



General Assembly

February Session, 2010

Raised Bill No. 5122

LCO No. 898

00898 _____ ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT ESTABLISHING A PAINT STEWARDSHIP PILOT PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) For purposes of this section
2 and section 2 of this act:

3 (1) "Architectural paint" means interior and exterior architectural
4 coatings sold in containers of one quart or more, including paints and
5 stains purchased for commercial or homeowner use. Architectural
6 paint does not include architectural coatings purchased for industrial
7 or original equipment manufacturer use.

8 (2) "Distributor" means a company that has a contractual
9 relationship with one or more manufacturers to market and sell
10 architectural paint to retailers.

11 (3) "Manufacturer" means a manufacturer of architectural paint.

12 (4) "Paint stewardship assessment" means the charge included in the
13 purchase price of architectural paint sold in the state to implement the
14 paint stewardship pilot program described in section 2 of this act.

15 (5) "Postconsumer paint" means architectural paint not used by the
16 purchaser.

17 (6) "Representative organization" means the nonprofit organization
18 created by manufacturers to implement the paint stewardship pilot
19 program described in section 2 of this act.

20 (7) "Retailer" means a person who sells architectural paint at retail.

21 Sec. 2. (NEW) (*Effective from passage*) (a) On or before September 1,
22 2011, manufacturers of architectural paint sold at retail in this state
23 shall, through a representative organization, implement a state-wide
24 paint stewardship pilot program that minimizes public sector
25 involvement in the management of postconsumer paint by reducing its
26 generation, promoting its reuse and recycling, and negotiating and
27 executing agreements to collect, transport and process postconsumer
28 paint for end-of-life management in an environmentally sound
29 fashion.

30 (b) (1) A paint stewardship assessment, as established pursuant to
31 subdivision (3) of this subsection, shall be included in the cost of all
32 architectural paint sold to retailers and distributors in this state. Each
33 such retailer or distributor shall include such assessment in the
34 purchase price of all architectural paint sold in this state.

35 (2) Such pilot program shall include a funding mechanism that
36 allows each architectural paint manufacturer to remit to the
37 representative organization payment of a paint stewardship
38 assessment for each container of architectural paint it sells in this state.

39 (3) The representative organization shall establish a uniform paint
40 stewardship assessment for all architectural paint sold in this state.
41 Such paint stewardship assessment shall not exceed thirty-five cents
42 per container of architectural paint. The amount of such paint
43 stewardship assessment shall be reviewed by the Commissioner of
44 Environmental Protection to assure that such assessment does not

45 exceed the costs of the paint stewardship pilot program.

46 (c) Paint manufacturers or the representative organization described
47 in subsection (a) of this section shall provide consumers with
48 educational materials regarding the paint stewardship assessment and
49 paint stewardship pilot program. Such materials shall include, but be
50 limited to, information that notifies consumers that a charge for the
51 operation of such paint stewardship program is included in the
52 purchase price of all architectural paint sold in the state.

53 (d) Paint retailers may participate as paint collection points
54 pursuant to such pilot program on a voluntary basis.

55 (e) Any manufacturer or representative organization that organizes
56 the collection, transport and processing of postconsumer paint, in
57 accordance with the paint stewardship pilot program described in
58 subsection (a) of this section, shall be immune from liability for any
59 claim of a violation of antitrust, restraint of trade or unfair trade
60 practice provided such organizing, transporting or processing, as
61 applicable, is necessary to implement such pilot program.

62 (f) On or before October 15, 2012, the representative organization
63 shall submit a report to the Commissioner of Environmental Protection
64 that details such paint stewardship pilot program. Such report shall
65 include, but not be limited to: (1) A description of the methods used to
66 collect, transport and process postconsumer paint in the state; (2) the
67 volume of postconsumer paint collected in the state; (3) the volume of
68 postconsumer paint collected in the state by method of disposition,
69 including reuse, recycling and other methods of processing; (4) the
70 total cost of implementing such pilot program, as determined by an
71 independent financial audit funded from the paint stewardship
72 assessment; (5) an evaluation of the operation of the pilot program's
73 funding mechanism; (6) samples of educational materials provided to
74 consumers of architectural paint and an evaluation of the methods
75 used to disseminate such materials; and (7) an analysis of the
76 environmental costs and benefits of collecting and recycling latex

77 paint. Any data contained in such report shall not be subject to
78 disclosure pursuant to chapter 14 of the general statutes provided the
79 Commissioner of Environmental Protection may release a summary
80 form of such data that does not identify individual manufacturers,
81 distributors or retailers, or any other characteristics that could
82 uniquely identify an individual manufacturer, distributor or retailer.

83 (g) Not later than January 15, 2013, the Commissioner of
84 Environmental Protection, in accordance with section 11-4a of the
85 general statutes, shall submit a report to the joint standing committee
86 of the General Assembly having cognizance of matters relating to the
87 environment that describes the results of the paint stewardship pilot
88 program and recommends whether the pilot program shall be made
89 permanent and, if so, any suggested modifications to improve the
90 functioning and efficiency of the pilot program.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section

Statement of Purpose:

To establish a paint stewardship pilot program.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]