



TO: The Honorable Rebecca L. Rausch and Christine P. Barber, Chairs
Members, Joint Committee on Environment and Natural Resources

FROM: American Coatings Association

DATE: May 5, 2025

RE: House Bill 926 – An Act to Save Recycling Costs in the Commonwealth

The American Coatings Association (ACA)¹ submits the following comments to the Joint Committee on Environment and Natural Resources regarding House Bill 926, An Act to Save Recycling Costs in the Commonwealth (H.926). ACA represents approximately 96% of the paint and coatings products manufactured in the United States (U.S.), including architectural, industrial, and specialty coatings.

The \$599 million paint and coatings industry in Massachusetts manufactures a wide variety of coatings products for consumers, businesses, and manufacturing establishments alike. With the exception of powder coatings, most paint and coatings products are in liquid form and utilize containers in a range of sizes. The sizes range from small containers of less than a liter or pint to large containers that hold several hundred gallons. These containers are typically either metal, plastic, or a hybrid of metal and plastic.

With the increasing number of packaging extended producer responsibility (EPR) laws across the country, ACA members will be required to evaluate the packaging being used for paint and coatings products to ensure compliance with these laws. Consequently, ACA has a significant interest in assisting our industry in compliance with any legal requirements.

ACA is concerned that the differing requirements from state to state will result in confusion for manufacturers as well as Massachusetts residents. Significant differences from state to state in regulatory programs are problematic and burdensome for the paint and coatings industry since manufacturers with a nationwide customer base will find developing any compliance plan(s) to be extremely challenging. The coatings industry routinely conducts interstate transactions where their products are shipped across state lines, thereby requiring companies to comply with various applicable federal and state laws.

ACA provides the following recommendation to H.926 to provide consistency with other existing packaging EPR laws in the U.S.

- 1. To promote ease of compliance by industry, amend the definition of ‘packaging’ to include additional exemptions commonly found in other states’ packaging EPR laws.**

Within other states’ packaging EPR laws, there exists several exemptions to the term ‘packaging.’ These exemptions include but are not limited to the following:

- a) Packaging for products subject to a paint stewardship law in the state;²

¹ ACA is a voluntary, nonprofit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals. ACA serves as an advocate and ally for members on legislative, regulatory, and judicial issues, and provides forums for the advancement and promotion of the industry through educational and professional development services.

² Senate Bill 647, An Act Relative to Paint Recycling, is pending before the state legislature. Given the possibility of a bill that requires

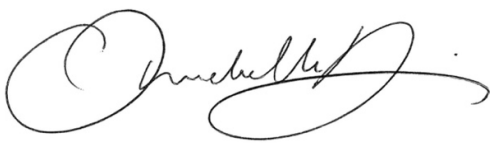
- b) Packaging materials that are used for the long-term storage (e.g., 5+ years) and/or protection of a durable product;
- c) Packaging materials that are exclusive to the manufacturing or industrial process;
- d) Packaging materials that are used solely for business-to-business operations;
- e) Packaging materials that are sold and/or supplied in connection with products regulated by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) under 7 U.S.C. section 136 et. seq.;
- f) Packaging materials that are sold and/or supplied in connection with products that meet certain poison prevention requirements;
- g) Packaging materials that are sold and/or supplied in connection with hazardous or dangerous goods regulated by 49 C.F.R. section 178;
- h) Packaging materials that are sold and/or supplied in connection with hazardous or flammable goods regulated by 29 C.F.R. section 1910;
- i) Packaging materials that are sold and/or supplied in connection with products regulated by the Federal Food, Drug, and Cosmetic Act (FDCA) under 21 U.S.C. section 301 et. seq.;
- j) Packaging materials that are used to contain, among others, drugs that are used for animal medicines;
- k) Packaging materials that are used to contain infant formula, medical food, and/or necessary fortified oral nutritional supplements;
- l) Refillable containers of liquefied petroleum gas; and
- m) Other packaging materials that the relevant authority identifies.

The paint and coatings industry operates from coast to coast in all directions. Harmonization of the requirements of the states' packaging EPR laws would greatly aid our member companies in developing compliance schemes. Currently, out of the foregoing exemptions, H.926 only provides for (1) packaging materials that are sold and/or supplied in connection with products regulated by the FDCA; (2) packaging materials that are used to contain, among others, drugs that are used for animal medicines; (3) packaging materials that are sold and/or supplied in connection with products regulated by FIFRA; and (4) beverage containers that are subject to a returnable container deposit. Consequently, ACA urges consideration and incorporation of the above-mentioned exemptions in order to provide some harmonization with packaging EPR laws adopted in other states.

Conclusion

Overall, ACA appreciates the opportunity to provide comments to the Joint Committee on Environment and Natural Resources on H.926, and we look forward to working cooperatively on this matter.

Respectfully submitted,



Annebelle Klein
Environmental Policy Counsel, Government Affairs

certain manufacturers of architectural paint to establish a postconsumer paint stewardship program being enacted concurrently alongside H.926, providing an exemption for these types of packaging materials is imperative.