



AmericanCoatings
ASSOCIATIONSM

February 21, 2024

Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Carolyn Hoskinson
Director
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Petition to EPA on Including Paint Wastes to the Universal Waste Rule

Dear Administrator Regan and Director Hoskinson,

The American Coatings Association (ACA) and PaintCare Inc. submit the following [petition for EPA to consider adding paint wastes to the federal universal waste regulations](#).

Introduction

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.

PaintCare Inc., is a non-profit 501(c)(3) organization established by ACA that represents paint manufacturers in planning and operating paint stewardship programs in those jurisdictions in the U.S. that have enacted paint stewardship laws. To date, eleven states across the U.S., and the District of Columbia have passed such laws.

Petition for rulemaking requests EPA to designate “paint wastes” as Universal Waste

ACA’s petition requests EPA to consider adding paint wastes to the federal universal waste rule. The federal universal waste regulations put forth by EPA (found in 40 C.F.R. § 273) streamline hazardous waste management standards for certain types of hazardous wastes that are typically generated through a wide range of establishments. EPA states that the universal waste regulations provide streamlined regulations that promote collection and recycling as well as significantly reducing the regulatory burden on businesses that collect or transport these wastes.

Within this petition, ACA and PaintCare address the eight factors set forth in the regulations that are to be considered in designating new categories of universal wastes (under 40 C.F.R. § 273.81), and that a balance of these factors supports such a designation. Additionally, ACA and PaintCare address the following and provide proposed regulatory language: (1) defining paint wastes to be covered by the universal waste rule; (2) clarifying when paints become solid wastes; (3) establishing appropriate storage and management standards for universal waste handlers; (4) the relationship between the universal waste rule and existing universal waste rules (specifically for aerosol cans and pesticides); (5) state adoption of the universal waste rule; and (6) the effect on interstate transport for states that fail to adopt the universal waste rule for paints.

There is an increasing public awareness and desire for improving recycling efforts as well as finding alternatives measures for waste disposal that reduces the amount of waste going to municipal solid waste landfills. Additionally, a number of states, including Ohio, Texas, New Jersey, Pennsylvania, and most recently New York, have enacted their own state-level universal waste programs that designate paint wastes as universal wastes. For these reasons, ACA and PaintCare see this as an opportune time for EPA to consider this request. Designating paint wastes as universal wastes in the federal regulations would help streamline regulatory requirements, ease the regulatory burden experienced by paint manufacturers, paint retailers, paint haulers, and paint recyclers, and facilitate responsible stewardship for paint wastes.

We welcome the opportunity to discuss this matter further and are ready to assist EPA in any manner that might be helpful to advance the designation of paint wastes as universal waste.

If you have any questions or need additional information, please do not hesitate to contact us, Heidi McAuliffe, Senior Vice President, Government Affairs at hmcauliffe@paint.org, or Suzanne Chang, Counsel, Government Affairs at schang@paint.org.

Sincerely,



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