

Proposed Regulations for Architectural Paint Recovery Program



Assembly Bill 1343

Architectural Paint Recovery Program

Effective July 1, 2012, a paint manufacturer or designated stewardship organization is required to implement a recovery program to reduce the generation of postconsumer paint, promote the reuse of postconsumer architectural paint, and manage the end-of-life of postconsumer architectural paint, in an environmentally sound fashion, including collection, transportation, processing, and disposal.



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Architectural Paint Recovery Program

CalRecycle's Responsibilities

- Enforce the Program
- Review Stewardships Plans
- Review Annual Reports
- Provide Oversight

Proposed Regulation Components

- Definitions
- Submittal Instructions
- Stewardship Plan Approval Criteria
- Annual Report Acceptance Criteria
- Civil Penalties
- Record Keeping Requirements
- Trade Secret Information
- Service Payments to CalRecycle



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Timeline

September 28, 2010	AB 1343 was adopted.
March 10, 2011	CalRecycle hosted a public regulatory workshop
April 12, 2011	CalRecycle approved proposed regulations to begin formal rulemaking process.
June 2011	Begin Formal Rulemaking Process (Submit Application to the Office of Administrative Law – 45-Day Public comment period will follow).
January 2012	Regulatory process to be completed.
April 1, 2012	Stewardship plan to be submitted to CalRecycle.
July 1, 2012	Stewardship plan to be approved by CalRecycle and implemented by the stewardship organization.

Proposed Regulations for Architectural Paint Recovery Program

Purpose:

Clarify AB 1343 and establish administrative procedures to enforce uniform compliance by manufacturers

Definitions:

- Added more definitions for clarity
- **“Service Provider”** – entities such as local HHW programs and retailers, contracted by the manufacturer to provide collection services for architectural paint
- **“Operational Costs”** – costs to operate a paint stewardship program, including collection, transportation, processing, disposal, and education and outreach costs
- Did not further define “Architectural Paint”, since it is already in the statute and if too limited in scope, may not have the flexibility to incorporate new related products overtime

Note: Our letter to the state also emphasized reimbursement of administrative costs related to paint management

Proposed Regulations for Architectural Paint Recovery Program

Stewardship Plan Approval Criteria

Elements	Description
Contact Information	Identify manufacturers participating in the plan
Scope	Describe method of paint collection and management
Program Goals and Activities	<ul style="list-style-type: none">• Reduce generation of postconsumer paint• Promote the reuse of postconsumer paint• Properly manage end of life postconsumer paint, including recovery and recycling <p>Note: Our letter to the state also recommended including a Program Expansion Goal</p>
Solid Waste Management Hierarchy	Maintain consistency with state's solid waste management hierarchy; source reduction, recycling, and environmentally safe transformation and safe land disposal

Proposed Regulations for Architectural Paint Recovery Program

Stewardship Plan Approval Criteria

Elements	Description
Collection Systems	Describe collection methods, destination for reuse activities, best management practices, convenient collection locations, and retail participation
Market Development	Describe incentives/methods to increase recycling of and develop markets for collected materials
Financing Mechanism	Include mechanism for sufficient funding to recover , but not exceed cost of stewardship program
Education and Outreach	Efforts to consumers, contractors, and retailers to promote source reduction and recycling Note: Our letter to the state recommended targeted outreach to retailers to solicit participation; also recommended comprehensive statewide campaign and regional outreach strategies

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Financing Mechanism

Assessment Charges – the amount added to the purchase price of paint sold in the state to cover stewardship implementation costs

Stewardship Program
Recovery Fee

Manufacturer
adds fee

Retail adds
fee

Consumer
pays the fee



Proposed Regulations for Architectural Paint Recovery Program

Stewardship Plan Approval Criteria

Elements	Description
Program Performance Measurement	Describe how goals will be measured
Stakeholder Consultation	Include process of consultation with HHW collection programs and other stakeholders, in considering of current infrastructure in the development of the plan
Audits	Provide access to independent financial audit and other program data; results to be included in annual reports



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Annual Report Compliance Criteria

- **Contact Information**
- **Executive Summary**
- **Scope**
- **Program Outline**
- **Market Development**
- **Financing Mechanism**
- **Education and Outreach**
- **Audits**



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Civil Penalties

- Any manufacturer or retailer that offers paint for sale in CA is subject to enforcement
- Amount of civil penalties will be based on
 - What violations occurred
 - Severity of violations
- Established a base penalty table
- Established criteria and procedure for imposing a penalty

Proposed Regulations for Architectural Paint Recovery Program

Record Keeping Requirements

- Records relevant to the program shall be maintained for 3 years
- Shall be made accessible for audit by CalRecycle, or its agent

Service Payments to Cal Recycle

- CalRecycle shall determine and issue an invoice to the stewardship organization for cost to administer each stewardship plan
- A plan shall be revoked if payment not received; may be reinstated upon payment

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