



January 26, 2026

The Honorable Beth Doglio

Chair

House Environment & Energy Committee

House of Representatives

Washington State Legislature

John L. O'Brien Bldg.

P.O. Box 40600

Olympia, WA 98504

RE: Comments in Response to An Act Relating to Postconsumer Recycled Content Requirements for Plastic Products

Dear Chair Doglio and Members of the House Environment & Energy Committee:

The American Coatings Association (ACA) submits the following comments regarding the proposed bill titled An Act Relating to Postconsumer Recycled Content Requirements for Plastic Products (HB 2271). 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 and coatings science. ACA appreciates the opportunity to comment and looks forward to working with members of the Washington State Legislature throughout the legislative process.

ACA provides the following recommendations to alleviate any undue burden imposed on the paint and coatings industry.

- 1. Amend the definition of 'exempted PCRC 2.0 product' to clarify that packaging for products subject to the paint stewardship program under WASH. REV. CODE § 70A.515 are not PCRC 2.0 products under HB 2271.**

Under section 2(16)(a) of HB 2271, the term 'PCRC 2.0 product' refers to: (i) certain types of "[p]ackaging that is a filled or unfilled rigid plastic container;" (ii) certain types of rigid plastic products that are primarily comprised of plastic resins, including buckets and pails; and (iii) certain "[f]ilm plastic products or packaging." Section 2(7) of HB 2271 provides that certain materials have been classified as exempted PCRC 2.0 products. As it stands, section 2(7) of HB 2271 does not include packaging for products subject to the state's paint stewardship program. This omission unfairly burdens members of the paint and coatings industry by subjecting companies to certain registration and reporting requirements that they have already been made exempt from under state law.

Under Washington's recently enacted extended producer responsibility law for packaging (SB 5284), packaging for products subject to the state's paint stewardship program has been deemed



an exempt material.¹ As such, under SB 5284, producers of packaging for products subject to the state's paint stewardship program do not have to meet the proposed postconsumer recycled content requirements for covered materials.² HB 2271's deviation from the standard practice of exempting packaging for products subject to the state's paint stewardship program requires members of the paint and coatings industry to examine two separate statutory frameworks to determine whether their products are subject to postconsumer recycled content requirements, thereby convoluting producers' future compliance efforts. Accordingly, ACA recommends that Section 2(7) of HB 2271 be revised to provide that packaging for products subject to the state's paint stewardship program under WASH. REV. CODE § 70A.515 are considered exempted PCRC 2.0 products.

2. Amend Section 5(2)(a)(ii) of HB 2271 to provide that de minimis producers are not required to register and report in the same manner as non-de minimis producers.

Under Section 5(2)(a)(ii) of HB 2271, de minimis producers are required to register and report in the same manner as non-de minimis producers. This requirement unfairly burdens members of the paint and coatings industry by subjecting exempt parties to HB 2271's registration and reporting requirements. Members of the paint and coatings industry that constitute de minimis producers will be forced to comply with registration and reporting requirements for a law that they do not have to meet any substantive requirements for. Accordingly, ACA recommends that Section 5(2)(a)(ii) of HB 2271 be revised to provide the following: "De minimis producers are not required to register and report in the same manner as producers that are not de minimis."

Thank you for your consideration of ACA's comments. Please do not hesitate to contact me should you have any questions and/or require further clarification.

Sincerely,



Annebelle Klein
Environmental Policy Counsel, Government Affairs

¹ WASH. REV. CODE § 70A.208.020(19)(k).

² See WASH. REV. CODE § 70A.208.150(1).