
Environment & Energy Committee

HB 2301

Brief Description: Concerning extended producer responsibility requirements associated with paint.

Sponsors: Representatives Peterson, Fitzgibbon, Reed, Parshley, Duerr, Doglio, Gregerson, Ormsby, Goodman and Macri.

Brief Summary of Bill
<ul style="list-style-type: none">• Adds aerosol coating products, coating-related products, and non-industrial coatings to the Architectural Paint Product Stewardship Program.

Hearing Date: 1/22/26

Staff: Jacob Lipson (786-7196).

Background:

The Legislature has enacted laws that require the establishment of extended producer responsibility or product stewardship (EPR) programs for the management of seven types of products: (1) electronic products; (2) light bulbs that contain mercury; (3) photovoltaic solar panels; (4) pharmaceuticals; (5) architectural paint; (6) batteries; and (7) packaging and paper products.

Under the Architectural Paint Stewardship Program, producers of interior or exterior architectural paint sold in containers of 5 gallons or less are required to participate in an approved stewardship plan and fund a paint stewardship organization. The paint stewardship organization must propose and receive approval from the Department of Ecology (Ecology) to implement a plan that, among other criteria:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

- collects leftover oil-based and latex-based architectural paints from households and small quantity generators, as well as latex-based paint from regulated generators that bring leftover paint to a collection site;
- manages collected paints using both environmentally and economically sound practices and prioritizes the following waste management options in descending order: paint reduction, reuse, recycling, and energy recovery and disposal;
- provides reasonably convenient and available statewide collection and must utilize existing solid waste services and facilities, including public and private waste collection services and existing paint retail stores as collection sites, when cost-effective and mutually agreeable;
- uses geographic modeling to ensure that the distribution of collection sites in rural and urban areas meets certain criteria, including a requirement that collection service be provided within 15 miles of 90 percent of the state's population, and that there be one additional collection site for every 30,000 residents of an urbanized area or for every urban cluster of at least 30,000 residents, as defined by the US Census Bureau; and
- is funded by paint producers based on a uniform assessment levied on the sales of architectural paint that categorizes the sizes of paint containers sold at retail, establishes a uniform assessment that applies to each category of container size, and adds a per-can assessment to the price of the paint sold at retail.

The Packaging and Paper Products EPR Program established by the 2025 Recycling Reform Act does not apply to packaging associated with products managed through a paint stewardship plan managed under the Architectural Paint Stewardship Program.

Summary of Bill:

The Architectural Paint Stewardship Program's scope is expanded to include the following additional paint product types:

- aerosol coating products dispensed by a propellant and packaged in a disposable container for handheld application or for specialized equipment use in ground traffic or marking applications;
- coating-related products in containers of 5 gallons or less such as paint additives, paint removers, sealants, surface preparers, and surface adhesives; and
- non-industrial coatings such as arts and crafts paints, furniture oil and paint, and wood preservatives.

Paint stewardship organizations must update their plans to address the expanded scope of paint products by July 1, 2027, and must implement the updated plan by the later of July 1, 2028, or within 6 months of Ecology's approval of the plan. Retailers may sell a purchased paint product that is newly included within the scope of the Paint Product Stewardship Program prior to the later of July 1, 2028, or 6 months after Ecology's approval of the updated paint stewardship organization plan. The paint stewardship organization is no longer required to use existing paint retail stores as collection sites where cost-effective and mutually agreeable.

In general, the newly-included paint products are treated identically to architectural paint for Paint Product Stewardship Program implementation requirements, except that:

- the requirement that 90 percent of Washington residents must have a permanent collection site within a 15 mile radius applies only to architectural paint collection sites;
- the requirement that one additional collection site be established for every 30,000 residents of an urbanized area designated by the US Census Bureau and for every urban cluster of at least 30,000 residents designated by the US Census Bureau applies only to architectural paint. This standard is also changed to a standard of at least one additional collection site for every 50,000 residents of an urban area designated by the US Census Bureau, or a similar new or updated designation of urban locations by the US Census Bureau;
- the paint product stewardship assessment added to the price of paint products sold at retail must be of a uniform assessment amount across each paint product type covered by the Paint Product Stewardship Program; and
- the paint stewardship organization's annual reporting requirements related to paint products other than architectural paints is limited to reporting the volume of paint products collected in the preceding fiscal year, including any increase in the volume collected, and the cost of the Paint Product Stewardship Program per unit of paint product collected.

The paint stewardship organization's plan must:

- provide the categories of paint products that are collected at each collection site; and
- describe how the Paint Product Stewardship Program will use the existing household hazardous waste collection infrastructure when selecting collection points for leftover paint products.

The exclusion from 2025 Recycling Reform Act Packaging and Paper Product EPR Program participation requirements is expanded to apply to packaging associated with paint products.

Appropriation: None.

Fiscal Note: Requested on January 12, 2026.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.