

New York Enacts Legislation Requiring Paint Manufacturers to Establish a Program for Collection and Recycling of Unused Consumer Paint

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New Yorkers will soon have a convenient way to ensure that their unwanted and unused paints are properly recycled. On December 16, 2019, Governor Cuomo signed into law the Postconsumer Paint Collection Program, a law that requires paint producers to collect, transport, reuse, recycle, and properly dispose of postconsumer paint in an environmentally sound manner. It applies to “architectural paint,” or “interior and exterior architectural coatings sold in containers of five gallons or less.” Architectural paint does not include industrial, original equipment or specialty coatings.

The law requires paint producers (either individually or collectively, for example through a non-profit organization) to register with the New York Department of Environmental Conservation (“NYDEC”) by July 1, 2020, and pay a registration fee. As part of the registration process, each producer or collective organization must submit its plan to comply with the new law, including its paint acceptance program, treatment, storage, transportation and disposal plan, and a list of locations within New York where consumers may drop off unused paint (which may include some municipal waste collection facilities, retail stores, and other facilities).

Within 6 months after NYDEC approves the plan (or by January 1, 2021, if that comes later), the producers or collective organization must begin to implement their plans for collection and recycling/reuse/disposal of unused consumer paint. Paint manufacturers must also provide educational materials to help raise consumer awareness of the unused paint collection program.

The program will be financed by a new fee added to the price of architectural paint sold to retailers and distributors in the state (which may be passed on to consumers). The collection sites identified in the plan of the producers or collective organization are prohibited from charging for receipt of the postconsumer paints.

Other states have [already enacted](#) similar paint stewardship programs, with help from the American Coatings Association and the Product Stewardship Institute.

This law is yet another step forward for New York’s growing [Product Stewardship Initiative](#) to address the health, safety, environmental, and social impacts of products and their packaging throughout all lifecycle stages. The State has adopted mandatory product stewardship requirements for managing

several categories of products at their end of life, including electronics, rechargeable batteries, and mercury thermostats. It has more limited programs for other end-of-life products, including beverage containers, cell phones, plastic bags, lead-acid batteries, and waste tires.

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