

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

James Arciero

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to paint recycling.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>1/15/2025</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/15/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to paint recycling.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 21H of the General Laws is hereby amended by adding the
2 following section:-

3 Section 9. (a) As used in this section, the following words shall have the following
4 meanings unless the context clearly requires otherwise:

5 “Aerosol coating product”, a pressurized coating product containing pigments or resins
6 dispensed by means of a propellant and packaged and sold in a disposable aerosol container for
7 handheld application, or for use in specialized equipment for ground traffic or marking
8 applications.

9 “Architectural paint”, interior and exterior architectural coatings sold in containers of 5
10 gallons or less. “Architectural paint” shall not include industrial or original equipment.

11 “Collection site”, any location or event at which paint is accepted into a postconsumer
12 paint stewardship program pursuant to a postconsumer paint stewardship program plan.

13 “Department”, the department of environmental protection.

14 “Environmentally sound management practices,” procedures for the collection, storage,
15 transportation, reuse, recycling, energy recovery, and disposal of paint, that comply with all
16 applicable federal, state and local laws, including adequate record keeping, tracking and
17 documenting of the final disposition of materials and appropriate environmental liability
18 coverage.

19 “Household waste”, household waste as defined in 40 CFR § 261.4(b)(1).

20 “Postconsumer paint”, paint not used and no longer wanted by a purchaser.

21 “Manufacturer”, manufacturer of paint product who sells, offers for sale or distributes the
22 paint product in the State under the manufacturer’s own name or brand.

23 “Paint or Paint product,” architectural paint, aerosol coating products, and additional
24 products as defined in a program plan. “Paint” or “Paint product” shall not include industrial or
25 original equipment.

26 “Program”, a postconsumer paint stewardship program established pursuant to paragraph
27 (b).

28 “Recycling”, the separation and reuse or remanufacture of materials which might
29 otherwise be disposed of as solid waste.

30 “Representative organization”, a nonprofit organization established by a manufacturer to
31 implement a postconsumer paint stewardship program.

32 “Retailer”, a company that offers paint or other allied products for retail sale in the
33 commonwealth.

34 “Very Small Quantity Generators”, very small quantity generators as defined in 40 CFR §
35 260.10.

36 (b)(1) A manufacturer of paint sold at retail in the commonwealth or representative
37 organization shall submit to the commissioner a plan for the establishment of a postconsumer
38 paint product stewardship program to cover architectural paint and aerosol coatings. Additional
39 paint products may be proposed in a subsequent program plan in consultation with the
40 department.

41 (2) A plan submitted to the department under this section shall:

42 (i) Provide a list of participating manufacturers and brands covered by a program.

43 (ii) Provide information on the paint products covered by the program.

44 (iii) Establish a goal for the number and geographic distribution of collection sites for
45 postconsumer paint products.

46 (iv) Describe how paint products covered by a program will be managed using
47 environmentally sound management practices.

48 (v) Describe education and outreach efforts to inform consumers about a program.

49 (vi) Describe any added fee to paint products sold in the commonwealth as a result of a
50 program.

51 (3) An independent auditor, selected in consultation with the department, shall verify that
52 the amount added to each container of a paint product will not exceed the costs to operate and
53 sustain a program in accordance with sound management practices. The cost of any work
54 performed by such independent auditor shall be funded by a program.

55 (4) Not later than 90 days after submission of a plan under this paragraph, the
56 commissioner shall make a determination in writing, whether to approve a plan as submitted or
57 disapprove a plan.

58 (5) The department shall enforce an approved program plan and may, by regulation,
59 establish enforcement procedures.

60 (c) A plan required by paragraph (b) shall be submitted within 12 months after the paint
61 stewardship law's effective date. The department may extend the time for submission of the plan
62 for cause shown.

63 (d)(1) A manufacturer or retailer shall not sell, or offer for sale, a paint product to any
64 person in the commonwealth unless the manufacturer or manufacturer's representative
65 organization is implementing an approved program plan as required by paragraph (b).

66 (2) A retailer shall be in compliance with this paragraph if, on the date the paint product
67 was offered for sale, the manufacturer is listed on the department's website as implementing or
68 participating in an approved program plan, or if the paint brand is listed on the department's
69 website as being included in the program.

70 (3) A paint collection site authorized under the provisions of this section shall not charge
71 any additional amount for the management of paint when it is offered for collection.

72 (4) Each manufacturer, distributor, and retailer shall include the per-container fee
73 amount set forth in an approved plan in the purchase price of any paint product sold in or into the
74 commonwealth. Retailers may incorporate the fee as part of the price amount displayed to
75 consumers of paint products. Retailers are not required to incorporate the fee as part of the price
76 amount displayed to consumers for paint products, provided that those retailers make
77 information about the fee available to consumers of paint products prior to purchase.

78 (e) A manufacturer or representative organization implementing or participating in a
79 program shall not be liable for any claim of a violation of antitrust, restraint of trade, unfair trade
80 practice, or other anticompetitive conduct arising from conduct undertaken in accordance with a
81 program.

82 (f) A manufacturer or representative organization implementing a program shall submit a
83 report annually to the commissioner that details the program.

84 (g) Financial, production or sales data reported to the department by a manufacturer or
85 by the representative organization shall not be subject to disclosure, but the commissioner may
86 release a summary form of such data that does not disclose financial, production or sales data of
87 the manufacturer, retailer or representative organization.

88 (h) A program shall be implemented within 6 months of the date that the manufacturer or
89 representative organization program plan is approved. The department may extend the date of
90 implementation for good cause shown.

91 (i)(1) Generators of household wastes and very small quantity generators are authorized
92 to transport or send their paint products to a paint collection site to the extent permitted by the
93 program approved by the commissioner.

94 (2) Notwithstanding any general or special law to the contrary, paint collection sites are
95 authorized to collect and temporarily store paint products generated by persons specified in
96 subsection (1) in accordance with the requirements of the program.

97 (3) Nothing in this section shall be construed as restricting the collection of postconsumer
98 paint products by a stewardship program where such collection is authorized under any other
99 laws or regulations.

100 (4) Nothing in this section shall be construed to affect any requirements applicable to
101 facilities that treat, dispose, or recycle postconsumer paint products under an otherwise
102 applicable law, rule or regulation.