



PA 26-107—sSB 147
Environment Committee

AN ACT CONCERNING A STUDY ON THE NEED FOR EXTENDED PRODUCER RESPONSIBILITY FOR ELECTRONIC NICOTINE DELIVERY SYSTEMS AND VAPOR PRODUCTS AND INCLUDING AEROSOL PAINTS UNDER THE PAINT STEWARDSHIP PROGRAM

SUMMARY: This act (1) expands the existing architectural paint extended producer responsibility (EPR) program and plan to include aerosol coating products and (2) requires producers of those products to either participate in an approved paint stewardship plan that includes aerosol coatings by that plan's implementation date or be banned from selling those products in Connecticut. Among other things, the paint EPR expansion:

1. requires, by July 1, 2028, all producers of aerosol coating products to join a representative organization, and that organization to submit to the Department of Energy and Environmental Protection (DEEP) commissioner for approval, an EPR plan (or updated plan) that includes all paint products (architectural paint and aerosol coating products);
2. extends the time the DEEP commissioner has to decide on an EPR plan (or an update under the act) from two months to three months after submission;
3. extends the implementation time for an approved EPR plan (or update) after approval from two months to six months;
4. permits approved EPR plans to remain in effect until any plan updates are implemented;
5. requires that updates to the paint stewardship assessment only be submitted as part of a paint EPR plan or update, instead of every two years as under prior law;
6. bans producers, distributors, and retailers from selling or offering for sale any architectural paint product to consumers in Connecticut if the product's producer does not participate in the paint EPR;
7. beginning when an approved paint EPR program including aerosol coatings is implemented, bans producers, distributors, and retailers from selling or offering for sale any paint product to consumers in Connecticut if the product's producer does not participate in the updated paint EPR program;
8. requires producers or the stewardship organization to provide educational materials on paint products, rather than only architectural paint; and
9. authorizes DEEP, beginning July 1, 2027, to charge a yearly fee of up to \$50,000 to the representative organization that implements an approved paint EPR plan for administering and enforcing the paint EPR program (the fee must include all fees charged annually by the commissioner to the representative organization).

The act also makes technical and conforming changes.

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EFFECTIVE DATE: October 1, 2026

PAINT EPR EXPANSION

The act broadly expands an existing architectural paint EPR program to cover “paint products,” which are architectural paints and aerosol coating products, but not health or beauty products.

Under the act, “aerosol coating products” are any pressurized coating products that (1) contain pigments or resins dispensed by propellant and (2) are packaged and sold in disposable aerosol containers for handheld application or for use in specialized equipment for ground traffic or marking applications. They do not include any paint thinner, paint remover, graffiti remover, or caulking compound that contains no appreciable level of opaque fillers or pigments.

Under the act and existing law, “architectural paint” is any interior and exterior architectural coatings sold in containers of five gallons or less, not including industrial, original equipment, or specialty coatings.

Paint EPR Plan

Under prior law, architectural paint producers were responsible for managing the paint EPR program by establishing and participating in a paint stewardship representative organization. The organization had to develop and submit a plan to DEEP on minimizing public sector involvement in managing unused and unwanted architectural paint. The act requires, by July 1, 2028, all aerosol coating product producers to join the representative organization and that organization to submit to DEEP a plan, or an update to an existing plan, to cover all paint products, including unused and unwanted products (postconsumer paint).

Under the act, a “producer” is any paint product manufacturer that sells, offers for sale, distributes, or contracts to distribute, paint products (instead of just architectural paint producers as under prior law).

DEEP Determination and Plan Implementation

Under prior law, the DEEP commissioner had to approve plans, and decide on submitted plans, within two months of submission. The act (1) extends this timeline to three months and (2) additionally applies this authority to plan updates.

Under prior law, plans must have been implemented within two months of approval. The act (1) extends this timeline to six months, (2) includes the implementation of plan updates, and (3) requires currently approved plans to remain in effect until any new plan update is implemented.

Paint Assessment Proposals

Prior law required the stewardship organization, in every odd year, to propose a uniform paint stewardship assessment for all architectural paint sold in Connecticut. Under prior law and the act, the assessment is an amount added to the

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purchase price to cover the stewardship organization's cost of collecting, transporting, and processing postconsumer paint. The act instead requires (1) that an updated assessment be only proposed as part of a new plan or update to an existing plan, instead of every two years, and (2) the assessment to cover all paint products. The act otherwise maintains the existing independent review and implementation process for the assessment.

Organizational Participation

Under prior law, producers, distributors, and retailers could not sell, or offer for sale, an architectural paint product in Connecticut if the product's producer was not a member of the stewardship organization. The act instead requires that they participate in an approved paint EPR program, instead of being an organizational member. Additionally, beginning when a paint EPR program that includes aerosol coatings is implemented, the act requires all producers, distributors, and retailers of paint products to participate in the approved paint EPR program to sell those products in Connecticut.

The act also specifies that a retailer or distributor does not violate the prohibition if the producer or paint brand was listed on DEEP's website under the law when the paint was ordered from the producer or its agent. Under prior law, the provision only applied to architectural paint.

By law and under the act, DEEP may seek civil enforcement of the paint EPR program.

Educational Materials

By law, producers or the stewardship organization must give consumers educational materials on the paint stewardship assessment and EPR program. The act further specifies that these materials must at least cover available end-of-life management options for all paint products, rather than just architectural paint. As under existing law, the organization must also give samples of these materials to DEEP.