



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

February 5, 2024

The Honorable Judy Aron
Chair, House Environment & Agriculture Committee
Legislative Office Building, Room 301-303
Concord, NH 03301

RE: HB 1504-FN, An Act Establishing an Architectural Paint Recycling Program

Dear Chair Aron and Members of the Committee:

Thank you for the opportunity to testify on HB 1504-FN. This bill would establish an architectural paint take back program to provide for the collection, transport, reuse, recycling and disposal of post-consumer paint funded by a fee added to the retail price of paint at the point of sale. The New Hampshire Department of Environmental Services (NHDES) is not taking a position on this bill. While a paint takeback program would support the state Solid Waste Management Plan by removing latex paint from the waste stream and would decrease costs incurred by municipalities for disposal of hazardous, oil-based paint, NHDES has concerns about the resources, implementation, and consumer economic impact associated with this bill.

As introduced, HB 1504-FN would make NHDES responsible for general administration and enforcement of the program including: adopting administrative rules, reviewing and approving plans to establish the program, assuring compliance by manufacturers, pursuing enforcement, evaluating program efficacy, reviewing annual reports, and preparing and submitting annual reports to the General Court. Because NHDES does not have existing program resources dedicated to such product stewardship activities, the Department would need to hire an additional full-time staff person to meet its obligations under this bill. The bill does not include an appropriation to fund NHDES administration of the program.

The implementation timeline presented in the bill anticipates that the paint recycling program would be operational six months after the bill becomes effective. Even if the bill included an appropriation for a staff person to administer the program, it would not be possible to recruit, hire, and train the staff person, draft and adopt administrative rules, and implement the program within six months.

NHDES suggests that further study would be beneficial to examine details regarding implementation and administration, to ensure that such a program would make best use of limited state resources while meeting the needs of the consumers and small businesses that would be impacted. A study commission could gather information to understand the resources necessary to run the program and also investigate the impact to consumers from fees associated with a paint recycling program. NHDES would welcome the opportunity to participate in a study commission on this topic.

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Thank you again for the opportunity to comment on HB1504-FN. Should you have questions or need additional information, please feel free to contact either Todd Piskovitz, Administrator of the Hazardous Waste Management Bureau (Todd.E.Piskovitz@des.nh.gov, 271-1998) or Michael Wimsatt, Waste Management Division Director (Michael.J.Wimsatt@des.nh.gov, 271-1997).

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert R. Scott
Commissioner

ec: Sponsors of HB1504-FN: Representatives Parshall and Dutzy