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Paint Stewardship Program/Management of Postconsumer Paint: Maryland Legislature Enacts Requirement for Planned Development

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The Maryland Legislature has passed a Bill which addresses management of postconsumer paint sold at retail in Maryland.

The Bill is denominated HB 1.

Producers of architectural paint or a representative organization would be required to submit a plan for the establishment of a Paint Stewardship Program to the Maryland Department of Environment (“MDE”).

The MDE’s role is to review and approve plans pursuant to certain criteria.

HB 1 would also require that a producer of architectural paint or a representative organization acting on behalf of the producer:

- Pay a plan review fee to MDE.
- Implement the program within six months after approval.
- Submit annual reports for MDE review.
- Pay annual report review fees to MDE.

The legislation also establishes:

- A uniform Paint Stewardship assessment for architectural paint sold in Maryland to cover program cost.
- Prohibits the sale of architecture paint unless the producer or its representative organization is implementing an approved Paint Stewardship Program.

HB 1 provides certain penalty provisions for violations.

The Paint Stewardship Program plan is required to minimize public-sector involvement in and financial responsibility for the management of postconsumer paint by:

- Reducing its generation.
- Promoting its reuse and recycling.
- Negotiating and executing agreements to collect, transport, reuse, recycle, process for resource recovery, and dispose of postconsumer paint.

- Provide for convenient and available statewide collection of postconsumer paint as specified.

Retailers are eligible to participate as a postconsumer paint collection site if:

- The retailer volunteers.
- Is in compliance with all applicable laws and regulations.
- The site location is consistent with maintaining a cost-effective network of postconsumer paint collection locations.

HB 1 provides immunity from liability for a producer or representative organization that organizes the collection, transport, and processing of postconsumer paint in accordance with the program. Immunity is extended for any claim related to violation of antitrust, restraint of trade, or unfair trade practice arising from conduct undertaken in accordance with the program.

A copy of HB 1 can be downloaded [here](#).