



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

June 30, 2015

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**Re: Resolution Supporting New York State Legislation to Enact a Product Stewardship Program for Paint  
IMMEDIATE CONSIDERATION REQUESTED**

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning (DEP) which encourages New York State to enact a paint stewardship program which would require the paint industry to be responsible for collecting and managing waste paint in New York.

Should your Honorable Body require further information, I encourage you to contact Deputy Commissioner, Thomas R. Hersey, Jr. at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in black ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/cw  
Enclosure

Cc: Maria R. Whyte, Commissioner  
Thomas R. Hersey, Jr., Deputy Commissioner

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Resolution Supporting New York State Legislation to Enact a Product Stewardship Program for Paint  
**Date:** June 30, 2015

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### **SUMMARY**

The County of Erie supports NYS Senate bill S4926 and NYS Assembly bill A6199. This legislation would establish a statewide paint collection program, for all New York residents and businesses, operated and financed by the paint manufacturers industry. New York has already enacted legislation establishing product stewardship programs for scrap electronics, rechargeable batteries, and thermostats.

### **FISCAL IMPLICATIONS**

Significant potential savings for the County Household Hazardous Waste program and waste disposal costs for municipalities with no cost incurred by Erie County.

### **REASONS FOR RECOMMENDATION**

Each year, about 10 percent of paint purchased by New Yorkers becomes waste, resulting in an estimated 3.9 million gallons of leftover paint per year. If all this paint were to be managed properly through household hazardous waste (HHW) collections, it would cost about \$5 million per year. Unfortunately, most leftover paint is currently disposed in the garbage despite the efforts of local governments. As stated by the New York State Department of Environmental Conservation (NYSDEC) in its 2010 Beyond Waste Report, "*Paint is a large component of the materials captured at most HHW collection events and facilities... Managing paint through the HHW stream is expensive and not effective in capturing substantial volumes for recycling.*"

The County of Erie and its two solid waste boards spend as much as \$38,000 annually to collect and manage 30,000 gallons of paint each year.

This opportunity to work together to save money for New York's local governments is the result of a national, multi-stakeholder agreement facilitated by the Product Stewardship Institute (PSI). A statewide paint stewardship program would mean that the paint industry would be responsible for collecting and managing waste paint in New York, reducing the role of government and the burden on taxpayers. Benefits of passing this legislation include: reduction of costs to local governments; the paint industry will work with paint retailers to be collection sites in addition to the municipal HHW collection sites; more in-state jobs will be created in the paint recycling industry; more paint will be diverted from disposal facilities and recycled, which helps the state reach its recycling goal; the industry will educate the public to buy the right amount of paint for a job and reduce waste.

### **CONSEQUENCES OF NEGATIVE ACTION**

Erie County will miss an opportunity to support legislation to reduce solid and hazardous waste management costs, protect the environment and provide residents with additional proper waste disposal options.

## **STEPS FOLLOWING APPROVAL**

The Clerk of the Legislature shall forward certified copies of this resolution to: Assemblyman Steven C. Englebright, Chairman – Environment Conservation Committee; Senator Thomas F. O’Mara, Chairman – Environment Conservation Committee; Joseph Martens, NYS Department of Environmental Conservation; Senator Patrick Gallivan; Senator Marc C. Panepinto; Senator Michael Ranzenhofer; Senator Timothy Kennedy; Assemblymember Jane L. Corwin; Assemblymember Dave DiPietro; Assemblymember Raymond Walter; Assemblymember Crystal D. Peoples; Assemblymember Angela M. Wozniak; Assemblymember Sean Ryan; Assemblymember Michael Kearns; Assemblymember Robin Schimminger; Governor Andrew Cuomo; Deputy County Executive Maria R. Whyte, and Deputy Commissioner Thomas R. Hersey, Jr.

**A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING**

**RE: Resolution Supporting New York  
State Legislation to Enact a Product  
Stewardship Program for Paint**

WHEREAS, it is estimated that roughly 3.1 million gallons of waste paint are generated in New York each year; and

WHEREAS, management of waste paint in New York results in a cost that typically represents 50% of municipal household hazardous waste budgets; and

WHEREAS, a statewide paint stewardship program would mean that the paint industry would be responsible for collecting and managing leftover paint in New York; and

WHEREAS, the American Coatings Association, a trade association representing paint manufacturers from across the United States, has created PaintCare, a non-profit program to manage the reuse, recycling and disposal of waste paint; and

WHEREAS, other states, including Rhode Island, Connecticut and Oregon have passed legislation implementing paint recovery programs managed by PaintCare, saving local municipalities tens of thousands of dollars to manage the paint as part of household hazardous waste collection programs; and

WHEREAS, in addition to reducing government costs, a paint stewardship program would create green sector jobs, reduce waste and encourage the public to purchase the right amount of paint for a job; and

WHEREAS, Erie County therefore wishes to express its support for an industry-sponsored statewide paint collection system.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby urges the New York State Legislature to enact paint recycling legislation which would require the paint industry to be responsible for collecting and managing leftover paint in New York; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to: Assemblyman Steven C. Englebright, Chairman – Environment Conservation Committee; Senator Thomas F. O'Mara, Chairman – Environment Conservation Committee; Joseph Martens, NYS Department of Environmental Conservation; Senator Patrick Gallivan; Senator Marc C. Panepinto; Senator Michael Ranzenhofer; Senator Timothy Kennedy; Assemblymember Jane L. Corwin; Assemblymember Dave DiPietro; Assemblymember Raymond Walter; Assemblymember Crystal D. Peoples; Assemblymember Angela M. Wozniak; Assemblymember Sean Ryan; Assemblymember Michael Kearns; Assemblymember Robin Schimminger; Governor Andrew Cuomo; Erie County Executive Mark C. Poloncarz; Deputy County Executive Maria R. Whyte, and Deputy Commissioner Thomas R. Hersey, Jr.