

## PROJECT DESCRIPTION SUMMARY OF THE EFFECTS OF NEW RULE 323.1, ARCHITECTURAL COATINGS

### **Project Overview:**

The intent of new Rule 323.1 is to reduce volatile organic compound (VOC) emissions from coatings used in the painting of buildings and other structures.

The Santa Barbara County Air Pollution Control District (District) expects the Rule 323.1 will reduce VOC emissions by about 93 tons per year, thereby cleaning the air and allowing progress toward meeting state health standard for ozone. The estimated 93 tons per year emission reduction is in addition to the emission reduction already achieved by the existing Rule 323.

Current Rule 323 established limits on the VOC content of architectural coatings supplied, sold, offered for sale, applied, solicited for application, or manufactured for use within the District. We propose to update the *architectural coatings* rule requirements in a new Rule 323.1<sup>a</sup> and ultimately phase out Rule 323. With this approach, stores can sell existing Rule 323-compliant coatings up to three years after Rule 323.1 becomes effective.

Staff proposes to lower architectural coating VOC content limits for consistency with the California Air Resources Board Suggested Control Measure (SCM) for Architectural Coatings (adopted October 26, 2007), which other air districts have adopted and implemented.

### **Objectives:**

Adoption of Rule 323.1 will fulfill a commitment the District made in the 2010 Clean Air Plan. Once adopted, staff will submit Rule 323.1 to the California Air Resources Board (CARB) for inclusion into the State Implementation Plan (SIP) and to EPA for an update to the federal Outer Continental Shelf Air Regulations.

### **Introduction and Background:**

CARB has designated the Santa Barbara County Air Pollution District as a moderate nonattainment area for the state 8-hour ozone standard. Architectural coatings are a large source of volatile organic compound emissions in Santa Barbara County, accounting for about 500 tons in 2012 (Ref. 1). Volatile organic compound emissions cause the formation of ozone and particulate matter less than ten microns in size, two of the pollutants of concern in Santa Barbara County. Rule 323.1 uses the term *volatile organic compound* in lieu of *reactive organic compound* for consistency with the 2007 ARB SCM. For all intents and purposes both terms have the same meaning.

The District originally adopted Rule 323 on October 18, 1971, to regulate volatile organic compound emissions from the use of architectural coatings. Since 1971, the District has amended the rule eight times: February 24, 1975; August 22, 1977; June 11, 1979; March 11, 1985; February 20, 1990; March 16, 1995; July 18, 1996; and November 15, 2001.

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<sup>a</sup> Proposed new Rule 323.1 is provided as [Attachment A](#).

The amendments in 1975 through 1985 revised effective dates of technology-forcing limits and clarified language. The amendments in February 1990 revised the rule to be consistent with the 1989 California Air Resources Board Suggested Control Measure. The 1995 and 1996 amendments dealt with general rule cleanup issues and expanded the list of compounds exempt from the definition of volatile organic compound. The 2001 amendment incorporated the June 2000 California Air Resources Board Suggested Control Measure VOC content limits.

### **Implications to the Regulated Community:**

#### *WHO IS AFFECTED?*

Any person who:

1. Supplies, sells, or offers for sale any architectural coating for use within the District; or
2. Manufacturers, blends, or repackages any architectural coating for use within the District; or
3. Applies or solicits the application of any architectural coating within the District, or
4. Performs any solvent cleaning related to the application of any architectural coating operation conducted as part of a business.

#### *WHAT ARE THE PROPOSED RULE CHANGES?*

In general, the definitions and VOC content limits are being amended to be consistent with the 2007 ARB SCM. Attachment A shows the proposed Rule 323.1, Attachment B shows the differences between Rule 323 and Rule 323.1, Attachment C shows the differences between the 2007 ARB SCM and Rule 323.1, and Attachment D is a table that summarizes the reasons for deviations from the 2007 ARB SCM.

### **Comparisons to Adjacent Local Air Pollution Control Districts:**

Air districts adjacent to the Santa Barbara County Air Pollution Control District include the San Joaquin Unified Valley Air Pollution Control District, the Ventura County Air Pollution Control District, and the San Luis Obispo County Air Pollution Control District.

The San Joaquin Unified Valley APCD and the Ventura County APCD incorporated the 2007 ARB SCM limits into their architectural coating rules in 2009 and 2010, respectively. The San Luis Obispo County APCD has not amended their architectural coating rule to include the 2007 ARB SCM provisions.

### **Fiscal Impacts to the Regulated Industry due to New Rule 323.1:**

According to the 2007 ARB SCM, assuming manufacturers passed their cost increases for compliance with the SCM coating VOC limits on to consumers, the average potential increase is about \$1.21 per gallon (\$1.36/gal in 2013 dollars). Further, based on the average cost per gallon for consumers of \$19.20 (\$21.56/gal in 2013 dollars), the average increase in the cost per gallon would be about six percent.<sup>a</sup>

ARB estimated that the total annualized cost of the SCM to be \$12.3 million (\$13.8 million/year in 2013 dollars). Apportioning this figure to Santa Barbara County, the total annualized cost of the SCM is about \$250,000 (\$280,000/year in 2013 dollars).

### **Emission Reductions, Cost Effectiveness, and Incremental Cost-Effectiveness:**

#### *WHAT ARE THE EMISSION REDUCTIONS FROM THE RULE AMENDMENT?*

The overall planning year 2020 VOC emission reduction due to the Rule 323 amendments is nearly 93 tons per year (about 0.25 tons per day). The VOC emission reduction is from reduced coating VOC content limits. The current overall emission reduction is significantly greater than that predicted in the 2010 Clean Air Plan.

The following table shows the projected emission reductions for this rulemaking activity. It should be noted that the projected future emissions also take growth into consideration.

2013 Rulemaking Emission Inventory and Emission Reduction Data  
(for Solvents, Coatings, Thinners, and Additives)<sup>b</sup>

<b>VOC Planning Emission Inventory</b>	<b>Base Year 2012, Tons/Day (Tons/Year)</b>	<b>Planning Year 2020, Tons/Day (Tons/Year)</b>	<b>Planning Year 2030, Tons/Day (Tons/Year)</b>
Projected Emissions Before Control	1.3730 (501.1410)	1.4416 (526.1981)	1.6267 (593.7519)
Projected Emission Reductions	0.2546 (92.9376)	0.2674 (97.5845)	0.3017 (1.3250)
Projected Emissions After Control	1.1184 (408.2034)	1.1743 (428.6136)	1.3250 (483.6394)

<sup>a</sup> Staff converted from 2007 dollars to 2013 dollars using a CA Consumer Price Index of 12.3 percent.

<sup>b</sup> [Attachment E](#) provides the data by *Projected Emissions Before Control*, *Projected Emission Reduction*, and, *Projected Emissions After Control*.

#### *WHAT IS THE RULE 323.1 COST EFFECTIVENESS?*

The cost effectiveness of the amended rule is 3,017 dollars per ton of VOC reduced. This cost effectiveness figure compares favorably with the cost-effectiveness of similar regulations.

#### *WHAT IS RULE 323.1 INCREMENTAL COST EFFECTIVENESS?*

Incremental cost effectiveness is intended to measure the change in costs (in dollars per year) and emissions reductions (in tons reduced per year) between two progressively more effective control options or technologies. For this rule project, an incremental cost effectiveness analysis does not apply because this rule only has one control technique: reducing VOC coating limits. This rule does not include another control option (e.g., use of add on control equipment). Hence, there is no progressively more effective control option to compare the reduced VOC limits to and it is not possible to perform an incremental cost effectiveness analysis.

#### **Implications to the District Work Load and Budget:**

The District anticipates the current staffing levels will be sufficient for any increase in inspections and industry outreach programs associated with implementing the new rule provisions.

#### **Public Review:**

##### *WHAT PUBLIC REVIEW PROCESS DID THE 2007 ARB SCM UNDERGO?*

The California Air Resource Board commenced the public review process for the 2007 SCM with the formation of an industry working group in October 2006. ARB staff held three public workshops and meetings on December 12, 2006; March 13, 2007; and June 6, 2007. The first workshop focused on general discussions regarding the SCM update, the project timeline, and the technical approach. At the second workshop, ARB staff presented draft VOC limits and revised definitions for several major coating categories. At the third workshop, ARB staff presented draft regulatory language for the entire SCM (Ref. 2).

##### *WHAT PUBLIC REVIEW PROCESS DID THE PROPOSED NEW RULE 323.1 UNDERGO?*

Due to the noncontroversial nature of the rule amendments, the District limited the number of workshops to one. This workshop was held on [*tentatively scheduled for March 11, 2014*] at the District's Santa Barbara Office, Wisteria Conference Room, 260 North San Antonio Road, Santa Barbara, California. [*The following, as deemed appropriate*] Meetings with individual stakeholder groups were conducted on [*to be determined*].

Staff presented draft proposed Rule 323.1 to the Community Advisory Council (CAC) on [*to be determined*]. After hearing the staff briefing on the project, the CAC approved a motion to recommend that the Board approve proposed Rule 323.1.

## REFERENCES

1. Santa Barbara County APCD Architectural Coating Inventory for Baseyear 2012.
2. California Air Resources Board “Staff Report for Proposed Amendments to the Suggested Control Measure for Architectural Coatings,” September 2007.

Attached:

[Attachment A, Proposed Rule 323.1](#)

[Attachment B, Differences between Rule 323 and Rule 323.1](#)

[Attachment C, Differences between the 2007 SCM and Rule 323.1](#)

[Attachment D, Summary of Reasons for Significant Differences between the 2007 ARB SCM and Rule 323.1](#)

[Attachment E, 2013 Rulemaking Emission Inventory and Emission Reduction Data by Projected Emissions Before Control, Projected Emission Reduction, and, Projected Emissions After Control](#)

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**RULE 323.1. ARCHITECTURAL COATINGS. (Adopted [date of rule adoption], Effective [six months after date of adoption])**

**A. Applicability**

1. Except as provided in Section B, this rule is applicable to any person who:
  - a. Supplies, sells, or offers for sale any architectural coating for use within the District; or
  - b. Manufactures, blends, or repackages any architectural coating for use within the District; or
  - c. Applies or solicits the application of any architectural coating within the District; or
  - d. Performs any solvent cleaning related to the application of any architectural coatings within the District.
2. Rule 323.1 shall be effective on [six months after date of adoption].
3. Rule 323, Architectural Coatings, shall remain in effect in its entirety until [six months after date of adoption], except that the Rule 323 sell-through provisions shall remain in effect as set forth in Section 323.1.D.3 of this rule.

**B. Exemptions**

1. The requirements of this rule shall not apply to the following:
  - a. Any architectural coating that is supplied, sold, offered for sale, or manufactured for use outside of the District or for shipment to other manufacturers for reformulation or repackaging for use outside of the District.
  - b. Any aerosol coating product and any person using an aerosol coating product.
  - c. Any solvent cleaning machine subject to Rule 321, Solvent Cleaning Machines and Solvent Cleaning. However, if a person uses a solvent cleaning machine for the cleaning of architectural coating application equipment, the solvent cleaning machine shall be:
    - i. exempt from Rule 321, and
    - ii. subject to Rule 323.1 provisions, including Section D.4.
2. Any architectural coating sold in a container with a volume of one liter (1.057 quarts) or less shall be exempt from Section D.1 and the limits listed in Table 323.1-1, provided:
  - a. The coating containers are not bundled together to be sold as a unit that exceeds one liter (1.057 quarts), excluding containers packed together for shipping to a retail outlet.
  - b. The label or any other product literature does not suggest combining multiple containers so that the combination exceeds one liter (1.057 quarts).
3. Any architectural coating operation that is not conducted as part of a business is exempt from the requirements of Section D.4 of this rule.
4. The provisions of Section D.4.g shall not apply to solvents labeled exclusively for the clean-up of application equipment used for polyaspartic or polyurea coatings.

5. The provisions of Section E.1 shall not apply to architectural coatings in containers having capacities of two fluid ounces (59.15 milliliters) or less.

### C. Definitions

See Rule 102, Definitions, for definitions not limited to this rule. For the purposes of this rule, the following definitions shall apply:

**“Adhesive”** means any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.

**“Aerosol Coating Product”** means any pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant, and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground traffic/marketing applications.

**“Aluminum Roof Coating”** means any coating labeled and formulated exclusively for application to roofs and containing at least 84 grams per liter of coating (0.7 pound per gallon of coating) of elemental aluminum pigment. Pigment content shall be determined in accordance with South Coast Air Quality Management District Method 318-95, “Determination of Weight Percent Elemental Metal in Coatings By X-Ray Diffraction,” incorporated by reference in Section G.5.c of this rule.

**“Appurtenance”** means any accessory to a stationary structure coated at the site of installation, whether installed or detached, including, but not limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools; lampposts; partitions; pipes and piping systems; rain gutters and downspouts; stairways, fixed ladders, catwalks, and fire escapes; and window screens.

**“Architectural Coating”** means any coating to be applied to stationary structures or their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are not considered architectural coatings for the purposes of this rule.

**“Asphalt”** means the dark-brown to black cementitious material (solid, semi-solid, or liquid in consistency) of which the main constituents are bitumens which occur naturally or as a residue of petroleum refining.

**“Basement Specialty Coating”** means any clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a hydrostatic seal for basements and other below-grade surfaces. **Basement Specialty Coatings** shall meet the following criteria:

- a. Coating shall be capable of withstanding at least 10 pounds per square inch of hydrostatic pressure, as determined in accordance with ASTM Designation D7088-04, “Standard Practice for Resistance to Hydrostatic Pressure for Coatings Used in Below Grade Applications Applied to Masonry,” ASTM International; which is incorporated by reference in Section G.5.k of this rule; and
- b. Coating shall be resistant to mold and mildew growth and shall achieve a microbial growth rating of 8 or more, as determined in accordance with ASTM Designation D3273-00, “Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber,” ASTM International, and ASTM Designation D3274-95, “Standard Test Method for Evaluating Degree of Surface Disfigurement of Paint Films by Microbial (Fungal or Algal) Growth or Soil and Dirt Accumulation,” ASTM International; incorporated by reference in Section G.5.q of this rule.



**“Bay Area Air Quality Management District Method 41 (Revised 2005), “Materials Containing Parachlorobenzotrifluoride””** means the test method adopted by the Bay Area Air Quality Management District as of [*date of rule adoption*].

**“Bay Area Air Quality Management District Method 43 (Revised 2005), “Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials””** means the test method adopted by the Bay Area Air Quality Management District as of [*date of rule adoption*].

**“Bitumens”** means any black or brown materials, including, but not limited to, asphalt, tar, pitch, and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.

**“Bituminous Roof Coating”** means any coating which incorporates bitumens that is labeled and formulated exclusively for roofing.

**“Bituminous Roof Primer”** means any primer which incorporates bitumens that is labeled and formulated exclusively for roofing and intended for the purpose of preparing a weathered or aged surface or improving the adhesion of subsequent surfacing components.

**“Bond Breaker”** means any coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.

**“Coating”** means any material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealers, and stains.

**“Colorant”** means any concentrated pigment dispersion in water, solvent, and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color.

**“Concrete Curing Compound”** means any coating labeled and formulated for application to freshly poured concrete to perform one or more of the following functions:

- a. Retard the evaporation of water; or
- b. Harden or dustproof the surface of freshly poured concrete.

**“Concrete/Masonry Sealer”** means any clear or opaque coating that is labeled and formulated primarily for application to concrete and masonry surfaces to perform one or more of the following functions:

- a. Prevent penetration of water; or
- b. Provide resistance against abrasion, alkalis, acids, mildew, staining, or ultraviolet light; or
- c. Harden or dustproof the surface of aged or cured concrete.

**“Driveway Sealer”** means any coating labeled and formulated for application to worn asphalt driveway surfaces to perform one or more of the following functions:

- a. Fill cracks; or
- b. Seal the surface to provide protection; or
- c. Restore or preserve the appearance.

**“Dry Fog Coating”** means any coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.

**“Exempt Compound”** means any compound identified as exempt under the definition of “Volatile Organic Compound (VOC).” Tertiary-butyl acetate, also known as t-butyl acetate or tBAC, shall be considered exempt as a VOC only for purposes of VOC emissions limitations or VOC Content requirements and shall be considered a VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements which apply to VOCs. Exempt compounds content of a coating shall be determined by Environmental Protection Agency Method 24 or South Coast Air Quality Management District Method 303-91 (Revised 1996), “Determination of Exempt Compounds,” incorporated by reference in Section G.5.h and Section G.5.g of this rule, respectively.

**“Faux Finishing Coating”** means any coating labeled and formulated to meet one or more of the following criteria:

- a. A glaze or textured coating used to create artistic effects, including, but not limited to: dirt, suede, old age, smoke damage, and simulated marble and wood grain; or
- b. A decorative coating used to create a metallic, iridescent, or pearlescent appearance that contains at least 48 grams of pearlescent mica pigment or other iridescent pigment per liter of coating as applied (at least 0.4 pound per gallon); or
- c. A decorative coating used to create a metallic appearance that contains less than 48 grams of elemental metallic pigment per liter of coating as applied (less than 0.4 pound per gallon), when tested in accordance with the South Coast Air Quality Management District Method 318-95, “Determination of Weight Percent Elemental Metal in Coatings By X-Ray Diffraction,” incorporated by reference in Section G.5.c of this rule; or
- d. A decorative coating used to create a metallic appearance that contains greater than 48 grams of elemental metallic pigment per liter of coating as applied (greater than 0.4 pound per gallon) and which requires a clear topcoat to prevent the degradation of the finish under normal use conditions. The metallic pigment content shall be determined in accordance with the South Coast Air Quality Management District Method 318-95, “Determination of Weight Percent Elemental Metal in Coatings By X-Ray Diffraction,” incorporated by reference in Section G.5.c of this rule; or
- e. A clear topcoat to seal and protect a Faux Finishing coating that meets the requirements of Section a, b, c, or d above. These clear topcoats shall be sold and used solely as part of a Faux Finishing coating system, and shall be labeled in accordance with Section E.1.d of this rule.

**“Fire-Resistive Coating”** means any coating labeled and formulated to protect structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials. The Fire Resistive category includes sprayed fire resistive materials and intumescent fire resistive coatings that are used to bring structural materials into compliance with federal, state, and local building code requirements. Fire-Resistive coatings shall be tested in accordance with ASTM Designation E119-07, “Standard Test Methods for Fire Tests of Building Construction and Materials,” ASTM International, incorporated by reference in Section G.5.a of this rule. Fire Resistive coatings and testing agencies shall be approved by building code officials.

**“Flat Coating”** means any coating that is not defined under any other definition in this rule and that registers gloss less than 15 on an 85-degree meter or less than 5 on a 60-degree meter according to ASTM Designation D523-89(1999), “Standard Test Method for Specular Gloss,” ASTM International, incorporated by reference in Section G.5.b of this rule.

**“Floor Coating”** means any opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, garage floors, and other horizontal surfaces that may be subject to foot traffic.

**“Form-Release Compound”** means any coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.

**“Graphic Arts Coating or Sign Paint”** means any coating labeled and formulated for hand-application by artists using brush, airbrush, or roller techniques to indoor and outdoor signs (excluding structural components) and murals, including lettering enamels, poster colors, copy blockers, and bulletin enamels.

**“High Temperature Coating”** means any high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204 degrees Celsius (400 degrees Fahrenheit).

**“Industrial Maintenance Coating”** means any high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats formulated for application to substrates, including floors, exposed to one or more of the following extreme environmental conditions listed in Section a through e below, and labeled as specified in Section E.1.e of this rule:

- a. Immersion in water, wastewater, or chemical solutions, including aqueous and non-aqueous solutions, or chronic exposure of interior surfaces to moisture condensation; or
- b. Acute or chronic exposure to corrosive, caustic or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions; or
- c. Frequent exposure to temperatures above 121 degrees Celsius (250 degrees Fahrenheit); or
- d. Frequent heavy abrasion, including mechanical wear and frequent scrubbing with industrial solvents, cleansers, or scouring agents; or
- e. Exterior exposure of metal structures and structural components.

**“Low Solids Coating”** means any coating containing 0.12 kilogram or less of solids per liter (1 pound or less of solids per gallon) of coating material as recommended for application by the manufacturer. The VOC Content for Low Solids Coatings shall be calculated in accordance with the definition of **“VOC Actual”** within Section C of this rule.

**“Magnesite Cement Coating”** means any coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

**“Manufacturer”** means any person, company, firm, or establishment who imports, blends, assembles, produces, packages, repackages, or re-labels any architectural coating, not including retail outlets where labels or stickers may be affixed to architectural coating containers or where colorant is added at the point of sale.

**“Manufacturer’s Maximum Thinning Recommendation”** means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

**“Mastic Texture Coating”** means any coating labeled and formulated to cover holes and minor cracks and to conceal surface irregularities, and is applied in a single coat of at least 10 mils (at least 0.010 inch) dry film thickness.

**“Medium Density Fiberboard (MDF)”** means any composite wood product, panel, molding, or other building material composed of cellulosic fibers, usually wood, made by dry forming and pressing of a resinated fiber mat.

**“Metallic Pigmented Coating”** means any coating that is labeled and formulated to provide a metallic appearance. Metallic Pigmented coatings shall contain at least 48 grams of elemental metallic pigment (excluding zinc) per liter of coating as applied (at least 0.4 pound per gallon), when tested in accordance with South Coast Air Quality Management District Method 318-95, “Determination of Weight Percent Elemental Metal in Coatings By X-Ray Diffraction,” incorporated by reference in Section G.5.c of this rule. The Metallic Pigmented Coating category does not include coatings applied to roofs or Zinc-Rich Primers.

**“Multi-Color Coating”** means any coating that is packaged in a single container and that is labeled and formulated to exhibit more than one color when applied in a single coat.

**“Multi-purpose Solvent”** means “Multi-purpose Solvent” as defined in California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 8.5, Article 2, section 94508 on [date of rule adoption].

**“Multicomponent Coating”** means any coating requiring the addition of a separate reactive resin, commonly known as a catalyst or hardener, before application to form an acceptable dry film.

**“National Cooperative Highway Research Report 244 (1981), “Concrete Sealers for the Protection of Bridge Structures””** means the test method adopted by the Transportation Research Board as of [date of rule adoption].

**“Nonflat Coating”** means any coating that is not defined under any other definition in this rule and that registers a gloss of 15 or greater on an 85-degree meter and 5 or greater on a 60-degree meter according to ASTM Designation D523-89(1999), “Standard Test Method for Specular Gloss,” ASTM International, incorporated by reference in Section G.5.b of this rule.

**“Nonflat - High Gloss Coating”** means any nonflat coating that registers a gloss of 70 or greater on a 60-degree meter according to ASTM Designation D523-89(1999), “Standard Test Method for Specular Gloss,” ASTM International, incorporated by reference in Section G.5.b of this rule. Nonflat – High Gloss coatings shall be labeled in accordance with Section E.1.i.

**“Particleboard”** means any composite wood product panel, molding, or other building material composed of cellulosic material, usually wood, in the form of discrete particles, as distinguished from fibers, flakes, or strands, which are pressed together with resin.

**“Pearlescent”** means exhibiting various colors depending on the angles of illumination and viewing, as observed in mother-of-pearl.

**“Plywood”** means any panel product consisting of layers of wood veneers or composite core pressed together with resin. Plywood includes panel products made by either hot or cold pressing (with resin) veneers to a platform.

**“Post-Consumer Coating”** means any finished coating generated by a business or consumer that have served their intended end uses, and are recovered from or otherwise diverted from the waste stream for the purpose of recycling.

**“Pretreatment Wash Primer”** means any primer that contains a minimum of 0.5 percent acid, by weight, when tested in accordance with ASTM Designation D1613-06, “Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products,” ASTM International, incorporated by reference in Section G.5.d of this rule, that is labeled and formulated

for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats.

**“Primer, Sealer, and Undercoater”** means any coating labeled and formulated for one or more of the following purposes:

- a. To provide a firm bond between the substrate and the subsequent coatings; or
- b. To prevent subsequent coatings from being absorbed by the substrate; or
- c. To prevent harm to subsequent coatings by materials in the substrate; or
- d. To provide a smooth surface for the subsequent application of coatings; or
- e. To provide a clear finish coat to seal the substrate; or
- f. To block materials from penetrating into or leaching out of a substrate.

**“Reactive Penetrating Sealer”** means any clear or pigmented coating that is labeled and formulated for application to above-grade concrete and masonry substrates to provide protection from water and waterborne contaminants, including, but not limited to, alkalis, acids, and salts. Reactive Penetrating Sealers shall penetrate into concrete and masonry substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrate. Reactive Penetrating Sealers line the pores of concrete and masonry substrates with a hydrophobic coating, but do not form a surface film. Reactive Penetrating Sealers shall meet all of the following criteria:

- a. The Reactive Penetrating Sealer shall improve water repellency at least 80 percent after application on a concrete or masonry substrate. This performance shall be verified on standardized test specimens, in accordance with one or more of the following standards, incorporated by reference in Section G.5.r of this rule: ASTM Designation C67-07, “Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile,” or ASTM Designation C97-02, “Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone,” or ASTM C140-06, “Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units,” ASTM International; and
- b. The Reactive Penetrating Sealer shall not reduce the water vapor transmission rate by more than 2 percent after application on a concrete or masonry substrate. This performance shall be verified on standardized test specimens, in accordance with ASTM Designation E96/E96M-05, “Standard Test Methods for Water Vapor Transmission of Materials,” ASTM International, incorporated by reference in Section G.5.s of this rule;
- c. Products labeled and formulated for vehicular traffic surface chloride screening applications shall meet the performance criteria listed in the National Cooperative Highway Research Report 244 (1981), incorporated by reference in Section G.5.t of this rule; and
- d. Containers for Reactive Penetrating Sealers shall be labeled in accordance with Section E.1.g of this rule.

**“Recycled Coating”** means any architectural coating formulated such that it contains a minimum of 50 percent by volume of post-consumer coating, with a maximum of 50 percent by volume of secondary industrial materials or virgin materials.

**“Roof Coating”** means any non-bituminous coating labeled and formulated for application to roofs for the primary purpose of preventing water penetration, reflecting ultraviolet light, or reflecting solar radiation.

**“Rule 323 Sell-Through Provisions”** means the provisions specified in Rule 323, Section D.3.

**“Rust Preventative Coating”** means any coating formulated to prevent the corrosion of metal surfaces for one or more of the following applications:

- a. Direct-to-metal coating; or
- b. Coating intended for application over rusty, previously coated surfaces.

The Rust Preventative category does not include the following:

- a. Coatings that are required to be applied as a topcoat over a primer; or
- b. Coatings that are intended for use on wood or any other non-metallic surface.

Rust Preventative coatings are for metal substrates only and shall be labeled as such, in accordance with the labeling requirements in Section E.1.f of this rule.

**“Secondary Industrial Materials”** means any products or by-products of the paint manufacturing process that are of a known composition and have economic value but can no longer be used for their intended purpose.

**“Semitransparent Coating”** means any coating that contains binders and colored pigments and is formulated to change the color of the surface, but not conceal the grain pattern or texture.

**“Shellac”** means any clear or opaque coating formulated solely with the resinous secretions of the lac beetle, *Laccifer lacca*, and formulated to dry by evaporation without a chemical reaction.

**“Shop Application”** means any application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process (e.g., original equipment manufacturing coatings).

**“Solicit”** means to require for use or to specify, by written or oral contract.

**“South Coast Air Quality Management District Method 303-91 (Revised 1996), “Determination of Exempt Compounds,” August 1996,”** means the test method adopted by the South Coast Air Quality Management District as of [date of rule adoption].

**“South Coast Air Quality Management District Method 304-91 (Revised 1996), “Determination of Volatile Organic Compounds (VOC) in Various Materials””** means the test method adopted by the South Coast Air Quality Management District as of [date of rule adoption].

**“South Coast Air Quality Management District Method 318-95, “Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction””** means the test method adopted by the South Coast Air Quality Management District as of [date of rule adoption].

**“Stain”** means any semitransparent or opaque coating labeled and formulated to change the color of a surface but not to conceal the grain pattern or texture.

**“Stone Consolidant”** means any coating that is labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone Consolidants shall penetrate into stone substrates to create bonds between particles and consolidate deteriorated material. Stone Consolidants shall be specified and used in accordance with ASTM Designation E2167-01, “Standard Guide for Selection and Use of Stone Consolidants,” ASTM

International, incorporated by reference in Section G.5.u of this rule. Stone Consolidants are for professional use only and shall be labeled as such, in accordance with the labeling requirements in Section E.1.h of this rule.

**“Swimming Pool Coating”** means any coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals. Swimming pool coatings include coatings used for swimming pool repair and maintenance.

**“Tint Base”** means any architectural coating to which colorant is added after packaging in sale units to produce a desired color.

**“Traffic Marking Coating”** means any coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces, including, but not limited to, curbs, berms, driveways, parking lots, sidewalks, and airport runways.

**“Tub and Tile Refinish Coating”** means any clear or opaque coating that is labeled and formulated exclusively for refinishing the surface of a bathtub, shower, sink, or countertop. Tub and Tile Refinish coatings shall meet all of the following criteria:

- a. The coating shall have a scratch hardness of 3H or harder and a gouge hardness of 4H or harder. This shall be determined on bonderite 1000, in accordance with ASTM Designation D3363-05, “Standard Test Method for Film Hardness by Pencil Test,” ASTM International, incorporated by reference in Section G.5.m of this rule; and
- b. The coating shall have a weight loss of 20 milligrams or less after 1000 cycles. This shall be determined with CS-17 wheels on bonderite 1000, in accordance with ASTM Designation D4060-07, “Standard Test Method for Abrasion Resistance of Organic Coatings by the Taber Abraser,” ASTM International, incorporated by reference in Section G.5.n of this rule; and
- c. The coating shall withstand 1000 hours or more of exposure with few or no #8 blisters. This shall be determined on unscribed bonderite, in accordance with ASTM Designation D4585-99, “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation,” ASTM International, and ASTM Designation D714-02e1, “Standard Test Method for Evaluating Degree of Blistering of Paints,” ASTM International, incorporated by reference in Section G.5.o of this rule; and
- d. The coating shall have an adhesion rating of 4B or better after 24 hours of recovery. This shall be determined on unscribed bonderite, in accordance with ASTM Designation D4585-99, “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation,” ASTM International, and ASTM Designation D3359-02, “Standard Test Methods for Measuring Adhesion by Tape Test,” ASTM International, incorporated by reference in Section G.5.l of this rule.

**“Veneer”** means any thin sheets of wood peeled or sliced from logs for use in the manufacture of wood products such as plywood, laminated veneer lumber, or other products.

**“Virgin Materials”** means any materials that contain no post-consumer coatings or secondary industrial materials.

**“Volatile Organic Compound (VOC)”** means any compound containing at least one (1) atom of carbon, except for the following exempt compounds:

- a. acetone
- b. ammonium carbonate

- c. carbon dioxide
- d. carbon monoxide
- e. carbonic acid
- f. dimethyl carbonate
- g. ethane
- h. metallic carbides or carbonates
- i. methane
- j. methyl acetate
- k. methyl chloroform (1,1,1-trichloroethane)
- l. methyl formate;  $\text{HCOOCH}_3$
- m. cyclic, branched, or linear completely methylated siloxane compounds
- n. methylene chloride
- o. parachlorobenzotrifluoride
- p. perchloroethylene (tetrachloroethylene)
- q. the following four classes of perfluorocarbon (PFC) compounds:
  - i. cyclic, branched, or linear, completely fluorinated alkanes,
  - ii. cyclic, branched, or linear, completely fluorinated ethers with no unsaturations,
  - iii. cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations, and
  - iv. sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
- r. propylene carbonate
- s. tertiary-butyl acetate;  $\text{C}_6\text{H}_{12}\text{O}_2$  (“acetic acid, 1,1-dimethylethyl ester”)
 

Tertiary-butyl acetate (also known as t-butyl acetate or tBAC) shall be considered exempt as a VOC only for purposes of VOC emissions limitations or VOC Content requirements and shall be a VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements which apply to VOCs.
- t. CFC-11 (trichlorofluoromethane)
- u. CFC-12 (dichlorodifluoromethane)
- v. CFC-113 (1,1,2-trichloro-1,2,2-trifluoroethane)
- w. CFC-114 (1,2-dichloro 1,1,2,2-tetrafluoroethane)
- x. CFC-115 (chloropentafluoroethane)
- y. HCFC-22 (chlorodifluoromethane)
- z. HCFC-31 (chlorofluoromethane)
- aa. HCFC-123 (1,1,1-trifluoro 2,2-dichloroethane)
- ab. HCFC-123a (1,2-dichloro-1,1,2-trifluoroethane)
- ac. HCFC-124 (2-chloro-1,1,1,2-tetrafluoroethane)
- ad. HCFC-141b (1,1-dichloro 1-fluoroethane)
- ae. HCFC-142b (1-chloro-1,1 difluoroethane)
- af. HCFC-151a (1-chloro-1-fluoroethane)
- ag. HCFC-225ca (3,3-dichloro-1,1,1,2,2-pentafluoropropane)
- ah. HCFC-225cb (1,3-dichloro-1,1,2,2,3-pentafluoropropane)
- ai. HFC-23 (trifluoromethane)
- aj. HFC-32 (difluoromethane)
- ak. HFC-43-10mee (1,1,1,2,3,4,4,5,5,5-decafluoropentane)
- al. HFC-125 (pentafluoroethane)
- am. HFC-134 (1,1,2,2-tetrafluoroethane)
- an. HFC-134a (1,1,1,2-tetrafluoroethane)
- ao. HFC-143a (1,1,1-trifluoroethane)
- ap. HFC-152a (1,1-difluoroethane)
- aq. HFC-161 (ethylfluoride)
- ar. HFC-227ea (1,1,1,2,3,3,3-heptafluoropropane)
- as. HFC-236ea (1,1,1,2,3,3-hexafluoropropane)
- at. HFC-236fa (1,1,1,3,3,3-hexafluoropropane)
- au. HFC-245ca (1,1,2,2,3-pentafluoropropane)



- av. HFC-245ea (1,1,2,3,3-pentafluoropropane)
- aw. HFC-245eb (1,1,1,2,3-pentafluoropropane)
- ax. HFC-245fa (1,1,1,3,3-pentafluoropropane)
- ay. HFC-365mfc (1,1,1,3,3-pentafluorobutane)
- az. HFE-7000; n-C<sub>3</sub>F<sub>7</sub>OCH<sub>3</sub>; (1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane)
- ba. HFE-7100; (CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OCH<sub>3</sub>; (2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane) or C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub>; (1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane)
- bb. HFE-7200; (CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>; (2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane) or C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub>; (1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane)
- bc. HFE-7300; (1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane)
- bd. HFE-7500; (3-ethoxy- 1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2- (trifluoromethyl) hexane)

“**VOC Actual**” means the weight of VOC per volume of coating and it is calculated with the following equation:

$$\text{VOC Actual} = \frac{(W_s - W_w - W_{ec})}{(V_m)}$$

Where:

- VOC Actual = the grams of VOC per liter of coating (also known as “Material VOC”)
- W<sub>s</sub> = weight of volatiles, in grams
- W<sub>w</sub> = weight of water, in grams
- W<sub>ec</sub> = weight of exempt compounds, in grams
- V<sub>m</sub> = volume of coating, in liters

“**VOC Content**” means the weight of VOC per volume of coating. VOC Content is “**VOC Regulatory**,” as defined in Section C of this rule, for all coatings except for those in the Low Solids category. For coatings in the Low Solids category, the VOC Content is “**VOC Actual**,” as defined in Section C of this rule. If the coating is a multicomponent coating, the VOC Content is “**VOC Regulatory**” as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC Content shall include the VOCs emitted during curing.

“**VOC Regulatory**” means the weight of VOC per volume of coating, less the volume of water and exempt compounds. It is calculated with the following equation:

$$\text{VOC Regulatory} = \frac{(W_s - W_w - W_{ec})}{(V_m - V_w - V_{ec})}$$

Where:

- VOC Regulatory = grams of VOC per liter of coating, less water and exempt compounds (also known as “Coating VOC”)
- W<sub>s</sub> = weight of volatiles, in grams
- W<sub>w</sub> = weight of water, in grams
- W<sub>ec</sub> = weight of exempt compounds, in grams
- V<sub>m</sub> = volume of coating, in liters
- V<sub>w</sub> = volume of water, in liters
- V<sub>ec</sub> = volume of exempt compounds, in liters

“**Waterproofing Membrane**” means any clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a seamless waterproofing membrane that prevents

any penetration of liquid water into the substrate. Waterproofing Membranes are intended for the following waterproofing applications: below-grade surfaces, between concrete slabs, inside tunnels, inside concrete planters, and under flooring materials. Waterproofing Membranes shall meet the following criteria:

- a. Coating shall be applied in a single coat of at least 25 mils (at least 0.025 inch) dry film thickness; and
- b. Coatings shall meet or exceed the requirements contained in ASTM Designation C836-06, "Standard Specification for High Solids Content, Cold Liquid Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course," ASTM International, incorporated by reference in Section G.5.p of this rule.

The Waterproofing Membrane category does not include topcoats that are included in the Concrete/Masonry Sealer category (e.g., parking deck topcoats, pedestrian deck topcoats, etc.).

**"Wood Coating"** means any coating labeled and formulated for application to wood substrates only. The Wood Coatings category includes the following clear and semitransparent coatings: lacquers; varnishes; sanding sealers; penetrating oils; clear stains; wood conditioners used as undercoats; and wood sealers used as topcoats. The Wood Coatings category also includes the following opaque wood coatings: opaque lacquers; opaque sanding sealers; and opaque lacquer undercoats. The Wood Coatings category does not include the following: clear sealers that are labeled and formulated for use on concrete/masonry surfaces; or coatings intended for substrates other than wood.

Wood Coatings shall be labeled "For Wood Substrates Only," in accordance with Section E.1.j of this rule.

**"Wood Preservative"** means any coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered with both the Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code Section 136, *et seq.*) and with the California Department of Pesticide Regulation.

**"Wood Substrate"** means any substrate made of wood, particleboard, plywood, medium density fiberboard, rattan, wicker, bamboo, or composite products with exposed wood grain. Wood products do not include items comprised of simulated wood.

**"Zinc-Rich Primer"** means any coating that meets all of the following specifications:

- a. Coating contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids; and
- b. Coating is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of coatings; and
- c. Coating is intended for professional use only and is labeled as such, in accordance with the labeling requirements in Section E.1.k of this rule.

## **D. Standards**

### **1. VOC Content Limits:**

- a. Except as provided in Sections D.2 or D.3 of this rule, no person shall manufacture, blend, repackage, supply, sell or offer for sale, apply, or solicit for application of any architectural coating for use within the District if that coating has a VOC Content in excess of any corresponding limit specified in Table 323.1-1.

- b. For any coating that does not meet any of the definitions for the specialty coatings categories listed in Table 323.1-1, the VOC Content limit shall be determined by classifying the coating as a Flat coating, a Nonflat coating, or a Nonflat – High Gloss coating, based on its gloss, as determined by the method specified in Section G.5.b and the corresponding Flat, Nonflat, or Nonflat – High Gloss coating VOC limit shall apply.

- 2. **Most Restrictive VOC Limit:** If a coating meets the definition in Section C of this rule for one or more specialty coating categories that are listed in Table 323.1-1, then that coating is not required to meet the VOC limits for Flat, Nonflat, or Nonflat – High Gloss coatings, but shall meet the VOC limit for the applicable specialty coating listed in Table 323.1-1.

With the exception of the specialty coating categories specified in Sections D.2.a through D.2.k, if a coating is recommended for use in more than one of the specialty coating categories listed in Table 323.1-1, the most restrictive (or lowest) VOC Content limit shall apply. This requirement applies to: usage recommendations that appear anywhere on the coating container, anywhere on any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf.

- a. Aluminum roof coatings;
- b. Bituminous roof primers;
- c. High temperature coatings;
- d. Industrial maintenance coatings;
- e. Low solids coatings;
- f. Metallic pigmented coatings;
- g. Pretreatment wash primers;
- h. Shellacs;
- i. Wood coatings;
- j. Wood preservatives; and
- k. Zinc-rich primers.

- 3. **Sell-Through of Coatings:**

A coating manufactured prior to [rule's effective date] may be sold, supplied, or offered for sale for up to three years after [rule's effective date], provided that the coating complies with all applicable provisions in Rule 323 as revised November 15, 2001. Such coating may also be applied at any time, both before and after [rule's effective date]. This Section does not apply to any coating that does not display the date or date-code required by Section E.1.a of this rule.

- 4. **Work Practices:**

- a. All VOC-containing materials including, but not limited to, coatings, thinners, cleanup solvents, surface preparation solvents, and other associated solvents shall be stored and disposed of in nonabsorbent and nonleaking containers equipped with tight-fitting covers. All covers shall be in place unless adding material to or removing material from the containers, the containers are empty, or doing maintenance/inspection of the containers.

- b. Waste solvent, waste solvent residues, and any other waste material that contains VOCs shall be disposed of by one of the following methods:
    - i. A commercial waste solvent reclamation service licensed by the State of California.
    - ii. At a facility that is federally or state licensed to treat, store or dispose of such waste.
    - iii. Recycling in conformance with Section 25143.2 of the California Health and Safety Code.
  - c. All covers, valves, drain plugs, and other closure devices designed to reduce surface coating or solvent evaporation shall not be removed or opened except to process work or to perform monitoring, inspections, maintenance, or repairs that require the removal of the covers or other closure devices.
  - d. Any surface coating or solvent spills shall be wiped up immediately and the used absorbent material (e.g., cloth, paper, sand, sawdust, etc.) shall be stored in closed containers that are handled in accordance with Section D.4.a of this rule.
  - e. The handling and transfer of coatings and cleaning solvents to or from enclosed systems, vats, waste containers, and other solvent cleaning equipment that hold or store fresh or spent coatings and cleaning solvents shall be conducted in such a manner to minimize spills.
  - f. Containers used to store coating, solvent, or any waste material that contains VOCs subject to this rule shall be marked or clearly labeled indicating the name of the material they contain.
  - g. No person shall use any solvent to prepare any surface for painting or during any “paint clean-up operation” unless the solvent complies with all requirements for a multi-purpose solvent specified in the Air Resources Board consumer product regulation in effect on *[date of rule adoption]*, found in Title 17 of the California Code of Regulations, section 94507 et seq. “Paint clean-up operations” means any cleaning of oil-based or water-based paint, lacquer, varnish, or related coatings from, but not limited to, painting equipment or tools, plastics, or metals.
5. **Thinning:** No person who applies or solicits the application of any architectural coating shall apply a coating that is thinned to exceed the applicable VOC limit specified in Table 323.1-1.

#### **E. Container Labeling Requirements**

- 1. Each manufacturer of any architectural coating subject to this rule shall display the information listed in Sections E.1.a through E.1.c on the coating container (or label) in which the coating is sold or distributed, and as applicable, the information in Sections E.1.d through E.1.k.
  - a. **Date Code:** The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation of each code with the Executive Officer of the California Air Resources Board.
  - b. **Thinning Recommendations:** A statement of the manufacturer’s recommendation regarding thinning of the coating shall be indicated on the label or lid of the container. This requirement does not apply to the thinning of architectural coatings with water. If

thinning of the coating prior to use is not necessary, the recommendation shall specify that the coating is to be applied without thinning.

- c. **VOC Content:** Each container of any coating subject to this rule shall display one of the following values in grams of VOC per liter of coating:
  - i. Maximum VOC Content as determined from all potential product formulations; or
  - ii. VOC Content as determined from actual formulation data; or
  - iii. VOC Content as determined using the test methods in Section G.2 of this rule.

If the manufacturer does not recommend thinning, the container shall display the VOC Content, as supplied. If the manufacturer recommends thinning, the container shall display the VOC Content, including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multicomponent coating, the container shall display the VOC Content as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC Content shall include the VOCs emitted during curing. VOC Content shall be determined as defined in Section C.

- d. **Faux Finishing Coatings:** The labels of all Clear Topcoats for Faux Finishing coatings shall prominently display the statement “This product can only be sold or used as part of a Faux Finishing coating system.”
- e. **Industrial Maintenance Coatings:** The labels of all Industrial Maintenance coatings shall prominently display the statement “For industrial use only” or “For professional use only.”
- f. **Rust Preventative Coatings:** The labels of all rust preventative coatings shall prominently display the statement “For Metal Substrates Only.”
- g. **Reactive Penetrating Sealers:** The labels of all Reactive Penetrating Sealers shall prominently display the statement “Reactive Penetrating Sealer.”
- h. **Stone Consolidants:** The labels of all Stone Consolidants shall prominently display the statement “Stone Consolidant - For Professional Use Only.”
- i. **Nonflat – High Gloss Coatings:** The labels of all Nonflat – High Gloss coatings shall prominently display the words “High Gloss.”
- j. **Wood Coatings:** The labels of all Wood Coatings shall prominently display the statement “For Wood Substrates Only.”
- k. **Zinc Rich Primers:** The labels of all Zinc Rich Primers shall prominently display the statement “For Professional Use Only.”

## F. Recordkeeping and Reporting Requirements

- 1. **Sales Information:** Each manufacturer subject to this rule shall designate a responsible official for purposes of compliance with this section. A responsible official from each manufacturer shall upon request of the Control Officer or the Executive Officer of the Air Resources Board, or his or her delegate, provide any certification or information necessary to disclose the distribution and

sales of architectural coatings. The responsible official shall within 180 days provide information, including, but not limited to:

- a. Name and mailing address of the manufacturer;
- b. Name, address, and telephone number of a contact person;
- c. Name of the coating product as it appears on the label and the applicable coating category;
- d. Whether the product is marketed for interior or exterior use or both;
- e. Number of gallons per year sold in California in containers greater than one liter (1.057 quarts) and equal to or less than one liter (1.057 quarts);
- f. **VOC Actual** content and **VOC Regulatory** content in grams per liter. If thinning is recommended, list the **VOC Actual** content and **VOC Regulatory** content after maximum recommended thinning. If containers less than one liter have a different VOC Content than containers greater than one liter, list separately. If the coating is a multicomponent coating, provide the VOC Content as mixed or catalyzed;
- g. Names and Chemical Abstracts Service numbers of the VOC constituents in the product;
- h. Names and Chemical Abstracts Service numbers of any compounds in the product specifically exempted from the VOC definition, as listed in Section C of this rule;
- i. Whether the product is marketed as solventborne, waterborne, or 100 percent solids;
- j. Description of resin or binder in the product;
- k. Whether the coating is a single-component or multicomponent coating;
- l. Density of the product in pounds per gallon;
- m. Percent by weight of: solids, all volatile materials, water, and any compounds in the product specifically exempted from the VOC definition, as listed in Section C of this rule;
- n. Percent by volume of: solids, water, and any compounds in the product specifically exempted from the VOC definition, as listed in Section C of this rule; and
- o. For any product containing tertiary-butyl acetate, the product's tertiary-butyl acetate content in grams of tertiary-butyl acetate per liter, and the number of gallons per year sold in California.

Any failure of a responsible official to comply with any provisions of this rule shall be a violation of these Rules and Regulations by the responsible official and the manufacturer.

2. All sales data listed in Section F.1 above shall be maintained by the responsible official for a minimum of three years. Sales data submitted by the responsible official to the Executive Officer of the Air Resources Board may be claimed as confidential and, where permitted under California law, will be protected by the District from disclosure. Properly designated confidential information will be handled in accordance with the procedures specified in Title 17, California Code of Regulations Sections 91000-91022 or District policies and procedures.

3. Any person using or handling any architectural coating as part of a business shall maintain a current file on the solvents used. The file shall list all VOC-containing solvents used by material name and manufacturer identification (e.g., brand name, stock identification number) and list the corresponding percent VOC by weight. The file shall be kept with the architectural coating equipment and shall be readily available for inspection and review by the District.

#### **G. Compliance Provisions and Test Methods**

1. **Calculation of VOC Content:** For the purpose of determining compliance with the VOC Content limits in Table 323.1-1, the VOC Content of a coating shall be determined using the procedure described in the appropriate Section C definition. The VOC Content of a tint base shall be determined without colorant that is added after the tint base is manufactured. If the manufacturer does not recommend thinning, the VOC Content shall be calculated for the product as supplied. If the manufacturer recommends thinning, the VOC Content shall be calculated including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multicomponent coating, the VOC Content shall be calculated as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC Content shall include the VOCs emitted during curing.
2. **VOC Content of Coatings:** To determine the physical properties of a coating in order to perform the calculations in the Section C definition for **VOC Actual** for low solids coatings or the Section C definition for **VOC Regulatory** for all other architectural coatings, the reference method for VOC Content is the Environmental Protection Agency Method 24, incorporated by reference in Section G.5.h, except as provided in Sections G.3 and G.4. An alternative method to determine the VOC Content of coatings is South Coast Air Quality Management District Method 304-91 (Revised 1996), "Determination of Volatile Organic Compounds (VOC) in Various Materials," incorporated by reference in Section G.5.i. The exempt compounds content shall be determined by South Coast Air Quality Management District Method 303-91 (Revised 1996), "Determination of Exempt Compounds," or the Bay Area Air Quality Management District Method 43 (Revised 2005), "Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials," or the Bay Area Air Quality Management District Method 41 (Revised 2005), "Materials Containing Parachlorobenzotrifluoride," as applicable, incorporated by reference in Sections G.5.g, G.5.e, and G.5.f, respectively. To determine the VOC Content of a coating, the manufacturer may use the Environmental Protection Agency Method 24, or an alternative method as provided in Section G.3, formulation data, or any other reasonable means for predicting that the coating has been formulated as intended (e.g., quality assurance checks, recordkeeping). However, if there are any inconsistencies between the results of a Method 24 test and any other means for determining VOC Content, the Method 24 test results will govern, except when an alternative method is approved as specified in Section G.3. The Control Officer may require the manufacturer to conduct a Method 24 analysis.
3. **Alternative Test Methods:** Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with Section G.2 or G.7, after review and approved in writing by the staffs of the District, the California Air Resources Board, and the Environmental Protection Agency, may also be used.
4. **Methacrylate Traffic Marking Coatings:** Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of Environmental Protection Agency Method 24 (40 CFR part 59, subpart D, appendix A), incorporated by reference in Section G.5.j. This method has not been approved for methacrylate multicomponent coatings used for other purposes than as traffic marking coatings or for other classes of multicomponent coatings.
5. **Test Methods:** The following test methods are incorporated by reference herein, and shall be used to test coatings and solvents subject to the provisions of this rule:

- a. **Fire Resistance Rating:** The fire resistance rating of a fire-resistive coating shall be determined by ASTM Designation E119-07, "Standard Test Methods for Fire Tests of Building and Construction Materials," ASTM International (see Section C, Fire-Resistive Coating).
- b. **Gloss Determination:** The gloss of a coating shall be determined by ASTM Designation D523-89 (1999), "Standard Test Method for Specular Gloss," ASTM International (see Section C, Flat Coating, Nonflat Coating, and Nonflat – High Gloss Coating).
- c. **Metal Content of Coatings:** The metallic content of a coating shall be determined by South Coast Air Quality Management District Method 318-95, "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction," *SCAQMD Laboratory Methods of Analysis for Enforcement Samples* (see Section C, Aluminum Roof, Faux Finishing, and Metallic Pigmented Coating).
- d. **Acid Content of Coatings:** The acid content of a coating shall be determined by ASTM Designation D1613-06, "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products," ASTM International (see Section C, Pretreatment Wash Primer).
- e. **Exempt Compounds – Siloxanes:** Exempt compounds that are cyclic, branched, or linear completely methylated siloxanes, shall be analyzed as exempt compounds for compliance with Section G by Bay Area Air Quality Management District Method 43 (Revised 2005), "Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials," *BAAQMD Manual of Procedures*, Volume III, adopted November 6, 1996 (see Section C, Volatile Organic Compound (VOC), and Section G.2).
- f. **Exempt Compounds – Parachlorobenzotrifluoride (PCBTF):** The exempt compound parachlorobenzotrifluoride, shall be analyzed as an exempt compound for compliance with Section G by Bay Area Air Quality Management District Method 41 (Revised 2005), "Determination of Volatile Organic Compounds in Solvent Based Coatings and Related Materials Containing Parachlorobenzotrifluoride," *BAAQMD Manual of Procedures*, Volume III, adopted December 20, 1995 (see Section C, Volatile Organic Compound (VOC), and Section G.2).
- g. **Exempt Compounds:** The content of exempt compounds shall be analyzed by South Coast Air Quality Management District Method 303-91 (Revised 1996), "Determination of Exempt Compounds," *SCAQMD Laboratory Methods of Analysis for Enforcement Samples* (see Section C, Volatile Organic Compound (VOC), and Section G.2).
- h. **VOC Content of Coatings:** The VOC Content of a coating (actual and regulatory) shall be determined by Environmental Protection Agency Method 24 as it exists in appendix A of 40 *Code of Federal Regulations* (CFR) part 60, "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings" (see Section G.2).
- i. **Alternative VOC Content of Coatings:** The VOC Content of coatings (actual and regulatory) may be analyzed either by Environmental Protection Agency Method 24 or South Coast Air Quality Management District Method 304-91 (Revised 1996), "Determination of Volatile Organic Compounds (VOC) in Various Materials," *SCAQMD Laboratory Methods of Analysis for Enforcement Samples* (see Section G.2).
- j. **Methacrylate Traffic Marking Coatings:** The VOC Content of methacrylate multicomponent coatings used as traffic marking coatings shall be analyzed by the



procedure in 40 CFR part 59, subpart D, appendix A, “Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings” (June 30, 1999) (see Section G.4).

- k. **Hydrostatic Pressure for Basement Specialty Coatings:** ASTM Designation D7088-04, “Standard Practice for Resistance to Hydrostatic Pressure for Coatings Used in Below Grade Applications Applied to Masonry,” ASTM International (see Section C, Basement Specialty Coating).
- l. **Tub and Tile Refinish Coating Adhesion:** ASTM Designation D4585-99, “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation,” ASTM International, and ASTM D3359-02, “Standard Test Methods for Measuring Adhesion by Tape Test,” ASTM International (see Section C, Tub and Tile Refinish Coating).
- m. **Tub and Tile Refinish Coating Hardness:** ASTM Designation D3363-05, “Standard Test Method for Film Hardness by Pencil Test,” ASTM International (see Section C, Tub and Tile Refinish Coating).
- n. **Tub and Tile Refinish Coating Abrasion Resistance:** ASTM Designation D4060-07, “Standard Test Methods for Abrasion Resistance of Organic Coatings by the Taber Abraser,” ASTM International (see Section C, Tub and Tile Refinish Coating).
- o. **Tub and Tile Refinish Coating Water Resistance:** ASTM Designation D4585-99, “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation,” ASTM International, and ASTM Designation D714-02e1, “Standard Test Method for Evaluating Degree of Blistering of Paints,” ASTM International (see Section C, Tub and Tile Refinish Coating).
- p. **Waterproofing Membrane:** ASTM Designation C836-06, “Standard Specification for High Solids Content, Cold Liquid-Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course,” ASTM International (see Section C, Waterproofing Membrane).
- q. **Mold and Mildew Growth for Basement Specialty Coatings:** ASTM Designation D3273-00, “Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber,” ASTM International, and ASTM Designation D3274-95, “Standard Test Method for Evaluating Degree of Surface Disfigurement of Paint Films by Microbial (Fungal or Algal) Growth or Soil and Dirt Accumulation,” ASTM International (see Section C, Basement Specialty Coating).
- r. **Reactive Penetrating Sealer Water Repellency:** ASTM Designation C67-07, “Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile,” ASTM International, or ASTM Designation C97-02, “Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone,” ASTM International, or ASTM Designation C140-06, “Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units,” ASTM International (see Section C, Reactive Penetrating Sealer).
- s. **Reactive Penetrating Sealer Water Vapor Transmission:** ASTM Designation E96/E96M-05, “Standard Test Method for Water Vapor Transmission of Materials,” ASTM International (see Section C, Reactive Penetrating Sealer).
- t. **Reactive Penetrating Sealer - Chloride Screening Applications:** National Cooperative Highway Research Report 244 (1981), “Concrete Sealers for the Protection of Bridge Structures” (see Section C, Reactive Penetrating Sealer).

- u. **Stone Consolidants:** ASTM Designation E2167-01, “Standard Guide for Selection and Use of Stone Consolidants,” ASTM International (see Section C, Stone Consolidant).
6. **Environmental Protection Agency Test Method in Effect:** The Environmental Protection Agency test methods in effect on *[date of rule adoption]* shall be the test methods used to meet the requirements of this rule.

**Table 323.1-1**

**VOC CONTENT LIMITS FOR ARCHITECTURAL COATINGS**

Limits are expressed as **VOC Regulatory**, thinned to the manufacturer’s maximum thinning recommendation, excluding any colorant added to tint bases.

<b>COATING CATEGORY</b>	<b>VOC Content Limit</b> (Grams of VOC per Liter of Coating)
<b>Flat Coatings</b>	50
<b>Nonflat Coatings</b>	100
<b>Nonflat – High Gloss Coatings</b>	150
<b>Specialty Coatings</b>	
Aluminum Roof Coatings	400
Basement Specialty Coatings	400
Bituminous Roof Coatings	50
Bituminous Roof Primers	350
Bond Breakers	350
Concrete Curing Compounds	350
Concrete/Masonry Sealers	100
Driveway Sealers	50
Dry Fog Coatings	150
Faux Finishing Coatings	350
Fire-Resistive Coatings	350
Floor Coatings	100
Form-Release Compounds	250
Graphic Arts Coatings or Sign Paints	500
High Temperature Coatings	420
Industrial Maintenance Coatings	250
Low Solids Coatings <sup>4</sup>	120
Magnesite Cement Coatings	450
Mastic Texture Coatings	100
Metallic Pigmented Coatings	500
Multi-Color Coatings	250
Pretreatment Wash Primers	420
Primers, Sealers, and Undercoaters	100
Reactive Penetrating Sealers	350
Recycled Coatings	250
Roof Coatings	50
Rust Preventative Coatings	250

<sup>4</sup> Limit is expressed as **VOC Actual**.

<b>COATING CATEGORY</b>	<b>VOC Content Limit</b> (Grams of VOC per Liter of Coating)
Shellacs:	
• Clear	730
• Opaque	550
Stains	250
Stone Consolidants	450
Swimming Pool Coatings	340
Traffic Marking Coatings	100
Tub and Tile Refinish Coatings	420
Waterproofing Membranes	250
Wood Coatings	275
Wood Preservatives	350
Zinc-Rich Primers	340

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Marked Up Rule 323 Reflecting the Proposed Rule 323.1 Text

**RULE 323.1. ARCHITECTURAL COATINGS.** (Adopted [date of rule adoption] ~~10/18/1971, revised 2/24/1975, 8/22/1977, readopted 10/23/1978, revised 6/11/1979, 3/11/1985, 2/20/1990, 3/16/1995, 7/18/1996, and 11/15/2001, Effective [six months after date of adoption]~~)

**A. Applicability**

~~This rule is applicable to any person who supplies, sells, offers for sale, applies, or solicits the application of any architectural coating, or who manufactures any architectural coating for use within the District.~~

1. Except as provided in Section B, this rule is applicable to any person who:
  - a. Supplies, sells, or offers for sale any architectural coating for use within the District; or
  - b. Manufactures, blends, or repackages any architectural coating for use within the District; or
  - c. Applies or solicits the application of any architectural coating within the District; or
  - d. Performs any solvent cleaning related to the application of any architectural coatings within the District.
2. Rule 323.1 shall be effective on [six months after date of adoption].
3. Rule 323, Architectural Coatings, shall remain in effect in its entirety until [six months after date of adoption], except that the Rule 323 sell-through provisions shall remain in effect as set forth in Section 323.1.D.3 of this rule.

**B. Exemptions**

1. The requirements of this rule shall not apply to the following:
  - ~~a.~~ Any ~~Architectural coatings that is supplied, sold, offered for sale,~~ or manufactured for use outside of the District or for shipment to other manufacturers for reformulation or repackaging ~~for use outside of the District.~~
  - b. Any aerosol coating product and any person using an aerosol coating product.
  - c. Any solvent cleaning machine subject to Rule 321, Solvent Cleaning Machines and Solvent Cleaning. However, if a person uses a solvent cleaning machine for the cleaning of architectural coating application equipment, the solvent cleaning machine shall be:
    - i. exempt from Rule 321, and
    - ii. subject to Rule 323.1 provisions, including Section D.4.
2. ~~Any~~ architectural coatings sold in a ~~containers~~ with a volume of one liter (1.057 quarts) or less; ~~or shall be exempt from Section D.1 and the limits listed in Table 323.1-1, provided:~~
  - a. The coating containers are not bundled together to be sold as a unit that exceeds one liter (1.057 quarts), excluding containers packed together for shipping to a retail outlet.
  - b. The label or any other product literature does not suggest combining multiple containers so that the combination exceeds one liter (1.057 quarts).

3. ~~Any aerosol coating product.~~Any architectural coating operation that is not conducted as part of a business is exempt from the requirements of Section D.4 of this rule.
4. ~~The provisions of Section D.4.g shall not apply to solvents labeled exclusively for the clean-up of application equipment used for polyaspartic or polyurea coatings.~~
5. ~~The provisions of Section E.1 shall not apply to architectural coatings in containers having capacities of two fluid ounces (59.15 milliliters) or less.~~

## C. Definitions

See Rule 102, Definitions, for definitions not limited to this rule. For the purposes of this rule, the following definitions shall apply:

1. ~~“Adhesive” means any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.~~
  2. ~~“Aerosol eCoating pProduct” means any pressurized coating product containing pigments or resins that dispenses product ingredients with by means of a propellant, and is packaged in a disposable can for hand-held application, or for application with use in specialized equipment for ground traffic/marketing equipment applications.~~
  3. ~~“Antenna coating” means a coating labeled and formulated exclusively for application to equipment and associated structural appurtenances that receive or transmit electromagnetic signals.~~
  4. ~~“Antifouling coating” means a coating labeled and formulated for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms. To qualify as an antifouling coating, the coating must be registered with both the United States Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Section 136, et seq.) and with the California Department of Pesticide Regulation.~~
- “Aluminum Roof Coating” means any coating labeled and formulated exclusively for application to roofs and containing at least 84 grams per liter of coating (0.7 pound per gallon of coating) of elemental aluminum pigment. Pigment content shall be determined in accordance with South Coast Air Quality Management District Method 318-95, “Determination of Weight Percent Elemental Metal in Coatings By X-Ray Diffraction,” incorporated by reference in Section G.5.c of this rule.
5. ~~“Appurtenances” means any accessories accessory to a stationary structure coated at the site of installation, whether installed or detached, including, but not limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools; lampposts; partitions; pipes and piping systems; rain gutters and downspouts; stairways, fixed ladders, catwalks, and fire escapes; and window screens.~~
  6. ~~“Architectural eCoatings” means any coatings to be applied to stationary structures or their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are not considered architectural coatings for the purposes of this rule.~~

“Asphalt” means the dark-brown to black cementitious material (solid, semi-solid, or liquid in consistency) of which the main constituents are bitumens which occur naturally or as a residue of petroleum refining.

**“Basement Specialty Coating”** means any clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a hydrostatic seal for basements and other below-grade surfaces. **Basement Specialty Coatings** shall meet the following criteria:

- a. Coating shall be capable of withstanding at least 10 pounds per square inch of hydrostatic pressure, as determined in accordance with ASTM Designation D7088-04, “Standard Practice for Resistance to Hydrostatic Pressure for Coatings Used in Below Grade Applications Applied to Masonry,” ASTM International; which is incorporated by reference in Section G.5.k of this rule; and
- b. Coating shall be resistant to mold and mildew growth and shall achieve a microbial growth rating of 8 or more, as determined in accordance with ASTM Designation D3273-00, “Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber,” ASTM International, and ASTM Designation D3274-95, “Standard Test Method for Evaluating Degree of Surface Disfigurement of Paint Films by Microbial (Fungal or Algal) Growth or Soil and Dirt Accumulation,” ASTM International; incorporated by reference in Section G.5.q of this rule.

**“Bay Area Air Quality Management District Method 41 (Revised 2005), “Materials Containing Parachlorobenzotrifluoride”**” means the test method adopted by the Bay Area Air Quality Management District as of [date of rule adoption].

**“Bay Area Air Quality Management District Method 43 (Revised 2005), “Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials”**” means the test method adopted by the Bay Area Air Quality Management District as of [date of rule adoption].

7. **“Bitumens”** means any black or brown coating materials, including, but not limited to, asphalt, tar, pitch, and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or ~~are as~~ residues from the distillation of crude petroleum or ~~of~~ coal.

8. **“Bituminous ~~R~~Roof ~~e~~Coating”** means any coating ~~that which~~ incorporates bitumens ~~and~~ that is labeled and formulated exclusively for roofing.

9. **“Bituminous ~~R~~Roof ~~p~~Primer”** means any primer ~~that which~~ incorporates bitumens ~~and~~ that is labeled and formulated exclusively for roofing ~~and intended for the purpose of preparing a weathered or aged surface or improving the adhesion of subsequent surfacing components.~~

10. **“Bond ~~b~~Breakers”** means any coatings labeled and formulated for application between layers of concrete to prevent ~~the a~~ freshly poured top layer of concrete from bonding to the layer over which it is poured.

11. **“Clear ~~brushing lacquers~~”** means clear wood finishes, ~~excluding clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without chemical reaction and to provide a solid, protective film, that are intended exclusively for application by brush, and that are labeled as specified in Section E.1.c of this Rule.~~

12. **“Clear wood coatings”** means clear and semi-transparent coatings, including lacquers and varnishes, applied to wood substrates to provide a transparent or translucent solid film.

13. **“Coating”** means any material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealers, and stains.

14. **“Colorant”** means any concentrated pigment dispersion in water, solvent, and/or binder ~~that is~~ added to an architectural coating after packaging in sale units to produce the desired color.

15. —“**Concrete eCuring eCompounds**” means any coatings labeled and formulated for application to freshly poured concrete to perform one or more of the following functions:

- a. Retard the evaporation of water; or
- b. Harden or dustproof the surface of freshly poured concrete.

“**Concrete/Masonry Sealer**” means any clear or opaque coating that is labeled and formulated primarily for application to concrete and masonry surfaces to perform one or more of the following functions:

- a. Prevent penetration of water; or
- b. Provide resistance against abrasion, alkalis, acids, mildew, staining, or ultraviolet light; or
- c. Harden or dustproof the surface of aged or cured concrete.

“**Driveway Sealer**” means any coating labeled and formulated for application to worn asphalt driveway surfaces to perform one or more of the following functions:

- a. Fill cracks; or
- b. Seal the surface to provide protection; or
- c. Restore or preserve the appearance.

16. —“**Dry eFog eCoatings**” means any coatings labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.

17. —“**Exempt eCompound**” means any compound identified as exempt under the definition of “Volatile eOrganic eCompounds (VOC).” Tertiary-butyl acetate, also known as t-butyl acetate or tBAC, shall be considered exempt as a VOC only for purposes of VOC emissions limitations or VOC Content requirements and shall be considered a VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements which apply to VOCs. Exempt compounds content of a coating shall be determined by Environmental Protection Agency Method 24 or South Coast Air Quality Management District Method 303-91 (Revised August 1996), “Determination of Exempt Compounds,” incorporated by reference in Section G.5.h and Section G.5.jg of this Rule, respectively.

18. —“**Faux eFinishing eCoating**” means any coating labeled and formulated as a stain or to meet one or more of the following criteria:

- a. A glaze or textured coating used to create artistic effects, including, but not limited to: dirt, suede, old age, smoke damage, and simulated marble and wood grain; or
- b. A decorative coating used to create a metallic, iridescent, or pearlescent appearance that contains at least 48 grams of pearlescent mica pigment or other iridescent pigment per liter of coating as applied (at least 0.4 pound per gallon); or
- c. A decorative coating used to create a metallic appearance that contains less than 48 grams of elemental metallic pigment per liter of coating as applied (less than 0.4 pound per gallon), when tested in accordance with the South Coast Air Quality Management District Method 318-95, “Determination of Weight Percent Elemental Metal in Coatings By X-Ray Diffraction,” incorporated by reference in Section G.5.c of this rule; or



- d. A decorative coating used to create a metallic appearance that contains greater than 48 grams of elemental metallic pigment per liter of coating as applied (greater than 0.4 pound per gallon) and which requires a clear topcoat to prevent the degradation of the finish under normal use conditions. The metallic pigment content shall be determined in accordance with the South Coast Air Quality Management District Method 318-95, "Determination of Weight Percent Elemental Metal in Coatings By X-Ray Diffraction," incorporated by reference in Section G.5.c of this rule; or
- e. A clear topcoat to seal and protect a Faux Finishing coating that meets the requirements of Section a, b, c, or d above. These clear topcoats shall be sold and used solely as part of a Faux Finishing coating system, and shall be labeled in accordance with Section E.1.d of this rule.

19. ~~19.~~ **"Fire-Resistive eCoating"** means ~~an opaque~~ any coating labeled and formulated to protect the structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials. ~~The Fire Resistive category includes sprayed fire resistive materials and intumescent fire resistive coatings that are used to bring, that has been fire tested and rated by a testing agency approved by building code officials for use in bringing assemblies of structural materials into compliance with federal, state, and local building code requirements. Building code officials must approve the fire resistive coating and the testing agency. The fire-resistive coatings shall be tested in accordance with American Society of Testing and Materials ASTM Designation E 119-98E119-07, "Standard Test Methods for Fire Tests of Building Construction and Materials," ASTM International, incorporated by reference in Section G.5.b of this rule. Fire Resistive coatings and testing agencies shall be approved by building code officials.~~

20. ~~20.~~ **"Fire-retardant coatings"** means ~~coatings labeled and formulated to retard ignition and flame spread, that have been fire tested and rated by a testing agency approved by building code officials to bring building and construction materials into compliance with federal, state, and local building code requirements. Building code officials must approve the fire retardant coating and the testing agency. The fire retardant coating shall be tested in accordance with American Society of Testing and Materials Designation E 84-99, incorporated by reference in Section G.5.a of this Rule.~~

21. ~~21.~~ **"Flat eCoating"** means any coating that is not defined under any other definition in this rule and that registers gloss less than 15 on an 85-degree meter or less than 5 on a 60-degree meter according to ~~American Society of Testing and Materials~~ ASTM Designation D-523-89-(1999), "Standard Test Method for Specular Gloss," ASTM International, incorporated by reference in Section G.5.e of this ~~R~~rule.

22. ~~22.~~ **"Floor eCoating"** means any opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, garage floors, and other horizontal surfaces that may be subject to foot traffic.

23. ~~23.~~ **"Flow coating"** means ~~a coating labeled and formulated exclusively for electric power companies or their subcontractors to maintain the protective coating systems present on utility transformer units.~~

24. ~~24.~~ **"Form-Release eCompounds"** means any coatings labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.

25. ~~25.~~ **"Graphic aArts eCoatings or (sSign pPaints)"** means any coatings labeled and formulated for hand-application by artists using brush, airbrush, or roller techniques to indoor and outdoor signs (excluding structural components) and murals, including lettering enamels, poster colors, copy blockers, and bulletin enamels.

26. ~~26.~~ **"High-~~t~~ Temperature eCoatings"** means any high performance coatings labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above ~~400 degrees Fahrenheit~~ (204 degrees Celsius (400 degrees Fahrenheit)).

27. —“**Industrial Maintenance Coatings**” means any high-performance architectural coatings, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for application to substrates, including floors, exposed to one or more of the following extreme environmental conditions listed in Section a through e below, and labeled as specified in Section E.1.d of this Rule:

- a. Immersion in water, wastewater, or chemical solutions, ~~(including aqueous and non-aqueous solutions)~~, or chronic exposure of interior surfaces to moisture condensation; or
- b. Acute or chronic exposure to corrosive, caustic or acidic agents, or to chemicals, chemical fumes, or chemical mixtures, or solutions; or
- c. ~~Repeated-Frequent~~ exposure to temperatures ~~in excess of above~~ 121 degrees Celsius (250 degrees Fahrenheit (121 degrees Celsius); or
- d. ~~Repeated (frequent)~~ heavy abrasion, including mechanical wear and ~~repeated (frequent)~~ scrubbing with industrial solvents, cleansers, or scouring agents; or;
- e. Exterior exposure of metal structures and structural components.

28. —“**Lacquers**” means ~~clear or opaque wood coatings, including clear lacquer sanding sealers, formulated with cellulose or synthetic resins to dry by evaporation without chemical reaction and to provide a solid, protective film.~~

29. —“**Low Solids Coating**” means ~~A~~ any coating containing 0.12 kilogram or less of solids per liter (1.0 pound or less of solids per gallon) of coating material as recommended for application by the manufacturer. The VOC Content for Low Solids Coatings shall be calculated in accordance with the definition of “VOC Actual” within Section C of this rule.

30. —“**Magnesite Cement Coatings**” means any coatings labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

“**Manufacturer**” means any person, company, firm, or establishment who imports, blends, assembles, produces, packages, repackages, or re-labels any architectural coating, not including retail outlets where labels or stickers may be affixed to architectural coating containers or where colorant is added at the point of sale.

“**Manufacturer’s Maximum Thinning Recommendation**” means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

31. —“**Mastic Texture Coatings**” means any coatings labeled and formulated to cover holes and minor cracks and to conceal surface irregularities, and is applied in a single coat thickness of at least 10 mils (at least 0.010 inch) dry film thickness.

“**Medium Density Fiberboard (MDF)**” means any composite wood product, panel, molding, or other building material composed of cellulosic fibers, usually wood, made by dry forming and pressing of a resinated fiber mat.

32. —“**Metallic Pigmented Coatings**” means any coatings that is labeled and formulated to provide a metallic appearance. Metallic Pigmented coatings shall contain at least 48 grams of elemental metallic pigment (excluding zinc) per liter of coating as applied (at least 0.4 pounds per gallon) of elemental metallic pigment per liter of coating as applied, when tested in accordance with South Coast Air Quality Management District Method 318-95, “Determination of Weight Percent Elemental Metal in Coatings By X-Ray Diffraction,” incorporated by reference in Section G.5.d of this Rule. The Metallic Pigmented Coating category does not include coatings applied to roofs or Zinc-Rich Primers.

33. —“**Multi-eColor eCoatings**” means any coatings that are-is packaged in a single container and that is labeled and formulated to exhibit more than one color when applied in a single coat.

“Multi-purpose Solvent” means “Multi-purpose Solvent” as defined in California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 8.5, Article 2, section 94508 on [date of rule adoption].

“Multicomponent Coating” means any coating requiring the addition of a separate reactive resin, commonly known as a catalyst or hardener, before application to form an acceptable dry film.

“National Cooperative Highway Research Report 244 (1981), “Concrete Sealers for the Protection of Bridge Structures”” means the test method adopted by the Transportation Research Board as of [date of rule adoption].

34. —“**Nonflat eCoating**” means any coating that is not defined under any other definition in this rule and that registers a gloss of 15 or greater on an 85-degree meter and 5 or greater on a 60-degree meter according to American Society of Testing and MaterialsASTM Designation D-523-89-(1999), “Standard Test Method for Specular Gloss,” ASTM International, incorporated by reference in Section G.5.eb of this Rrule.

35. —“**Nonflat - hHigh gGloss eCoating**” means any nonflat coating that registers a gloss of 70 or above-greater on a 60-degree meter according to American Society of Testing and MaterialsASTM Designation D-523-89-(1999), “Standard Test Method for Specular Gloss,” ASTM International, incorporated by reference in Section G.5.eb of this Rrule. Nonflat – High Gloss coatings shall be labeled in accordance with Section E.1.i.

36. —“**Nonindustrial use**” means any use of architectural coatings except in the construction or maintenance of any of the following: facilities used in the manufacturing of goods and commodities; transportation infrastructure, including highways, bridges, airports and railroads; facilities used in mining activities, including petroleum extraction; and utilities infrastructure, including power generation and distribution, and water treatment and distribution systems.

“Particleboard” means any composite wood product panel, molding, or other building material composed of cellulosic material, usually wood, in the form of discrete particles, as distinguished from fibers, flakes, or strands, which are pressed together with resin.

“Pearlescent” means exhibiting various colors depending on the angles of illumination and viewing, as observed in mother-of-pearl.

“Plywood” means any panel product consisting of layers of wood veneers or composite core pressed together with resin. Plywood includes panel products made by either hot or cold pressing (with resin) veneers to a platform.

37. —“**Post-eConsumer eCoating**” means any finished coating generated by a business or consumer that have served their intended end uses, and are recovered from or otherwise diverted from the waste stream for the purpose of recycling, that would have been disposed of in a landfill, having completed its usefulness to a consumer, and does not include manufacturing wastes.

38. —“**Pre-treatment wWash pPrimers**” means any primers- that contains a minimum of 0.5 percent acid, by weight, when tested in accordance with American Society of Testing and MaterialsASTM Designation D-1613-906, “Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products,” ASTM International, incorporated by reference in Section G.5.ed of this Rrule, that are-is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats.

39. ~~“Primers~~**Primer, Sealer, and Undercoater**” means any coatings labeled and formulated for application to substrates one or more of the following purposes:

- a. ~~\_\_\_\_\_~~To provide a firm bond between the substrate and the subsequent coats; ~~or~~
- b. ~~\_\_\_\_\_~~To prevent subsequent coatings from being absorbed by the substrate; or
- c. ~~\_\_\_\_\_~~To prevent harm to subsequent coatings by materials in the substrate; or
- d. ~~\_\_\_\_\_~~To provide a smooth surface for the subsequent application of coatings; or
- e. ~~\_\_\_\_\_~~To provide a clear finish coat to seal the substrate; or
- f. ~~\_\_\_\_\_~~To block materials from penetrating into or leaching out of a substrate.

~~“Procedures in 40 CFR part 59, subpart D, appendix A, “Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings””~~ means the modified Environmental Protection Agency Method 24 test method, as prescribed in 40 CFR 59, subpart D, appendix A, as adopted by and in effect by the Environmental Protection Agency on ~~[date of amended rule adoption]~~.

40. ~~“Quick-dry enamels”~~ means non-flat coatings that are labeled as specified in Section E.1.h and formulated to have the following characteristics:

- a. ~~\_\_\_\_\_~~Shall be capable of being applied directly from the container under normal conditions, normal conditions being ambient temperatures between 60 degrees Fahrenheit and 80 degrees Fahrenheit (16 and 27 degrees Celsius);
- b. ~~\_\_\_\_\_~~When tested in accordance with American Society of Testing and Materials Designation 1640-95, incorporated by reference in Section G.5.f, they shall: set to touch in two hours or less, dry hard in eight hours or less, and be tack free in four hours or less by the mechanical method test;
- e. ~~\_\_\_\_\_~~Has a dried film gloss of 70 or above on a 60 degree meter.

41. ~~“Quick-dry primers, sealers, and undercoaters”~~ means primers, sealers and undercoaters that are dry to touch in one half hour and can be recoated in two hours when tested in accordance with American Society of Testing and Materials ASTM 1640-95, incorporated by reference in Section G.5.f of this Rule.

“Reactive Penetrating Sealer” means any clear or pigmented coating that is labeled and formulated for application to above-grade concrete and masonry substrates to provide protection from water and waterborne contaminants, including, but not limited to, alkalis, acids, and salts. Reactive Penetrating Sealers shall penetrate into concrete and masonry substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrate. Reactive Penetrating Sealers line the pores of concrete and masonry substrates with a hydrophobic coating, but do not form a surface film. Reactive Penetrating Sealers shall meet all of the following criteria:

- a. The Reactive Penetrating Sealer shall improve water repellency at least 80 percent after application on a concrete or masonry substrate. This performance shall be verified on standardized test specimens, in accordance with one or more of the following standards, incorporated by reference in Section G.5.r of this rule: ASTM Designation C67-07, “Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile,” or ASTM Designation C97-02, “Standard Test Methods for Absorption and Bulk Specific

Gravity of Dimension Stone,” or ASTM C140-06, “Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units,” ASTM International; and

- b. The Reactive Penetrating Sealer shall not reduce the water vapor transmission rate by more than 2 percent after application on a concrete or masonry substrate. This performance shall be verified on standardized test specimens, in accordance with ASTM Designation E96/E96M-05, “Standard Test Methods for Water Vapor Transmission of Materials,” ASTM International, incorporated by reference in Section G.5.s of this rule;
- c. Products labeled and formulated for vehicular traffic surface chloride screening applications shall meet the performance criteria listed in the National Cooperative Highway Research Report 244 (1981), incorporated by reference in Section G.5.t of this rule; and
- d. Containers for Reactive Penetrating Sealers shall be labeled in accordance with Section E.1.g of this rule.

42. ~~“Recycled eCoating” means any architectural coating formulated such that it contains a minimum of not less than 50 percent by volume of the total weight consists of secondary and post-consumer coating, with not less than 10 a maximum of 50 percent by volume of secondary industrial materials or virgin materials of the total weight consisting of post consumer coating.~~

43. ~~“Residential” means areas where people reside or lodge including, but not limited to single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels, and hotels.~~

44. ~~“Roof eCoatings” means any non-bituminous coatings labeled and formulated exclusively for application to exterior roofs for the primarily primary purpose to of preventing water penetration, of the substrate by water, or to reflecting heat and ultraviolet radiation light, or reflecting solar radiation. Metallic pigmented roof coatings that qualify as metallic pigmented coatings shall not be considered to be in this category, but shall be considered to be in the metallic pigmented coatings category.~~

“Rule 323 Sell-Through Provisions” means the provisions specified in Rule 323, Section D.3.

45. ~~“Rust pPreventative eCoating” means any coating formulated exclusively for nonindustrial use to prevent the corrosion of metal surfaces for one or more of the following applications:~~

- a. Direct-to-metal coating; or
- b. Coating intended for application over rusty, previously coated surfaces.

The Rust Preventative category does not include the following:

- a. Coatings that are required to be applied as a topcoat over a primer; or
- b. Coatings that are intended for use on wood or any other non-metallic surface.

Rust Preventative coatings are for metal substrates only and shall be labeled as such, specified in accordance with the labeling requirements in Section E.1.f of this Rrule.

46. ~~“Sanding sealers” means clear or semi-transparent wood coatings labeled and formulated for application to bare wood to seal the wood and to provide a coat that can be abraded to create a smooth surface for subsequent application of coatings. A sanding sealer that also meets the definition of a lacquer is not included in this category, but is included in the lacquer category.~~

47. —“**Sealers**” means ~~coatings labeled and formulated for application to a substrate to prevent subsequent coatings from being adsorbed by the substrate, or to prevent harm to subsequent coatings by materials in the substrate.~~

48. —“**Secondary coating (rework) Industrial Materials**” means ~~any fragment of a finished coating or a finished coating from a products or by-products of the paint manufacturing process that has converted resources into a commodity of real-are of a known composition and have economic value; but can no longer be used for their intended purpose does not include excess virgin resources of the manufacturing process.~~

“Semitransparent Coating” means any coating that contains binders and colored pigments and is formulated to change the color of the surface, but not conceal the grain pattern or texture.

49. —“**Shellacs**” means any clear or opaque coatings formulated solely with the resinous secretions of the lac beetle, (*Laccifer lacca*), ~~thinned with alcohol,~~ and formulated to dry by evaporation without a chemical reaction.

50. —“**Shop Application**” means any application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process (e.g., original equipment manufacturing coatings).

51. —“**Solicit**” means to require for use or to specify, by written or oral contract.

“South Coast Air Quality Management District Method 303-91 (Revised 1996), “Determination of Exempt Compounds,” August 1996,” means the test method adopted by the South Coast Air Quality Management District as of [date of rule adoption].

“South Coast Air Quality Management District Method 304-91 (Revised 1996), “Determination of Volatile Organic Compounds (VOC) in Various Materials”” means the test method adopted by the South Coast Air Quality Management District as of [date of rule adoption].

“South Coast Air Quality Management District Method 318-95, “Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction”” means the test method adopted by the South Coast Air Quality Management District as of [date of rule adoption].

52. —“**Specialty flats**” means ~~self priming flat products used only to perform one of the following functions: repair fire, smoke or water damage; neutralize odors; block stains; or coat acoustical materials without affecting their acoustical abilities.~~

53. —“**Specialty primer, sealer, and undercoater**” means a coating labeled as specified in Section E.1.g of this Rule, and that is formulated for application to a substrate to seal fire, smoke or water damage; to condition excessively chalky surfaces, or to block stains. An excessively chalky surface is one that is defined as having a chalk rating of four or less as determined by American Society of Testing and Materials Designation D 4214-98, incorporated by reference in Section G.5.g of this Rule.

54. —“**Stain**” means any ~~clear,~~ semitransparent, or opaque coating labeled and formulated to change the color of a surface but not to conceal the grain pattern or texture.

“Stone Consolidant” means any coating that is labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone Consolidants shall penetrate into stone substrates to create bonds between particles and consolidate deteriorated material. Stone Consolidants shall be specified and used in accordance with ASTM Designation E2167-01, “Standard Guide for Selection and Use of Stone Consolidants,” ASTM International, incorporated by reference in Section G.5.u of this rule. Stone Consolidants are for professional use only and shall be labeled as such, in accordance with the labeling requirements in Section E.1.h of this rule.

55. —“**Swimming pPool eCoatings**” means any coatings labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals. [Swimming pool coatings include coatings used for swimming pool repair and maintenance.](#)

56. —“**Swimming pool repair and maintenance coatings**” means ~~rubber based coatings labeled and formulated for the repair and maintenance of swimming pools over existing rubber based coatings.~~

57. —“**Temperature indicator safety coating**” means ~~a coating labeled and formulated as a color-changing indicator coating to monitor the temperature and safety of the substrate, underlying piping, or underlying equipment, and to apply to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).~~

58. —“**Tint bBase**” means any architectural coating to which colorant is added after packaging in sale units to produce a desired color.

59. —“**Traffic mMarking eCoatings**” means any coatings labeled and formulated for marking and striping streets, highways, ~~and~~ or other traffic surfaces, including, but not limited to, curbs, berms, driveways, parking lots, sidewalks, and airport runways.

“**Tub and Tile Refinish Coating**” means any clear or opaque coating that is labeled and formulated exclusively for refinishing the surface of a bathtub, shower, sink, or countertop. Tub and Tile Refinish coatings shall meet all of the following criteria:

- a. The coating shall have a scratch hardness of 3H or harder and a gouge hardness of 4H or harder. This shall be determined on bonderite 1000, in accordance with ASTM Designation D3363-05, “Standard Test Method for Film Hardness by Pencil Test,” ASTM International, incorporated by reference in Section G.5.m of this rule; and
- b. The coating shall have a weight loss of 20 milligrams or less after 1000 cycles. This shall be determined with CS-17 wheels on bonderite 1000, in accordance with ASTM Designation D4060-07, “Standard Test Method for Abrasion Resistance of Organic Coatings by the Taber Abraser,” ASTM International, incorporated by reference in Section G.5.n of this rule; and
- c. The coating shall withstand 1000 hours or more of exposure with few or no #8 blisters. This shall be determined on unscribed bonderite, in accordance with ASTM Designation D4585-99, “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation,” ASTM International, and ASTM Designation D714-02e1, “Standard Test Method for Evaluating Degree of Blistering of Paints,” ASTM International, incorporated by reference in Section G.5.o of this rule; and
- d. The coating shall have an adhesion rating of 4B or better after 24 hours of recovery. This shall be determined on unscribed bonderite, in accordance with ASTM Designation D4585-99, “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation,” ASTM International, and ASTM Designation D3359-02, “Standard Test Methods for Measuring Adhesion by Tape Test,” ASTM International, incorporated by reference in Section G.5.l of this rule.

60. —“**Undercoaters**” means ~~coatings labeled and formulated for application to substrates to provide a smooth surface for subsequent coats.~~

61. —“**Varnishes**” means ~~clear or semi-transparent wood coatings, excluding lacquers and shellacs, formulated to dry by chemical reaction on exposure to air. Varnishes may contain small amounts of pigment to color a surface, or to control the final sheen or gloss of the finish.~~

“Veneer” means any thin sheets of wood peeled or sliced from logs for use in the manufacture of wood products such as plywood, laminated veneer lumber, or other products.

“Virgin Materials” means any materials that contain no post-consumer coatings or secondary industrial materials.

62. —“Volatile Organic Compound (VOC)” means any volatile compound containing at least one (1) atom of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and excluding except for the following exempt compounds:

- methane;
  - methylene chloride (dichloromethane);
  - 1,1,1 trichloroethane (methyl chloroform);
  - trichlorofluoromethane (CFC 11);
  - dichlorodifluoromethane (CFC 12);
  - 1,1,2 trichloro 1,2,2 trifluoroethane (CFC 113);
  - 1,2 dichloro 1,1,2,2 tetrafluoroethane (CFC 114);
  - chloropentafluoroethane (CFC 115);
  - chlorodifluoromethane (HCFC 22);
  - 1,1,1 trifluoro 2,2 dichloroethane (HCFC 123);
  - 2 chloro 1,1,1,2 tetrafluoroethane (HCFC 124);
  - 1,1 dichloro 1 fluoroethane (HCFC 141b);
  - 1 chloro 1,1 difluoroethane (HCFC 142b);
  - trifluoromethane (HFC 23);
  - pentafluoroethane (HFC 125);
  - 1,1,2,2 tetrafluoroethane (HFC 134);
  - 1,1,1,2 tetrafluoroethane (HFC 134a);
  - 1,1,1 trifluoroethane (HFC 143a);
  - 1,1 difluoroethane (HFC 152a);
  - cyclic branched or linear completely methylated siloxanes;
  - the following classes of perfluorocarbons:
    - (A) cyclic, branched, or linear, completely fluorinated alkanes;
    - (B) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
    - (C) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
    - (D) sulfur containing perfluorocarbons with no unsaturations and with the sulfur bonds only to carbon and fluorine; and
  - the following low reactive organic compounds which have been exempted by the United States Environmental Protection Agency:
    - acetone;
    - ethane;
    - parachlorobenzotrifluoride (1 chloro 4 trifluoromethyl benzene);
    - perchloroethylene; and
    - methyl acetate.
- a. acetone
  - b. ammonium carbonate
  - c. carbon dioxide
  - d. carbon monoxide
  - e. carbonic acid
  - f. dimethyl carbonate
  - g. ethane
  - h. metallic carbides or carbonates
  - i. methane
  - j. methyl acetate
  - k. methyl chloroform (1,1,1-trichloroethane)



- l. methyl formate; HCOOCH<sub>3</sub>
- m. cyclic, branched, or linear completely methylated siloxane compounds
- n. methylene chloride
- o. parachlorobenzotrifluoride
- p. perchloroethylene (tetrachloroethylene)
- q. the following four classes of perfluorocarbon (PFC) compounds:
  - i. cyclic, branched, or linear, completely fluorinated alkanes,
  - ii. cyclic, branched, or linear, completely fluorinated ethers with no unsaturations,
  - iii. cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations, and
  - iv. sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
- r. propylene carbonate
- s. tertiary-butyl acetate; C<sub>6</sub>H<sub>12</sub>O<sub>2</sub> (“acetic acid, 1,1-dimethylethyl ester”)  
Tertiary-butyl acetate (also known as t-butyl acetate or tBAC) shall be considered exempt as a VOC only for purposes of VOC emissions limitations or VOC Content requirements and shall be a VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements which apply to VOCs.
- t. CFC-11 (trichlorofluoromethane)
- u. CFC-12 (dichlorodifluoromethane)
- v. CFC-113 (1,1,2-trichloro-1,2,2-trifluoroethane)
- w. CFC-114 (1,2-dichloro 1,1,2,2-tetrafluoroethane)
- x. CFC-115 (chloropentafluoroethane)
- y. HCFC-22 (chlorodifluoromethane)
- z. HCFC-31 (chlorofluoromethane)
- aa. HCFC-123 (1,1,1-trifluoro 2,2-dichloroethane)
- ab. HCFC-123a (1,2-dichloro-1,1,2-trifluoroethane)
- ac. HCFC-124 (2-chloro-1,1,1,2-tetrafluoroethane)
- ad. HCFC-141b (1,1-dichloro 1-fluoroethane)
- ae. HCFC-142b (1-chloro-1,1 difluoroethane)
- af. HCFC-151a (1-chloro-1-fluoroethane)
- ag. HCFC-225ca (3,3-dichloro-1,1,1,2,2-pentafluoropropane)
- ah. HCFC-225cb (1,3-dichloro-1,1,2,2,3-pentafluoropropane)
- ai. HFC-23 (trifluoromethane)
- aj. HFC-32 (difluoromethane)
- ak. HFC-43-10mee (1,1,1,2,3,4,4,5,5,5-decafluoropentane)
- al. HFC-125 (pentafluoroethane)
- am. HFC-134 (1,1,2,2-tetrafluoroethane)
- an. HFC-134a (1,1,1,2-tetrafluoroethane)
- ao. HFC-143a (1,1,1-trifluoroethane)
- ap. HFC-152a (1,1-difluoroethane)
- aq. HFC-161 (ethylfluoride)
- ar. HFC-227ea (1,1,1,2,3,3,3-heptafluoropropane)
- as. HFC-236ea (1,1,1,2,3,3,3-hexafluoropropane)
- at. HFC-236fa (1,1,1,3,3,3-hexafluoropropane)
- au. HFC-245ca (1,1,2,2,3-pentafluoropropane)
- av. HFC-245ea (1,1,2,3,3-pentafluoropropane)
- aw. HFC-245eb (1,1,1,2,3-pentafluoropropane)
- ax. HFC-245fa (1,1,1,3,3-pentafluoropropane)
- ay. HFC-365mfc (1,1,1,3,3-pentafluorobutane)
- az. HFE-7000; n-C<sub>3</sub>F<sub>7</sub>OCH<sub>3</sub>; (1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane)
- ba. HFE-7100; (CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OCH<sub>3</sub>; (2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane) or C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub>; (1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane)
- bb. HFE-7200; (CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>; (2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane) or C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub>; (1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane)

[Draft of March 7, 2014]

- bc. HFE-7300; (1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane)  
 bd. HFE-7500; (3-ethoxy- 1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2- (trifluoromethyl) hexane)

“VOC Actual” means the weight of VOC per volume of coating and it is calculated with the following equation:

$$\text{VOC Actual} = \frac{(W_s - W_w - W_{ec})}{(V_m)}$$

Where:

VOC Actual = the grams of VOC per liter of coating (also known as “Material VOC”)

W<sub>s</sub> = weight of volatiles, in grams

W<sub>w</sub> = weight of water, in grams

W<sub>ec</sub> = weight of exempt compounds, in grams

V<sub>m</sub> = volume of coating, in liters

63. ~~“VOC eContent” means the weight of VOC per volume of coating, calculated according to the procedure specified in Section G.1 of this Rule. VOC Content is “VOC Regulatory,” as defined in Section C of this rule, for all coatings except for those in the Low Solids category. For coatings in the Low Solids category, the VOC Content is “VOC Actual,” as defined in Section C of this rule. If the coating is a multicomponent coating, the VOC Content is “VOC Regulatory” as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC Content shall include the VOCs emitted during curing.~~

“VOC Regulatory” means the weight of VOC per volume of coating, less the volume of water and exempt compounds. It is calculated with the following equation:

$$\text{VOC Regulatory} = \frac{(W_s - W_w - W_{ec})}{(V_m - V_w - V_{ec})}$$

Where:

VOC Regulatory = grams of VOC per liter of coating, less water and exempt compounds (also known as “Coating VOC”)

W<sub>s</sub> = weight of volatiles, in grams

W<sub>w</sub> = weight of water, in grams

W<sub>ec</sub> = weight of exempt compounds, in grams

V<sub>m</sub> = volume of coating, in liters

V<sub>w</sub> = volume of water, in liters

V<sub>ec</sub> = volume of exempt compounds, in liters

64. ~~“Waterproofing sealers” means coatings that are labeled, formulated and applied for the sole purpose of protecting porous substrates by preventing the penetration of water.~~

65. ~~“Waterproofing concrete/masonry sealer” means a clear or pigmented film forming coating that is labeled and formulated for sealing concrete and masonry to provide resistance against water, alkalis, acids, ultraviolet light, and staining.~~

“Waterproofing Membrane” means any clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a seamless waterproofing membrane that prevents any penetration of liquid water into the substrate. Waterproofing Membranes are intended for the following

waterproofing applications: below-grade surfaces, between concrete slabs, inside tunnels, inside concrete planters, and under flooring materials. Waterproofing Membranes shall meet the following criteria:

- a. Coating shall be applied in a single coat of at least 25 mils (at least 0.025 inch) dry film thickness; and
- b. Coatings shall meet or exceed the requirements contained in ASTM Designation C836-06, "Standard Specification for High Solids Content, Cold Liquid Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course," ASTM International, incorporated by reference in Section G.5.p of this rule.

The Waterproofing Membrane category does not include topcoats that are included in the Concrete/Masonry Sealer category (e.g., parking deck topcoats, pedestrian deck topcoats, etc.).

"Wood Coating" means any coating labeled and formulated for application to wood substrates only. The Wood Coatings category includes the following clear and semitransparent coatings: lacquers; varnishes; sanding sealers; penetrating oils; clear stains; wood conditioners used as undercoats; and wood sealers used as topcoats. The Wood Coatings category also includes the following opaque wood coatings: opaque lacquers; opaque sanding sealers; and opaque lacquer undercoats. The Wood Coatings category does not include the following: clear sealers that are labeled and formulated for use on concrete/masonry surfaces; or coatings intended for substrates other than wood.

Wood Coatings shall be labeled "For Wood Substrates Only," in accordance with Section E.1.j of this rule.

66. "Wood pPreservative" means any coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered with both the ~~United States~~ Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code Section 136, *et seq.*) and with the California Department of Pesticide Regulation.

"Wood Substrate" means any substrate made of wood, particleboard, plywood, medium density fiberboard, rattan, wicker, bamboo, or composite products with exposed wood grain. Wood products do not include items comprised of simulated wood.

"Zinc-Rich Primer" means any coating that meets all of the following specifications:

- a. Coating contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids; and
- b. Coating is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of coatings; and
- c. Coating is intended for professional use only and is labeled as such, in accordance with the labeling requirements in Section E.1.k of this rule.

## **D. Standards**

### **1. VOC Content Limits:**

- a. Except as provided in Sections D.2, ~~or D.3 of this rule, D.8, and D.9,~~ no person shall:
  - a. manufacture, blend, ~~or~~ repackage, for sale within the District;
  - b. supply, sell, or offer for sale, ~~apply, within the District;~~ or

~~e. solicit for application or apply of any architectural coating for use within the District, any architectural if that coating with has a VOC eContent in excess of the any corresponding limit specified in Table 323.1-1, after the specified date in Table 1.~~

b. For any coating that does not meet any of the definitions for the specialty coatings categories listed in Table 323.1-1, the VOC Content limit shall be determined by classifying the coating as a Flat coating, a Nonflat coating, or a Nonflat – High Gloss coating, based on its gloss, as determined by the method specified in Section G.5.b and the corresponding Flat, Nonflat, or Nonflat – High Gloss coating VOC limit shall apply.

2. **Most Restrictive VOC Limit:** If a coating meets the definition in Section C of this rule for one or more specialty coating categories that are listed in Table 323.1-1, then that coating is not required to meet the VOC limits for Flat, Nonflat, or Nonflat – High Gloss coatings, but shall meet the VOC limit for the applicable specialty coating listed in Table 323.1-1.

With the exception of the specialty coating categories specified in Sections D.2.a through D.2.k, if a coating is recommended for use in more than one of the specialty coating categories listed in Table 323.1-1, the most restrictive (or lowest) VOC Content limit shall apply. This requirement applies to: usage recommendations that appear ~~if~~ anywhere on the coating container, of any architectural coating or any sticker or anywhere on any label or sticker affixed theretoto the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf, any representation is made that indicates that the coating meets the definition of or is recommended for use for more than one of the coating categories listed in Table 1, then the most restrictive volatile organic compound shall apply. This provision does not apply to the representation of the following coatings:

a. ~~—~~ Lacquer coatings (including lacquer sanding sealers);

b. ~~—~~ Metallic pigmented coatings;

c. ~~—~~ Shellacs;

d. ~~—~~ Fire retardant coatings;

e. ~~—~~ Pretreatment wash primers;

f. ~~—~~ Industrial maintenance coatings;

g. ~~—~~ Low solids coatings;

h. ~~—~~ Wood preservatives;

i. ~~—~~ High temperature coatings;

j. ~~—~~ Temperature indicator safety coatings;

k. ~~—~~ Antenna coatings;

l. ~~—~~ Antifouling coatings;

m. ~~—~~ Flow coatings;

n. ~~—~~ Bituminous roof primers;

o. ~~—~~ Specialty primers, sealers, and undercoaters.

- a. Aluminum roof coatings;
- b. Bituminous roof primers;
- c. High temperature coatings;
- d. Industrial maintenance coatings;
- e. Low solids coatings;
- f. Metallic pigmented coatings;
- g. Pretreatment wash primers;
- h. Shellacs;
- i. Wood coatings;
- j. Wood preservatives; and
- k. Zinc-rich primers.

3. **Sell-Through of Coatings:**

a. ~~—A coating manufactured prior to the effective date specified for that coating in Table 1 [rule's effective date] may be sold, supplied, or offered for sale for up to three years after the specified effective date [rule's effective date], provided that the coating complies with all applicable provisions in Rule 323 as revised November 15, 2001. In addition, a coating manufactured before the effective date specified for that coating in Table 1—Such coating may also be applied at any time, both before and after the specified date, [rule's effective date], so long as the coating complied with the standards in effect at the time the coating was manufactured. This subsection~~Section does not apply to any coating that complies with the future effective January 1, 2003 or January 1, 2004 limits or that does not display the date or date-code required by Section E.1.a of this ~~R~~rule.

b. ~~—A coating included in an approved Averaging Program that does not comply with the specified limit in Table 1 may be sold, supplied, or offered for sale for up to three years after the end of the compliance period specified in the approved Averaging Program. In addition, such a coating may be applied at any time, both during and after the compliance period. This subsection does not apply to any coating that does not display on the container either the statement: "This product is subject to architectural coatings averaging provisions in California", or a substitute symbol specified by the Executive Officer of the California Air Resources Board. This subsection shall remain in effect until January 1, 2008.~~

4. **Painting Work Practices Procedures:**

a. ~~—All architectural coating containers used to apply the contents therein to a surface directly from the container by pouring, siphoning, brushing, rolling, padding, ragging or other means, shall be closed when not in use. These architectural coating containers include, but are not limited to, drums, buckets, cans, pails, trays, or other application containers. Containers of any VOC-containing materials used for thinning and cleanup shall also be closed when not in use., used or unused,All VOC-containing materials including, but not limited to, coatings, thinners, cleanup solvents, surface preparation solvents, and other~~

associated solvents shall be stored and disposed of in nonabsorbent and nonleaking containers equipped with tight-fitting covers. All covers shall be in place unless adding material to or removing material from the containers, the containers are empty, or doing maintenance/inspection of the containers.

b. Waste solvent, waste solvent residues, and any other waste material that contains VOCs shall be disposed of by one of the following methods:

i. A commercial waste solvent reclamation service licensed by the State of California.

ii. At a facility that is federally or state licensed to treat, store or dispose of such waste.

iii. Recycling in conformance with Section 25143.2 of the California Health and Safety Code.

c. All covers, valves, drain plugs, and other closure devices designed to reduce surface coating or solvent evaporation shall not be removed or opened except to process work or to perform monitoring, inspections, maintenance, or repairs that require the removal of the covers or other closure devices.

d. Any surface coating or solvent spills shall be wiped up immediately and the used absorbent material (e.g., cloth, paper, sand, sawdust, etc.) shall be stored in closed containers that are handled in accordance with Section D.4.a of this rule.

e. The handling and transfer of coatings and cleaning solvents to or from enclosed systems, vats, waste containers, and other solvent cleaning equipment that hold or store fresh or spent coatings and cleaning solvents shall be conducted in such a manner to minimize spills.

f. Containers used to store coating, solvent, or any waste material that contains VOCs subject to this rule shall be marked or clearly labeled indicating the name of the material they contain.

g. No person shall use any solvent to prepare any surface for painting or during any "paint clean-up operation" unless the solvent complies with all requirements for a multi-purpose solvent specified in the Air Resources Board consumer product regulation in effect on [date of rule adoption], found in Title 17 of the California Code of Regulations, section 94507 et seq. "Paint clean-up operations" means any cleaning of oil-based or water-based paint, lacquer, varnish, or related coatings from, but not limited to, painting equipment or tools, plastics, or metals.

5. **Thinning:** No person who applies or solicits the application of any architectural coating shall apply a coating that is thinned to exceed the applicable VOC limit specified in Table 323.1-1.

6. ~~**Rust Preventive Coatings:** Effective January 1, 2004, no person shall apply or solicit the application of any rust preventive coating for industrial use, unless such a rust preventive coating complies with the industrial maintenance coating VOC limit specified in Table 1.~~

7. ~~**Coatings Not Listed in Table 1:** For any coating that does not meet any of the definitions for the specialty coatings categories listed in Table 1, the VOC content limit shall be determined by classifying the coating as a flat coating or a nonflat coating, based on its gloss, as defined in Section G.5.c and the corresponding flat or nonflat VOC limit shall apply.~~

8. ~~**Lacquers:** Notwithstanding the provisions of Section D.1 of this Rule, a person or facility may add up to 10 percent by volume of VOC to a lacquer to avoid blushing of the finish during days with relative humidity greater than 70 percent and temperature below 65 degrees Fahrenheit, at the time of application, provided that the coating contains acetone and no more than 550 grams of VOC per liter of coating, less water and exempt compounds, prior to the addition of VOC.~~
9. ~~**Averaging Compliance Option:** On or after January 1, 2003, in lieu of compliance with the specified limits in Table 1 for floor coatings; industrial maintenance coatings; primers, sealers, and undercoaters; quick dry primers, sealers, and undercoaters; quick dry enamels; roof coatings; bituminous roof coatings, rust preventive coatings; stains; waterproofing sealers, as well as flats and non flats (excluding recycled coatings), manufacturers may average designated coatings such that their actual cumulative emissions from the averaged coatings are less than or equal to the cumulative emissions that would have been allowed under those limits over a compliance period not to exceed one year. Such manufacturer must also comply with the averaging provisions contained in Appendix A, as well as maintain and make available for inspection records for at least three years after the end of the compliance period. This Section and Appendix A shall cease to be effective on January 1, 2005, after which averaging will no longer be allowed.~~

## E. Container Labeling Requirements

1. Each manufacturer of any architectural coating subject to this rule, ~~except for containers having capacities of two ounces or less,~~ shall display the information listed in ~~subsection~~Sections E.1.a through E.1.k on the coating container (or label) in which the coating is sold or distributed, ~~and as applicable, the information in Sections E.1.d through E.1.k.~~
- a. **Date Code:** The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation of each code with the Executive Officer of the California Air Resources Board.
- b. **Thinning Recommendations:** A statement of the manufacturer's recommendation regarding thinning of the coating shall be indicated on the label or lid of the container. This requirement does not apply to the thinning of architectural coatings with water. If thinning of the coating prior to use is not necessary, the recommendation shall specify that the coating is to be applied without thinning.
- c. **VOC Content:** Each container of any coating subject to this rule shall display ~~either the maximum or the actual VOC content of the coating, as supplied, including the maximum thinning as recommended by the manufacturer. VOC content shall be displayed in grams of VOC per liter of coating. VOC content displayed shall be calculated using product formulation data, or shall be determined using the test methods in Section G.2 of this rule. The equations in Section G.1 shall be used to calculate VOC content.~~one of the following values in grams of VOC per liter of coating:
- i. Maximum VOC Content as determined from all potential product formulations;  
or
- ii. VOC Content as determined from actual formulation data; or
- iii. VOC Content as determined using the test methods in Section G.2 of this rule.
- If the manufacturer does not recommend thinning, the container shall display the VOC Content, as supplied. If the manufacturer recommends thinning, the container shall display the VOC Content, including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multicomponent coating, the

container shall display the VOC Content as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC Content shall include the VOCs emitted during curing. VOC Content shall be determined as defined in Section C.

- d. **Faux Finishing Coatings:** The labels of all Clear Topcoats for Faux Finishing coatings shall prominently display the statement “This product can only be sold or used as part of a Faux Finishing coating system.”
- de. **Industrial Maintenance Coatings:** Effective ~~[one year after date of amended rule adoption]~~, ~~†~~The labels of all Industrial Maintenance coatings shall prominently display the statement “For industrial use only” or “For professional use only.” In addition to the information specified in Sections D.1.a, D.1.b, and D.1.c, each manufacturer of any industrial maintenance coating subject to this rule shall display on the label or lid of the container in which the coating is sold or distributed one or more of the descriptions listed below:
  - i. ~~\_\_\_\_\_~~ “For industrial use only.”
  - ii. ~~\_\_\_\_\_~~ “For professional use only.”
  - iii. ~~\_\_\_\_\_~~ “Not for residential use” or “Not intended for residential use.”
- e. ~~\_\_\_\_\_~~ **Clear Brushing Lacquers:** Effective January 1, 2003, the labels of all clear brushing lacquers shall prominently display the statements “For brush application only,” and “This product must not be thinned or sprayed.”
- f. **Rust Preventative Coatings:** Effective January 1, 2003, ~~†~~The labels of all rust preventative coatings shall prominently display the statement “For Metal Substrates Only.”
- g. ~~\_\_\_\_\_~~ **Specialty Primers, Sealers and Undercoaters:** Effective January 1, 2003, the labels of all specialty primers, sealers, and undercoaters shall prominently display one or more of the descriptions listed below:
  - i. ~~\_\_\_\_\_~~ “For blocking stains.”
  - ii. ~~\_\_\_\_\_~~ “For fire damaged substrates.”
  - iii. ~~\_\_\_\_\_~~ “For smoke damaged substrates.”
  - iv. ~~\_\_\_\_\_~~ “For water damaged substrates.”
  - v. ~~\_\_\_\_\_~~ “For excessively chalky substrates.”
- hg. **Quick-Dry Enamels:** Effective January 1, 2003, the labels of all quick dry enamels shall prominently display the words “Quick-Dry” and the dry hard time. **Reactive Penetrating Sealers:** The labels of all Reactive Penetrating Sealers shall prominently display the statement “Reactive Penetrating Sealer.”
- h. **Stone Consolidants:** The labels of all Stone Consolidants shall prominently display the statement “Stone Consolidant - For Professional Use Only.”
- i. **Nonflat – High Gloss Coatings:** Effective January 1, 2003, ~~†~~The labels of all ~~n~~Nonflat – ~~h~~High ~~g~~Gloss coatings shall prominently display the words “High Gloss.”
- j. **Wood Coatings:** The labels of all Wood Coatings shall prominently display the statement “For Wood Substrates Only.”
- k. **Zinc Rich Primers:** The labels of all Zinc Rich Primers shall prominently display the statement “For Professional Use Only.”



**F. Recordkeeping and Reporting Requirements**

1. ~~**Clear Brushing Lacquers:** Each manufacturer of clear brushing lacquers shall, on or before April 1 of each calendar year beginning in the year 2004, submit an annual report to the Executive Officer of the California Air Resources Board. The report shall specify the number of gallons of clear brushing lacquers sold in the State during the preceding calendar year, and shall describe the method used by the manufacturer to calculate State sales.~~
2. ~~**Rust Preventive Coatings:** Each manufacturer of rust preventive coatings shall, on or before April 1 of each calendar year beginning in the year 2004, submit an annual report to the Executive Officer of the California Air Resources Board. The report shall specify the number of gallons of rust preventive coatings sold in the State during the preceding calendar year, and shall describe the method used by the manufacturer to calculate State sales.~~
3. ~~**Specialty Primers, Sealers, and Undercoaters:** Each manufacturer of specialty primers, sealers, and undercoaters shall, on or before April 1 of each calendar year beginning in the year 2004, submit an annual report to the Executive Officer of the California Air Resources Board. The report shall specify the number of gallons of specialty primers, sealers, and undercoaters sold in the State during the preceding calendar year, and shall describe the method used by the manufacturer to calculate State sales.~~
4. ~~**Toxic Exempt Compounds:** For each architectural coating that contains perchloroethylene or methylene chloride, the manufacturer shall, on or before April 1 of each calendar year beginning with the year 2004, report to the Executive Officer of the California Air Resources Board the following information for products sold in the State during the preceding year:
  - a. ~~the product brand name and a copy of the product label with legible usage instructions;~~
  - b. ~~the product category listed in Table 1 to which the coating belongs;~~
  - c. ~~the total sales in California during the calendar year to the nearest gallon;~~
  - d. ~~the volume percent, to the nearest 0.10 percent, of perchloroethylene and methylene chloride in the coating.~~~~
5. ~~**Recycled Coatings:** Manufacturers of recycled coatings must submit a letter to the Executive Officer of the California Air Resources Board certifying their status as a Recycled Paint Manufacturer. The manufacturer shall, on or before April 1 of each calendar year beginning with the year 2004, submit an annual report to the Executive Officer of the California Air Resources Board. The report shall include, for all recycled coatings, the total number of gallons distributed in the State during the preceding year, and shall describe the method used by the manufacturer to calculate State distribution.~~
6. ~~**Bituminous Coatings:** Each manufacturer of bituminous roof coatings or bituminous roof primers shall, on or before April 1 of each calendar year beginning with the year 2004, submit an annual report to the Executive Officer of the California Air Resources Board. The report shall specify the number of gallons of bituminous roof coatings or bituminous roof primers sold in the State during the preceding calendar year, and shall describe the method used by the manufacturer to calculate State sales.~~
1. **Sales Information:** Each manufacturer subject to this rule shall designate a responsible official for purposes of compliance with this section. A responsible official from each manufacturer shall upon request of the Control Officer or the Executive Officer of the Air Resources Board, or his or her delegate, provide any certification or information necessary to disclose the distribution and

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sales of architectural coatings. The responsible official shall within 180 days provide information, including, but not limited to:

- a. Name and mailing address of the manufacturer;
- b. Name, address, and telephone number of a contact person;
- c. Name of the coating product as it appears on the label and the applicable coating category;
- d. Whether the product is marketed for interior or exterior use or both;
- e. Number of gallons per year sold in California in containers greater than one liter (1.057 quarts) and equal to or less than one liter (1.057 quarts);
- f. **VOC Actual** content and **VOC Regulatory** content in grams per liter. If thinning is recommended, list the **VOC Actual** content and **VOC Regulatory** content after maximum recommended thinning. If containers less than one liter have a different VOC Content than containers greater than one liter, list separately. If the coating is a multicomponent coating, provide the VOC Content as mixed or catalyzed;
- g. Names and Chemical Abstracts Service numbers of the VOC constituents in the product;
- h. Names and Chemical Abstracts Service numbers of any compounds in the product specifically exempted from the VOC definition, as listed in Section C of this rule;
- i. Whether the product is marketed as solventborne, waterborne, or 100 percent solids;
- j. Description of resin or binder in the product;
- k. Whether the coating is a single-component or multicomponent coating;
- l. Density of the product in pounds per gallon;
- m. Percent by weight of: solids, all volatile materials, water, and any compounds in the product specifically exempted from the VOC definition, as listed in Section C of this rule;
- n. Percent by volume of: solids, water, and any compounds in the product specifically exempted from the VOC definition, as listed in Section C of this rule; and
- o. For any product containing tertiary-butyl acetate, the product's tertiary-butyl acetate content in grams of tertiary-butyl acetate per liter, and the number of gallons per year sold in California.

Any failure of a responsible official to comply with any provisions of this rule shall be a violation of these Rules and Regulations by the responsible official and the manufacturer.

2. All sales data listed in Section F.1 above shall be maintained by the responsible official for a minimum of three years. Sales data submitted by the responsible official to the Executive Officer of the Air Resources Board may be claimed as confidential and, where permitted under California law, will be protected by the District from disclosure. Properly designated confidential information will be handled in accordance with the procedures specified in Title 17, California Code of Regulations Sections 91000-91022 or District policies and procedures.

3. Any person using or handling any architectural coating as part of a business shall maintain a current file on the solvents used. The file shall list all VOC-containing solvents used by material name and manufacturer identification (e.g., brand name, stock identification number) and list the corresponding percent VOC by weight. The file shall be kept with the architectural coating equipment and shall be readily available for inspection and review by the District.

**G. Compliance Provisions and Test Methods**

1. **Calculation of VOC Content:** For the purpose of determining compliance with the VOC Content limits in Table 323.1-1, the VOC Content of a coating shall be determined by using the procedures described in ~~Section G.1.a or G.1.b, as appropriate~~ the appropriate Section C definition. The VOC Content of a tint base shall be determined without colorant that is added after the tint base is manufactured. If the manufacturer does not recommend thinning, the VOC Content shall be calculated for the product as supplied. If the manufacturer recommends thinning, the VOC Content shall be calculated including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multicomponent coating, the VOC Content shall be calculated as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC Content shall include the VOCs emitted during curing.

- a. With the exception of low solids coatings, determine the VOC content in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water and exempt compounds. Determine the VOC content using equation 1 as follows:

$$\text{VOC Content} = \frac{(W_s - W_w - W_{ee})}{(V_m - V_w - V_{ee})} \quad (1)$$

Where:

VOC Content = grams of VOC per liter of coating

$W_s$  = weight of volatiles, in grams

$W_w$  = weight of water, in grams

$W_{ee}$  = weight of exempt compounds, in grams

$V_m$  = volume of coating, in liters

$V_w$  = volume of water, in liters

$V_{ee}$  = volume of exempt compounds, in liters

- b. For low solids coatings, determine the VOC content in units of grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, including the volume of any water and exempt compounds. Determine the VOC content using equation 2 as follows:

$$\text{VOC Content}_{ls} = \frac{(W_s - W_w - W_{ee})}{V_m} \quad (2)$$

Where:

VOC Content<sub>ls</sub> = the VOC content of a low solids coating in grams of VOC per liter of coating

$W_s$  = weight of volatiles, in grams

$W_w$  = weight of water, in grams

$W_{ee}$  = weight of exempt compounds, in grams

$V_m$  = volume of coating, in liters.

2. **VOC Content of Coatings:** To determine the physical properties of a coating in order to perform the calculations in ~~G.1.a and G.1.b~~ the Section C definition for VOC Actual for low solids coatings or the Section C definition for VOC Regulatory for all other architectural coatings, the

reference method for VOC eContent is ~~the United States~~ Environmental Protection Agency Method 24, incorporated by reference in Section G.5.kh, except as provided in Sections G.3 and G.4. An alternative method to determine the VOC eContent of coatings is South Coast Air Quality Management District Method 304-91 (~~Revised February~~ 1996), "[Determination of Volatile Organic Compounds \(VOC\) in Various Materials](#)," incorporated by reference in Section G.5.kj. The exempt compounds content shall be determined by South Coast Air Quality Management District Method 303-91 (Revised ~~August~~ 1996), "[Determination of Exempt Compounds](#)," or the [Bay Area Air Quality Management District Method 43 \(Revised 2005\)](#), "[Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials](#)," or the [Bay Area Air Quality Management District Method 41 \(Revised 2005\)](#), "[Materials Containing Parachlorobenzotrifluoride](#)," as applicable, incorporated by reference in Sections G.5.jg, G.5.e, and G.5.f, respectively. To determine the VOC eContent of a coating, the manufacturer may use ~~United States~~ the Environmental Protection Agency Method 24, or an alternative method as provided in Section G.3, formulation data, or any other reasonable means for predicting that the coating has been formulated as intended (e.g., quality assurance checks, recordkeeping). However, if there are any inconsistencies between the results of a Method 24 test and any other means for determining VOC eContent, the Method 24 test results will govern, except when an alternative method is approved as specified in Section G.3. The Control Officer may require the manufacturer to conduct a Method 24 ~~A~~ analysis.

3. **Alternative Test Methods:** Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with Section G.2 or G.7, after review and approved in writing by the staffs of the District, the California Air Resources Board, and the ~~United States~~ Environmental Protection Agency, may also be used.
4. **Methacrylate Traffic Marking Coatings:** Analysis of methacrylate multicomponent coatings used as traffic [marking](#) coatings shall be conducted according to a modification of ~~United States~~ Environmental Protection Agency ~~USEPA~~-Method 24 (40 CFR [part 59](#), subpart D, ~~A~~ppendix A), incorporated by reference in Section G.5.lj. This method has not been approved for methacrylate multicomponent coatings used for other purposes than as traffic marking coatings or for other classes of multicomponent coatings.
5. **Test Methods:** The following test methods are incorporated by reference herein, and shall be used to test coatings [and solvents](#) subject to the provisions of this rule:
  - a. ~~Flame Spread Index:~~ The flame spread index of a fire retardant coating shall be determined by ~~American Society of Testing and Materials Designation E 84 99,~~ "[Standard Test Method for Surface Burning Characteristics of Building Materials](#)" (see [Section C, Fire Retardant Coating](#)).
  - ba. **Fire Resistance Rating:** The fire resistance rating of a fire-resistive coating shall be determined by ~~American Society of Testing and Materials~~ [ASTM](#) Designation E-119-9807, "[Standard Test Methods for Fire Tests of Building and Construction Materials](#)," [ASTM International](#) (see [Section C, Fire-Resistive Coating](#)).
  - eb. **Gloss Determination:** The gloss of a coating shall be determined by ~~American Society of Testing and Materials~~ [ASTM](#) Designation D-523-89 (1999), "[Standard Test Method for Specular Gloss](#)," [ASTM International](#) (see [Section C, Flat Coating, Nonflat Coating, and Nonflat – High Gloss Coating, and Quick Dry Enamel](#)).
  - ec. **Metal Content of Coatings:** The metallic content of a coating shall be determined by South Coast Air Quality Management District Method 318-95, "[Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction](#)," *SCAQMD Laboratory Methods of Analysis for Enforcement Samples* (see [Section C, Aluminum Roof, Faux](#)

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Finishing, and Metallic Pigmented Coating).

- ed. **Acid Content of Coatings:** The acid content of a coating shall be determined by ~~American Society of Testing and Materials~~ ASTM Designation D-1613-~~9606~~, “Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products,” ASTM International (see Section C, Pre-treatment Wash Primer).
- ~~f. **Drying Times:** The set to touch, dry hard, dry to touch, and dry to recoat times of a coating shall be determined by American Society of Testing and Materials Designation 1640-95, Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature” (see Section C, Quick Dry Enamel and Quick Dry Primer, Sealer, and Undercoater). The tack free time of a quick dry enamel coating shall be determined by the Mechanical Test Method of the American Society of Testing and Materials Designation 1640-95.~~
- ~~g. **Surface Chalkiness:** The chalkiness of a surface shall be determined using American Society of Testing and Materials Designation 4214-98, “Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films” (see Section C, Specialty Primer, Sealer, and Undercoater).~~
- he. **Exempt Compounds – Siloxanes:** Exempt compounds that are cyclic, branched, or linear completely methylated siloxanes, shall be analyzed as exempt compounds for compliance with Section G by Bay Area Air Quality Management District Method 43 (Revised 2005), “Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials,” *BAAQMD Manual of Procedures*, Volume III, adopted November 6, 1996 (see Section C, Volatile Organic Compound (VOC), and Section G.2).
- if. **Exempt Compounds – Parachlorobenzotrifluoride (PCBTF):** The exempt compound parachlorobenzotrifluoride, shall be analyzed as an exempt compound for compliance with Section G by Bay Area Air Quality Management District Method 41 (Revised 2005), “Determination of Volatile Organic Compounds in Solvent-Based Coatings and Related Materials Containing Parachlorobenzotrifluoride,” *BAAQMD Manual of Procedures*, Volume III, adopted December 20, 1995 (see Section C, Volatile Organic Compound (VOC), and Section G.2).
- ig. **Exempt Compounds:** The content of exempt compounds shall be analyzed by South Coast Air Quality Management District Method 303-91 (~~#~~Revised 1996), “Determination of Exempt Compounds,” *SCAQMD Laboratory Methods of Analysis for Enforcement Samples* (see Section C, Volatile Organic Compounds (VOC), and Section G.2).
- kh. **VOC Content of Coatings:** The VOC ~~e~~CContent of a coating (actual and regulatory) shall be determined by ~~United States~~ Environmental Protection Agency Method 24 as it exists in ~~A~~ppendix A of 40 Code of Federal Regulations (CFR) part 60, “Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings” (see Section G.2).
- li. **Alternative VOC Content of Coatings:** The VOC ~~e~~CContent of coatings (actual and regulatory) may be analyzed either by ~~United States~~ Environmental Protection Agency Method 24 or South Coast Air Quality Management District Method 304-91 (~~#~~Revised 1996), “Determination of Volatile Organic Compounds (VOC) in Various Materials,” *SCAQMD Laboratory Methods of Analysis for Enforcement Samples* (see Section G.2).
- mj. **Methacrylate Traffic Marking Coatings:** The VOC ~~e~~CContent of methacrylate multicomponent coatings used as traffic marking coatings shall be analyzed by the

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procedure in 40 CFR part 59, subpart D, ~~Appendix A~~, “Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings” (~~September 11, 1998~~June 30, 1999).(see Section G.4).

- k. **Hydrostatic Pressure for Basement Specialty Coatings:** ASTM Designation D7088-04, “Standard Practice for Resistance to Hydrostatic Pressure for Coatings Used in Below Grade Applications Applied to Masonry,” ASTM International (see Section C, Basement Specialty Coating).
- l. **Tub and Tile Refinish Coating Adhesion:** ASTM Designation D4585-99, “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation,” ASTM International, and ASTM D3359-02, “Standard Test Methods for Measuring Adhesion by Tape Test,” ASTM International (see Section C, Tub and Tile Refinish Coating).
- m. **Tub and Tile Refinish Coating Hardness:** ASTM Designation D3363-05, “Standard Test Method for Film Hardness by Pencil Test,” ASTM International (see Section C, Tub and Tile Refinish Coating).
- n. **Tub and Tile Refinish Coating Abrasion Resistance:** ASTM Designation D4060-07, “Standard Test Methods for Abrasion Resistance of Organic Coatings by the Taber Abraser,” ASTM International (see Section C, Tub and Tile Refinish Coating).
- o. **Tub and Tile Refinish Coating Water Resistance:** ASTM Designation D4585-99, “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation,” ASTM International, and ASTM Designation D714-02e1, “Standard Test Method for Evaluating Degree of Blistering of Paints,” ASTM International (see Section C, Tub and Tile Refinish Coating).
- p. **Waterproofing Membrane:** ASTM Designation C836-06, “Standard Specification for High Solids Content, Cold Liquid-Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course,” ASTM International (see Section C, Waterproofing Membrane).
- q. **Mold and Mildew Growth for Basement Specialty Coatings:** ASTM Designation D3273-00, “Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber,” ASTM International, and ASTM Designation D3274-95, “Standard Test Method for Evaluating Degree of Surface Disfigurement of Paint Films by Microbial (Fungal or Algal) Growth or Soil and Dirt Accumulation,” ASTM International (see Section C, Basement Specialty Coating).
- r. **Reactive Penetrating Sealer Water Repellency:** ASTM Designation C67-07, “Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile,” ASTM International, or ASTM Designation C97-02, “Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone,” ASTM International, or ASTM Designation C140-06, “Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units,” ASTM International (see Section C, Reactive Penetrating Sealer).
- s. **Reactive Penetrating Sealer Water Vapor Transmission:** ASTM Designation E96/E96M-05, “Standard Test Method for Water Vapor Transmission of Materials,” ASTM International (see Section C, Reactive Penetrating Sealer).
- t. **Reactive Penetrating Sealer - Chloride Screening Applications:** National Cooperative Highway Research Report 244 (1981), “Concrete Sealers for the Protection of Bridge Structures” (see Section C, Reactive Penetrating Sealer).

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u. Stone Consolidants: ASTM Designation E2167-01, “Standard Guide for Selection and Use of Stone Consolidants,” ASTM International (see Section C, Stone Consolidant).

6. Environmental Protection Agency Test Method in Effect: The Environmental Protection Agency test methods in effect on [date of rule adoption] shall be the test methods used to meet the requirements of this rule.

Table 323.1-1

VOC CONTENT LIMITS FOR ARCHITECTURAL COATINGS

Limits are expressed in grams of VOC per liter<sup>a</sup> of coating as **VOC Regulatory**, thinned to the manufacturer's maximum thinning recommendation, excluding the volume of any water, exempt compounds, or any colorant added to tint bases. "Manufacturer's maximum recommendation" means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

COATING CATEGORY	EFFECTIVE JULY 18, 1996	EFFECTIVE November 15, 2001	EFFECTIVE JANUARY 1, 2003	VOC Content Limit (Grams of VOC per Liter of Coating)
Flat Coatings	(250) <sup>d</sup>	250	100	50
Nonflat Coatings	(250)	250	150	100
Nonflat – High Gloss Coatings	(250)	250	250	150
<b>Specialty Coatings</b>				
<u>Aluminum Roof Coatings</u>				400
<u>Antenna Coatings</u>	340 <sup>e</sup>	530	530	
<u>Antifouling Coatings</u>	340 <sup>e</sup>	400	400	
<u>Basement Specialty Coatings</u>				400
Bituminous Roof Coatings	300	300	300	50
Bituminous Roof Primers	350 <sup>f</sup>	350	350	350
Bond Breakers	350	350	350	350
<u>Clear Wood Coatings:</u>				
<input type="checkbox"/> Clear Brushing Lacquers	350	680	680	
<input type="checkbox"/> Lacquers (including lacquer sanding sealers)	350	550	550	
<input type="checkbox"/> Sanding Sealers (other than lacquer sanding)	350	350	350	
<input type="checkbox"/> Varnishes	350	350	350	
Concrete Curing Compounds	350	350	350	350
<u>Concrete/Masonry Sealers</u>				100
<u>Driveway Sealers</u>				50
Dry Fog Coatings	400	400	400	150
Faux Finishing Coatings	(250)	350	350	350
Fire-Resistive Coatings	350	350	350	350
<u>Fire Retardant Coatings:</u>				
<input type="checkbox"/> Clear	650	650	650	
<input type="checkbox"/> Opaque	350	350	350	
Floor Coatings	(250)	250	250	100
<u>Flow Coatings</u>	340 <sup>e</sup>	420	420	
Form-Release Compounds	250	250	250	250
Graphic Arts Coatings (or Sign Paints)	500	500	500	500
High Temperature Coatings	420	420	420	420
Industrial Maintenance Coatings	340	340	250 (1/1/04) <sup>e</sup>	250
Low Solids Coatings <sup>e</sup>	(250)	120 <sup>b</sup>	120 <sup>b</sup>	120
Magnesite Cement Coatings	450	450	450	450
Mastic Texture Coatings	300	300	300	100
Metallic Pigmented Coatings	500	500	500	500

<sup>e</sup> Limit is expressed as **VOC Actual**.



<b>COATING CATEGORY</b>	<b>EFFECTIVE JULY 18, 1996</b>	<b>EFFECTIVE November 15, 2001</b>	<b>EFFECTIVE JANUARY 1, 2003</b>	<b>VOC Content Limit (Grams of VOC per Liter of Coating)</b>
Multi-Color Coatings	420	420	250	250
Pre-Treatment Wash Primers	420	420	420	420
Primers, Sealers, and Undercoaters	350	350	200	100
Quick Dry Enamels	250	250	250	
Quick Dry Primers, Sealers, and Undercoaters	350	350	200	
Reactive Penetrating Sealers				350
Recycled Coatings	(250)	250	250	250
Roof Coatings	300	250 <sup>†</sup>	250	50
Rust Preventive Preventative Coatings	340 <sup>e</sup>	400	400	250
Shellacs:				
□ Clear	730	730	730	730
□ Opaque	550	550	550	550
Specialty Primers, Sealers, and Undercoaters	350	350	350	
Stains	350	350	250	250
Stone Consolidants				450
Swimming Pool Coatings	340	340	340	340
Swimming Pool Repair and Maintenance Coatings	340	340	340	
Temperature Indicator Safety Coatings	420 <sup>g</sup>	550	550	
Traffic Marking Coatings	250	150 <sup>†</sup>	150	100
Tub and Tile Refinish Coatings				420
Waterproofing Membranes				250
Waterproofing Sealers	400	400	250	
Waterproofing Concrete/Masonry Sealers	400 <sup>h</sup>	400	400	
Wood Coatings				275
Wood Preservatives	350	350	350	350
Zinc-Rich Primers				340

<sup>a</sup>Conversion factor: one pound VOC per gallon (U.S.) = 119.95 grams VOC per liter.

<sup>b</sup>Units are grams of VOC per liter (pounds of VOC per gallon) of coating, including water and exempt compounds.

<sup>c</sup>Effective date is January 1, 2004.

<sup>d</sup>Table 1 includes new coating categories not in current Rule 323. Parentheses indicate VOC limits that apply due to the 250 grams/liter default provision in current Rule 323.D.1.

<sup>e</sup>Categorized as Industrial Maintenance Coatings.

<sup>f</sup>Categorized as Primers.

<sup>g</sup>Categorized as High Temperature Coatings. \_\_\_\_\_

<sup>h</sup>Categorized as Waterproofing Sealers.

<sup>†</sup>National Rule limit currently in effect.

**APPENDIX A:  
AVERAGING PROVISIONS**

**A. AVERAGING PROVISIONS**

A.1 The manufacturer shall demonstrate that actual emissions from the coatings being averaged are less than or equal to the allowable emissions, for the specified compliance period using the following equation.

$$\frac{\sum_{i=1}^n G_i M_i}{\sum_{i=1}^n G_i V_i L_i} \leq 1$$

Where:

$$\sum_{i=1}^n G_i M_i = \text{Actual Emissions}$$

$$\sum_{i=1}^n G_i V_i L_i = \text{Allowable Emissions}$$

$G_i$  = Total Gallons of Product (i) subject to Averaging;  
 $M_i$  = Material VOC Content of Product (i), in pounds per gallon;

~~$$M_i = \frac{W_s - W_w - W_{ec}}{V_m}$$~~

$V_i$  = Percent by Volume Solids and VOC in Product (i);

~~$$V_i = \frac{V_m - V_w - V_{ec}}{V_m}$$~~

Where:  $W_s$ ,  $W_w$ ,  $W_{ec}$ ,  $V_m$ ,  $V_w$ , and  $V_{ec}$  are defined in Section G.1, except that in this Appendix, weights are in pounds and volumes are in gallons.

For Non Zero VOC Coatings:

~~$$V_i = \frac{\text{Material VOC (also known as VOC Actual)}}{\text{Coating VOC (also known as VOC Regulatory)}}$$~~

~~$$\text{Where : Coating VOC} = \frac{W_s - W_w - W_{ec}}{V_m - V_w - V_{ec}}$$~~

For Zero VOC Coatings:

$V_i$  = Percent Solids by Volume

$L_i$  = Regulatory VOC Content Limit for Product (i), in pounds per gallon (listed in Table 1)

The averaging is limited to coatings that are designated by the manufacturer. Any coating not designated in the Averaging Program shall comply with the VOC limit in Table 1. The manufacturer shall not include any quantity of coatings that it knows or should have known will not be used in the State, if statewide coatings data are used. If the district specific coating data are

used, the manufacturer shall not include any quantity of coating that it knows or should have known will not be used in the District.

A.1.1 In addition to the requirements specified in Section A.1, manufacturers shall not include in an Averaging Program any coating with a volatile organic compound content in excess of the following volatile organic compound content, for the applicable categories.

<b>Averaging Categories and VOC Ceiling (Maximum VOC Allowed)</b>		
<b>Category</b>	<b>Rule VOC Limit (In effect or effective 1/1/2003 or 1/1/2004)</b>	<b>Averaging VOC Ceiling (Maximum)</b>
Flat Coating	100	250
Nonflat coating	150	250
Floor Coatings	250	400
Industrial Maintenance Coatings	250	420
Primers, Sealers, and Undercoaters	200	350
Quick Dry Primers, Sealers, and Undercoaters	200	450
Quick Dry Enamels	250	400
Roof Coatings	250	300
Bituminous Roof Coatings	300	300
Rust Preventive Coatings	400	400
Stains	250	350
Waterproofing Sealers	250	400

## **A.2 AVERAGING PROGRAM (PROGRAM)**

At least six months prior to the start of the compliance period, manufacturers shall submit an Averaging Program to the Executive Officer of the California Air Resources Board. As used in this Appendix A, "Executive Officer" means the Executive Officer of the California Air Resources Board. Averaging may not be implemented until the Program is approved in writing by the Executive Officer.

Within 45 days of submittal of a complete Program, the Executive Officer shall either approve or disapprove the Program. The Program applicant and the Executive Officer may agree to an extension of time for the Executive Officer to take action on the Program.

## **A.3 GENERAL REQUIREMENTS**

The Program shall include all necessary information for the Executive Officer to make a determination as to whether the manufacturer may comply with the averaging requirements over the specified compliance period in an enforceable manner. Such information shall include, but is not limited to, the following:

- A.3.1 An identification of the contact persons, telephone numbers, and name of the manufacturer who is submitting the Program.
- A.3.2 An identification of each coating that has been selected by the manufacturer for inclusion in this Program that exceeds the applicable VOC limit in Table 1, its VOC content specified in units of both VOC actual and VOC regulatory, and the designation of the coating category.
- A.3.3 A detailed demonstration showing that the projected actual emissions will not exceed the allowable emissions for a single compliance period that the Program will be in effect. In addition, the demonstration shall include VOC content information for each coating that

is below the compliance limit in Table 1. The demonstration shall use the equation specified in subsection A.1 of this Appendix for projecting the actual emissions and allowable emissions during each compliance period. The demonstration shall also include all VOC content levels and projected volume sold within the State for each coating listed in the Program during each compliance period. The requested data can be summarized in a matrix form.

- A.3.4 A specification of the compliance period(s) and applicable reporting dates. The length of the compliance period shall not be more than one year or less than six months.
- A.3.5 An identification and description of all records to be made available to the Executive Officer upon request, if different than those identified under subsection A.3.6.
- A.3.6 An identification and description of specific records to be used in calculating emissions for the Program and subsequent reporting, and a detailed explanation as to how those records will be used by the manufacturer to verify compliance with the averaging requirements.
- A.3.7 A statement signed by a responsible party for the manufacturer, that all information submitted is true and correct, and that records will be made available to the Executive Officer upon request.

#### **A.4 REPORTING REQUIREMENTS**

A.4.1 For every single compliance period, the manufacturer shall submit a mid-term report listing all coatings subject to averaging during the first half of the compliance period, detailed analysis of the actual and allowable emissions at the end of the mid-term, and an explanation as to how the manufacturer intends to achieve compliance by the end of the compliance period. The report shall be signed by the responsible party for the manufacturer, attesting that all information submitted is true and correct. The mid-term report shall be submitted within 45 days after the midway date of the compliance period. A manufacturer may request, in writing, an extension of up to 14 days for submittal of the mid-term report.

A.4.2 Within 60 days after the end of the compliance period or upon termination of the Program, whichever is sooner, the manufacturer shall submit to the Executive Officer a report listing all coatings subject to averaging during the compliance period, providing a detailed demonstration of the balance between the actual and allowable emissions for the compliance period, any identification and description of specific records used by the manufacturer to verify compliance with the averaging requirement, and any other information requested by the Executive Officer to determine whether the manufacturer complied with the averaging requirements over the specified compliance period. The report shall be signed by the responsible party for the manufacturer, attesting that all information submitted is true and correct, and that records will be made available to the Executive Officer upon request. A manufacturer may request, in writing, an extension of up to 30 days for submittal of the final report.

#### **A.5 RENEWAL OF A PROGRAM**

A Program automatically expires at the end of the compliance period. The manufacturer may request a renewal of the Program by submitting a renewal request that shall include an updated Program, meeting all applicable Program requirements. The renewal request will be considered conditionally approved until the Executive Officer makes a final decision to deny or approve the renewal request based on a determination of whether the manufacturer is likely to comply with the averaging requirements. The Executive Officer shall base such determination on all available information, including but not limited to, the mid-term and the final reports of the preceding compliance period. The Executive Officer shall make a decision to deny or approve a renewal request no later than 45 days from the date of the final report submittal, unless the manufacturer

and the Executive Officer agree to an extension of time for the Executive Officer to take action on the renewal request.

#### **A.6 — MODIFICATION OF A PROGRAM**

A Manufacturer may request a modification of the Program at any time prior to the end of the compliance period. The Executive Officer shall take action to approve or disapprove the modification request no longer than 45 days from the date of its submittal. No modification of the compliance period shall be allowed. A Program need not be modified to specify additional coatings to be averaged that are below the applicable VOC limits.

#### **A.7 — TERMINATION OF A PROGRAM**

A.7.1 — A manufacturer may terminate its Program at any time by filing a written notification to the Executive Officer. The filing date shall be considered the effective date of the termination, and all other provisions of this rule including the VOC limits shall immediately thereafter apply. The manufacturer shall also submit a final report 60 days after the termination date. Any exceedance of the actual emissions over the allowable emissions over the period that the Program was in effect shall constitute a separate violation for each day of the entire compliance period.

A.7.2 — The Executive Officer may terminate a Program if any of the following circumstances occur:

A.7.2.1 — The manufacturer violates the requirements of the approved Program, and at the end of the compliance period, the actual emissions exceed the allowable emissions.

A.7.2.2 — The manufacturer demonstrates a recurring pattern of violations and has consistently failed to take the necessary steps to correct those violations.

#### **A.8 — CHANGE IN VOC LIMITS**

If the VOC limits of a coating listed in the Program are amended such that its effective date is less than one year from the date of adoption, the affected manufacturer may base its averaging on the prior limits of that coating until the end of the compliance period immediately following the date of adoption.

#### **A.9 — LABELING**

Each container of any coating that is included in Averaging Program, and that exceeds the applicable VOC limit in Table 1 shall display the following statement: "This product is subject to architectural coatings averaging provision in California." A symbol specified by the Executive Officer may be used as a substitute.

#### **A.10 — VIOLATIONS**

The exceedance of the allowable emissions for any compliance period shall constitute a separate violation of each day of the compliance period. However, any violation of the requirements of the Averaging Provision of this rule, which the violator can demonstrate, to the Executive Officer, did not cause or allow the emission of an air contaminant and was not the result of negligent or knowing activity may be considered a minor violation.

~~A.11 SUNSET OF AVERAGING PROVISION~~

~~The averaging provision set forth in Appendix A shall cease to be effective on January 1, 2005, after which averaging will no longer be allowed.~~

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Marked Up 2007 ARB Suggested Control Measure for Architectural Coatings Reflecting Proposed Rule 323.1 Text

**RULE 323.1. ARCHITECTURAL COATINGS. (Adopted [date of rule adoption], Effective [six months after date of adoption])**

**1A. APPLICABILITY**~~Applicability~~

- 1.4 Except as provided in ~~subsection 3~~Section B, this rule is applicable to any person who:
- ~~1.1.1a.~~ Supplies, sells, or offers for sale any architectural coating for use within the District; or
  - ~~1.1.2b.~~ Manufactures, blends, or repackages any architectural coating for use within the District; or
  - ~~1.1.3c.~~ Applies or solicits the application of any architectural coating within the District; or
  - d. Performs any solvent cleaning related to the application of any architectural coatings within the District.
2. Rule 323.1 shall be effective on [six months after date of adoption].
3. Rule 323, Architectural Coatings, shall remain in effect in its entirety until [six months after date of adoption], except that the Rule 323 sell-through provisions shall remain in effect as set forth in Section 323.1.D.3 of this rule.

**2. SEVERABILITY**

- ~~2.1 Each provision of this rule shall be deemed severable, and in the event that any provision of this rule is held to be invalid, the remainder of this rule shall continue in full force and effect.~~

**3B. EXEMPTIONS**~~Exemptions~~

- ~~3.1.1. The requirements of this~~ This rule does shall not apply to the following:
- ~~3.1.1a.~~ Any architectural coating that is supplied, sold, offered for sale, or manufactured for use outside of the District or for shipment to other manufacturers for reformulation or repackaging for use outside of the District.
  - ~~3.1.2b.~~ Any aerosol coating product and any person using an aerosol coating product.
  - c. Any solvent cleaning machine subject to Rule 321, Solvent Cleaning Machines and Solvent Cleaning. However, if a person uses a solvent cleaning machine for the cleaning of architectural coating application equipment, the solvent cleaning machine shall be:
    - i. exempt from Rule 321, and
    - ii. subject to Rule 323.1 provisions, including Section D.4.
- ~~3.2.2. With the exception of section 7, this rule does not apply to any~~ Any architectural coating that is sold in a container with a volume of one liter (1.057 quarts) or less, shall be exempt from Section D.1 and the limits listed in Table 323.1-1, provided:
- a. The coating containers are not bundled together to be sold as a unit that exceeds one liter (1.057 quarts), excluding containers packed together for shipping to a retail outlet.

- b. The label or any other product literature does not suggest combining multiple containers so that the combination exceeds one liter (1.057 quarts).
- 3. Any architectural coating operation that is not conducted as part of a business is exempt from the requirements of Section D.4 of this rule.
- 4. The provisions of Section D.4.g shall not apply to solvents labeled exclusively for the clean-up of application equipment used for polyaspartic or polyurea coatings.
- 5. The provisions of Section E.1 shall not apply to architectural coatings in containers having capacities of two fluid ounces (59.15 milliliters) or less.

#### **4C. DEFINITIONS**

See Rule 102, Definitions, for definitions not limited to this rule. For the purposes of this rule, the following definitions shall apply:

4.1 — **Adhesive:** Any **“Adhesive”** means any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.

4.2 — **Aerosol Coating Product:** A **“Aerosol Coating Product”** means any pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant, and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground traffic/markings applications.

4.3 — **Aluminum Roof Coating:** A **“Aluminum Roof Coating”** means any coating labeled and formulated exclusively for application to roofs and containing at least 84 grams per liter of coating (0.7 pound per gallon of coating) of elemental aluminum pigment per liter of coating (at least 0.7 pounds per gallon). Pigment content shall be determined in accordance with SCAQMD South Coast Air Quality Management District Method 318-95, “Determination of Weight Percent Elemental Metal in Coatings By X-Ray Diffraction,” incorporated by reference in ~~subsection 8.5.4~~ Section G.5.c of this rule.

4.4 — **Appurtenance:** Any **“Appurtenance”** means any accessory to a stationary structure coated at the site of installation, whether installed or detached, including, but not limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools; lampposts; partitions; pipes and piping systems; rain gutters and downspouts; stairways, fixed ladders, catwalks, and fire escapes; and window screens.

4.5 — **Architectural Coating:** A **“Architectural Coating”** means any coating to be applied to stationary structures or their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are not considered architectural coatings for the purposes of this rule.

**“Asphalt”** means the dark-brown to black cementitious material (solid, semi-solid, or liquid in consistency) of which the main constituents are bitumens which occur naturally or as a residue of petroleum refining.

**“Associated Solvent”** means any solvent used in a solvent cleaning machine or for solvent cleaning performed in association with the application of any architectural coating.

4.6 — **Basement Specialty Coating:** A **“Basement Specialty Coating”** means any clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a

hydrostatic seal for basements and other below-grade surfaces. **Basement Specialty Coatings** ~~must~~shall meet the following criteria:

- 4.6.1a. Coating ~~must~~shall be capable of withstanding at least 10 ~~psi-pounds per square inch~~ of hydrostatic pressure, as determined in accordance with ASTM Designation D7088-04, "Standard Practice for Resistance to Hydrostatic Pressure for Coatings Used in Below Grade Applications Applied to Masonry," ASTM International; which is incorporated by reference in ~~subsection 8.5.12~~Section G.5.k of this rule; and
- 4.6.2b. Coating ~~must~~shall be resistant to mold and mildew growth and ~~must~~shall achieve a microbial growth rating of 8 or more, as determined in accordance with ASTM Designation D3273-00, "Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber," ASTM International, and ASTM Designation D3274-95, "Standard Test Method for Evaluating Degree of Surface Disfigurement of Paint Films by Microbial (Fungal or Algal) Growth or Soil and Dirt Accumulation," ASTM International; incorporated by reference in ~~subsection 8.5.19~~Section G.5.q of this rule.

**"Bay Area Air Quality Management District Method 41 (Revised 2005), "Materials Containing Parachlorobenzotrifluoride"** means the test method adopted by the Bay Area Air Quality Management District as of [date of rule adoption].

**"Bay Area Air Quality Management District Method 43 (Revised 2005), "Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials"** means the test method adopted by the Bay Area Air Quality Management District as of [date of rule adoption].

4.7 — **Bitumens: Black**—**"Bitumens"** means any black or brown materials, including, but not limited to, asphalt, tar, pitch, and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.

4.8 — **Bituminous Roof Coating: A**—**"Bituminous Roof Coating"** means any coating which incorporates bitumens that is labeled and formulated exclusively for roofing.

4.9 — **Bituminous Roof Primer: A**—**"Bituminous Roof Primer"** means any primer which incorporates bitumens that is labeled and formulated exclusively for roofing and intended for the purpose of preparing a weathered or aged surface or improving the adhesion of subsequent surfacing components.

4.10 — **Bond Breaker: A**—**"Bond Breaker"** means any coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.

4.11 — **Coating: A**—**"Coating"** means any material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealers, and stains.

4.12 — **Colorant: A**—**"Colorant"** means any concentrated pigment dispersion in water, solvent, and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color.

4.13 — **Concrete Curing Compound: A**—**"Concrete Curing Compound"** means any coating labeled and formulated for application to freshly poured concrete to perform one or more of the following functions:

- 4.13.1a. Retard the evaporation of water; or
- 4.13.2b. Harden or dustproof the surface of freshly poured concrete.

4.14 — ~~Concrete/Masonry Sealer:~~ A **“Concrete/Masonry Sealer”** means any clear or opaque coating that is labeled and formulated primarily for application to concrete and masonry surfaces to perform one or more of the following functions:

4.14.1a. Prevent penetration of water; or

4.14.2b. Provide resistance against abrasion, alkalis, acids, mildew, staining, or ultraviolet light; or

4.14.3c. Harden or dustproof the surface of aged or cured concrete.

4.15 — ~~Driveway Sealer:~~ A **“Driveway Sealer”** means any coating labeled and formulated for application to worn asphalt driveway surfaces to perform one or more of the following functions:

4.15.1a. Fill cracks; or

4.15.2b. Seal the surface to provide protection; or

4.15.3c. Restore or preserve the appearance.

4.16 — ~~Dry Fog Coating:~~ A **“Dry Fog Coating”** means any coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.

4.17 — ~~Exempt Compound:~~ A **“Exempt Compound”** means any compound identified as exempt under the definition of “Volatile Organic Compound (VOC), subsection 4.63.” Tertiary-butyl acetate, also known as t-butyl acetate or tBAC, shall be considered exempt as a VOC only for purposes of VOC emissions limitations or VOC Content requirements and shall be considered a VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements which apply to VOCs. Exempt compounds content of a coating shall be determined by U.S. EPA Environmental Protection Agency Method 24 or South Coast Air Quality Management District (SCAQMD) Method 303-91 (Revised 19936), “Determination of Exempt Compounds,” incorporated by reference in Section G.5.h and Section G.5.g of this rule, respectively.

4.18 — ~~Faux Finishing Coating:~~ A **“Faux Finishing Coating”** means any coating labeled and formulated to meet one or more of the following criteria:

4.18.1a. A glaze or textured coating used to create artistic effects, including, but not limited to: dirt, suede, old age, smoke damage, and simulated marble and wood grain; or

4.18.2b. A decorative coating used to create a metallic, iridescent, or pearlescent appearance that contains at least 48 grams of pearlescent mica pigment or other iridescent pigment per liter of coating as applied (at least 0.4 pounds per gallon); or

4.18.3c. A decorative coating used to create a metallic appearance that contains less than 48 grams of elemental metallic pigment per liter of coating as applied (less than 0.4 pounds per gallon), when tested in accordance with the South Coast Air Quality Management District SCAQMD Method 318-95, “Determination of Weight Percent Elemental Metal in Coatings By X-Ray Diffraction,” incorporated by reference in subsection 8.5.4 Section G.5.c of this rule; or

4.18.4d. A decorative coating used to create a metallic appearance that contains greater than 48 grams of elemental metallic pigment per liter of coating as applied (greater than 0.4 pounds per gallon) and which requires a clear topcoat to prevent the degradation of the finish under normal use conditions. The metallic pigment content shall be determined in accordance with the South Coast Air Quality Management District SCAQMD Method

318-95, “Determination of Weight Percent Elemental Metal in Coatings By X-Ray Diffraction,” incorporated by reference in ~~subsection 8.5.4~~ Section G.5.c of this rule; or

~~4.18.5e.~~ A clear topcoat to seal and protect a Faux Finishing coating that meets the requirements of ~~subsection 4.18.1, 4.18.2, 4.18.3, or 4.18.4~~ Section a, b, c, or d above. These clear topcoats mustshall be sold and used solely as part of a Faux Finishing coating system, and mustshall be labeled in accordance with ~~subsection 6.1.4~~ Section E.1.d of this rule.

~~4.19~~ — ~~Fire Resistive Coating:~~ A “Fire-Resistive Coating” means any coating labeled and formulated to protect structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials. The Fire Resistive category includes sprayed fire resistive materials and intumescent fire resistive coatings that are used to bring structural materials into compliance with federal, state, and local building code requirements. Fire-Resistive coatings shall be tested in accordance with ASTM Designation E-119-07, “Standard Test Methods for Fire Tests of Building Construction and Materials,” ASTM International, incorporated by reference in ~~subsection 8.5.2~~ Section G.5.a of this rule. Fire Resistive coatings and testing agencies mustshall be approved by building code officials.

~~4.20~~ — ~~Fire Retardant Coating:~~ A coating labeled and formulated to retard ignition and flame spread, that has been fire tested and rated by a testing agency approved by building code officials for use in bringing building and construction materials into compliance with federal, state and local building code requirements. The fire retardant coating and the testing agency must be approved by building code officials. The fire retardant coating shall be tested in accordance with ASTM Designation E 84-07, incorporated by reference in ~~subsection 8.5.1.~~

~~Effective January 1, 2010, the Fire Retardant coating category is eliminated and coatings with fire retardant properties will be subject to the VOC limit of their primary category (e.g., Flat, Nonflat, etc.).~~

~~4.21~~ — ~~Flat Coating:~~ A “Flat Coating” means any coating that is not defined under any other definition in this rule and that registers gloss less than 15 on an 85-degree meter or less than 5 on a 60-degree meter according to ASTM Designation D-523-89-(1999), “Standard Test Method for Specular Gloss,” ASTM International, incorporated by reference in ~~subsection 8.5.3~~ Section G.5.b of this rule.

~~4.22~~ — ~~Floor Coating:~~ An “Floor Coating” means any opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, garage floors, and other horizontal surfaces ~~which that~~ may be subject to foot traffic.

~~4.23~~ — ~~Form Release Compound:~~ A “Form-Release Compound” means any coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.

~~4.24~~ — ~~Gonioapparent:~~ A change in appearance with a change in the angle of illumination or the angle of view, as defined according to ASTM E 284-06b, incorporated by reference in ~~subsection 8.5.13.~~

~~4.25~~ — ~~Graphic Arts Coating or Sign Paint:~~ A “Graphic Arts Coating or Sign Paint” means any coating labeled and formulated for hand-application by artists using brush, airbrush, or roller techniques to indoor and outdoor signs (excluding structural components) and murals, including lettering enamels, poster colors, copy blockers, and bulletin enamels.

~~4.26~~ — ~~High Temperature Coating:~~ A “High Temperature Coating” means any high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204°C (~~400°F~~) degrees Celsius (400 degrees Fahrenheit).

~~4.27~~ — ~~Industrial Maintenance Coating:~~ A “Industrial Maintenance Coating” means any high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats formulated for application to substrates, including floors, exposed to one or more of the following

extreme environmental conditions listed in ~~subsections 4.27.1 through 4.27.5~~ Section a through e below, and labeled as specified in ~~subsection 6.1.5~~ Section E.1.e of this rule:

- ~~4.27.1a.~~ 4.27.1a. Immersion in water, wastewater, or chemical solutions, ~~including (aqueous and non-aqueous solutions,);~~ or chronic exposure of interior surfaces to moisture condensation; or
- ~~4.27.2b.~~ 4.27.2b. Acute or chronic exposure to corrosive, caustic or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions; or
- ~~4.27.3c.~~ 4.27.3c. Frequent exposure to temperatures above 121 °C ~~(250°F)~~ degrees Celsius (250 degrees Fahrenheit); or
- ~~4.27.4d.~~ 4.27.4d. Frequent heavy abrasion, including mechanical wear and frequent scrubbing with industrial solvents, cleansers, or scouring agents; or
- ~~4.27.5e.~~ 4.27.5e. Exterior exposure of metal structures and structural components.

~~4.28 — Low Solids Coating:~~ A “Low Solids Coating” means any coating containing 0.12 kilogram or less of solids per liter (1 pound or less of solids per gallon) of coating material as recommended for application by the manufacturer. The VOC ~~e~~Content for Low Solids Coatings shall be calculated in accordance with ~~subsection 4.64~~ the definition of “VOC Actual” within Section C of this rule.

~~4.29 — Magnesite Cement Coating:~~ A “Magnesite Cement Coating” means any coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

“Manufacturer” means any person, company, firm, or establishment who imports, blends, assembles, produces, packages, repackages, or re-labels any architectural coating, not including retail outlets where labels or stickers may be affixed to architectural coating containers or where colorant is added at the point of sale.

~~4.30 — Manufacturer’s Maximum Thinning Recommendation:~~ The “Manufacturer’s Maximum Thinning Recommendation” means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

~~4.31 — Mastix Texture Coating:~~ A “Mastic Texture Coating” means any coating labeled and formulated to cover holes and minor cracks and to conceal surface irregularities, and is applied in a single coat of at least 10 mils (at least 0.010 inch) dry film thickness.

~~4.32 — Medium Density Fiberboard (MDF):~~ A “Medium Density Fiberboard (MDF)” means any composite wood product, panel, molding, or other building material composed of cellulosic fibers, ~~(usually wood,);~~ made by dry forming and pressing of a resinated fiber mat.

~~4.33 — Metallic:~~ ~~Similar to the appearance of a gonioapparent material, as defined herein, containing metal flakes.~~

~~4.34 — Metallic Pigmented Coating:~~ A “Metallic Pigmented Coating” means any coating that is labeled and formulated to provide a metallic appearance. Metallic Pigmented coatings ~~must~~ shall contain at least 48 grams of elemental metallic pigment (excluding zinc) per liter of coating as applied (at least 0.4 pounds per gallon), when tested in accordance with SCAQMD South Coast Air Quality Management District Method 318-95, “Determination of Weight Percent Elemental Metal in Coatings By X-Ray Diffraction,” incorporated by reference in ~~subsection 8.5.4~~ Section G.5.c of this rule. The Metallic Pigmented Coating category does not include coatings applied to roofs or Zinc-Rich Primers.

~~4.35 — Multi-Color Coating:~~ A “Multi-Color Coating” means any coating that is packaged in a single container and that is labeled and formulated to exhibit more than one color when applied in a single coat.

**“Multi-purpose Solvent”** means “Multi-purpose Solvent” as defined in California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 8.5, Article 2, section 94508 on [date of rule adoption].

**“Multicomponent Coating”** means any coating requiring the addition of a separate reactive resin, commonly known as a catalyst or hardener, before application to form an acceptable dry film.

**“National Cooperative Highway Research Report 244 (1981), “Concrete Sealers for the Protection of Bridge Structures””** means the test method adopted by the Transportation Research Board as of [date of rule adoption].

4.36 — ~~Nonflat Coating:~~ A **“Nonflat Coating”** means any coating that is not defined under any other definition in this rule and that registers a gloss of 15 or greater on an 85-degree meter and 5 or greater on a 60-degree meter according to ASTM Designation D-523-89-(1999), “Standard Test Method for Specular Gloss,” ASTM International, incorporated by reference in ~~subsection 8.5.3~~ Section G.5.b of this rule.

4.37 — ~~Nonflat High Gloss Coating:~~ A **“Nonflat - High Gloss Coating”** means any nonflat coating that registers a gloss of 70 or greater on a 60-degree meter according to ASTM Designation D-523-89-(1999), “Standard Test Method for Specular Gloss,” ASTM International, incorporated by reference in ~~subsection 8.5.3~~ Section G.5.b of this rule. Nonflat – High Gloss coatings ~~must~~shall be labeled in accordance with ~~subsection 6.1.10~~ Section E.1.i.

4.38 — ~~Particleboard:~~ A **“Particleboard”** means any composite wood product panel, molding, or other building material composed of cellulosic material, (usually wood,) in the form of discrete particles, as distinguished from fibers, flakes, or strands, which are pressed together with resin.

4.39 — ~~Pearlescent: Exhibiting:~~ **“Pearlescent”** means exhibiting various colors depending on the angles of illumination and viewing, as observed in mother-of-pearl.

4.40 — ~~Plywood:~~ A **“Plywood”** means any panel product consisting of layers of wood veneers or composite core pressed together with resin. Plywood includes panel products made by either hot or cold pressing (with resin) veneers to a platform.

4.41 — ~~Post Consumer Coating: Finished:~~ **“Post-Consumer Coating”** means any finished coatings generated by a business or consumer that have served their intended end uses, and are recovered from or otherwise diverted from the waste stream for the purpose of recycling.

4.42 — ~~Pre Treatment Wash Primer:~~ A **“Pretreatment Wash Primer”** means any primer that contains a minimum of 0.5 percent acid, by weight, when tested in accordance with ASTM Designation D-1613-06, “Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products,” ASTM International, incorporated by reference in ~~subsection 8.5.5~~ Section G.5.d of this rule, that is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats.

4.43 — ~~Primer, Sealer, and Undercoater:~~ A **“Primer, Sealer, and Undercoater”** means any coating labeled and formulated for one or more of the following purposes:

4.43.1a. To provide a firm bond between the substrate and the subsequent coatings; or

4.43.2b. To prevent subsequent coatings from being absorbed by the substrate; or

4.43.3c. To prevent harm to subsequent coatings by materials in the substrate; or

4.43.4d. To provide a smooth surface for the subsequent application of coatings; or

4.43.5e. To provide a clear finish coat to seal the substrate; or

4.43.6f. To block materials from penetrating into or leaching out of a substrate.

4.44 — ~~Reactive Penetrating Sealer:~~ A **“Reactive Penetrating Sealer”** means any clear or pigmented coating that is labeled and formulated for application to above-grade concrete and masonry substrates to provide protection from water and waterborne contaminants, including, but not limited to, alkalis, acids, and salts. Reactive Penetrating Sealers mustshall penetrate into concrete and masonry substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrate. Reactive Penetrating Sealers line the pores of concrete and masonry substrates with a hydrophobic coating, but do not form a surface film. Reactive Penetrating Sealers mustshall meet all of the following criteria:

4.44.1a. The Reactive Penetrating Sealer mustshall improve water repellency at least 80 percent after application on a concrete or masonry substrate. This performance mustshall be verified on standardized test specimens, in accordance with one or more of the following standards, incorporated by reference in ~~subsection 8.5.20~~ Section G.5.r of this rule: ASTM Designation C67-07, “Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile,” or ASTM Designation C97-02, “Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone,” or ASTM C140-06, “Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units,” ASTM International; and

4.44.2b. The Reactive Penetrating Sealer mustshall not reduce the water vapor transmission rate by more than 2 percent after application on a concrete or masonry substrate. This performance mustshall be verified on standardized test specimens, in accordance with ASTM Designation E96/E96M-05, “Standard Test Methods for Water Vapor Transmission of Materials,” ASTM International, incorporated by reference in ~~subsection 8.5.21~~ Section G.5.s of this rule; and

4.44.3c. Products labeled and formulated for vehicular traffic surface chloride screening applications mustshall meet the performance criteria listed in the National Cooperative Highway Research Report 244 (1981), incorporated by reference in ~~subsection 8.5.22~~ Section G.5.t of this rule; and

d. Containers for Reactive Penetrating Sealers mustshall be labeled in accordance with ~~subsection 6.1.8~~ Section E.1.g of this rule.

4.45 — ~~Recycled Coating:~~ A **“Recycled Coating”** means any architectural coating formulated such that it contains a minimum of 50% percent by volume of post-consumer coating, with a maximum of 50% percent by volume of secondary industrial materials or virgin materials.

4.46 — ~~Residential:~~ Areas where people reside or lodge, including, but not limited to, single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels, and hotels.

4.47 — ~~Roof Coating:~~ A **“Roof Coating”** means any non-bituminous coating labeled and formulated for application to roofs for the primary purpose of preventing water penetration, reflecting ultraviolet light, or reflecting solar radiation.

**“Rule 323 Sell-Through Provisions”** means the provisions specified in Rule 323, Section D.3.

4.48 — ~~Rust Preventative Coating:~~ A **“Rust Preventative Coating”** means any coating formulated to prevent the corrosion of metal surfaces for one or more of the following applications:

4.48.1a. Direct-to-metal coating; or

4.48.2b. Coating intended for application over rusty, previously coated surfaces.



The Rust Preventative category does not include the following:

~~4.48.3a.~~ Coatings that are required to be applied as a topcoat over a primer; or

~~4.48.4b.~~ Coatings that are intended for use on wood or any other non-metallic surface.

Rust Preventative coatings are for metal substrates only and ~~must~~shall be labeled as such, in accordance with the labeling requirements in ~~subsection 6.1.6~~ Section E.1.f of this rule.

~~4.49 — Secondary Industrial Materials: Products—~~“Secondary Industrial Materials” means any products or by-products of the paint manufacturing process that are of a known composition and have economic value but can no longer be used for their intended purpose.

~~4.50 — Semitransparent Coating: A—~~“Semitransparent Coating” means any coating that contains binders and colored pigments and is formulated to change the color of the surface, but not conceal the grain pattern or texture.

~~4.51 — Shellac: A—~~“Shellac” means any clear or opaque coating formulated solely with the resinous secretions of the lac beetle, (~~*Laccifer Laccifer lacca*~~), and formulated to dry by evaporation without a chemical reaction.

~~4.52 — Shop Application: Application—~~“Shop Application” means any application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process (e.g., original equipment manufacturing coatings).

~~4.53 — Solicit: To—~~“Solicit” means to require for use or to specify, by written or oral contract.

“South Coast Air Quality Management District Method 303-91 (Revised 1996), “Determination of Exempt Compounds,” August 1996,” means the test method adopted by the South Coast Air Quality Management District as of [date of rule adoption].

“South Coast Air Quality Management District Method 304-91 (Revised 1996), “Determination of Volatile Organic Compounds (VOC) in Various Materials”” means the test method adopted by the South Coast Air Quality Management District as of [date of rule adoption].

“South Coast Air Quality Management District Method 318-95, “Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction”” means the test method adopted by the South Coast Air Quality Management District as of [date of rule adoption].

~~4.54 — Specialty Primer, Sealer, and Undercoater: A coating that is formulated for application to a substrate to block water soluble stains resulting from: fire damage; smoke damage; or water damage.~~

~~Specialty Primers, Sealers, and Undercoaters must be labeled in accordance with subsection 6.1.7.~~

~~4.55 — Stain: A—~~“Stain” means any semitransparent or opaque coating labeled and formulated to change the color of a surface but not to conceal the grain pattern or texture.

~~4.56 — Stone Consolidant: A—~~“Stone Consolidant” means any coating that is labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone Consolidants ~~must~~shall penetrate into stone substrates to create bonds between particles and consolidate deteriorated material. Stone Consolidants ~~must~~shall be specified and used in accordance with ASTM Designation E2167-01, “Standard Guide for Selection and Use of Stone Consolidants,” ASTM International, incorporated by reference in ~~subsection 8.5.23~~ Section G.5.u of this rule.

Stone Consolidants are for professional use only and mustshall be labeled as such, in accordance with the labeling requirements in ~~subsection 6.1.9~~ Section E.1.h of this rule.

4.57 — ~~Swimming Pool Coating:~~ A “Swimming Pool Coating” means any coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals. Swimming pool coatings include coatings used for swimming pool repair and maintenance.

4.58 — ~~Tint Base:~~ An “Tint Base” means any architectural coating to which colorant is added after packaging in sale units to produce a desired color.

4.59 — ~~Traffic Marking Coating:~~ A “Traffic Marking Coating” means any coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces, including, but not limited to, curbs, berms, driveways, parking lots, sidewalks, and airport runways.

4.60 — ~~Tub and Tile Refinish Coating:~~ A “Tub and Tile Refinish Coating” means any clear or opaque coating that is labeled and formulated exclusively for refinishing the surface of a bathtub, shower, sink, or countertop. Tub and Tile Refinish coatings mustshall meet all of the following criteria:

4.60.1a. The coating mustshall have a scratch hardness of 3H or harder and a gouge hardness of 4H or harder. This mustshall be determined on bonderite 1000, in accordance with ASTM Designation D3363-05, “Standard Test Method for Film Hardness by Pencil Test,” ASTM International, incorporated by reference in ~~subsection 8.5.15,~~ Section G.5.m of this rule; and

4.60.2b. The coating mustshall have a weight loss of 20 milligrams or less after 1000 cycles. This mustshall be determined with CS-17 wheels on bonderite 1000, in accordance with ASTM Designation D4060-07, “Standard Test Method for Abrasion Resistance of Organic Coatings by the Taber Abraser,” ASTM International, incorporated by reference in ~~subsection 8.5.16~~ Section G.5.n of this rule; and

4.60.3c. The coating mustshall withstand 1000 hours or more of exposure with few or no #8 blisters. This mustshall be determined on unscribed bonderite, in accordance with ASTM Designation D4585-99, “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation,” ASTM International, and ASTM Designation D714-02e1, “Standard Test Method for Evaluating Degree of Blistering of Paints,” ASTM International, incorporated by reference in ~~subsection 8.5.17~~ Section G.5.o of this rule; and

4.60.4d. The coating mustshall have an adhesion rating of 4B or better after 24 hours of recovery. This mustshall be determined on unscribed bonderite, in accordance with ASTM Designation D4585-99, “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation,” ASTM International, and ASTM Designation D3359-02, “Standard Test Methods for Measuring Adhesion by Tape Test,” ASTM International, incorporated by reference in ~~subsection 8.5.14~~ Section G.5.l of this rule.

4.61 — ~~Veneer: Thin:~~ “Veneer” means any thin sheets of wood peeled or sliced from logs for use in the manufacture of wood products such as plywood, laminated veneer lumber, or other products.

4.62 — ~~Virgin Materials: Materials:~~ “Virgin Materials” means any materials that contain no post-consumer coatings or secondary industrial materials.

4.63 — ~~Volatile Organic Compound (VOC):~~ Any volatile “Volatile Organic Compound (VOC)” means any compound containing at least one (1) atom of carbon, ~~excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and excluding~~ except for the following exempt compounds:

- 4.63.1—methane;  
 methylene chloride (dichloromethane);  
 1,1,1 trichloroethane (methyl chloroform); trichlorofluoromethane (CFC 11);  
 dichlorodifluoromethane (CFC 12);  
 1,1,2 trichloro 1,2,2 trifluoroethane (CFC 113);  
 1,2 dichloro 1,1,2,2 tetrafluoroethane (CFC 114); chloropentafluoroethane (CFC 115);  
 chlorodifluoromethane (HCFC 22);  
 1,1,1 trifluoro 2,2 dichloroethane (HCFC 123);  
 2 chloro 1,1,1,2 tetrafluoroethane (HCFC 124);  
 1,1 dichloro 1 fluoroethane (HCFC 141b);  
 1 chloro 1,1 difluoroethane (HCFC 142b); trifluoromethane (HFC 23);  
 pentafluoroethane (HFC 125);  
 1,1,2,2 tetrafluoroethane (HFC 134);  
 1,1,1,2 tetrafluoroethane (HFC 134a);  
 1,1,1 trifluoroethane (HFC 143a);  
 1,1 difluoroethane (HFC 152a);  
 cyclic, branched, or linear completely methylated siloxanes;  
 the following classes of perfluorocarbons:  
 4.63.1.1 cyclic, branched, or linear, completely fluorinated alkanes;  
 4.63.1.2 cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;  
 4.63.1.3 cyclic, branched, or linear, completely fluorinated tertiary amines with no  
 unsaturations; and  
 4.63.1.4 sulfur containing perfluorocarbons with no unsaturations and with the sulfur  
 bonds only to carbon and fluorine; and
- 4.63.2—the following low reactive organic compounds which have been exempted by the U.S.  
 EPA:  
 acetone;  
 ethane;  
 parachlorobenzotrifluoride (1 chloro 4 trifluoromethyl benzene);  
 perchloroethylene; and methyl acetate.
- a. acetone
  - b. ammonium carbonate
  - c. carbon dioxide
  - d. carbon monoxide
  - e. carbonic acid
  - f. dimethyl carbonate
  - g. ethane
  - h. metallic carbides or carbonates
  - i. methane
  - j. methyl acetate
  - k. methyl chloroform (1,1,1-trichloroethane)
  - l. methyl formate; HCOOCH<sub>3</sub>
  - m. cyclic, branched, or linear completely methylated siloxane compounds
  - n. methylene chloride
  - o. parachlorobenzotrifluoride
  - p. perchloroethylene (tetrachloroethylene)
  - q. the following four classes of perfluorocarbon (PFC) compounds:
    - i. cyclic, branched, or linear, completely fluorinated alkanes,
    - ii. cyclic, branched, or linear, completely fluorinated ethers with no unsaturations,
    - iii. cyclic, branched, or linear, completely fluorinated tertiary amines with no  
 unsaturations, and
    - iv. sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds  
 only to carbon and fluorine.
  - r. propylene carbonate
  - s. tertiary-butyl acetate; C<sub>6</sub>H<sub>12</sub>O<sub>2</sub> (“acetic acid, 1,1-dimethylethyl ester”)

Tertiary-butyl acetate (also known as t-butyl acetate or tBAC) shall be considered exempt as a VOC only for purposes of VOC emissions limitations or VOC Content requirements and shall be a VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements which apply to VOCs.

- t. CFC-11 (trichlorofluoromethane)
- u. CFC-12 (dichlorodifluoromethane)
- v. CFC-113 (1,1,2-trichloro-1,2,2-trifluoroethane)
- w. CFC-114 (1,2-dichloro 1,1,2,2-tetrafluoroethane)
- x. CFC-115 (chloropentafluoroethane)
- y. HCFC-22 (chlorodifluoromethane)
- z. HCFC-31 (chlorofluoromethane)
- aa. HCFC-123 (1,1,1-trifluoro 2,2-dichloroethane)
- ab. HCFC-123a (1,2-dichloro-1,1,2-trifluoroethane)
- ac. HCFC-124 (2-chloro-1,1,1,2-tetrafluoroethane)
- ad. HCFC-141b (1,1-dichloro 1-fluoroethane)
- ae. HCFC-142b (1-chloro-1,1 difluoroethane)
- af. HCFC-151a (1-chloro-1-fluoroethane)
- ag. HCFC-225ca (3,3-dichloro-1,1,1,2,2-pentafluoropropane)
- ah. HCFC-225cb (1,3-dichloro-1,1,2,2,3-pentafluoropropane)
- ai. HFC-23 (trifluoromethane)
- aj. HFC-32 (difluoromethane)
- ak. HFC-43-10mee (1,1,1,2,3,4,4,5,5,5-decafluoropentane)
- al. HFC-125 (pentafluoroethane)
- am. HFC-134 (1,1,2,2-tetrafluoroethane)
- an. HFC-134a (1,1,1,2-tetrafluoroethane)
- ao. HFC-143a (1,1,1-trifluoroethane)
- ap. HFC-152a (1,1-difluoroethane)
- aq. HFC-161 (ethylfluoride)
- ar. HFC-227ea (1,1,1,2,3,3,3-heptafluoropropane)
- as. HFC-236ea (1,1,1,2,3,3-hexafluoropropane)
- at. HFC-236fa (1,1,1,3,3,3-hexafluoropropane)
- au. HFC-245ca (1,1,2,2,3-pentafluoropropane)
- av. HFC-245ea (1,1,2,3,3-pentafluoropropane)
- aw. HFC-245eb (1,1,1,2,3-pentafluoropropane)
- ax. HFC-245fa (1,1,1,3,3-pentafluoropropane)
- ay. HFC-365mfc (1,1,1,3,3-pentafluorobutane)
- az. HFE-7000; n-C<sub>3</sub>F<sub>7</sub>OCH<sub>3</sub>; (1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane)
- ba. HFE-7100; (CF<sub>3</sub>)<sub>2</sub>CF<sub>2</sub>OCH<sub>3</sub>; (2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane) or C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub>; (1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane)
- bb. HFE-7200; (CF<sub>3</sub>)<sub>2</sub>CF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>; (2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane) or C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub>; (1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane)
- bc. HFE-7300; (1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane)
- bd. HFE-7500; (3-ethoxy- 1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2- (trifluoromethyl) hexane)

4.64 — VOC Actual: VOC Actual is “VOC Actual” means the weight of VOC per volume of coating and it is calculated with the following equation:

$$\text{VOC Actual} = \frac{(W_s - W_w - W_{ec})}{(V_m)}$$

Where:

VOC Actual = the grams of VOC per liter of coating (also known as “Material VOC”)

W<sub>s</sub> = weight of volatiles, in grams

W<sub>w</sub> = weight of water, in grams

$W_{ec}$  = weight of exempt compounds, in grams  
 $V_m$  = volume of coating, in liters

4.65 — **VOC Content:** The **“VOC Content”** means the weight of VOC per volume of coating. VOC Content is ~~VOC Regulatory~~, **“VOC Regulatory,”** as defined in ~~subsection 4.66~~[Section C of this rule](#), for all coatings except for those in the Low Solids category. For coatings in the Low Solids category, the VOC Content is ~~VOC Actual~~, **“VOC Actual,”** as defined in ~~subsection 4.64~~[Section C of this rule](#). If the coating is a ~~multi-component~~[multicomponent product coating](#), the VOC eContent is ~~VOC Regulatory~~ **“VOC Regulatory”** as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC eContent ~~must~~[shall](#) include the VOCs emitted during curing.

4.66 — **VOC Regulatory:** ~~VOC Regulatory is~~ **“VOC Regulatory”** means the weight of VOC per volume of coating, less the volume of water and exempt compounds. It is calculated with the following equation:

$$\text{VOC Regulatory} = \frac{(W_s - W_w - W_{ec})}{(V_m - V_w - V_{ec})}$$

Where:

VOC Regulatory = grams of VOC per liter of coating, less water and exempt compounds (also known as “Coating VOC”)

$W_s$  = weight of volatiles, in grams  
 $W_w$  = weight of water, in grams  
 $W_{ec}$  = weight of exempt compounds, in grams  
 $V_m$  = volume of coating, in liters  
 $V_w$  = volume of water, in liters  
 $V_{ec}$  = volume of exempt compounds, in liters

4.67 — **Waterproofing Membrane:** A **“Waterproofing Membrane”** means any clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a seamless waterproofing membrane that prevents any penetration of liquid water into the substrate. Waterproofing Membranes are intended for the following waterproofing applications: below-grade surfaces, between concrete slabs, inside tunnels, inside concrete planters, and under flooring materials. Waterproofing Membranes ~~must~~[shall](#) meet the following criteria:

4.67.1a. Coating ~~must~~[shall](#) be applied in a single coat of at least 25 mils (at least 0.025 inch) dry film thickness; and

4.67.2b. Coatings ~~must~~[shall](#) meet or exceed the requirements contained in ASTM [Designation C836-06, “Standard Specification for High Solids Content, Cold Liquid Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course.”](#) ASTM [International](#), incorporated by reference in ~~subsection 8.5.18~~ [Section G.5.p of this rule](#).

The Waterproofing Membrane category does not include topcoats that are included in the Concrete/Masonry Sealer category (e.g., parking deck topcoats, pedestrian deck topcoats, etc.).

4.68 — **Wood Coatings:** Coatings **“Wood Coating”** means any coating labeled and formulated for application to wood substrates only. The Wood Coatings category includes the following clear and semitransparent coatings: lacquers; varnishes; sanding sealers; penetrating oils; clear stains; wood conditioners used as undercoats; and wood sealers used as topcoats. The Wood Coatings category also includes the following opaque wood coatings: opaque lacquers; opaque sanding sealers; and opaque lacquer undercoaters. The Wood Coatings category does not include the following: clear sealers that are labeled and formulated for use on concrete/masonry surfaces; or coatings intended for substrates other than wood.

Wood Coatings ~~must~~shall be labeled “For Wood Substrates Only,” in accordance with ~~subsection 6.1.14~~ Section E.1.j of this rule.

4.69 — ~~Wood Preservative:~~ A “Wood Preservative” means any coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered with both the U.S. EPA Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code (U.S.C.) Section 136, *et seq.*) and with the California Department of Pesticide Regulation.

4.70 — ~~Wood Substrate:~~ A “Wood Substrate” means any substrate made of wood, particleboard, plywood, medium density fiberboard, rattan, wicker, bamboo, or composite products with exposed wood grain. Wood ~~P~~products do not include items comprised of simulated wood.

4.71 — ~~Zinc Rich Primer:~~ A “Zinc-Rich Primer” means any coating that meets all of the following specifications:

4.71.1a. Coating contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids; and

4.71.2b. Coating is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of coatings; and

4.71.3c. Coating is intended for professional use only and is labeled as such, in accordance with the labeling requirements in ~~subsection 6.1.12~~ Section E.1.k of this rule.

## **5D. STANDARDS**

### **5.11. VOC Content Limits:**

a. ~~Except as provided in subsections 5.2 or 5.3 Sections D.2 or D.3 of this rule, no person shall:~~

~~5.1.1 — manufacture, blend, or repackage, for use within the district; or~~

~~5.1.2 — supply, sell, or offer for sale, apply, for use within the district; or~~

~~5.1.3 — solicit for application or apply of any architectural coating for use within the district, any if that architectural coating with has a VOC eContent in excess of the any corresponding limit specified in Table 323.1-1, after the specified effective date in Table 1. Limits are expressed as VOC Regulatory, thinned to the manufacturer’s maximum thinning recommendation, excluding any colorant added to tint bases.~~

b. For any coating that does not meet any of the definitions for the specialty coatings categories listed in Table 323.1-1, the VOC Content limit shall be determined by classifying the coating as a Flat coating, a Nonflat coating, or a Nonflat – High Gloss coating, based on its gloss, as determined by the method specified in Section G.5.b and the corresponding Flat, Nonflat, or Nonflat – High Gloss coating VOC limit shall apply.

5.22. Most Restrictive VOC Limit: If a coating meets the definition in Section 4C of this rule for one or more specialty coating categories that are listed in Table 323.1-1, then that coating is not required to meet the VOC limits for Flat, Nonflat, or Nonflat – High Gloss coatings, but ~~is required to~~ shall meet the VOC limit for the applicable specialty coating listed in Table 323.1-1.

With the exception of the specialty coating categories specified in ~~subsections 5.2.4~~ Sections D.2.a through 5.2.12 D.2.k, if a coating is recommended for use in more than one of the specialty coating categories listed in Table 323.1-1, the most restrictive (or lowest) VOC eContent limit shall apply. This requirement applies to: usage recommendations that appear anywhere on the coating container, anywhere on any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf.

- ~~5.2.1~~ ~~— Metallic pigmented coatings.~~
- ~~5.2.2~~ ~~— Shellacs.~~
- ~~5.2.3~~ ~~— Pretreatment wash primers.~~
- ~~5.2.4~~ ~~— Industrial maintenance coatings.~~
- ~~5.2.5~~ ~~— Low solids coatings.~~
- ~~5.2.6~~ ~~— Wood preservatives.~~
- ~~5.2.7~~ ~~— High temperature coatings.~~
- ~~5.2.8~~ ~~— Bituminous roof primers.~~
- ~~5.2.9~~ ~~— Specialty primers, sealers, and undercoaters.~~
- ~~5.2.10~~ ~~— Aluminum roof coatings.~~
- ~~5.2.11~~ ~~— Zinc rich primers.~~
- ~~5.2.12~~ ~~— Wood Coatings.~~
  - a. ~~Aluminum roof coatings;~~
  - b. ~~Bituminous roof primers;~~
  - c. ~~High temperature coatings;~~
  - d. ~~Industrial maintenance coatings;~~
  - e. ~~Low solids coatings;~~
  - f. ~~Metallic pigmented coatings;~~
  - g. ~~Pretreatment wash primers;~~
  - h. ~~Shellacs;~~
  - i. ~~Wood coatings;~~
  - j. ~~Wood preservatives; and~~
  - k. ~~Zinc-rich primers.~~

**5.33. Sell-Through of Coatings:**

A coating manufactured prior to ~~the effective date specified for that coating in Table 1~~ [rule's effective date] may be sold, supplied, or offered for sale for up to three years after ~~the specified effective date~~ [rule's effective date], provided that the coating complies with all applicable provisions in Rule 323 as revised November 15, 2001. ~~In addition, a coating manufactured before the effective date specified for that coating in Table 1~~ Such coating may also be applied at any time, both before and after the specified effective date [rule's effective date], ~~so long as the coating complied with the standards in effect at the time the coating was manufactured.~~ This subsection ~~5.3-Section~~ does not apply to any coating that does not display the date or date-code required by ~~subsection 6.1.1~~ Section E.1.a of this rule.

**5.44. ~~Painting Work Practices:~~**

- a. ~~All architectural coating containers used to apply the contents therein to a surface directly from the container by pouring, siphoning, brushing, rolling, padding, ragging or other means, shall be closed when not in use. These architectural coating containers include, but are not limited to, drums, buckets, cans, pails, trays or other application containers. Containers of any VOC-containing materials used for thinning and cleanup shall also be closed when not in use.~~ All VOC-containing materials including, but not limited to, coatings, thinners, cleanup solvents, surface preparation solvents, and other associated

solvents shall be stored and disposed of in nonabsorbent and nonleaking containers equipped with tight-fitting covers. All covers shall be in place unless adding material to or removing material from the containers, the containers are empty, or doing maintenance/inspection of the containers.

- b. Waste solvent, waste solvent residues, and any other waste material that contains VOCs shall be disposed of by one of the following methods:
  - i. A commercial waste solvent reclamation service licensed by the State of California.
  - ii. At a facility that is federally or state licensed to treat, store or dispose of such waste.
  - iii. Recycling in conformance with Section 25143.2 of the California Health and Safety Code.
- c. All covers, valves, drain plugs, and other closure devices designed to reduce surface coating or solvent evaporation shall not be removed or opened except to process work or to perform monitoring, inspections, maintenance, or repairs that require the removal of the covers or other closure devices.
- d. Any surface coating or solvent spills shall be wiped up immediately and the used absorbent material (e.g., cloth, paper, sand, sawdust, etc.) shall be stored in closed containers that are handled in accordance with Section D.4.a of this rule.
- e. The handling and transfer of coatings and cleaning solvents to or from enclosed systems, vats, waste containers, and other solvent cleaning equipment that hold or store fresh or spent coatings and cleaning solvents shall be conducted in such a manner to minimize spills.
- f. Containers used to store coating, solvent, or any waste material that contains VOCs subject to this rule shall be marked or clearly labeled indicating the name of the material they contain.
- g. No person shall use any solvent to prepare any surface for painting or during any “paint clean-up operation” unless the solvent complies with all requirements for a multi-purpose solvent specified in the Air Resources Board consumer product regulation in effect on [date of rule adoption], found in Title 17 of the California Code of Regulations, section 94507 et seq. “Paint clean-up operations” means any cleaning of oil-based or water-based paint, lacquer, varnish, or related coatings from, but not limited to, painting equipment or tools, plastics, or metals.

~~5.55.~~ **Thinning:** No person who applies or solicits the application of any architectural coating shall apply a coating that is thinned to exceed the applicable VOC limit specified in Table ~~323.1-1~~.

~~5.6~~ **Coatings Not Listed in Table 1:** For any coating that does not meet any of the definitions for the specialty coatings categories listed in Table 1, the VOC content limit shall be determined by classifying the coating as a Flat, Nonflat, or Nonflat High Gloss coating, based on its gloss, as defined in subsections 4.21, 4.36, and 4.37, and the corresponding Flat, Nonflat, or Nonflat High Gloss VOC limit in Table 1 shall apply.

## **6E. CONTAINER LABELING REQUIREMENTS**Container Labeling Requirements

~~6.11.~~ Each manufacturer of any architectural coating subject to this rule shall display the information listed in ~~subsections 6.1.1 through 6.1.12~~ Sections E.1.a through E.1.c on the coating container (or



label) in which the coating is sold or distributed, and as applicable, the information in Sections E.1.d through E.1.k.

**6.1.1a. Date Code:** The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation of each code with the Executive Officer of the ~~ARB~~ California Air Resources Board.

**6.1.2b. Thinning Recommendations:** A statement of the manufacturer's recommendation regarding thinning of the coating shall be indicated on the label or lid of the container. This requirement does not apply to the thinning of architectural coatings with water. If thinning of the coating prior to use is not necessary, the recommendation ~~must~~shall specify that the coating is to be applied without thinning.

**6.1.3c. VOC Content:** Each container of any coating subject to this rule shall display one of the following values in grams of VOC per liter of coating:

**6.1.3.1i.** Maximum VOC Content as determined from all potential product formulations;  
or

**6.1.3.2ii.** VOC Content as determined from actual formulation data; or

**6.1.3.3iii.** VOC Content as determined using the test methods in ~~subsection 8.2~~ Section G.2 of this rule.

If the manufacturer does not recommend thinning, the container ~~must~~shall display the VOC Content, as supplied. If the manufacturer recommends thinning, the container ~~must~~shall display the VOC Content, including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multi-component ~~product~~coating, the container ~~must~~shall display the VOC ~~e~~CContent as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC ~~e~~CContent ~~must~~shall include the VOCs emitted during curing. VOC Content shall be determined as defined in ~~subsections 4.64, 4.65, and 4.66~~Section C.

**6.1.4d. Faux Finishing Coatings:** ~~Effective January 1, 2010, the~~The labels of all Clear Topcoats for Faux Finishing coatings shall prominently display the statement "This product can only be sold or used as part of a Faux Finishing coating system."

**6.1.5e. Industrial Maintenance Coatings:** ~~Effective January 1, 2010, the~~The labels of all Industrial Maintenance coatings shall prominently display the statement "For industrial use only" or "For professional use only."

**6.1.6f. Rust Preventative Coatings:** The labels of all rust preventative coatings shall prominently display the statement "For Metal Substrates Only."

~~6.1.7~~ **Specialty Primers, Sealers, and Undercoaters:** ~~Effective January 1, 2010, and until January 1, 2012, the labels of all specialty primers, sealers, and undercoaters shall prominently display one or more of the descriptions listed in subsection 6.1.7.1 through 6.1.7.3.~~

~~6.1.7.1~~ For fire damaged substrates.

~~6.1.7.2~~ For smoke damaged substrates.

~~6.1.7.3~~ For water damaged substrates.

- 6.1.8g. **Reactive Penetrating Sealers:** ~~Effective January 1, 2010, the~~ The labels of all Reactive Penetrating Sealers shall prominently display the statement “Reactive Penetrating Sealer.”;
- 6.1.9h. **Stone Consolidants:** ~~Effective January 1, 2010, the~~ The labels of all Stone Consolidants shall prominently display the statement “Stone Consolidant - For Professional Use Only.”;
- 6.1.10i. **Nonflat – High Gloss Coatings:** The labels of all Nonflat – High Gloss coatings shall prominently display the words “High Gloss.”
- 6.1.11j. **Wood Coatings:** ~~Effective January 1, 2010, the~~ The labels of all Wood Coatings shall prominently display the statement “For Wood Substrates Only.”;
- 6.1.12k. **Zinc Rich Primers:** ~~Effective January 1, 2010, the~~ The labels of all Zinc Rich Primers shall prominently display the statement “For Professional Use Only.”;

**7F. REPORTING REQUIREMENTS Recordkeeping and Reporting Requirements**

- 7.1.1. **Sales ~~Data~~ Information:** Each manufacturer subject to this rule shall designate a responsible official for purposes of compliance with this section. A responsible official from each manufacturer shall upon request of the Control Officer or the Executive Officer of the ~~ARB Air Resources Board~~, or his or her delegate, provide ~~data concerning any certification or information necessary to disclose~~ the distribution and sales of architectural coatings. The responsible official shall within 180 days provide information, including, but not limited to:
  - 7.1.1a. ~~the name~~ Name and mailing address of the manufacturer;
  - 7.1.1b. ~~the name,~~ Name, address, and telephone number of a contact person;
  - 7.1.1c. ~~the name~~ Name of the coating product as it appears on the label and the applicable coating category;
  - 7.1.1d. ~~whether~~ Whether the product is marketed for interior or exterior use or both;
  - 7.1.1e. ~~the number~~ Number of gallons per year sold in California in containers greater than one liter (1.057 quarts) and equal to or less than one liter (1.057 quarts);
  - 7.1.1f. ~~the~~ **VOC Actual** content and **VOC Regulatory** content in grams per liter. If thinning is recommended, list the **VOC Actual** content and **VOC Regulatory** content after maximum recommended thinning. If containers less than one liter have a different VOC eContent than containers greater than one liter, list separately. If the coating is a multi-component ~~product~~ coating, provide the VOC eContent as mixed or catalyzed;
  - 7.1.1g. ~~the names~~ Names and CAS-Chemical Abstracts Service numbers of the VOC constituents in the product;
  - 7.1.1h. ~~the names~~ Names and CAS-Chemical Abstracts Service numbers of any compounds in the product specifically exempted from the VOC definition, as listed in ~~subsection 4.63.1 or 4.63.2~~ Section C of this rule;
  - 7.1.1i. ~~whether~~ Whether the product is marketed as solventborne, waterborne, or 100% percent solids;
  - 7.1.1j. ~~description~~ Description of resin or binder in the product;

~~7.1.11k. whether~~ Whether the coating is a single-component or multi-component ~~product~~coating;

~~7.1.12l. the density~~ Density of the product in pounds per gallon;

~~7.1.13m. the percent~~ Percent by weight of: solids, all volatile materials, water, and any compounds in the product specifically exempted from the VOC definition, as listed in ~~subsection 4.63.1 or 4.63.2~~Section C of this rule; ~~and~~

~~7.1.14n. the percent~~ Percent by volume of: solids, water, and any compounds in the product specifically exempted from the VOC definition, as listed in ~~subsection 4.63.1 or 4.63.2~~Section C of this rule; ~~and~~

~~o. For any product containing tertiary-butyl acetate, the product's tertiary-butyl acetate content in grams of tertiary-butyl acetate per liter, and the number of gallons per year sold in California.~~

~~Any failure of a responsible official to comply with any provisions of this rule shall be a violation of these Rules and Regulations by the responsible official and the manufacturer.~~

~~7.22.~~ All sales data listed in ~~subsections 7.1.1 to 7.1.14~~Section F.1 above shall be maintained by the responsible official for a minimum of three years. Sales data submitted by the responsible official to the Executive Officer of the ~~ARB~~Air Resources Board may be claimed as confidential ~~and, where permitted under California law, will be protected by the District from disclosure. Properly designated confidential,~~ and such information shall ~~will~~ be handled in accordance with the procedures specified in Title 17, California Code of Regulations Sections 91000-91022 ~~or District policies and procedures.~~

~~3.~~ Any person using or handling any architectural coating as part of a business shall maintain a current file on the solvents used. The file shall list all VOC-containing solvents used by material name and manufacturer identification (e.g., brand name, stock identification number) and list the corresponding percent VOC by weight. The file shall be kept with the architectural coating equipment and shall be readily available for inspection and review by the District.

## ~~8G.~~ **COMPLIANCE PROVISIONS AND TEST METHODS**Compliance Provisions and Test Methods

~~8.11.~~ **Calculation of VOC Content:** For the purpose of determining compliance with the VOC eContent limits in Table ~~323.1-1~~, the VOC eContent of a coating shall be determined ~~using the procedure described in the appropriate Section C definition as defined in subsection 4.64, 4.65, or 4.66.~~ The VOC eContent of a tint base shall be determined without colorant that is added after the tint base is manufactured. If the manufacturer does not recommend thinning, the VOC Content ~~must~~shall be calculated for the product as supplied. If the manufacturer recommends thinning, the VOC Content ~~must~~shall be calculated including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multi-component ~~product~~coating, the VOC eContent ~~must~~shall be calculated as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC eContent ~~must~~shall include the VOCs emitted during curing.

~~8.22.~~ **VOC Content of Coatings:** To determine the physical properties of a coating in order to perform the calculations in ~~subsection 4.64 or 4.66~~the Section C definition for **VOC Actual** for low solids coatings or the Section C definition for **VOC Regulatory** for all other architectural coatings, the reference method for VOC eContent is U.S. EPA ~~the Environmental Protection Agency~~ Method 24, incorporated by reference in ~~subsection 8.5.9~~Section G.5.h, except as provided in ~~subsections 8.3 and 8.4~~Sections G.3 and G.4. An alternative method to determine the VOC eContent of coatings is ~~SCAQMD~~South Coast Air Quality Management District Method 304-91 (Revised 1996), "Determination of Volatile Organic Compounds (VOC) in Various Materials." incorporated by reference in ~~subsection 8.5.10~~Section G.5.i. The exempt compounds content shall

be determined by ~~SCAQMD-South Coast Air Quality Management District~~ Method 303-91 (Revised 1993~~6~~), “Determination of Exempt Compounds,” or the ~~BAAQMD-Bay Area Air Quality Management District~~ Method 43 (Revised 1996~~2005~~), “Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials,” or the ~~BAAQMD-Bay Area Air Quality Management District~~ Method 41 (Revised 1995~~2005~~), “Materials Containing Parachlorobenzotrifluoride,” as applicable, incorporated by reference in ~~subsections 8.5.8, 8.5.6, and 8.5.7~~ Sections G.5.g, G.5.e, and G.5.f, respectively. To determine the VOC eContent of a coating, the manufacturer may use ~~U.S. EPA~~ the ~~Environmental Protection Agency~~ Method 24, or an alternative method as provided in ~~subsection 8.3~~Section G.3, formulation data, or any other reasonable means for predicting that the coating has been formulated as intended (e.g., quality assurance checks, record-keeping). However, if there are any inconsistencies between the results of a Method 24 test and any other means for determining VOC eContent, the Method 24 test results will govern, except when an alternative method is approved as specified in ~~subsection 8.3~~Section G.3. The ~~District Air Pollution~~-Control Officer (~~APCO~~) may require the manufacturer to conduct a Method 24 analysis.

~~8.33.~~ **Alternative Test Methods:** Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with ~~subsection 8.2~~Section G.2 or G.7, after review and approved in writing by the staffs of the District, the ~~ARB~~ California Air Resources Board, and the ~~U.S. EPA~~ Environmental Protection Agency, may also be used.

~~8.44.~~ **Methacrylate Traffic Marking Coatings:** Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of ~~U.S. EPA~~ Environmental Protection Agency Method 24 (40 CFR part 59, subpart D, Appendix A), incorporated by reference in ~~subsection 8.5.11~~ Section G.5.j. This method has not been approved for methacrylate multicomponent coatings used for other purposes than as traffic marking coatings or for other classes of multicomponent coatings.

~~8.55.~~ **Test Methods:** The following test methods are incorporated by reference herein, and shall be used to test coatings and solvents subject to the provisions of this rule:

~~8.5.1~~ — **Flame Spread Index:** The flame spread index of a fire retardant coating shall be determined by ASTM E 84-07, “Standard Test Method for Surface Burning Characteristics of Building Materials” (see section 4, Fire Retardant Coating).

~~8.5.2a.~~ **Fire Resistance Rating:** The fire resistance rating of a fire-resistive coating shall be determined by ASTM Designation E-119-07, “Standard Test Methods for Fire Tests of Building and Construction Materials,” ASTM International (see ~~section 4~~ Section C, Fire-Resistive Coating).

~~8.5.3b.~~ **Gloss Determination:** The gloss of a coating shall be determined by ASTM Designation D-523-89 (1999), “Standard Test Method for Specular Gloss,” ASTM International (see ~~section 4~~ Section C, Flat Coating, Nonflat Coating, and Nonflat – High Gloss Coating).

~~8.5.4c.~~ **Metal Content of Coatings:** The metallic content of a coating shall be determined by ~~SCAQMD-South Coast Air Quality Management District~~ Method 318-95, “Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction,” ~~SCAQMD Laboratory Methods of Analysis for Enforcement Samples~~ (see ~~section 4~~ Section C, Aluminum Roof, Faux Finishing, and Metallic Pigmented Coating).

~~8.5.5d.~~ **Acid Content of Coatings:** The acid content of a coating shall be determined by ASTM Designation D-1613-~~0606~~, “Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products,” ASTM International (see ~~section 4~~ Section C, Pre-treatment Wash Primer).

- 8.5.6e. Exempt Compounds – Siloxanes:** Exempt compounds that are cyclic, branched, or linear completely methylated siloxanes, shall be analyzed as exempt compounds for compliance with ~~section 8~~ [Section G](#) by ~~BAAQMD~~ [Bay Area Air Quality Management District](#) Method 43 ([Revised 2005](#)), “Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials,” BAAQMD Manual of Procedures, Volume III, adopted ~~11/6/96~~ [November 6, 1996](#) (see ~~section 4~~ [Section C](#), Volatile Organic Compound ([VOC](#)), and ~~subsection 8.2~~ [Section G.2](#)).
- 8.5.7f. Exempt Compounds – Parachlorobenzotrifluoride (PCBTF):** The exempt compound parachlorobenzotrifluoride, shall be analyzed as an exempt compound for compliance with ~~section 8~~ [Section G](#) by ~~BAAQMD~~ [Bay Area Air Quality Management District](#) Method 41 ([Revised 2005](#)), “Determination of Volatile Organic Compounds in Solvent Based Coatings and Related Materials Containing Parachlorobenzotrifluoride,” BAAQMD Manual of Procedures, Volume III, adopted ~~12/20/95~~ [December 20, 1995](#) (see ~~section 4~~ [Section C](#), Volatile Organic Compound ([VOC](#)), and ~~subsection 8.2~~ [Section G.2](#)).
- 8.5.8g. Exempt Compounds:** The content of ~~exempt~~ [exempt](#) compounds ~~exempt under U.S. EPA Method 24~~ shall be analyzed by ~~SCAQMD~~ [South Coast Air Quality Management District](#) Method 303-91 ([Revised 1993](#)), “Determination of Exempt Compounds,” *SCAQMD Laboratory Methods of Analysis for Enforcement Samples* (see ~~section 4~~ [Section C](#), Volatile Organic Compound ([VOC](#)), and ~~subsection 8.2~~ [Section G.2](#)).
- 8.5.9h. VOC Content of Coatings:** The VOC ~~e~~Content of a coating ([actual and regulatory](#)) shall be determined by ~~U.S. EPA~~ [Environmental Protection Agency](#) Method 24 as it exists in appendix A of 40 *Code of Federal Regulations* (CFR) part 60, “Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings” (see ~~subsection 8.2~~ [Section G.2](#)).
- 8.5.10i. Alternative VOC Content of Coatings:** The VOC ~~e~~Content of coatings ([actual and regulatory](#)) may be analyzed either by ~~U.S. EPA~~ [Environmental Protection Agency](#) Method 24 or ~~SCAQMD~~ [South Coast Air Quality Management District](#) Method 304-91 ([Revised 1996](#)), “Determination of Volatile Organic Compounds (VOC) in Various Materials,” *SCAQMD Laboratory Methods of Analysis for Enforcement Samples* (see ~~subsection 8.2~~ [Section G.2](#)).
- 8.5.11j. Methacrylate Traffic Marking Coatings:** The VOC ~~e~~Content of methacrylate multicomponent coatings used as traffic marking coatings shall be analyzed by the procedures in 40 CFR part 59, subpart D, appendix A, “Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings” ([June 30, 1999](#)) (see ~~subsection 8.4~~ [Section G.4](#)).
- 8.5.12k. Hydrostatic Pressure for Basement Specialty Coatings:** ASTM [Designation](#) D7088-04, “Standard Practice for Resistance to Hydrostatic Pressure for Coatings Used in Below Grade Applications Applied to Masonry,” [ASTM International](#) (see ~~section 4~~ [Section C](#), Basement Specialty Coating).
- ~~8.5.13. Gonioparent Characteristics for Coatings:~~ ASTM E 284-07, “Standard Terminology of Appearance” (see ~~section 4~~, Gonioparent).
- 8.5.14l. Tub and Tile Refinish Coating Adhesion:** ASTM [Designation](#) D-4585-99, “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation,” [ASTM International](#), and ASTM D3359-02, “Standard Test Methods for Measuring Adhesion by Tape Test,” [ASTM International](#) (see ~~section 4~~ [Section C](#), Tub and Tile Refinish Coating).

- 8.5.15m. Tub and Tile Refinish Coating Hardness:** ASTM [Designation D-3363-05](#), “Standard Test Method for Film Hardness by Pencil Test,” [ASTM International](#) (see [section 4 Section C](#), Tub and Tile Refinish Coating).
- 8.5.16n. Tub and Tile Refinish Coating Abrasion Resistance:** ASTM [Designation D-4060-07](#), “Standard Test Methods for Abrasion Resistance of Organic Coatings by the Taber Abraser,” [ASTM International](#) (see [section 4 Section C](#), Tub and Tile Refinish Coating).
- 8.5.17o. Tub and Tile Refinish Coating Water Resistance:** ASTM [Designation D-4585-99](#), “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation,” [ASTM International](#), and ASTM [Designation D714-02e1](#), “Standard Test Method for Evaluating Degree of Blistering of Paints,” [ASTM International](#) (see [section 4 Section C](#), Tub and Tile Refinish Coating).
- 8.5.18p. Waterproofing Membrane:** ASTM [Designation C836-06](#), “Standard Specification for High Solids Content, Cold Liquid-Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course,” [ASTM International](#) (see [section 4 Section C](#), Waterproofing Membrane).
- 8.5.19q. Mold and Mildew Growth for Basement Specialty Coatings:** ASTM [Designation D3273-00](#), “Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber,” [ASTM International](#), and ASTM [Designation D3274-95](#), “Standard Test Method for Evaluating Degree of Surface Disfigurement of Paint Films by Microbial (Fungal or Algal) Growth or Soil and Dirt Accumulation,” [ASTM International](#) (see [section 4 Section C](#), Basement Specialty Coating).
- 8.5.20r. Reactive Penetrating Sealer Water Repellency:** ASTM [Designation C67-07](#), “Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile,” [ASTM International](#), or ASTM [Designation C97-02](#), “Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone,” [ASTM International](#), or ASTM [Designation C140-06](#), “Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units,” [ASTM International](#) (see [section 4 Section C](#), Reactive Penetrating Sealer).
- 8.5.21s. Reactive Penetrating Sealer Water Vapor Transmission:** ASTM [Designation E96/E96M-05](#), “Standard Test Method for Water Vapor Transmission of Materials,” [ASTM International](#) (see [section 4 Section C](#), Reactive Penetrating Sealer).
- 8.5.22t. Reactive Penetrating Sealer - Chloride Screening Applications:** National Cooperative Highway Research Report 244 (1981), “Concrete Sealers for the Protection of Bridge Structures” (see [section 4 Section C](#), Reactive Penetrating Sealer).
- 8.5.23u. Stone Consolidants:** ASTM [Designation E2167-01](#), “Standard Guide for Selection and Use of Stone Consolidants,” [ASTM International](#) (see [section 4 Section C](#), Stone Consolidant).

**6. [Environmental Protection Agency Test Method in Effect:](#) [The Environmental Protection Agency test methods in effect on \[date of rule adoption\] shall be the test methods used to meet the requirements of this rule.](#)**

**Table 323.1-1  
VOC CONTENT LIMITS FOR ARCHITECTURAL COATINGS**

Limits are expressed as **VOC Regulatory**, thinned to the manufacturer's maximum thinning recommendation, excluding any colorant added to tint bases.

<u>Coating Category</u> <b>COATING CATEGORY</b>	<u>Effective 1/1/2010</u> <b>VOC Content Limit</b> <u>(Grams of VOC per</u> <u>Liter of Coating)</u>	<u>Effective 1/1/2012</u>
<b>Flat Coatings</b>	50	
<b>Nonflat Coatings</b>	100	
<b>Nonflat - High Gloss Coatings</b>	150	
<b>Specialty Coatings</b>		
Aluminum Roof Coatings	400	
Basement Specialty Coatings	400	
Bituminous Roof Coatings	50	
Bituminous Roof Primers	350	
Bond Breakers	350	
Concrete Curing Compounds	350	
Concrete/Masonry Sealers	100	
Driveway Sealers	50	
Dry Fog Coatings	150	
Faux Finishing Coatings	350	
Fire Resistive Coatings	350	
Floor Coatings	100	
Form-Release Compounds	250	
Graphic Arts Coatings ( <del>Sign Paints</del> ) or <u>Sign Paints</u>	500	
High Temperature Coatings	420	
Industrial Maintenance Coatings	250	
Low Solids Coatings <sup>1</sup>	120	
Magnesite Cement Coatings	450	
Mastic Texture Coatings	100	
Metallic Pigmented Coatings	500	
Multi-Color Coatings	250	
<del>Pre Treatment</del> <u>Pretreatment</u> Wash Primers	420	
Primers, Sealers, and Undercoaters	100	
Reactive Penetrating Sealers	350	
Recycled Coatings	250	
Roof Coatings	50	
Rust Preventative Coatings	<u>250</u>	<u>250</u>

<sup>1</sup> Limit is expressed as **VOC Actual**.

<u>Coating Category</u> <u>COATING CATEGORY</u>	<u>Effective 1/1/2010</u> <u>VOC Content Limit</u> <u>(Grams of VOC per</u> <u>Liter of Coating)</u>	<u>Effective 1/1/2012</u>
Shellacs: • Clear • Opaque	730 550	
<u>Specialty Primers, Sealers, and</u> <u>Undercoaters</u>		100
Stains	250	
Stone Consolidants	450	
Swimming Pool Coatings	340	
Traffic Marking Coatings	100	
Tub and Tile Refinish Coatings	420	
Waterproofing Membranes	250	
Wood Coatings	275	
Wood Preservatives	350	
Zinc-Rich Primers	340	



ATTACHMENT D - SUMMARY OF REASONS FOR SIGNIFICANT DIFFERENCES BETWEEN THE 2007 ARB SCM AND RULE 323.1

2007 ARB SCM (Rule 323.1 Section)	Deleted 2007 ARB SCM Text (Shown with Strikethroughs) and Added Text (Shown with Underlines)	Reason for a Deviation from the 2007 ARB SCM Provision
<p><b>1. APPLICABILITY</b> <b>(A. Applicability)</b></p>	<p>1.4 Except as provided in <del>subsection 3</del><u>Section B</u>, this rule is applicable to any person who: [ . . ]</p> <p><u>d. Performs any solvent cleaning related to the application of any architectural coatings within the District.</u></p>	<p>The 2007 Air Resources Board Suggested Control Measure for Architectural Coatings (2007 ARB SCM) does not include <i>solvent cleaning</i> provisions. The District is incorporating enhanced work practices (i.e., good housekeeping techniques) applicable to solvent cleaning and coating operations consistent with other District rules recently adopted. The rule also contains a provision to ensure that any solvent used complies with the VOC limit in the ARB Consumer Product Regulations.</p>
<p><b>1. APPLICABILITY</b> <b>(A. Applicability)</b></p>	<p>2. <u>Rule 323.1 shall be effective on [six months after date of adoption].</u></p> <p>3. <u>Rule 323. Architectural Coatings, shall remain in effect in its entirety until [six months after date of adoption], except that the Rule 323 sell-through provisions shall remain in effect as set forth in Section 323.1.D.3 of this rule.</u></p>	<p>The six months effective date is provided to give manufacturers time to adjust their labels and products and/or ensure their products manufactured for use in Santa Barbara County are in compliance. Once the rule is effective, the sell through provisions in Rule 323.1 will apply. Rule 323 specifies the earlier VOC limits that retailers will need to meet with a deadline of three years from the date Rule 323.1 becomes effective.</p>
<p><b>2. SEVERABILITY</b></p>	<p><del>2.1 Each provision of this rule shall be deemed severable, and in the event that any provision of this rule is held to be invalid, the remainder of this rule shall continue in full force and effect.</del></p>	<p>A “Severability” provision in Rule 323.1 is not necessary because the rulebook includes Rule 103, “Severability,” which indicates:</p> <p>If any Rule or any portion of a Rule is, for any reason, held to be invalid or unconstitutional, such finding shall have no effect on the enforceability of the remaining Rules and/or portions of Rules, which shall continue to be in full force and effect.</p>

2007 ARB SCM (Rule 323.1 Section)	Deleted 2007 ARB SCM Text (Shown with Strikethroughs) and Added Text (Shown with Underlines)	Reason for a Deviation from the 2007 ARB SCM Provision
<p><b>3. EXEMPTIONS</b> <b>(B. Exemptions)</b></p>	<p><del>3.1.</del> <u>The requirements of this rule does shall not apply to the following: [ . . ]</u></p> <p><del>3.1.2b.</del> <u>Any aerosol coating product and any person using an aerosol coating product.</u></p> <p><u>c. Any solvent cleaning machine subject to Rule 321, Solvent Cleaning Machines and Solvent Cleaning. However, if a person uses a solvent cleaning machine for the cleaning of architectural coating application equipment, the solvent cleaning machine shall be:</u></p> <p><u>i. exempt from Rule 321, and</u></p> <p><u>ii. subject to Rule 323.1 provisions, including Section D.4.</u></p>	<p>On item 1.b, the District expanded the <i>aerosol coating product</i> exemption to include the person using the spray can. In this way, coating operations performed with spray paint cans will not be subject to the solvent cleaning requirements.</p> <p>Staff added item 1.c to clarify rule precedence should the Rule 321.B.2 exemption came into play (e.g., an operator using a degreaser to clean application equipment). If a degreaser is ever used to clean application equipment, the equipment is exempt from Rule 321, but needs to use a solvent that complies with all requirements for a multi-purpose solvent specified in the Air Resources Board consumer product regulation.</p>
<p><b>3. EXEMPTIONS</b> <b>(B. Exemptions)</b></p>	<p><del>3.22.</del> <u>With the exception of section 7, this rule does not apply to any Any architectural coating that is sold in a container with a volume of one liter (1.057 quarts) or less, shall be exempt from Section D.1 and the limits listed in Table 323.1-1, provided:</u></p> <p><u>a. The coating containers are not bundled together to be sold as a unit that exceeds one liter (1.057 quarts), excluding containers packed together for shipping to a retail outlet.</u></p> <p><u>b. The label or any other product literature does not suggest combining multiple containers so that the combination exceeds one liter (1.057 quarts).</u></p>	<p>At the suggestion of ARB, the District modeled this revised <i>one liter</i> exemption on the SCAQMD Rule 1113, §(f)(1) <i>bundling</i> provisions.</p>
<p><b>3. EXEMPTIONS</b> <b>(B. Exemptions)</b></p>	<p><u>3. Any architectural coating operation that is not conducted as part of a business is exempt from the requirements of Section D.4 of this rule.</u></p>	<p>Added to make the applicability of work practices (and solvent cleaning requirements) consistent with those found in the South Coast Rules 1113 and 1171 and the San Joaquin Rule 4663.</p>
<p><b>3. EXEMPTIONS</b> <b>(B. Exemptions)</b></p>	<p><u>4. The provisions of Section D.4.g shall not apply to solvents labeled exclusively for the clean-up of application equipment used for polyaspartic or polyurea coatings.</u></p>	<p>This exemption stems from provisions in Title 17 Consumer Product Regulations.</p>

2007 ARB SCM (Rule 323.1 Section)	Deleted 2007 ARB SCM Text (Shown with Strikethroughs) and Added Text (Shown with Underlines)	Reason for a Deviation from the 2007 ARB SCM Provision
3. EXEMPTIONS (B. Exemptions)	5. <u>The provisions of Section E.1 shall not apply to architectural coatings in containers having capacities of two fluid ounces (59.15 milliliters) or less.</u>	Modeled on the SC Rule 1113(f)(2) exemption. Manufacturers have difficulty meeting the labeling requirements when the products are small containers due to physical size limitations.
4. DEFINITIONS (C. Definitions)	4.17 — <del>Exempt Compound: A</del> <u>“Exempt Compound” means any compound identified as exempt under the definition of “Volatile Organic Compound (VOC), subsection 4.63.” Tertiary-butyl acetate, also known as t-butyl acetate or tBAC, shall be considered exempt as a VOC only for purposes of VOC emissions limitations or VOC Content requirements and shall be considered a VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements which apply to VOCs. Exempt compounds content of a coating shall be determined by U.S. EPA Environmental Protection Agency Method 24 or South Coast Air Quality Management District (SCAQMD) Method 303-91 (Revised 1993), “Determination of Exempt Compounds.” [ . . ]</u>	The District drafted this text to be similar to the Rule 102 definition of “Exempt Compound” (sans the text on how exempt compounds content is determined). The text on tBAC is needed to address requirements in 40 CFR 51.100(s)(5) and EPA concerns.
4. DEFINITIONS (C. Definitions)	4.20 — <del>Fire Retardant Coating: A coating labeled and formulated to retard ignition and flame spread, that has been fire tested and rated by a testing agency approved by building code officials for use in bringing building and construction materials into compliance with federal, state and local building code requirements. The fire retardant coating and the testing agency must be approved by building code officials. The fire retardant coating shall be tested in accordance with ASTM Designation E 84-07, incorporated by reference in subsection 8.5.1.</del>  <u>Effective January 1, 2010, the Fire Retardant coating category is eliminated and coatings with fire retardant properties will be subject to the VOC limit of their primary category (e.g., Flat, Nonflat, etc.).</u>	The SCM indicates the category is eliminated effective 01/01/2012. Since we are well past this deadline, staff decided to eliminate the term now.
4. DEFINITIONS (C. Definitions)	4.24 — <del>Gonioapparent: A change in appearance with a change in the angle of illumination or the angle of view, as defined according to ASTM E 284-06b, incorporated by reference in subsection 8.5.13.</del>	Should delete per ARB (old term no longer necessary).

2007 ARB SCM (Rule 323.1 Section)	Deleted 2007 ARB SCM Text (Shown with Strikethroughs) and Added Text (Shown with Underlines)	Reason for a Deviation from the 2007 ARB SCM Provision
4. DEFINITIONS (C. Definitions)	<u>“Manufacturer” means any person, company, firm, or establishment who imports, blends, assembles, produces, packages, repackages, or re-labels any architectural coating, not including retail outlets where labels or stickers may be affixed to architectural coating containers or where colorant is added at the point of sale.</u>	This definition (modeled on the SC Rule 1113 definition) is needed to avoid creating a loop hole on the labeling requirements in Section F for blenders and repackagers.
4. DEFINITIONS (C. Definitions)	<del>4.33 — Metallic: Similar to the appearance of a gonioapparent material, as defined herein, containing metal flakes.</del>	Should delete per ARB (old term, no longer needed).
4. DEFINITIONS (C. Definitions)	<u>“Multi-purpose Solvent” means “Multi-purpose Solvent” as defined in California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 8.5, Article 2, section 94508 on [date of rule adoption].</u>	This definition is needed because Section D.4.g work practices refers to the term.
4. DEFINITIONS (C. Definitions)	<u>“Multicomponent Coating” means any coating requiring the addition of a separate reactive resin, commonly known as a catalyst or hardener, before application to form an acceptable dry film</u>	Staff added a definition of <i>multicomponent coating</i> for clarity. We used the SC 1113 definition as a model.
4. DEFINITIONS (C. Definitions)	<del>4.54 — Specialty Primer, Sealer, and Undercoater: A coating that is formulated for application to a substrate to block water soluble stains resulting from: fire damage; smoke damage; or water damage.</del>  <del>Specialty Primers, Sealers, and Undercoaters must be labeled in accordance with subsection 6.1.7.</del>	For all intents and purposes, the SCM could have indicated that this category was being deleted effective 01/01/2012. According to the SCM, on 01/01/2012:  1. The Table 1 VOC limit for “Specialty Primers, Sealers, and Undercoaters” becomes 100 g/l; which is the same limit as “Primers, Sealers, and Undercoaters;” and  2. The labeling requirements in §6.1.7 for “Specialty Primers, Sealers, and Undercoaters” end on 01/01/2012.  Since we are well past the 01/01/2012 deadline, staff have chosen to delete the category now. Rule 323.1 will become effective six months after its adoption. And there will be a three year sell through provision that will apply to these products.

2007 ARB SCM (Rule 323.1 Section)	Deleted 2007 ARB SCM Text (Shown with Strikethroughs) and Added Text (Shown with Underlines)	Reason for a Deviation from the 2007 ARB SCM Provision
4. DEFINITIONS (C. Definitions)	<del>4.63 Volatile Organic Compound (VOC): Any volatile</del> <u>“Volatile Organic Compound (VOC)” means any</u> compound containing [ . . ]	The revised definition is essentially the same as the Rule 102 definition of “Reactive Organic Compound.” The definition includes text on tBAC to address requirements in 40 CFR 51.100(s)(5) and EPA concerns.
5. STANDARDS (D. Standards)	<u>5.1.1. VOC Content Limits:</u>  <u>a. Except as provided in</u> <del>subsections 5.2 or 5.3</del> <u>Sections D.2 or D.3 of this rule</u> , no person shall: [ . . ]  <del>5.1.3</del> <u>solicit for application or apply within the</u> <del>d</del> <u>District</u> , any architectural coating with a VOC <del>e</del> <u>Content</u> in excess of the corresponding limit specified in Table <del>323.1-1</del> , <u>after the specified effective date in Table 1. Limits are expressed as VOC Regulatory, thinned to the manufacturer’s maximum thinning recommendation, excluding any colorant added to tint bases.</u>	Staff deleted the text on thinning and excluding colorant because it is redundant to Table 323.1-1 lead-in text.
5. STANDARDS (D. Standards)	<u>b. For any coating that does not meet any of the definitions for the specialty coatings categories listed in Table 323.1-1, the VOC Content limit shall be determined by classifying the coating as a Flat coating, a Nonflat coating, or a Nonflat – High Gloss coating, based on its gloss, as determined by the method specified in Section G.5.b and the corresponding Flat, Nonflat, or Nonflat – High Gloss coating VOC limit shall apply.</u>	For improved rule clarity, staff relocated this provision from the 2007 ARB SCM §5.6, <b>Coatings Not Listed in Table 1</b> , to Section D.1.b.
5. STANDARDS (D. Standards)	<u>5.2.2. Most Restrictive VOC Limit:</u> If a coating meets the definition in Section <del>4C</del> <u>of this rule</u> for one or more specialty coating categories that are listed in Table <del>323.1-1</del> [ . . ]  <del>5.2.9</del> <u>Specialty primers, sealers, and undercoaters:</u> [ . . ]  <u>a. Aluminum roof coatings;</u>  [ . . ]	<p>As explained in the Section C discussion for the “Specialty Primers, Sealers, and Undercoaters” definition, this category is not being carried forward into Rule 323.1.</p> <p>Except for the omission of “Specialty primers, sealers, and undercoaters,” the list is the same list found in the 2007 SCM only placed into alphabetical order.</p>

2007 ARB SCM (Rule 323.1 Section)	Deleted 2007 ARB SCM Text (Shown with Strikethroughs) and Added Text (Shown with Underlines)	Reason for a Deviation from the 2007 ARB SCM Provision
<p><b>5. STANDARDS</b> <b>(D. Standards)</b></p>	<p><del>5.33.</del> <b>Sell-Through of Coatings:</b> A coating manufactured prior to <del>the effective date specified for that coating in Table 1</del> <u>[rule's effective date]</u> may be sold, supplied, or offered for sale for up to three years after <del>the specified effective date</del> <u>[rule's effective date]</u>, <del>provided that the coating complies with all applicable provisions in Rule 323 as revised November 15, 2001. In addition, a coating manufactured before the effective date specified for that coating in Table 1</del> <u>Such coating may also be applied at any time, both before and after the specified effective date</u> <u>[rule's effective date]</u>, <del>so long as the coating complied with the standards in effect at the time the coating was manufactured.</del> This subsection <del>5.3</del> <u>Section</u> does not apply to any coating that does not display the date or date_code required by <del>subsection 6.1.4</del> <u>Section E.1.a of this rule.</u></p>	<p>The deviation from the SCM is needed because the District is transitioning from the existing Rule 323 limits through the new and separate Rule 323.1. We propose that Rule 323.1 will become effective six months after it is adopted. The three year sell through provision will commence from the rule's effective date. During that period the coating VOC limits of existing Rule 323 are required to be met.</p>
<p><b>5. STANDARDS</b> <b>(D. Standards)</b></p>	<p><del>5.44.</del> <b>Painting-Work Practices:</b> [ . . . ]</p>	<p>These are the "good housekeeping" requirements that we have vetted with industry, stakeholders, and the CAC via Rule 321 and the rules involved in the Rule 330 plus project. Homeowners and other non-business consumers are exempt from the Section D.4 Work Practices via Exemption B.3.</p>
<p><b>5. STANDARDS</b> <b>(D. Standards)</b></p>	<p><del>5.44.</del> <b>Painting-Work Practices:</b> [ . . . ]</p> <p><u>g. No person shall use any solvent to prepare any surface for painting or during any "paint clean-up operation" unless the solvent complies with all requirements for a multi-purpose solvent specified in the Air Resources Board consumer product regulation in effect on [date of rule adoption], found in Title 17 of the California Code of Regulations, section 94507 et seq. "Paint clean-up operations" means any cleaning of oil-based or water-based paint, lacquer, varnish, or related coatings from, but not limited to, painting equipment or tools, plastics, or metals.</u></p>	<p>This section requires that any solvent used be in compliance with the provisions in the ARB Consumer Product Regulations.</p>

2007 ARB SCM (Rule 323.1 Section)	Deleted 2007 ARB SCM Text (Shown with Strikethroughs) and Added Text (Shown with Underlines)	Reason for a Deviation from the 2007 ARB SCM Provision
<b>5. STANDARDS</b> <b>(D. Standards)</b>	<del>5.6 — Coatings Not Listed in Table 1: For any coating that does not meet any of the definitions for the specialty coatings categories listed in Table 1, the VOC content limit shall be determined by classifying the coating as a Flat, Nonflat, or Nonflat — High Gloss coating, based on its gloss, as defined in subsections 4.21, 4.36, and 4.37, and the corresponding Flat, Nonflat, or Nonflat — High Gloss VOC limit in Table 1 shall apply.</del>	Relocated to Section D.1.b.
<b>6. CONTAINER LABELING REQUIREMENTS</b> <b>(E. Container Labeling Requirements)</b>	<del>6.1. Each manufacturer of any architectural coating subject to this rule shall display [ . . ]</del>  <del>6.1.7 — Specialty Primers, Sealers, and Undercoaters: Effective January 1, 2010, and until January 1, 2012, the labels of all specialty primers, sealers, and undercoaters shall prominently display one or more of the descriptions listed in subsection 6.1.7.1 through 6.1.7.3.</del>  <del>6.1.7.1 — For fire damaged substrates.</del> <del>6.1.7.2 — For smoke damaged substrates.</del> <del>6.1.7.3 — For water damaged substrates. [ . . ]</del>	As explained in the Section C discussion for the “Specialty Primers, Sealers, and Undercoaters” definition, the term and the labeling provisions for it are no longer necessary.
<b>7. REPORTING REQUIREMENTS</b> <b>(F. Recordkeeping and Reporting Requirements)</b>	<u>1. Sales Data Information: Each manufacturer subject to this rule shall designate a responsible official for purposes of compliance with this section.</u> A responsible official from each manufacturer shall upon request of the <u>Control Officer or the Executive Officer</u> of the <del>ARB</del> <u>Air Resources Board</u> , or his or her delegate, provide <del>data concerning any certification or information necessary to disclose</del> the distribution and sales of architectural coatings. The responsible official shall within 180 days provide information, including, but not limited to: [ . . ]	Requiring that manufacturers designate a responsible official should facilitate APCD and/or ARB requests for sales information.

2007 ARB SCM (Rule 323.1 Section)	Deleted 2007 ARB SCM Text (Shown with Strikethroughs) and Added Text (Shown with Underlines)	Reason for a Deviation from the 2007 ARB SCM Provision
<p><b>7. REPORTING REQUIREMENTS</b>  <b>(F. Recordkeeping and Reporting Requirements)</b></p>	<p>[. . .]</p> <p><u>o. For any product containing tertiary-butyl acetate, the product's tertiary-butyl acetate content in grams of tertiary-butyl acetate per liter, and the number of gallons per year sold in California.</u>  [. . .]</p> <p><u>Any failure of a responsible official to comply with any provisions of this rule shall be a violation of these Rules and Regulations by the responsible official and the manufacturer.</u> [. . .]</p>	<p>The text on tBAC is needed to address requirements in 40 CFR 51.100(s)(5) and EPA concerns.</p> <p>Added to clarify that the District will hold both the responsible official and the manufacturer accountable if there is any failure of a responsible official to comply with any provisions of the rule.</p>
<p><b>7. REPORTING REQUIREMENTS</b>  <b>(F. Recordkeeping and Reporting Requirements)</b></p>	<p>[. . .]</p> <p><u>3. Any person using or handling any architectural coating as part of a business shall maintain a current file on the solvents used. The file shall list all VOC-containing solvents used by material name and manufacturer identification (e.g., brand name, stock identification number) and list the corresponding percent VOC by weight. The file shall be kept with the architectural coating equipment and shall be readily available for inspection and review by the District</u></p>	<p>The solvent data recordkeeping provision is similar to those found in Rules 321, 330, 337, 349, and 353.</p>



2007 ARB SCM (Rule 323.1 Section)	Deleted 2007 ARB SCM Text (Shown with Strikethroughs) and Added Text (Shown with Underlines)	Reason for a Deviation from the 2007 ARB SCM Provision
<p><b>8. COMPLIANCE PROVISIONS AND TEST METHODS</b> (G. Compliance Provisions and Test Methods)</p>	<p><del>8.5.5. Test Methods:</del> The following test methods are incorporated by reference herein, and shall be used to test coatings <u>and solvents</u> subject to the provisions of this rule:</p> <p>[ . . . ]</p> <p><del>8.5.1— Flame Spread Index: The flame spread index of a fire-retardant coating shall be determined by ASTM E 84-07, “Standard Test Method for Surface Burning Characteristics of Building Materials” (see section 4, Fire Retardant Coating). [ . . . ]</del></p> <p><del>8.5.13— Gonioapparent Characteristics for Coatings: ASTM E-284-07, “Standard Terminology of Appearance” (see section 4, Gonioapparent). [ . . . ]</del></p>	<p>We are not carrying forward the “Fire-Retardant Coating” category and limit. Hence, this test method is no longer needed.</p> <p>The <i>gonioapparent</i> definition is archaic and should be deleted per ARB. Hence, this test method should be eliminated as well.</p>
<p><b>8. COMPLIANCE PROVISIONS AND TEST METHODS</b> (G. Compliance Provisions and Test Methods)</p>	<p>[ . . . ]</p> <p><u>6. Environmental Protection Agency Test Method in Effect:</u> <u>The Environmental Protection Agency test methods in effect on [date of rule adoption] shall be the test methods used to meet the requirements of this rule.</u></p>	<p>Including this requirement is a District standard practice. It freezes the test methods to be the ones in effect on the date of rule adoption. If a test method is revised later, it is not to be used until the District revises the rule through a public review process.</p>
<p><b>Table 1 VOC CONTENT LIMITS FOR ARCHITECTURAL COATINGS</b> (Table 323.1-1 VOC CONTENT LIMITS FOR ARCHITECTURAL COATINGS)</p>	<p>Graphic Arts Coatings (<del>Sign Paints</del>) or Sign Paints <del>Pre Treatment</del> Pretreatment Wash Primers</p> <p>Rust Preventative Coatings      <u>250 g/l</u> [Effective six months after date of adoption]</p> <p><del>Specialty Primers, Sealers, and Undercoaters</del></p>	<p>The District revised these two terms for consistency with the term in the 2007 ARB SCM §4.25 and 40 CFR 59.401, respectively.</p> <p>The 2007 ARB SCM indicated this limit would be effective 01/01/2010. Since we are well past that deadline, and the sell through provisions will apply, the District recommends making this limit applicable when the rule becomes effective.</p> <p>As explained in the Section C discussion for the “Specialty Primers, Sealers, and Undercoaters” definition, this category is not being carried forward into Rule 323.1.</p>

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Attachment E, 2013 Rulemaking Emission Inventory and Emission Reduction Data by  
*Projected Emissions Before Control, Projected Emission Reduction, and,*  
*Projected Emissions After Control*

<b>ROC Planning Emission Inventory</b>	<b>2012, Tons/Year</b>	<b>2020, Tons/Year</b>	<b>2030, Tons/Year</b>
Projected Emissions Before Control	501.1410	526.1981	593.7519
Projected Emission Reduction	92.9376	97.5845	110.1125
Projected Emissions After Control	408.2034	428.6136	483.6394