



Paint Product Stewardship Policy

Program Name: Solid Waste Management and Hazardous Waste and Toxics Reduction Programs

Date Issued: This policy will take effect when the PaintCare program becomes operational in Washington and will remain in effect until rescinded.

Date(s) of Substantive Updates: Not applicable at this time.

References: Chapter 70.375 RCW, Chapter 173-303 WAC, Chapter 173-350 WAC

Purpose: To provide an interim solution allowing the collection of Program paint through enforcement discretion of the state's dangerous and solid waste regulations.

Application: This policy statement applies to generators of waste paint who meet the definition of "covered entity" in [RCW 70.375.020](#)¹ and use the Program to manage their waste paint. It also applies to collection sites operating under the Program.

Overview

Nationally, an estimated ten percent of architectural paint purchased becomes leftover paint. Most recycling programs, if they collect it at all, only collect a fraction of leftover paint, missing significant opportunities to reduce, reuse, and recycle. Instead, residents must dry out paint or mix it with cat litter before disposing of it in the garbage; a messy and time consuming process. To provide a better option for managing leftover paint, the Washington Legislature passed a law requiring paint manufacturers to fund and operate a paint collection and recycling program. This type of program, where manufacturers are responsible for their products once consumers are done with them, is called product stewardship, or extended producer responsibility. The paint product stewardship program created under Chapter 70.375 Revised Code Washington (RCW), is referred to in this document as the "Program."

Why do we need this policy?

The purpose of this policy is to provide an interim solution allowing the collection of Program paint from dangerous waste generators as defined in [WAC 173-303-040](#)² (including small quantity generators [SQGs], medium quantity generators [MQGs] and large quantity generators [LQGs]), at approved collection sites, through enforcement discretion of the state's dangerous waste and solid waste regulations. The policy addresses the type of material (architectural paint), who can participate in the program (covered entities), and how the paint must be collected and managed.

Goals of a paint product stewardship program:

- Provide convenient opportunities for consumers to recycle leftover paint;
- Provide financial relief to local governments managing leftover paint;
- Keep paint out of the waste stream; and
- Conserve natural resources.

¹ <https://app.leg.wa.gov/rcw/default.aspx?cite=70.375.020>

² <https://app.leg.wa.gov/wac/default.aspx?cite=173-303-040>

What “paint” is covered by this policy?

This policy only applies to paint managed through the Program, operating under, and compliant with, an Ecology approved Program plan as described in [RCW 70.375.030](#)³ and [RCW 70.375.040](#)⁴. [RCW 70.375.020](#)¹ defines “architectural paint” as interior or exterior architectural coatings, sold in a container

More detailed information about the products covered by the Program can be found at PaintCare’s website: <https://www.paintcare.org/>.

of five gallons or less. It specifically excludes industrial coatings, original equipment coatings, and specialty coatings. In general, the Program covers house paint and primers, stains, sealers, and clear coatings (for example, shellac and varnish) but does not cover solvents and products intended for industrial use. The Program also does not cover aerosols (spray cans). The Program only accepts the product in its

original container, which must have the manufacturer’s printed label, a secured lid, and not be leaking. Paint covered by this policy may or may not be designated as dangerous waste. This policy discusses two general categories of paint: latex and oil-based; but it is intended to cover any paint that meets the statutory definition.

Who does this policy apply to?

This policy applies to generators of waste paint who meet the definition of “covered entity” in [RCW 70.375.020](#)¹ and use the Program to manage their waste paint. The definition takes into consideration both whose paint and the type of paint. The Program will accept latex paint from any generator: households, small quantity generators, medium quantity generators, and large quantity generators. The Program will accept oil-based paints only from households and small quantity generators. The policy also applies to collection sites operating under and compliant with an Ecology approved Program plan as described in [RCW 70.375.030](#)³ and [RCW 70.375.040](#)⁴.

[RCW 70.375.020](#)¹ defines covered entity as any: (a) Household; (b) conditionally exempt small quantity generator of leftover oil-based and latex architectural paint; or (c) generator of dangerous waste as defined in RCW 70.105.010 that brings leftover architectural latex paint to a paint program collection site operating under an approved Washington state paint stewardship plan.

How does the policy address latex paint?

The intent of the Program under [RCW 70.375.010](#)⁵ is to manage paint according to the waste hierarchy: source reduction, reuse, recycling, and energy recovery and disposal. A majority of latex paint collected in the Program is directly reused or recycled into new paint. This type of management qualifies as exempt legitimate recycling, conditionally exempt from dangerous waste regulation under [WAC 173-303-017](#)⁶.

This policy allows leftover latex paint generated by a household, SQG, MQG, or LQG to be collected under the Program, at collection sites operating under and in compliance with an Ecology-approved Program plan, without being subject to dangerous waste management requirements. However, latex paint must be reused or legitimately recycled into new paint to the maximum extent possible. For the

³ <https://app.leg.wa.gov/RCW/default.aspx?cite=70.375.030>

⁴ <https://app.leg.wa.gov/RCW/default.aspx?cite=70.375.040>

⁵ <https://app.leg.wa.gov/RCW/default.aspx?cite=70.375.010>

⁶ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-017>

fraction of latex paint that cannot be reused or recycled, this policy allows for it to be used in concrete products, burned for energy recovery, or sent to a solid waste landfill for disposal. Any other management method must be expressly approved by Ecology. Latex paint that is not recycled will not be considered newly generated solid waste subject to designation under [WAC 173-303-070](#)⁷, providing that the unrecyclable paint is managed in the ways described above.

What about oil-based paints?

Oil-based architectural paints typically designate as dangerous waste (code D001, ignitable). Because there are no recycling options for oil-based paints, they are usually burned for energy recovery or incinerated at a permitted treatment, storage, or disposal facility (TSD). This means that the legitimate recycling exemption, discussed above for latex paint, does not apply.

Where does the paint go? The Program contracts with dangerous waste haulers for regular pickup of paint from the collection sites. Paint is then shipped to either recycling or reuse facilities or permitted TSDs.

SQGs: By identifying them as “covered entities,” Chapter 70.375 RCW specifically allows SQGs to bring their oil-based dangerous waste paint (compliant with the list of Program-accepted products) to collection sites under the Program.

MQGs and LQGs: The Program **does not accept** oil-based paints, or other dangerous wastes, from MQGs and LQGs. MQGs and LQGs must continue managing oil-based paint as fully regulated dangerous waste.

[RCW 70.375.040](#)⁴ requires the Program to follow environmentally sound management practices defined as: practices that comply with all applicable laws and rules to protect workers, public health, and the environment, provide for adequate record keeping, tracking and documenting the fate of materials within the state and beyond, and include environmental liability coverage for the stewardship organization.

The Program is required to follow environmentally sound management practices, and the oil-based paints collected through the Program must ultimately be delivered to a permitted TSD. **Therefore, this policy allows SQG generated oil-based paint (and similar Program-accepted products) to be collected under the Program at collection sites operating under and in compliance with an Ecology-approved Program plan without full compliance with the SQG disposal requirements under [WAC 173-303-171](#)⁸.**

⁷ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-303-070>

⁸ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-303-171>

Collection Sites

[RCW 70.375.040](#)⁴ requires the Program to establish a convenient network of permanent paint collection sites, supplemented with collection events in areas where there are not enough permanent sites. For the purposes of this policy, the term “collection site” includes any supplemental collection events, including large volume pickups. To reach the legal standard (ninety percent of the population must have a permanent collection site within a fifteen-mile radius), the collection network will include permitted solid waste facilities, paint retail sites, and some reuse outlets.

Large volume pickup is a service provided to covered entities with more than 200 gallons of Program Paint. More information can be found at PaintCare’s website:

<https://www.paintcare.org/pickup/>

The Program contracts with all collection sites. Part of the contractual agreement includes training for collection site personnel and agreement that Ecology-approved procedure manuals will be followed. The law gives Ecology authority to inspect and enforce compliance at Program collection sites.

The law requires the Program to manage collected paint according to the waste management hierarchy using environmentally sound management practices. **Therefore, this policy allows collection sites operating under and in compliance with an Ecology-approved Program plan to collect Program-accepted products without obtaining a solid waste permit, unless the site is required to obtain a permit as a result of activities not directly associated with the Program.** This means that collection sites and collection events approved by Ecology through the Program plan will be able to collect latex paint from households, SQGs, MQGs, and LQGs; and oil-based paints and other Program-accepted products from households and SQGs.

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To request an ADA accommodation, contact Ecology by phone at 360-407-6963 or email at Megan.Warfield@ecy.wa.gov. For Washington Relay Service or TTY call 711 or 877-833-6341. Visit Ecology’s website at for <https://ecology.wa.gov/accessibility> more information.

What am I required to do?

If you are a regulated generator (SQGs, MQGs, LQGs) managing paint under this policy, or a collection site collecting Program paint, you must meet the conditions outlined below. (Note that Ecology will consider future rulemaking in support of paint product stewardship and to replace this interim policy).

- All paint delivered to/received by a Program collection site must meet the definition of architectural paint and comply with other Program acceptance policies;
- Program paint containers must be managed separately from other dangerous waste containers;
- Paint containers and collection bins must be in good condition and not show signs of leakage;
- Paint containers must have legible original printed manufacturer labeling, and collection bins must be labeled to indicate that only Program paint should be placed inside;
- Paint containers and collection bins must be stored away from ignition sources and away from storm drains;
- Nothing may be added to paint containers or collection bins other than Program-accepted products;
- Paint containers and collection bins must be protected from precipitation;
- Generators may self-transport paint to a Program collection site or use a contracted hauler; and
- Ensure that paint is handled in a manner that prevents a spill or release of hazardous substances to the environment and prevents exposure of the public to hazardous substance.

Additional conditions specific to SQGs:

- Designate oil-based paints and count them towards generator status determination;
- Keep documentation of oil-based paint disposal for three years; and
- Be prepared to verify generator status to Program collection site staff.

Additional conditions specific to Program collection sites:

- Adhere to the Ecology-approved Program procedures manual;
- Do not accumulate paint on-site for more than 180 days (unless under 50 gallons);
- Control public access and prevent unauthorized access to collection bins;
- Notify Ecology of any spills or discharges of paint to the environment within twenty-four hours of knowledge of an incident (per WAC 173-303-145 for regulated generators);
- Allow inspections by Ecology or jurisdictional health departments at reasonable times; and
- Ensure that personnel handling the paint are properly trained and know how to respond to emergencies.

For more information:

Department of Ecology's paint website: <https://ecology.wa.gov/Waste-Toxics/Reducing-recycling-waste/Paint-stewardship>

PaintCare's website: <https://www.paintcare.org/>