



June 24, 2026

Chris Fredley

SWM Program Rule Coordinator
Washington State Department of Ecology
300 Desmond Drive SE
Lacey, WA 98503

RE: Recycling Reform Rulemaking – Chapter 173-950 WAC – Comment Period #1

Dear Mr. Fredley:

The American Coatings Association (ACA) submits the following comments to the Washington State Department of Ecology (Ecology) regarding the agency's proposal to adopt new regulations, sections of chapter 173-950 WAC (Proposed Regulations). ACA is a voluntary, nonprofit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals. ACA serves as an advocate and ally for members on legislative, regulatory, and judicial issues, and provides forums for the advancement and promotion of the industry and coatings science. ACA appreciates the opportunity to comment and looks forward to working with Ecology throughout the rulemaking process.

ACA provides the following recommendation to alleviate any undue burden imposed on the paint and coatings industry.

1. Provide that all primary, secondary, and tertiary packaging associated with products subject to Washington's paint stewardship program is considered 'exempt material.'

Washington's Recycling Reform Act specifies that packaging associated with products managed through the state's PaintCare program constitutes exempt material. Currently, section 173-950-030 of the Proposed Regulations provides that the term 'covered material' includes "[s]econdary and tertiary packaging associated with exempt primary packaging." This definition negatively impacts the paint and coatings industry because it overcomplicates an already complex compliance burden and hinders manufacturers' compliance efforts with the Recycling Reform Act and other states' existing packaging and paint stewardship programs.

Under the Recycling Reform Act, members of the paint and coatings industry are required to determine whether they are a producer of a covered material. Taking the Proposed Regulations' definition of the term 'covered material' into account, even if a company were to determine that its products are exempt from the state's packaging extended producer responsibility law, it will still be required to comply with the law's registration and reporting requirements for any secondary and tertiary packaging associated with the exempt material. This definition effectively subjects members of the paint and coatings industry to additional reporting obligations and increased



operational costs in the state. Accordingly, to encourage overall compliance with the Recycling Reform Act and reduce negative impacts to the paint and coatings industry, ACA recommends that section 173-950-030 of the Proposed Regulations be revised to provide that the term 'covered material' does not include any secondary and tertiary packaging associated with products subject to Washington's paint stewardship program.

In California, as opposed to the Proposed Regulations, the Plastic Pollution Prevention and Packaging Producer Responsibility Act's definition of the term 'covered material' exempts "[p]ackaging associated with paint products." This decision was reinforced by the fact that a significant portion of coatings products are considered hazardous or flammable, which is a characteristic that may necessitate exempting secondary and tertiary packaging associated with products subject to Washington's PaintCare program. Rather than create a maze of contingent and duplicative reporting requirements, California has set a clear compliance path for paint manufacturers in the state to register their PaintCare products with a single producer responsibility organization. Accordingly, to align with preexisting requirements in other states' packaging and paint stewardship programs and to ease any future compliance burdens, ACA recommends that section 173-950-030 of the Proposed Regulations be revised to provide that the term 'covered material' does not include any secondary and tertiary packaging associated with products subject to Washington's paint stewardship program.

Thank you for your consideration of ACA's comments. Please do not hesitate to contact me should you have any questions and/or require further clarification.

Sincerely,

A handwritten signature in black ink, appearing to read "Annebelle Klein", with a large, stylized initial "A" and a long, sweeping underline.

Annebelle Klein

Environmental Policy Counsel, Government Affairs
American Coatings Association
901 New York Ave NW, Ste 300 W
Washington, DC 20001
aklein@paint.org | 202.893.3949