HOUSE BILL REPORT
HB 2301

As Reported by House Committee On:
Environment & Energy
Appropriations

Title: An act relating to extended producer responsibility requirements associated with paint.

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

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

Brief History:
Committee Activity:
Environment & Energy: 1/22/26, 2/2/26 [DPS];
Appropriations: 2/6/26, 2/9/26 [DPS(ENVI)].

Brief Summary of Substitute Bill

- Adds aerosol coating products, coating-related products, and nonindustrial coatings, as well as packaging associated with paint products, to the Architectural Paint Product Stewardship Program.

HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Doglio, Chair; Hall, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Member; Abell, Barnard, Berry, Duerr, Fey, Hackney, Kloba, Ley, Mena, Ramel, Stearns, Street, Stuebe, Wylie and Ybarra.

Minority Report: Without recommendation. Signed by 2 members: Representatives Abbarno and Mendoza.

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.

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 (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 stewardship organization (SO). The SO must propose and receive approval from the Department of Ecology (Ecology) to implement a plan that, among other criteria:

- 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: (1) paint reduction; (2) reuse; (3) recycling; and (4) 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 United States Census Bureau (US Census Bureau);
- requires the SO to submit annual reports to Ecology by October 15 of each year, covering the preceding fiscal year's Program operations; 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.

Certain records submitted to Ecology associated with the Program are exempt from public disclosure under the Public Records Act, if a person files a petition with a superior court, and the court determines that the records are confidential.

Ecology's costs to oversee the implementation of the Program are paid for by the SO

through an annual fee. The annual fee is deposited in an appropriated account.

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

Summary of Substitute Bill:

The Program's scope is expanded to include the following newly covered paint product types (newly covered paint products), as well as to include packaging associated with architectural paint and newly covered paint products:

- aerosol coating products dispensed by a propellant and packaged in a disposable container for handheld application or for specialized equipment used 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
- nonindustrial coatings such as arts and crafts paints, furniture oil and paint, and antifouling paint.

All SOs must update their plans to address the newly covered paint products by July 1, 2029, and must implement the updated plan by the later of July 1, 2030, or within 6 months of Ecology's approval of the plan. Retailers may continue to sell any newly covered paint products until the later of July 1, 2030, or 6 months after Ecology's approval of the updated SO plan.

In general, the newly included paint products are treated identically to architectural paint for 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 40,000 residents of an urban area and for each urban area of at least 40,000 residents, as designated by the US Census Bureau, or a similar new or updated designation of urban locations by the US Census Bureau; and
- 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 Program.

The SO's plan must:

- provide the categories of paint products that are collected at each collection site; and

- describe how the Program will use the existing moderate risk waste collection infrastructure when selecting collection points and services for leftover paint products.

Ecology must update quarterly, rather than monthly, a list on its website of producers and brands participating under an approved plan. The SO's annual reports to Ecology must be submitted by May 1 of each year, beginning in 2026, and must cover the preceding calendar year's Program operations.

The Public Records Act exemption for confidential information submitted associated with the Program is repealed and replaced with a provision directing that confidential business information be managed consistent with Ecology's existing generally applicable process for managing confidential business information.

The account that receives the annual fees from SOs to cover Ecology's administrative costs is changed to a non-appropriated account.

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.

Substitute Bill Compared to Original Bill:

As compared to House Bill 2301, the substitute makes the following changes:

- makes the SO report annually on newly covered paint products in the same manner as it currently does for architectural paint;
- changes the date of SO annual reporting to Ecology from October 15 to May 1, and makes annual reports cover calendar years of operation rather than fiscal years;
- includes packaging associated with paint products under the Program;
- excludes wood preservatives from the newly covered paint products subject to the Program;
- delays the deadline for the update of the SO's new plan to cover all paint products until July 1, 2029;
- delays the deadline for the SO to implement an updated paint product stewardship plan that addresses all paint products until July 1, 2030, or 6 months after Ecology's approval of the SO's plan;
- delays the deadline for retailers to stop selling newly covered paint products that are not participating in an approved SO plan until July 1, 2030, or 6 months after approval of the SO's plan;
- adds references to new paint products throughout the Program law, with the effect of clarifying equivalent treatment of new paint products and architectural paint;
- amends the convenience standard that the SO must meet, to require that:
    - at least 90 percent of Washington residents have a permanent collection site for architectural paint within a 15-mile radius, plus one additional permanent

collection site for architectural paint for every 40,000 residents of an urban area and for every urban area of 40,000 residents, distributed to provide convenient and reasonably equitable access for residents within each; and
    - for the portion of the population that does not have a permanent collection location for paint products within a 15-mile radius, the SO must provide residents a reasonable opportunity for paint product collection;
- requires the SO's updated plan to address how the Program will use moderate risk waste collection infrastructure when selecting collection points and services; and
- requires Ecology to update its website listing producers and brands under an approved plan quarterly, rather than monthly.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The Program allows leftover paint to be recycled. The Program has been a success, and collects over 1 million gallons of paint each year in Washington. The current Program only covers latex paint, although other types of paint could be handled by the Program. Some paint products, such as aerosol products, can be tricky for some locations to collect because they are hazardous waste. The Programs reimburse counties for the costs of managing paint, and adding more products to the Program will provide financial relief to the household hazardous waste facilities that accept those paint products.

(Opposed) Wood preservatives are not like the other paint products proposed for inclusion under the Program, because they are more expensive and are subject to different types of federal and state regulations.

(Other) Ecology supports the Program, but has some implementation and policy concerns about the proposed expansion of the Program and changes to the existing Program. Paint packaging should be included within the scope of the Program. Collection opportunities for paint products should be equitable across the state, and the Program must provide reasonable recycling opportunities for newly covered paint products. Newly covered products should be subject to similar reporting requirements to existing products. Dates for implementing the expanded Program will need to be extended further into the future, and fiscal procedures should align with other product stewardship programs. The proposal will have costs not included in the Governor's budget. Programs provide important funds to local government hazardous waste programs.

Persons Testifying: (In support) Representative Strom Peterson, prime sponsor; Travis Dutton, Washington State Association of Counties; Mike Burgess, American Coatings Association; and Jeremy Jones, American Coatings Association.

(Opposed) Brandon Houskeeper, Western Wood Preservers Institute.

(Other) Pam Johnson, Hazardous Waste Management Program; Rick Gilbert, Kitsap County; and Peter Lyon, Washington Department of Ecology, Solid Waste Management Program.

Persons Signed In To Testify But Not Testifying: Heather Trim, Zero Waste Washington.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Environment & Energy be substituted therefor and the substitute bill do pass. Signed by 20 members: Representatives Ormsby, Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg, Bergquist, Callan, Cortes, Doglio, Dye, Fitzgibbon, Leavitt, Lekanoff, Manjarrez, Peterson, Pollet, Ryu, Springer, Stonier, Street and Thai.

Minority Report: Do not pass. Signed by 9 members: Representatives Couture, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Penner, Assistant Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Burnett, Corry, Keaton, Marshall and Valdez.

Staff: Dan Jones (786-7118).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Environment & Energy:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) A lot of stakeholder work has been done around this bill. This bill would keep additional paint products out of landfills. The bill expands a successful program to other

products that are not recyclable, but should not be going to landfills. The bill would create savings for hazardous waste programs. The state's costs are fully covered.

(Opposed) None.

Persons Testifying: Representative Strom Peterson, prime sponsor; Heather Trim, Zero Waste Washington; and Mike Burgess, American Coatings Association.

Persons Signed In To Testify But Not Testifying: None.