



TO: The Honorable David A. Bennett, Chair
Members, House Environment and Natural Resources Committee

FROM: American Coatings Association

DATE: May 12, 2025

RE: LETTER OF INFORMATION – House Bill 6205 – An Act Relating to Health and Safety – Extended Producer Responsibility for Packaging and Paper Act

The American Coatings Association (ACA)¹ submits the following testimony to the House Environment and Natural Resources Committee regarding House Bill 6205, An Act Relating to Health and Safety – Extended Producer Responsibility for Packaging and Paper Act (H6205). ACA represents approximately 96% of the paint and coatings products manufactured in the United States (U.S.), including architectural, industrial, and specialty coatings.

The \$55 million paint and coatings industry in Rhode Island 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 Rhode Island 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 recommendations to H6205 to provide clarification and consistency with other existing packaging EPR laws in the U.S.

- 1. Amend the definition of ‘packaging’ to clarify that packaging for products subject to a postconsumer paint program under 23 R.I. GEN. LAWS § 23-24.12 (2012) are not covered materials under H6205.**

In states with PaintCare programs, leftover paint in their original containers is collected and managed responsibly. ACA and PaintCare’s goal is to divert leftover paint from landfills and recycle as much as possible. Our goal with respect to paint containers is the same – to divert from landfills and recycle as much as possible. This is true for all the states with PaintCare programs.

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.

In order to avoid confusion, promote efficiency, and prevent double coverage of these containers by two different EPR systems, ACA urges inclusion of the above language in H6205 to provide that products subject to a stewardship program are exempt from the relevant packaging EPR law.

Currently, products subject to PaintCare's program plan for Rhode Island are not exempt under the definition of 'packaging' in H6205. Clarification that these containers are managed under the paint stewardship law will assist municipal operators, the Rhode Island Department of Environmental Management, and Rhode Island residents with leftover paint. Consequently, ACA recommends that Rhode Island harmonize its proposed packaging EPR law with the other states' laws by amending H6205's definition of 'packaging' to exempt products subject to 23 R.I. GEN. LAWS § 23-24.12.

2. Promote ease of compliance by industry by amending 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 other exemptions to the term 'packaging.' These exemptions include but are not limited to the following:

- a) Packaging materials that are used for the long-term storage (e.g., 5+ years) and/or protection of a durable product;
- b) Packaging materials that are exclusive to the manufacturing or industrial process;
- c) Packaging materials that are used solely for business-to-business operations;
- d) 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.;
- e) Packaging materials that are sold and/or supplied in connection with products that meet certain poison prevention requirements;
- f) Packaging materials that are sold and/or supplied in connection with hazardous or dangerous goods regulated by 49 C.F.R. section 178;
- g) Packaging materials that are sold and/or supplied in connection with hazardous or flammable goods regulated by 29 C.F.R. section 1910;
- h) 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.;
- i) Packaging materials that are used to contain, among others, drugs that are used for animal medicines;
- j) Packaging materials that are used to contain infant formula, medical food, and/or necessary fortified oral nutritional supplements;
- k) Refillable containers of liquefied petroleum gas; and
- l) 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, H6205 only provides for packaging materials that are used for the long-term storage and/or protection of a durable product; exclusive to the manufacturing or industrial process; used solely for business-to-business operations; sold and/or supplied in connection with products regulated by FIFRA; sold and/or supplied in connection with products that meet certain poison prevention requirements; sold and/or supplied in connection with products regulated by the FDCA; and used to contain, among others, drugs that are used for animal medicines. 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 House Environment and Natural Resources Committee on H6205, and we look forward to working cooperatively on this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Annebelle Klein". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Annebelle Klein
Environmental Policy Counsel, Government Affairs