



March 28, 2023

The Honorable Founq Hawj, Chair
Minnesota Senate Environment, Climate and Legacy
Committee

Re: Paint Stewardship Program changes in SF2438, Environment and Natural Resources
Omnibus Finance Bill

Chair Hawj and the members of the Senate Environment, Climate, and Legacy
Committee,

PaintCare and the American Coatings Association (ACA) are currently working closely with the Minnesota Pollution Control Agency (MPCA) to develop appropriate amendments to the authorizing statute for paint stewardship. We believe our efforts will be successful and that we will be in agreement on appropriate legislative language.

ACA is a voluntary, non-profit 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, suppliers, distributors, and technical professionals. ACA serves as an advocate for members on legislative, regulatory and judicial issues. We also provide a forum to showcase the paint and coatings industry's commitment to environmental protection, product stewardship, health and safety, and the advancement of science and technology. Many of today's paints and coatings may go unnoticed by the consumer, but they play immeasurably valuable roles in delivering high-quality foodstuffs, durable goods, housing, furniture and thousands of other products to market. In Minnesota, over 5,000 residents work in the manufacture, distribution, sale, and application of paint and coatings products and the average annual wage is approximately \$55,000.

PaintCare is the representative stewardship organization for the Minnesota Paint Stewardship Program codified in Chapter 115A Waste Management, Section 1415, of the Minnesota Statutes. The program currently works with over 260 year-round drop-off sites across Minnesota to collect postconsumer architectural coatings for recycling. Launched in November 2014, PaintCare has collected and processed over seven million gallons of paint from Minnesota consumers to date.



Development of the PaintCare Paint Stewardship Program

In the early 2000s, the paint industry began discussions with several non-governmental organizations and state and local governments with the goal of developing a nationally coordinated system for the management of postconsumer paint waste. This discussion was facilitated by the Product Stewardship Institute. After more than six years of discussions and negotiations, all of the parties agreed to the framework for a paint stewardship program for leftover architectural paint. One of the fundamental pillars of the program is that it would be operated by the industry, and it would supplant many of the responsibilities of governments currently managing the end of life of leftover paint.

This framework for a paint stewardship program is logical because the paint industry has a significant interest in ensuring the success of the program. The framework also requires complete and universal participation by the manufacturers of architectural paint in a given state. And the penalty for not registering with the stewardship organization is a ban on sales of architectural paint for any manufacturer that does not participate in an authorized paint stewardship program. Manufacturers of architectural paint in the state of Minnesota bear the burden of operating the program and meeting the requirements of the paint stewardship law. Should PaintCare fail to carry out its responsibilities under the statute, certain manufacturers will not be able to sell paint in the state of Minnesota. Consequently, decision-making, and operational authority should remain with the paint industry and its product stewardship organization with appropriate oversight by the state as reflected in the current language of the paint stewardship law.

The Current Negotiations

ACA and MPCA are currently discussing technical changes to the Paint Stewardship Program within Article 2, Sec. 47 of SF2438. There are three changes at issue in this discussion:

1. The Reserve Level for a Product Stewardship Organization;
2. The authority of an oversight agency and the role of the commissioner in the process of approving a program plan or its proposed amendments; and
3. The agency's ability to collect documents and information about the operation of the program.

We believe we have reached significant agreement on these issues with MPCA and anticipate that these changes will be presented shortly.

Thank you for your patience as we continue to work diligently with MPCA on these important issues.



AmericanCoatings
ASSOCIATION

If you have any questions or wish to discuss further, please contact me directly at hmcauliffe@paint.org or 202-329-1065.

Thank you in advance for your consideration.

Best regards,

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