



Product Care Association

**New Brunswick Paint Product Stewardship Plan  
2012-2015**

**For submission to:**

Pat McCarthy, CEO  
Recycle New Brunswick  
Fredericton, NB

**For more information:**

Mark Kurschner, President  
Product Care Association  
12337 – 82A Avenue  
Surrey, BC V3W OL5  
604-592-2972 x201  
[mark@productcare.org](mailto:mark@productcare.org)  
[www.productcare.org](http://www.productcare.org)

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## 1. Introduction

The 2012 – 2015 New Brunswick Paint Stewardship Program Plan (the “Product Care Program”) is submitted by Product Care Association to Recycle New Brunswick (RNB), pursuant to the requirements of the New Brunswick *Designated Materials Regulation – Clean Environment Act* (the “Regulation”).

This stewardship plan covers the years 2012-2015 or such other period as specified by RNB. When approved, this plan will replace the Product Care’s stewardship plan dated March 6, 2009.

## 2. Product Care Association

The New Brunswick Paint Stewardship Program is operated and managed by Product Care Association. Product Care is a federally incorporated, not for profit product stewardship association formed in response to stewardship regulations and is governed by a multi sector industry board of directors.

Product Care also operates or is developing paint stewardship programs in six other Canadian provinces: BC, SK, MB, NS, NL and PE.

## 3. Program Membership and Program Funding

The plan is submitted by Product Care on behalf of the paint brand owners who have appointed Product Care as their agent under the Regulation (for current list of brand owners see **Appendix A**). The program is open to any brand owner to join.

The program is funded by membership fees, known as “eco fees”, remitted to Product Care by its members based on the quantity of sales of the designated paint products sold in New Brunswick. The eco fee rates are set by Product Care. Program revenues are applied to the operation of the program, including education, collection system, administration, transport, recycling and disposal of collected residual products as well as a reserve fund. The policy of the Program is not to have the reserve fund exceed one year’s operating expenses. Eco fee rates will be adjusted as needed if expenses exceed revenue, or to reduce the reserve fund below one year’s operating expenses. The Regulation requires that a separate eco fee may not be charged to the retailer or to the consumer.

## 4. Program Products

### Product Definition

The Product Care Program manages post-consumer leftover “paint” as defined in the Regulation:

"paint" means

- (a) a tinted or untinted latex, oil or solvent-based architectural coating used for commercial or household purposes, including stain, and includes the coating's container, or
- (b) a coloured or clear paint or stain sold in an aerosol container and includes the paint's or stain's container, but does not include coatings intended for marine antifouling, industrial or automotive applications.

### Products Accepted

For further clarity, the following paints and coatings are included as accepted program products. This list is subject to change by Product Care.

- paint, as defined, and related containers, (including already empty containers) to a maximum container size of 25L, which were sold in New Brunswick
- Interior & Exterior: latex, acrylic, water-based, alkyd, enamel, oil-based Deck coatings and floor paints (including elastomeric)
- Varnishes and urethanes (single component)
- Concrete/masonry paints
- Drywall paints
- Primers (metal, wood)
- Undercoats
- Stucco paint
- Marine paints (unless registered under Pest Control Product Act)
- Wood finishing oils
- Wood preservatives (unless registered under Pest Control Act)
- Melamine, metal & anti-rust paints, stains, shellac
- Swimming pool (single component)
- Already empty paint containers
- Stain blocking paint
- Textured paints
- Block fillers
- Wood, masonry, driveway sealers or water repellents (non tar-based or bitumen based)

### Paint Aerosols Accepted *(Maximum Container Size - 660g or 24 oz)*

- Paint aerosols of all types, including automotive, craft and industrial products

### **Brand Owner of Products**

The Product Care Program accepts Program Products sold in New Brunswick regardless of brand owner.

### **Type of User**

The Product Care Program accepts program paint sold in New Brunswick from any consumer/user of the Program Products including householders, businesses, government (all levels) and commercial painters.

### **Non Program Material**

Non-program materials, whether paint (e.g. industrial coatings) or non paint products (e.g. paint thinners), introduce unfunded costs and safety hazards into the system and are not be accepted. Minimization of non-program material is achieved through a comprehensive program of public education, signage, depot staff training, as well as effective regulatory enforcement against those who abandon products at or near collection sites. Any non program material which does enter the system is segregated at the time of processing for special handling. Non program paint material includes but is not limited to the following:

- Paints for industrial use
- Paints containing pesticides e.g. antifouling paints
- Automotive paints (non aerosols)
- Baked on coatings
- Craft paints (non aerosols)
- 2 component epoxies
- 2 part paints
- Nitrocellulose or catalyzed lacquers
- Traffic or line marking paint
- Unlabelled or improperly sealed containers

## **5. Management of Collected Paint**

### **5.1 Leftover Paint Management**

The objective of the New Brunswick Paint Recycling Program is to eliminate the improper disposal of paint in the environment, while recovering the resources present in leftover paint. The following are the management options for paint in accordance with the pollution prevention hierarchy:

#### **Latex Paint**

- Paint Exchange (Reuse)
  - Reprocessing as Paint
  - Engineered Landfill

### **Oil Based Paint**

- Paint Exchange (Reuse)
  - Energy Recovery

### **Aerosol Paint**

- Energy Recovery
  - Incineration

### **Empty Paint Containers**

- Recycling
  - Engineered Landfill

#### **5.1.1 Paint Exchange (Reuse)**

Product Care has implemented a “paint exchange” program, which gives away better quality returned paint (latex or alkyd) to the public at participating collection depots. This is an efficient way to manage leftover paint as the product is used for its purpose, and does not require transportation and reprocessing. However, this may reduce the average quality of the paint available for reprocessing.

Users of the paint exchange program are notified that the suitability of the container contents cannot be guaranteed. Special labels are applied by depot staff to each container informing consumers of this. Participants are also required to sign a waiver form prior to taking the paint away for reuse.

#### **5.1.2 Paint Reprocessing**

Approximately 80% of paint sold today is of the latex type. Not all leftover latex paint is of suitable quality for paint recycling and the remaining percentage must be sent to an engineered landfill. Recycled paint is marketed through a number of channels in Canada and overseas. The Canadian market continues to grow for latex paints, and is influenced by the steady improvement in consumer awareness and the trend to “green” building practices.

Alkyd paint, today, represents about 20% of the architectural paint market and is generally declining in sales due to regulations relating to volatile organic compounds and other factors. While, technology exists for “paint to paint” recycling of alkyd paints, the market is very limited and is in decline, due to stricter VOC regulations and the technology advancement of water based paint. Leftover alkyd paint can be utilized for its energy value, blended with other hydrocarbons as an alternative fuel in facilities such as cement kilns with high level air quality controls.

#### **5.1.3 Aerosol Paints**

The residual volumes recovered from paint aerosols are very small and represent a variety of product formulations that limit the options for recycling. Paint aerosols are punctured and the

contents drained. The residual paint is typically used for energy recovery. The steel containers are then recycled.

#### 5.1.4 Empty Paint Containers

As of the date of this program plan, the program has a recycling solution for all paint container types. If circumstances change, the program will communicate with RNB to determine an acceptable method of managing containers that cannot be recycled.

Empty steel containers are recycled as scrap metal. In 2010, approximately 88 tonnes of empty metal paint containers were recycled. In order to reduce unnecessary transportation and cost, collection depots already managing scrap metal on site are encouraged to include already empty metal paint containers with other scrap metal. The program will cover any costs associated with such recycling, and ensure guidelines are followed and accurate records are maintained by depots for containers managed in this way.

Plastic is already used for most 5 gallon latex paint containers, and is increasingly used for one gallon latex containers as well. Five gallon size plastic pails (plastic type: HDPE 2) have been recycled since the program began and the program has now developed an option for the management of plastic paint cans made out of HDPE 5.

#### 5.1.5 PCB Contaminated Paint and Non-program Material

Alkyd /oil based paint are tested on a regular basis for PCB (Polychlorinated biphenyl) contamination. Where allowable PCB limits are exceeded, the paint is managed as PCB waste according to regulatory requirements.

Non-program material which enters the system is segregated at the processing stage for shipment to a hazardous waste management company for processing. Depending on material type processing methods for non-program material include landfilling, physical or chemical treatment, energy recovery or incineration.

## 5.2 Product Sales

The quantity of paint sold annually varies with market conditions, but is an important reference for the quantity of paint available for collection in the future. Table 2 illustrates the quantity of paint and aerosol products sold.

**Table 2 – Paint and Aerosol Sales Volume in Litres, 2009-2010 (9 months, April-Dec)**

	Paint (Non Aerosol)	Paint Aerosol
2009	4,168,287	138,922
2010	4,169,687	148,937

## 5.3 Paint Collection Rates

Product Care utilizes a number of performance measures to track the program's performance year to year. Performance measures applicable to this program include:

- Residual Recovery Volume
- Recovery Rate

No single performance measure is considered an accurate indication of the program's performance and in some cases the performance measure is influenced by factors that are beyond the program's control such as market conditions.

### 5.3.1 Residual Recovery Volume

Residual Recovery Volume represents the actual liquid quantity of paint (excluding containers), measured in litres, collected by the program. Table 3 shows the volume of program products collected in 2009 and 2010. Although the program will report annual Residual Recovery Volumes, a target is not proposed for this measure.

**Table 3 – Residual Recovery Volume in Litres, 2009-2010 (9 months, April-Dec)**

<b>Residual Paint Recovery Volume *</b>	<b>Paint (Non Aerosol) (L)</b>	<b>Paint (Aerosol) (L)</b>	<b>Total Paint Collected (L)</b>
<b>2009</b>	209,060	320	<b>209,380</b>
<b>2010*</b>	271,588	394	<b>271,982</b>

\*calculated by applying conversion rate of Litres of paint per collection bin. Note conversion rate increased from 156.9 L/bin in 2009 to 178.6 L/bin in 2010 based on data supplied to program by processor.

### 5.3.2 Reuse Rate

The regulation states that an annual 70% Reuse Rate must be achieved by the program and this is the performance target used by the Program. The Regulation defines "reuse" as:

**34...**

"reuse", with respect to waste paint, means to process in such a way that it is capable of being used by a consumer as paint.

"reuse rate" means the amount of paint (excluding containers) reused under a paint stewardship plan divided by the amount of paint (excluding containers) collected that may be reused, expressed as a percentage.

Factors that can affect the Reuse Rate include:

- Condition of returned paint
- Capacity of paint reprocessing facilities
- Current technology for reprocessing paint
- Markets for recycled paint



The Program uses “Paint Volume Processed” instead of “Residual Recovery Volume” in order to calculate the Reuse Rate. Paint Volume Processed reflects the actual volume of paint processed according to processing method (reused, recycled, landfilled) in a given period. The Residual Recovery Volume is not used for this calculation because not all the paint that is collected in one year is processed in that same year.

**Table 5 - Reuse Rate, 2009-2010**

	Paint Exchange, L	Paint Reprocessed as Paint, L	Total Paint Volume Processed	Reuse Rate
<b>2009</b>	873	114,831	130,251	<b>88.8%</b>
<b>2010</b>	1,157	260,917	298,279	<b>87.9%</b>

\* 2009 data based on April-Dec volumes and 2010 based on full year volumes.

In 2009 and 2010, Product Care exceeded the Reuse Rate of 70%. In 2010, the Reuse Rate was 87.9%, of which 87.5% was reprocessed latex and alkyd paint and the remaining 0.4% of paint was reused through the Program’s paint exchange program.

### 5.3.3 Recovery Rate

The Recovery Rate compares the volume of collected in a given year to the volume of paint sold in that same year (collected/sold).

$$\text{Recovery Rate} = \frac{\text{Litres of paint collected}}{\text{Litres of paint sold}}$$

The quantity of paint collected is known to the program from collection and processing reports. The quantity of paint sold can be determined from sales reports made by the brand owner to the program. See Table 6 for the Recovery Rates for 2009 and 2010.

The Recovery Rate is indicative of program performance only when viewed over a period of years, due to the time lag between the sale of paint and its return to the program. In recent years, paint sales (the denominator) have declined due to general economic conditions, but paint returns (the numerator) may not be subject to the same factor. Although the program will report annual Recovery Rate, a target is not proposed for this measure. The annual report will include the regional breakdown of tubskids collected.

**Table 6 - Recovery Rate, 2009-2010 (9 months, April-Dec)**

	Paint (Non Aerosol)	Paint Aerosol
<b>2009</b>	5.0%	0.23%
<b>2010</b>	6.5%	0.26%

Calculations based on Residual Recovery Volume/Sales Volume

## 6. Design for Environment

The overall program objective is to reduce the environmental impact of leftover paint through the application of the pollution prevention hierarchy of reduce/reuse/recycle. With respect to the concept of design for environment, there is limited ability of a stewardship program of this scope to influence product design. The paint industry is a consolidating industry and most brand owners manufacture for a market area that includes more than one province or country.

In general, there is a steady shift in the marketplace from oil based (alkyd) paints to water based latex paints. This trend is expected to continue as the consumer preference for latex paint increases and technical specifications improve. Additionally, federal regulations relating to volatile organic compounds and the composition of surface coatings are significantly reducing the environmental impact of paint products.

Tools used by Product Care Association that may have an impact on product life cycle and reduction of environmental impact include:

- Variable fees paid to the program by brand owners which increase with the size of the container
- Promotion to the consumer of the “B.U.D.” rule, i.e. **B**uy what you need, **U**se what you buy and **D**ispose of the remainder responsibly
- Educating the consumer on the proper storage of leftover paint
- Research into alternative management options for collected materials

## 7. Communications and Public Awareness

### 7.1 Program Communications

Product Care uses a number of methods to communicate information about the program to the public and to increase awareness of the Program and its objectives, including:

- **Program Website** – The NB Paint website at [www.productcare.org/New-Brunswick-en](http://www.productcare.org/New-Brunswick-en) provides information to NB residents on:
  - Depot locations with details on hours of operation and products accepted
  - Description of products accepted by the program
  - Details on relevant eco-fees
  - Annual reports and other program information
  - Information for consumers on buying the right amount of paint as well as the safe storage and handling of program products
  - The Program web page links to Recycle New Brunswick's Paint Recycling page.
- **Social Media:** Facebook advertising and social media updates through Twitter
- **RNB Hotline** – Bilingual hotline operated by Recycle New Brunswick provides free information on where to recycle paint and tires: 1-888-322-8473
- **Recycle New Brunswick's Moving Beyond Waste project** – Participation in Recycle New Brunswick's Moving Beyond Waste program as applicable, which may include depot and retailer visits and promotional material distribution
- **Local Government Partnerships**- the Program works with SWCs to promote the paint recycling program. Point of Sale consumer materials are made available to all SWCs free of charge.
- **Other Partnerships:** The program will collaborate with other NB product stewardship programs as they develop
- **Point of Sale (PoS) Materials** – Brochures etc are given out at retail stores, trade shows, and Regional Solid Waste Commissions (SWCs). Orders are replenished upon request, free of charge, and materials are regularly updated
- **Dedicated Mailings**– Dedicated mailings to targeted groups such as trade painters are conducted to promote the program.
- **Purchased Media** – The program will advertise in Yellow Pages beginning 2012 and will conduct a radio advertisement campaign in 2013
- **Earned Media** – The Program will issue press releases to gain media coverage

#### Program Communications Target

The Program has the following targets for communications:

- In collaboration with the SWCs, advertise in existing municipal waste calendars in 2012 and
- Conduct a radio campaign in 2013

- Continue PoS replenishment service, and every two years (in 2013, 2015), send out PoS materials (can-stickers, brochures, FAQ sheet) to all retailers and collection sites.
- The Program will conduct a campaign on annual basis that will be focused on educating the retailers, their obligation under section 46(3) of regulations, to display PoS material supplied by the program. Every two years (in 2013, 2015), resend trade painters program information
- Advertise in Yellow Pages in the 5 largest NB communities
- Facebook advertising and social media updates through Twitter will begin in 2012
- Press releases to gain media coverage in local community newspapers will be issued in 2013
- Continue to participate in the Moving Beyond Waste program

## 7.2 Public Awareness Levels

The Program has conducted a survey to determine the level of public awareness. Completed in September 2011, a MarketQuest Omnifacts survey indicated that 42% of New Brunswickers are aware of the existence of a program that recycles paint, 43% buy paint at least once a year and 77% of respondents had leftover paint in storage at home. Further findings from the report include:

When disposing of leftover paint:

- 39% will take to a local HHW program
- 20% will bring paint to paint recycling depot
- 20% will keep paint in storage at home

### Public Awareness Target

Public awareness surveys will be conducted every two years, in 2013, 2015, to track awareness levels and will be reported in the program's annual reports.

Product Care anticipates that awareness levels will increase as communications strategies continue throughout the plan period. The program targets to have program awareness levels of:

- 45% by 2013
- 47.5% by 2015

## 8. Collection and Transportation System

### 8.1 Collection System

#### 8.1.1 Collection Sites and Collection Containers

In 2010, the Program operated 58 permanent, year round collection depots in New Brunswick to provide convenient locations for consumers to drop off unwanted program products. Half (29) of the collection depots are also paint exchange sites. There is no charge to drop off program products. A complete list of depots is available at [www.productcare.org/New-Brunswick-en](http://www.productcare.org/New-Brunswick-en). The Program supplies all collection depots with reusable plastic “tubskid” collection containers.

Product Care does not directly own or manage any depots, but contracts with collection sites such as Solid Waste Commissions (SWCs), bottle depots, and paint retailers.

The program also participates in one day collection events managed by SWCs. Table 7 shows the number of collection site and collection events for 2009 and 2010

The Annual Reports will provide collection volumes by Solid Waste Commissions.

**Table 7 – Number of Program Collection Sites and One Day Events 2009-2010**

	<b>2009 Actual</b>	<b>2010 Actual</b>
<b>Paint Depots</b>	56	58
<b>One Day Events</b>	35	55

#### 8.1.2 Large Volume Users

Certain depots that are better able to handle large volumes are designated as “preferred depots” for commercial painters. Advance notice of large volumes is requested to ensure proper storage and handling at the collection site.

#### 8.1.3 Environmental Regulatory Requirements

Product Care continues to maintain an “Approval to Operate” issued by New Brunswick Department of Environment, based on the Environmental Management Plan developed by Product Care. See Environmental Management Plan dated Aug. 28, 2008 and the letter from NB Department of Environment in Appendix B),

#### 8.1.4 Depot Training

The program will visit most depots annually to ensure adequate training of depot operators and SWCs. A special depot brochure was developed and distributed by the Program in 2011 to enable collection site operators to inform their customers about the Program and Program Products. The Program will develop other strategies to improve depot training.

### **8.1.5 Program Accessibility**

The success of the program depends on consumer awareness and program accessibility, meaning convenient access to collection sites. It is an ongoing objective of the program to make it more convenient for people to dispose of their leftover paint.

Variables which contribute to accessibility include:

- number, location of collection sites relative to the distribution of population in New Brunswick
- hours of operation of collection sites
- ease of access to program information including collection site locations
- relative cost to operate collection sites in relation to number of users and quantity collected

### **8.1.6 Collection System Targets**

The Program originally established 64 collection sites as a province-wide target. The Program will continue to analyse accessibility for residents throughout New Brunswick and where gaps are identified, will determine strategies to improve accessibility, in consultation with Recycle New Brunswick.

- The program will work towards increasing the number of collection sites to 64 sites by 2015.
- The program will continue to participate in SWC collection events.
- The program will visit depots annually to ensure adequate training.

## **8.2 Transportation and Consolidation**

An effective transportation system is required to ensure that the collection system operates efficiently. Transporters contracted by the Program attend at each collection site, including SWC sites, on a regular basis to pick up full tubskids of collected paint, and to drop off empty tubskids and any related supplies.

Full paint tubskids are transported to a consolidation hub where full trailer loads are assembled for transportation to the processor, and emptied tubskids are stored for redistribution to collection sites.

## **8.3 Tracking and Auditing Mechanisms**

### **8.3.1 Tracking and audit**

The Product Care Program will utilize a database tracking and control system to record and track waste materials managed from point of collection to recycling and disposal.

Data is collected to track volume of paint containers managed by the collection system. Also, data is required of all processors and recyclers to track residual volumes collected by the program, and how those volumes are managed, with the exception of paint aerosol residual

paint volumes which are estimated based on data from other programs. This data is recorded and used to develop reports which are used for tracking and auditing purposes. The system employs best management practices and guidelines including handling and safety requirements.

### **8.3.2 Environmental Risk Management**

A necessary element of a tracking and audit system is environmental risk management. Product Care is cognizant of the need to minimize the potential for environmental incidents. Product Care works with contractors (collections sites, transporters and processors) to ensure compliance with environmental regulations and best environmental practices with respect to the collection, transportation and consolidation of leftover paint. The environmental risk management system includes:

- system wide shipping documentation and tracking system
- due diligence reviews of depots, transporters and recyclers (initial processors and downstream) to ensure compliance and for tracking system verification, conducted by third party auditor or in-house
- requirement of certificates of disposal and recycling, use of only reputable recyclers
- development of “recycler standards” as necessary
- development of best management practices, including training, reporting and guidelines etc. for collection sites and transporters
- an environmental impairment insurance policy is maintained.

### **8.3.3. Clean up and Decommissioning**

The program takes a preventive approach, as described in its environmental risk management section (regular reporting, collection site inspections, etc.). From Product Care’s experience, the risk of environmental impact at collection depots or consolidation points is minimal because of the following:

- paint is generally returned to the depots in original consumer container, on average 1/3 full
- collection sites and transporters do not open containers
- containers of paint is stored in leakproof tubskids (secondary containers)
- tubskids are stored on pavement or solid floors
- paint tends not to migrate in the ground in the event of spill
- dried paint is not considered environmentally hazardous

Unless there is a major incident, the program does not anticipate any site mitigation required for the closure of collection depots.

## **9. Independent Assessment of Plan Performance**

Product Care will provide an annual program performance assessment conducted by an independent auditor following consultation with Recycle New Brunswick to determine the parameters of the assessment.

## 10. Summary of Targets

This table provides a summary of the targets committed to in the relevant sections of the plan for the years 2012-2015. The program's annual reports will provide an update on each target.

Planned Target Set in Approved Stewardship Plan	Next Report on the Planned Target
<b>Paint Management of Collected Materials Target</b> <ul style="list-style-type: none"> <li>Maintain a minimum annual Reuse Rate of 70%</li> </ul>	<ul style="list-style-type: none"> <li>2012 Annual Report</li> </ul>
<b>Empty Paint Containers Recycling Target</b> <ul style="list-style-type: none"> <li>Maintain 100% recycling of metal, HDPE #2, and HDPE #5 paint containers</li> <li>Report on the quantity of metal/plastic collected and quantity recycled</li> </ul>	<ul style="list-style-type: none"> <li>2012 Annual Report</li> <li>2012 Annual Report</li> </ul>
<b>Consumer Awareness Target</b> <ul style="list-style-type: none"> <li>Paint program awareness level of 45% by 2013</li> <li>Paint program awareness level of 47.5% by 2015</li> </ul>	<ul style="list-style-type: none"> <li>2013 Annual Report</li> <li>2015 Annual Report</li> </ul>
<b>Communications Target</b> <ul style="list-style-type: none"> <li>Advertise in existing municipal waste calendars in collaboration with the NB SWCs.</li> <li>Every 2 years (in 2013, 2015), distribute all PoS materials (can-stickers, brochures, FAQ sheet) to all retailers</li> <li>Every 2 years (in 2013, 2015), send trade painters program information</li> <li>Advertise in Yellow Pages in the 5 largest NB communities</li> <li>Continue to participate in the Moving Beyond Waste, or a similar program</li> <li>Conduct radio advertising campaign</li> </ul>	<ul style="list-style-type: none"> <li>2012 Annual Report</li> <li>2013 Annual Report</li> <li>2013 Annual Report</li> <li>2012 Annual Report</li> <li>2012 Annual Report</li> <li>2013 Annual Report</li> </ul>
<b>Collection System Targets</b> <ul style="list-style-type: none"> <li>Increase the number of paint depots to 64 by 2015.</li> <li>Continue to partner with SWCs at their collection events</li> <li>Visit depots once a year to ensure adequate training</li> <li>Report on the number of tubskids collected, based on region</li> </ul>	<ul style="list-style-type: none"> <li>2015 Annual Report</li> <li>2012 Annual Report</li> <li>2012 Annual Report</li> <li>2012 Annual Report</li> </ul>
<b>Financial Reporting</b> <ul style="list-style-type: none"> <li>A table explaining the financial status of the program (total revenue, program operations, program admin, etc)</li> </ul>	<ul style="list-style-type: none"> <li>2012 Annual Report</li> </ul>



## Appendix A

List of 48 brand owners who have appointed Product Care as their Agent for the New Brunswick Paint Stewardship Program, as of December 2011.

Akzo Nobel Canada Inc.	Kleen-Flo Tumbler Industries Ltd.
Alexandria Moulding	Laurentide re-sources Inc.
Behr Process Corp.	Les Produits Techni-Seal Inc.
Benjamin Moore & Co. Ltd.	Liquidation World Inc.
Calibre Environmental	LPS Canada - Division of LPS Laboratories
Canadian Tire Corporation, Ltd.	Martin & Associates Ind
Cansel Survey Equipment	Modern Sales Co-op-Auto Sense Parts
Castle Building Centres Group Ltd.	Peinture Laurentide Inc.
Cdn Building Restoration Products Inc.	Peintures MF Inc.
Chalifour Canada	Plasti Kote Co., Inc. (Valspar)
Cloverdale Paint Inc.	PPG Canada Inc.
Ducan Sales Inc.	Princess Auto Ltd.
Dynamic Paint Products Inc.	Pro Form Products Ltd.
Fibre Glass-Evercoat Co. of Canada	Produits de Plancher Finitec Inc.
Forrest Paint Co.	R Cameron Industries Ltd.
General Paint Corp.	Rust-Oleum Corporation
Henry Company Inc.	Sansin Corporation
Homax Products Inc.	Selectone Paints Ltd.
Home Depot of Canada Inc.	Seymour of Sycamore Inc.
Home Hardware Stores Ltd.	Sherwin-Williams Co.
Hudson's Bay Company Inc. (HBC)	Sika Canada Inc.
IRL Supplies Ltd.	TruServ. Canada Inc.
Kent Building Supplies	WalMart Canada Corp.
K-G Spray-Pak Inc.	Wood Essence Distributing

## Appendix B

Environment

Environnement



January 20<sup>th</sup>, 2009  
File No.: 26150-16 ~  
26200-1

Mannie Cheung  
Director, Technical Services  
Product Care Association  
12337 - 82A Avenue  
Surrey, BC  
V3W 0L5

**RE: New Brunswick Used Paint Management Program**

The Department has received the request from Product Care Association to operate a Paint Stewardship Program throughout New Brunswick. This would involve recovering / collecting leftover paints as defined by the definition of *paint* in the *New Brunswick Regulation 2008-54* under the *Clean Environment Act (O.C. 2008-180)*.

Product Care Association has proposed a detailed Environmental Management Program that includes emergency reporting, operational procedures, employee training, safety measures, facility insurance and environmental reporting. After reviewing this proposal, the Department has determined that this Program will provide a high level of environmental protection. As such, the proposed operation is not considered to be a source of contaminant and will not require an Approval to Operate.

Product Care's Environmental Management Plan must be submitted to Recycle NB as part of its requirement to develop and implement a Paint Stewardship Management Plan.

If at any time Product Care Association requires changes to the operation, notification to the Department must be made within a reasonable time before the implementation of the modifications in order to re-evaluate the Program.

Failure to comply with any of the details set out in the Paint Stewardship Environmental Management Program may consequently necessitate the implementation of the Approvals process.

This letter does not affect the status of any material under any other programs, including hazardous waste management programs under the jurisdiction of the federal government or other provincial governments. As well, this letter does not relieve Product Care from obtaining other applicable permits or approvals, as required.

A handwritten signature in black ink, appearing to read "Paul Vanderlaan".

Paul Vanderlaan, P.Eng  
Director  
Project Assessment & Approvals  
Department of Environment

Cc: Sheryl Johnstone, Project Assessment & Approvals  
Greg Shanks, Director of Stewardship

P.O. Box 6000  
Fredericton  
New Brunswick  
Canada E3B 5H1

Case postale 6000  
Fredericton  
Nouveau-Brunswick  
Canada E3B 5H1

Sheryl Johnstone  
Industrial Approvals Engineer  
Energy and Manufacturing Section  
Approvals Branch  
Environmental Management Division

**Re: Request to Exempt Leftover Paint from New Brunswick Department of the Environment's Definition of Hazardous Waste**

Product Care intends to operate a paint stewardship plan pursuant to New Brunswick Regulation 2008-54 under the Clean Environment Act (O.C. 2008-180). Product Care is requesting that leftover paint be exempt from the New Brunswick Department of Environment's (ENV) definition of "hazardous waste" and hence from ENV's Hazardous Waste Management Program (including the requirements of sector standards and approval process).

**Introduction:** Product Care Association (PCA), a non-profit, industry association has been managing and operating Paint Stewardship program since 1994. Current PCA programs include the following:

- Paint & HHW program in BC
- Paint program in SK
- Paint program in NS

PCA is also involved with the following programs:

- As the program manager for the Saskatchewan Waste Electronic Equipment Program
- Part of the program development and implementation team of the MHSW program in ON
- Administers the reporting and remittance of fees in the AB Paint program
- Leading the industry working group on proposed MB HHW program

**Background:** On May 1, 2008 the New Brunswick Tire Stewardship Board was transformed into a multi-material stewardship board known as Recycle New Brunswick under the new Designated Materials Regulation – Clean Environment Act. In addition, the new regulation designated architectural paint as the first material to be managed by utilizing the extended producer responsibility approach. This approach places the responsibility and cost of recycling end of life products on industry and consumer, not the general public.

Under the new regulation, paint "Brand Owners" are required to register with Recycle New Brunswick within 30 days. A program management plan (with elements outlined in the regulation) is required within 90 days. PCA will be developing a program plan and managing the program on behalf of its members and other brand owners that have designated PCA as their agent.

The regulation defines paint as:

- (a) a tinted or untinted latex, oil or solvent-based architectural coating used for commercial or household purposes, including stain, and includes the coating's container, or

(b) a coloured or clear paint or stain sold in an aerosol container and includes the paint's or stain's container, but does not include coatings intended for marine antifouling, industrial or automotive applications. (*peinture*)

The program will seek to recover/collect leftover paints that are covered under the above definition.

Latex/water based paints are not deemed hazardous but oil/solvent based paints are captured under ENV's definition of hazardous waste and hence subject to various regulatory requirements such as sector standards. To require each depot or event, transporter and receiver to go through the sector standard approval process and other regulatory requirements would be both an administrative burden and would limit the success of the program. Therefore, PCA is requesting exemption for leftover paint from the definition of hazardous waste. The following will describe the systems and procedures that PCA plans for the NB paint program in support of our request.

## **1. Collection System**

### *a. Collection system*

- PCA intends to utilize existing solid waste commission collection sites and events for the collection of leftover paint
- In-fill with select redemption centres, return to retail collection, and other entities or businesses such as fire departments where available
- PCA managed collection events as needed

Until PCA receives feedback from Recycle New Brunswick, we will not know the number of depots or events expected.

Minimum depot requirements:

- Must be staffed during opening hours (ie supervised drop off)
- Collected paint must be secured when the depot is closed (locked indoors or locked fence if outdoor storage)
- Must have adequate storage capacity
- Must have truck access

PCA will provide ENV with a list of depots and will provide an updated list in the event of changes to the list.

### *b. Collection bins*

- PCA intends to utilize plastic boxes (approx 1 cubic yard) to collect and package the individual paint cans/containers. These bins are leak proof and provide secondary containment when upright. Damaged containers through wear and tear, that jeopardizes the integrity of the secondary containment aspects of the bins will be removed from the system by the transporter
- PCA has a Permit of Level of Equivalent of Safety from Transport Canada to utilize these collection bins as shipping containers for paint and aerosols (permit #s SU6812, SU 6811)



Closed bin



Open Bin

c. *Reuse*

PCA may include paint reuse as part of its program whereby fuller containers of leftover paint in its original container collected at the depots is made available to the public. Containers will not be allowed to be opened at the depots and the public may be return the container to the program should the quality or color not meet their requirements. These containers will be stored separately from the paint that is destined for processing.

**2. Transportation System, Tracking and Documentation**

PCA will contract local transportation companies to transport the full collection bins from the depots or events to a consolidation centre where the paint bins will be stored temporarily or transferred to a trailer for temporary storage until such time as a full trailer load can be accumulated at which time the trailer will be sent off to a paint recycling facility (most likely out of province)

- All full collection bins will be labeled with the proper TDG safety markings and shipping name (see picture above)
- A shipping document (see Appendix A for an example) will be utilized for every pickup and every shipment will be tracked
- The information on the shipping documents will be data entered into a database or spreadsheet and hard copies filed for record keeping
- A manifest will be utilized for out of province shipments, if required
- All vehicles carrying the paint will be placarded according to TDG
- Contracted transporters will be required to have the appropriate licensing/permits/approvals and TDG training for the drivers
- Each vehicle will contain a paint spill kit
- It is intended that Hebert's Recycling Inc. will be contracted to provide province wide transportation services and act as the consolidating center. ENV will be notified if the event of a change to the contracted transporter or consolidation center or the addition of new transporters or consolidation centers. PCA will supply ENV with a list of the contracted transporters and consolidation centers along with contact details.
- All vehicles carrying the paint will be locked when unattended including when the vehicle is at the consolidation center
- The consolidation center will be locked and secured during non business hours

**3. Training**

Depots staff and collection event staff will be trained on product identification, collection, packaging, storing, safety and emergency procedures. PCA will provide training manuals to each depot. Attached as Appendix B is a copy of a PCA training manual which will be modified and adapted to the NB requirements including: bilingual, NB specific emergency reporting and TDG

requirements as it relates to the collection, handling, safety marking, documentation and record keeping of paint.

**4. Safety**

- Collection bins will be store in a secure area either indoors or in a lockable fenced off area; only depot staff will have access to the bins
- Each customer returning paint will be greeted by a depot staff member and the staff will visually inspect the label to determine that it is an acceptable product and that the container is properly labeled (non-acceptable products will be rejected). The depot staff will then take the container and place it into the paint collection bin. No opening of the containers will be allowed on site.
- Each collection depot will be supplied with a spill kit that consists of absorbent material, gloves, and safety glasses. PCA will ensure that a continuous supply is made available to the depots. Spill kits will also be made available for collection events that are managed by PCA.
- PCA has an Emergency Response Service Agreement with Newalta Corporation (formerly Philip Service Inc.) (Appendix C)

**5. Insurance**

PCA has a blank insurance coverage for environmental liability coverage for all its operations (see Appendix D)

**6. Reporting**

a. Emergency Reporting

In the event an environmental emergency is discovered, PCA be responsible for notifying ENV and providing the details of the incident. During normal business hours, PCA will contact the ENV's regional office until personal contact is made:

Bathurst (506) 547-2092  
Miramichi (506) 778-6032  
Moncton (506) 856-2374  
Saint John (506) 658-2558  
Fredericton (506) 444-5149  
Grand Falls (506)473-7744

After hours, PCA will notify the Canadian Coast Guard at 1-800-565-1633 until personal contact is made.

Within 24hrs of the time of initial notification, PCA will send a copy of the Preliminary Emergency Report and within 5 days of the time of initial notification, PCA will send a copy of the Detailed Emergency Report to ENV's regional office and central office.

Bathurst (506) 547-7655  
Miramichi (506) 778-6796  
Moncton (506) 856-2370  
Saint John (506) 658-3046  
Fredericton (506) 453-2893  
Grand Falls (506) 475-2510  
Central (506) 457-7333

The detailed report will at a minimum include:

- Description of the problem
- Description of the impact that occurred
- Description of what was done to minimize the impact
- Description of what was done to prevent recurrence of the problem

b. Data Reporting

On a quarterly basis, PCA will provide a report to the ENV that contains the following information:

- Quantity of paint collected and transported from each depot/event (number of tubskids)
- Name of the transporter for each shipment
- Name of the receiver for each shipment
- Quantity shipped to recycler during the quarter and the name of the recycler
- Updated depot list and transporter list

On an annual basis, PCA will provide a report to the ENV that contains the following details:

- Total quantity of paint collected in the year
- The disposition of the paint
- Any spills of paint >50 L
- A list of all the currently active depots and transporters

Prior to the commencement of the program PCA will provide ENV the following:

- List of depots including contact information
- PCA 24 hr emergency contact person and contact details
- Consolidation center contact information
- List of contracted carriers/transporters

Should modifications occur to the program that would significantly alter the processes as described in each of the above sections, PCA will notify ENV to discuss the proposed changes and to see if an amendment or a submission of a new request for exemption is required.

**7. Appendixes**

- a. Blank Bill of Lading**
- b. Paint Depot Training Manual**
- c. ER Contract**
- d. Insurance**

Thank you for considering this request for exemption. For further information please contact Mannie Cheung, Director of Technical Services at 604 592 2972, local 203 or via email [mannie@productcare.org](mailto:mannie@productcare.org)

Mannie Cheung  
Director, Technical Services  
Product Care Association