
OLR Bill Analysis

sSB 147 (File 201, as amended by Senate "A")*

AN ACT CONCERNING A STUDY ON THE NEED FOR EXTENDED PRODUCER RESPONSIBILITY FOR ELECTRONIC NICOTINE DELIVERY SYSTEMS AND VAPOR PRODUCTS AND INCLUDING AEROSOL PAINTS UNDER THE PAINT STEWARDSHIP PROGRAM.

SUMMARY

This bill (1) expands the existing architectural paint extended producer responsibility (EPR) program and plan to include aerosol coating products and (2) requires producers of those products to either participate in an approved paint stewardship plan that includes aerosol coatings by that plan's implementation date or be banned from selling those products in Connecticut. Among other things, the expansion of the paint EPR:

1. requires, by July 1, 2028, all producers of aerosol coating products to join a representative organization, and that organization to submit to the Department of Energy and Environmental Protection (DEEP) commissioner for approval, an EPR plan (or updated plan) that includes all paint products (architectural paint and aerosol coating products);
2. extends the time the DEEP commissioner has to make a determination on a submitted EPR plan (or an update under the bill) from two months to three months;
3. extends the time an approved EPR plan (or update) must be implemented from two months to six months;
4. permits approved EPR plans to remain in effect until any plan updates are implemented;
5. correspondingly removes the requirement that the representative organization submit a uniform paint stewardship assessment

- every two years, instead requiring that assessments be submitted only as part of a paint EPR plan or update;
6. bans producers, distributors, and retailers from selling or offering for sale any architectural paint product to consumers in Connecticut if the product's producer does not participate in the paint EPR;
 7. beginning when an approved paint EPR program including aerosol coatings is implemented, bans producers, distributors, and retailers from selling or offering for sale any paint product to consumers in Connecticut if the product's producer does not participate in the updated paint EPR program;
 8. requires producers or the stewardship organization to provide educational materials on paint products, rather than only architectural paint; and
 9. authorizes DEEP, beginning July 1, 2027, to charge a yearly fee of up to \$50,000 to the representative organization that implements an approved paint EPR plan for administering and enforcing the paint EPR program (the fee must include all fees charged annually by the commissioner to the representative organization).

The bill also makes technical and conforming changes, including modifying the definition of "environmentally sound management practices."

EFFECTIVE DATE: October 1, 2026

*Senate Amendment "A" (1) removes provisions requiring DEEP to conduct a feasibility study on establishing an electronic nicotine delivery systems and vapor products EPR and (2) makes various modifications to the paint EPR expansion, including specifying that existing plans may be updated and authorizing DEEP to assess an annual fee.

PAINT EPR EXPANSION

The bill broadly expands an existing architectural paint EPR program to cover “paint products,” which are architectural paints and aerosol coating products, but not health or beauty products.

Under the bill, “aerosol coating products” are any pressurized coating products that (1) contain pigments or resins dispensed by propellant and (2) are packaged and sold in disposable aerosol containers for handheld application or for use in specialized equipment for ground traffic or marking applications. They do not include any paint thinner, paint remover, graffiti remover, or caulking compound that contains no appreciable level of opaque fillers or pigments.

Under the bill and existing law, “architectural paint” is any interior and exterior architectural coatings sold in containers of five gallons or less, not including industrial, original equipment, or specialty coatings.

Paint EPR Plan

Under current law, architectural paint producers are responsible for managing the paint EPR program by establishing and participating in a paint stewardship representative organization. By law, the organization had to develop and submit a plan to DEEP on minimizing public sector involvement in managing unused and unwanted architectural paint. The bill requires, by July 1, 2028, all aerosol coating product producers to join the representative organization and that organization to submit to DEEP a plan, or an update to an existing plan, to cover all paint products, including unused and unwanted products (postconsumer paint).

Under the bill, a “producer” is any paint product manufacturer that sells, offers for sale, distributes, or contracts to distribute, paint products (instead of just architectural paint producers as under current law).

DEEP Determination and Plan Implementation

Under current law, the DEEP commissioner is authorized to approve plans, and must decide on submitted plans within two months of submission. The bill (1) extends this to three months and (2) applies it to

plan updates.

Under current law, plans must be implemented within two months after approval. The bill (1) extends this to six months, (2) includes the implementation of plan updates, and (3) requires currently approved plans to remain in effect until any new plan update is implemented.

Paint Assessment Proposals

Current law requires the stewardship organization, in every odd year, to propose a uniform paint stewardship assessment for all architectural paint sold in Connecticut. The assessment is an amount added to the purchase price to cover the stewardship organization's cost of collecting, transporting, and processing postconsumer paint. The bill requires (1) that an updated assessment be only proposed as part of a new plan or update to an existing plan, instead of every two years, and (2) the assessment to cover all paint products.

By law and under the bill, an independent auditor, paid for by the organization, must (1) review the proposed assessment to determine that it does not exceed the program's cost and (2) recommend an assessment amount to DEEP, which is responsible for approving the assessment. The assessment must be charged to purchasers of applicable products sold by Connecticut retailers and distributors. The auditor's recommended assessment must be included in any paint EPR program plan or plan update.

By law, DEEP must select the auditor and review its work product, including the auditor's evaluation of the bid and purchase procedures used by the stewardship organization to implement the program. DEEP must select a different auditor at least once every five years.

Under current law, producers, distributors, and retailers cannot sell, or offer for sale, an architectural paint product, in Connecticut if the product's producer is not a member of the stewardship organization. The bill requires that they participate in an approved paint EPR program, instead of being an organizational member. Additionally, beginning when a paint EPR program that includes aerosol coatings is

implemented, the bill requires all producers, distributors, and retailers of paint products to participate in the approved paint EPR program in order to sell those products in Connecticut.

The bill also specifies that a retailer or distributor does not violate the prohibition if the producer or paint brand was listed on DEEP's website under the law when the paint was ordered from the producer or its agent. Under current law, the provision only applies to architectural paint.

By law and under the bill, DEEP may seek civil enforcement of the paint EPR program.

Educational Materials

Under current law, producers or the stewardship organization must give consumers educational materials on the paint stewardship assessment and EPR program. The bill further specifies that these materials must at least cover available end-of-life management options for all paint products, rather than just architectural paint. As under existing law, the organization must also give samples of these materials to DEEP.

Antitrust and Unfair Trade Practices Immunity

By law and under the bill, each producer and the stewardship organization are immune from antitrust or related unfair trade practice claims to the extent that they are exercising authority under the paint EPR program.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 34 Nay 0 (03/13/2026)