

Concerning the repeal of the "Architectural Paint Stewardship Act"

Summary: SB18-045, if passed, would repeal the Architectural Paint Stewardship Act, which set up a program for paint recycling and requires a fee to be added to the price of paint. The fee is 35 cents per pint and quart; 75 cents for gallon containers; and \$1.60 for five gallons. The fees (taxes) are collected by the paint manufacturers from the paint retailers. These dollars are then sent directly on to PaintCare.

Talking Points:

- The Law drives up the cost of paint for Colorado citizens.
- The fees (taxes) are not even collected by the state, nor handled through state accounts. This government mandated fee (tax) is completely managed in the private domain of the paint manufacturers, paint retailers, and PaintCare.
- Prior to the Architectural Paint Stewardship Act Local waste facilities were managed at the local level. This law took us one more step away from local governments being in charge of local concerns.
- PaintCare is often referred to as a "free" program but in reality, it is a program costing the people of Colorado over six million dollars every year.
- PaintCare does not recycle paint. PaintCare only functions as a middle-man, collecting surplus paint and delivering it to already established recycling systems. PaintCare is a six million dollar program which is being forced on Colorado Citizens.
- The Architectural Paint Stewardship Act was written to set up the PaintCare business in Colorado. Even though PaintCare is not mentioned in the law, because the law was written in such a way that it only accommodated the PaintCare company, it was really a violation of the Constitutional prohibition of special legislation. (Bills cannot be written for the sole benefit of a specific company.) Some legal experts say the Architectural Paint Stewardship Act did not technically violate the special legislation prohibition, but that is nothing more than legal gymnastics. It was clear from the beginning of this legislation that the Architectural Paint Stewardship Act was written for PaintCare.
- As of December 31st, 2016, PaintCare had developed a surplus of over two million dollars. According to the report they presented to CDPHE in March 2017 their solution to this surplus was not to lower their fees or return the money to the people, they intend to make it an even bigger program.
- The real effect of this law is to remove hundreds of thousands of gallons of surplus paint from Colorado citizens, thus enhancing the prospects of more paint sales for the paint manufacturers. The Architectural Paint Stewardship Act is a blatant example of corporate cronyism, government policy designed for the sole benefit of specific private business interests.