additionally, environmental consciousness has pushed coatings technology toward creating more environmentally friendly products. The results are safer and easier to use paints that deliver top quality application.

While paint is manufactured to be fully used, in the aftermath of a painting project, it is not uncommon to find unopened and partially used cans of paint in garages, basements, sheds and attics. This post-consumer paint raises a question, **What to do with Leftover or Post-Consumer Paint?**

This *Issue Backgrounder* focuses on the National Paint & Coatings Association's (NPCA) efforts with industry to address post-consumer paint management and the issues that surround it, including a new leadership role the association has undertaken as part of the Paint Product Stewardship Initiative.

"PAINT IS REPORTED AS THE LARGEST VOLUME WASTE COLLECTED BY METROPOLITAN HOUSEHOLD HAZARDOUS WASTE (HHW) PROGRAMS, MUCH OF WHICH IS LATEX, THOUGH RESEARCH HAS DEMONSTRATED THAT LATEX PAINT IS NOT A HAZARDOUS WASTE . . . ."

### BACKGROUND

Paint is reported as the largest volume waste collected by metropolitan household hazardous waste (HHW) programs, much of which is latex, though research has demonstrated that latex paint is not a hazardous waste and latex paints are considered "non-hazardous" according to U.S. Environmental Protection Agency testing protocols. Nonetheless, managing leftover latex paints as hazardous wastes, as many HHW programs do, ends up being very costly to states and local municipalities. In addition, management of latex paint poses a challenge for many municipalities and counties because liquid latex paint cannot be disposed of as mixed municipal solid waste. As such, the paint industry favors not regarding leftover paint as waste, but rather, as a resource that is meant to be completely used. ---->



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Unfortunately, in many localities faced with budget shortfalls and the issue of handling post-consumer paint, proposals have cropped up that would impose “fees” or surcharges on paint products. The paint industry opposes the imposition of special taxes or “advance disposal fees” on its products in order to fund government waste programs. Paint is produced with the optimal purpose of total consumption; it is not produced to become a waste. What’s more, the paint industry can neither absorb nor pass along the costs of such fees imposed for waste management. Instead, the paint industry is looking to an alternative, or “Product Stewardship” approach, similar to those used in Canada for post-consumer paint management and increasingly being implemented in the United States and in other countries for other products. Instead of just shifting the cost burden from the government to producers, product stewardship is a principle that directs all participants involved in the life cycle of a product to take shared responsibility for the impacts to human health and the natural environment that result from the production, use, and end-of-life management of the product.

## TAKING THE LEAD

There has always been discourse between the paint industry and the governmental bodies that oversee household hazardous waste (HHW) management over the proper course for treating the management of post-consumer paint. Much of the discussion revolves around the possibility of creating new funding sources to dispose and recycle paint and divert it from improper disposal and landfills. Since 2003, NPCA has been engaged in a national post-consumer paint dialogue initiated by the Product Stewardship Institute (PSI), an organization consisting of local and state regulators from across the country, with a mission to “assist state and local government agencies in establishing cooperative agreements with industry and developing other initiatives that reduce the health and environmental impacts from consumer products.” PSI, through a survey of state and local governments, identified post-consumer paint as a top concern to state and local agencies based on its “high volume in the waste stream, subsequent costs to manage, and high potential for increased recovery, reuse, and recycling.” The organization estimates that the cost to manage post-consumer paint on a national level could be as much as \$500 million dollars per year. As a result, PSI convened a national dialogue devoted to bringing key parties together to jointly solve problems related to post-consumer paint management. The national dialogue entitled, “the Paint Product Stewardship Initiative” (PPSI), involves representatives from the paint industry, state and local governments, the Environmental Protection Agency (EPA), recyclers, and retailers, among others.

In March 2005, NPCA signed a Memorandum of Understanding with the PPSI, which detailed the dialogue process, as well as a path forward, implementing a host of pilot projects aimed at post-consumer paint cost/volume reduction. NPCA undertook and funded several projects in order to provide the PPSI stakeholders with necessary information to form the basis for the next stage of the dialogue: development and implementation of a nationally coordinated post-consumer paint management system.

NPCA's projects focused on the key to reducing the amount and cost of post-consumer paint management: education on waste minimization and reuse as well as the non-hazardous nature of latex paint. After all, an EPA study estimated that approximately 10% of the 637 million gallons of paint sold annually becomes leftover paint, equal to about 64 million gallons per year. The paint industry and the PPSI stakeholders agreed to work together for education on the purchase, use and proper disposal of latex- and oil-based paints. As such, NPCA updated its *Protocol for Management of Post Consumer Paint*, which covers education, waste management programs, cost considerations and additional information about post-consumer paint, including approaches on successful collection and reuse programs. There are several types of collection programs used to deal with leftover paint, including permanent drop-off sites and day or "event" collection. Permanent site collection at fire stations, landfill sites and other county or state property is becoming more frequent and is designed to increase convenience and community participation in household waste collection. While this type of collection system is ideal in that it extends itself to greater collection based on individual expedience, it is often very costly and more expensive to operate than day or event collection.

NPCA also underwrote the development of the *Guidance Manual for Paint Reuse Programs*. The guide provides details on how to establish or maximize a reuse program, and includes case studies and sample documents from successful reuse programs across the United States. For consumers, the PPSI created a new best management program, which NPCA has developed into a print brochure, made available on its website, [www.Paint.org](http://www.Paint.org). The brochure, which advocates a "5-point

VISIT THE "PAINT WISE" WEBSITE AT  
[WWW.EARTH911.ORG/RECYCLING/PAINT-RECYCLING](http://WWW.EARTH911.ORG/RECYCLING/PAINT-RECYCLING)  
FOR STATE AND LOCAL GOVERNMENT DISPOSAL/DROP-OFF  
SITES AND NON-PROFIT REUSE CENTERS

program" for paint management, follows the 3r's — Reduce, Reuse, Recycle — and focuses on five key steps: buying the correct amount of paint, storing it properly, using it up, supporting reuse and recycle programs, and proper disposal of leftover paint. In addition, the brochure provides information to consumers on proper recycling and disposal options for both oil and water based paint. In addition, NPCA partnered with a consumer education firm specializing in consumer product waste management issues, providing the public with state and local government disposal/drop-off sites, as well as non-profit reuse centers through a "paint wise" website, [www.earth911.org/recycling/paint-recycling](http://www.earth911.org/recycling/paint-recycling), based on the 5-point program. Additionally, NPCA sponsored public service announcements detailing the 5-point program on radio stations throughout the country.

Other projects that NPCA sponsored include a lifecycle/cost benefit analysis of various management options identified for post-consumer paint waste, from drying/solid waste disposal to reuse to recycling, to determine the net environmental and economic lifecycle benefit from these methods; a white paper addressing health, safety and environmental compliance mandates for paint products, including regulatory barriers and potential solutions to re-blending or recycling of post-consumer paint; and a survey of consumers on paint purchasing behaviors and strategies to reduce over-purchase and promote source reduction.

Fortified with substantial data and clarity, in October 2007, NPCA signed a second PPSI Memorandum of Understanding, this time in anticipation of coordinating a national system for managing post-consumer paint and demonstrating system elements of a program through a Minnesota state-wide pilot project.





## PILOTING CHANGE

Throughout its participation in the PPSI, NPCA stressed that consumer education must be a cornerstone of the system, to reduce the volume of leftover paint and the cost of its ultimate management, and that whatever program put in place must provide environmental benefit and be as cost-effective as possible. What's more, NPCA has always maintained that industry, government and the consumer must partner to share the responsibility for a coordinated system. The paint industry vigorously opposes any kind of *mandatory* take-back program, in which manufacturers or retailers of paint would have the responsibility for collection and disposal, traditionally a government provided service. Similarly, as stated previously, NPCA opposes special taxes or government fees for a product, such as paint, that if fully utilized poses no disposal challenge. However, in order to address the issue, the paint industry has embraced an alternative as outlined below.

Under the latest Memorandum of Understanding, in 2008, NPCA will develop a Paint Stewardship Organization (PSO) and launch a state-wide "Demonstration Project" in Minnesota to work through critical issues and gather information necessary to develop a functional, fully funded, environmentally sound, and cost-effective nationally coordinated leftover paint management system.

Based on the results of the Minnesota Demonstration Project, a nationally-coordinated system is to be implemented in the rest of the United States according to a phased implementation schedule.

While the initial up-front funding for this industry-run project will be borne by NPCA, sustainable financing must be based on a consumer cost recovery model similar to the "Product Care" program currently in place in British Columbia, Canada, as well as other provinces. The cost-recovery financing system is consumer-based, i.e., the cost of the program is to be passed on to the consumer through the purchase of architectural paint products and remitted back up the supply chain to the PSO to cover the costs of the program. Product Care manages this through an "eco-fee" paid to Product Care by its members to run the program, which is in turn passed through to the consumer through the retail purchase price of paint.

The importance of retailer participation in this program cannot be understated: **Retailers' involvement is critical to the long-term success of this project in order to reach the consumer/purchaser of paint to educate consumers on the importance of paint waste minimization and to share the responsibility for its ultimate end-of-life management.**

**Another key component of the Memorandum of Understanding focuses on the industry-government partnership encouraging collection programs in the private and public sectors to participate with the development and implementation of the nationally-coordinated leftover paint management system.** In some states, additional collection sites will be required to meet the needs of the community. The PSO will typically need to negotiate agreements with existing and additional collection sites to fairly compensate them for their efforts to participate in the nationally-coordinated system.

## THE PROTOTYPE

Product Care is a not-for-profit industry-sponsored association that manages product stewardship programs for household hazardous and special waste on behalf of its members across Canada in British Columbia, Saskatchewan and Nova Scotia. Each of those provinces has issued a regulation (under a provincial waste management statute) requiring “brandowner” or “first sellers” of architectural paint in the provinces to be part of an approved product stewardship program or some alternative (i.e., some regulations give a default option of return to retail subject to prescribed requirements). The programs are funded by “eco-fees” paid to Product Care by its members to run the programs. Members remit eco-fees to Product Care per unit sold in the province, reporting and paying monthly or quarterly depending on volume. These fees are then invoiced by the program member to the retailer who passes them onto the consumer, either identifying the fee on the retail receipt separate from the retail price of the architectural paint or including it in the overall price charged for the architectural paint.

Management methods for the collected paint vary by type (latex versus alkyd), but include paint giveaway, reprocessing, recycling of paint, recycling of containers, and use in other products, such as the manufacture of concrete and cement (latex only), and energy recovery (alkyd-only).

Results for British Columbia, which has been operating for over 10 years and is based on its 4.4 million population, have been astounding: in 2007, 34 million litres architectural paint sold (9 million U.S. gallons.) and 2.4 million litres of paint have been recovered (630,000 U.S. gallons, and a recovery rate of 6.9% for just more than 100 collection depots). Interestingly enough, eco-fees have never been increased, and were recently reduced there.

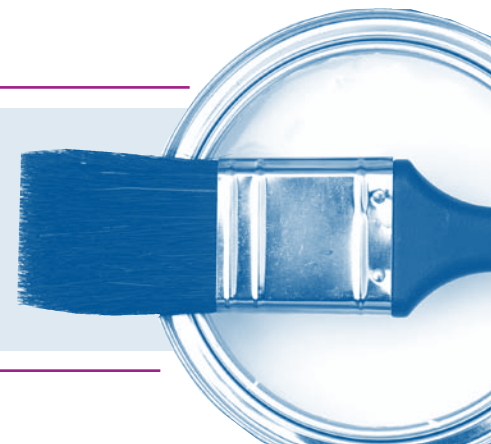
The Product Care system is currently in three provinces, with a fourth in the implementation stage. In these provinces, first sellers (who may be manufacturers, distributors or retailers) satisfy the regulatory obligation by joining Product Care. And although each provincial program is financially separate, they all utilize a common administration. Moreover, each provincial program includes a collection depot system (municipal or bottle depots), central processing, and a communication program. However, even with the common administration achieved by Product Care in its current programs, the paint industry must respond to varying regulatory designs and regimes. In other provinces, completely different programs exist or the industry is required to work with a government approved entity. The paint and coatings industry does not want to have a similar “state-by-state” or 50-state approach in the United States.

In order to address this potential situation, NPCA is working with PSI, the State of Minnesota, and other PPSI stakeholders on legislation for a Minnesota Demonstration Project. If successful, this will be used as a model to be replicated in other states across the country. The legislation, which will be introduced in the 2008 session would lay out the program elements for the project, providing industry with a level playing field for all architectural paints sold in Minnesota, establishing the PSO and its funding mechanism for the program, and providing industry with protection from possible anti-trust or anti-trade accusations as we attempt to establish and implement the program. Based on the outcome of the Demonstration Project, NPCA would work with PSI, Minnesota, and other roll-out states in order to pass more formal legislation to address these concerns and to provide for a nationally consistent program across the country.

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## WANT TO KNOW MORE?

For more information on this consumer and environmental issue, visit NPCA's web site, [www.paint.org](http://www.paint.org), and download the NPCA-produced *Protocol for Management of Post Consumer Paint*, *Guidance Manual for Paint Reuse Programs*, and *The 5-Point Program for Leftover Paint* brochure. Or contact NPCA's Alison Keane ([akeane@paint.org](mailto:akeane@paint.org)) or David Darling ([ddarling@paint.org](mailto:ddarling@paint.org)) for more information.

You may also visit the Product Stewardship Institute's website, [www.productstewardship.us](http://www.productstewardship.us), and click on "Paint," and Product Care's website at [www.productcare.org](http://www.productcare.org).



## THE 5-POINT PROGRAM FOR LEFTOVER PAINT

### 1 BUY THE CORRECT AMOUNT OF PAINT FOR THE PROJECT

Be a wise consumer and buy only what you need. Check with your local paint dealer for instructions on how to determine the correct volume of paint required for your project. When you purchase the right volume of paint, it eliminates the need to store or dispose/recycle paint when the project is finished, and it might even save you money. When your painting project is complete, take a look in the can. If there is only a small quantity of paint left, use it up. Paint out the last inch-or-two of paint in the bottom of the can.

### 2 STORE PAINT PROPERLY TO KEEP IT FRESH

If your project is complete and you still have a fair amount of paint leftover, be sure to correctly store the paint. Proper paint storage will eliminate safety concerns and keep your paint fresh for touch-ups or future projects. For best results, cover the opening of the paint can with plastic wrap and securely seal the lid. When you are sure the lid is leak-proof, turn the can upside down and store it in a place with a moderate room temperature to avoid freezing. Be sure to choose a safe location that is out of the reach of children and pets.

### 3 USE UP LEFTOVER PAINT

Now that you have safely stored your leftover paint, don't forget about it. Leftover paint can be used for touch-ups or smaller projects and lighter colors can be taken back to a paint retailer and be re-tinted for another paint project. Record the room name on the lid for future touch ups. You can blend and mix smaller quantities of latex paint to use as a base coat on larger jobs. Perhaps, you know a neighbor or relative who could use your leftover paint; now, that's being environmentally friendly!



#### **4 REUSE OR RECYCLE**

If you can't make use of the paint yourself, donate your useable leftover paint to a worthwhile community association, theatre company, church group or other local organizations that may be in need of good paint. Perhaps, your community offers a paint exchange event or a special paint collection program. Many communities collect paint for reuse, recycling or as a last resort, proper disposal through local Household Hazardous Waste (HHW) collection programs. Check the "Earth 911" Paint Wise web portal at [www.PaintEarth911.org](http://www.PaintEarth911.org) or call 1-800-clean-up, to learn about paint reuse, recycling and HHW collection programs that are available in your community.

#### **5 DISPOSE OF THE PAINT PROPERLY**

If there is not a leftover paint collection program available in your area, you may need to dispose of leftover latex paint yourself. Air-drying of liquid alkyd or oil-based paint is not considered safe. In regions that allow it, let your latex paint air dry in a safe location away from children and pets. A small amount of paint, less than  $\frac{1}{2}$  inch, in the bottom of a paint can is easily dried out by leaving the lid off. Once the paint is hard, discard the paint can with the lid off, preferably in a metal recycling program. If metal recycling is not available or the paint container is plastic, dispose of the container in the garbage. Larger volumes of latex paint can be dried in a box with absorbent material such as shredded paper or kitty litter. Recycle the empty can with the lid off and dispose of the dried out latex paint as garbage. If the paint in the can is solidified all the way through, it may be disposed of as garbage with the lid off to prevent the build up of pressure in the can.

NPCA is a voluntary, nonprofit trade association representing paint and coatings manufacturers, raw materials suppliers and distributors. As the preeminent organization representing the paint and coatings industry in United States, NPCA's primary role is to serve as ally and advocate on legislative, regulatory, and judicial issues at the federal, state and local levels.



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