

Default Category

Products that are not listed in the Table of Standards and can either not be categorized as flat/non-flat or have specialized function.

- Concrete Surface retarders
- Form release compounds
- Dry-Erase Coatings
- Chalkboard Coatings
- Magnetic Board Coatings

APPLICABILITY Proposal

Modify to apply to all retail sales in District, not just sales *for use* in District.

APPLICABILITY Comment

Provide manufacturers with notification options including preprinted slips on the pallet or a statement on the product label "not compliant in SCAQMD" or "not intended for sales in CA or SCAQMD" or other means of compliance.

Response

Staff is open to this concept and will include language to that effect in the Staff Report.

APPLICABILITY Comment

The language should not require the manufacturers to re-notify the customer for each and every sale and review the OSHA hazardous material notification requirements.

Response

Staff worked on a revision of the notification language.

PROPOSED RULE LANGUAGE

The provisions of this rule shall not apply to:

A manufacturer or distributor who supplies, sells, assists in the sale, or offers for sale architectural coatings in the District, as long as the manufacturer or distributor can demonstrate both that the architectural coatings is intended for shipment and use outside of the District, and that the manufacturer or distributor has notified their direct downstream recipient(s) in writing, that the architectural coating is for shipment and use outside of the District. That recipient in turn is responsible for notifying their direct downstream recipient(s). If there are changes to a product that affect compliance with this rule, the manufacturer or distributor must notify their direct downstream recipient(s) with the next shipment of the product. That recipient in turn is responsible for notifying their direct downstream recipient(s). Subparagraph (B) does not apply to architectural coatings that are supplied, sold, or offered for sale by any person on retail outlet shelves or stored at worksites within the District.

PROPOSED RULE LANGUAGE

DIRECT DOWNSTREAM RECIPIENT means the next step in the supply chain.

APPLICABILITY

Comment

We support staff's desire not to regulate non-retail industrial sales outlets.

Response

Compliance review will occur at *all* sales outlets since professional parties, contractors, especially IM contractors, may not purchase products solely from standard retail outlets.

10

DEFINITIONS

11

Manufacturer Previous Definition:

MANUFACTURER is any person, company, firm, or establishment who imports, manufactures, blends, assembles, produces, packages, repackages, or re-labels an architectural coating. The manufacturer listed on the product's label that produced the coating shall be primarily responsible for compliance with applicable provisions of this rule. If the label lists two or more different manufacturers, they may mutually designate in writing the manufacturer responsible for compliance with this rule. That writing shall be filed with the District's Executive Officer. A manufacturer does not include a retailer who solely adds colorant or affixes labels or stickers at the point of sale.

12

Manufacturer

Proposed Definition for Rules 1113 & 314:

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

RETAIL OUTLET means any company, firm, or establishment who sells architectural coatings.

13

Reporting Party

Proposed Definition for Rule 314:

REPORTING PARTY is the manufacturer listed on the product's label. If the label lists two or more different manufacturers, they may mutually designate in writing the reporting party for compliance with this rule. That writing shall be filed with the District's Executive Officer.

14


Responsible Party


Current Definition in Rule 314:

RESPONSIBLE PARTY for a corporation is a corporate officer or an authorized representative so delegated by a corporate officer. Delegation of an authorized representative must be made in writing to the Executive Officer. A responsible party for a partnership or sole proprietorship is the general partner or proprietor, respectively.

15

Define Pigmented


 First Draft:
PIGMENTED means containing dry coloring matter, usually an insoluble powder, to impart color to a substrate.


 Revised:
PIGMENTED means containing colorant to impart color to a substrate.


COLORANTS are solutions of dyes or suspensions of pigments.


16

Prominently Displayed Comments

 Tie the font size to the label size


 Mandate location instead of font size

 Require information to be separated from other text

 Voluntary guideline instead of regulatory requirement

17

Prominently Displayed

 Instead of defining Prominently Displayed, include labeling requirements for VOC under Administrative Requirements:

Effective January 1, 2012, the VOC should be displayed on the coating container as follows:

1. The required language shall be visible, noticeable and in clear and legible English.
2. The required language must be separated from other text.
3. Text size must be at least 10 point for containers that are one gallon or larger, and at least 8 point for containers that are less than one gallon.

18

Volatile Organic Compound

VOLATILE ORGANIC COMPOUND (VOC) is as defined in Rule 102 - Definition of Terms. For the purpose of this rule, tertiary butyl acetate (tBAC) shall be considered exempt as a reactive organic compound only for purposes of reactive organic compound emissions limitations or reactive organic compound content requirements and will continue to be a reactive organic compound for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements which apply to reactive organic compounds, when used in industrial maintenance coatings, including zinc-rich industrial maintenance coatings and non-sacrificial anti-graffiti coatings.

19

Waterproofing Concrete/Masonry Sealers

WATERPROOFING CONCRETE/MASONRY SEALERS are clear or pigmented sealers, including concrete lacquers that are formulated for sealing concrete and masonry to provide resistance against water, alkalis, acids, ultraviolet light, staining, or enhancing the appearance.


20

COATING CATEGORIES

21

Coating Categories Comment

Add the Following:

-  Conjugated Oil Varnish (450 g/L)
-  Conversion Varnish (725 g/L)
-  Stone Consolidants (450 g/L)
-  Reactive Penetrating Sealers (350 g/L)
-  Tub and Tile Refinish Coatings (420 g/L)

22

Staff's Proposed New Coating Categories

| Category | Current Limit (g/L) | Limit Under Consideration (g/L) | Current Category |
|----------------------------|---------------------|---------------------------------|----------------------|
| Anti-Graffiti | | | |
| Sacrificial | 100 | 50 | IM |
| Non-Sacrificial | 100 | 100 | IM |
| Concrete Surface Retarders | 250 | 100 | Default |
| Driveway Sealers | 100 | 50 | Waterproofing Sealer |
| Form Release | 250 | 100 | Default |
| Faux Finishing Coatings | 350 | 150 | Japans/Faux |
| Japans/Glazes | 350 | 350 * | Japans/Faux |
| Pigmented Varnish | 275 | 275 | Clear Wood Finish |

* Additional evaluation on going with studios

23

Proposed Coating Categories to Eliminate or Subsume

-  Clear Brushing Lacquer
-  Quick Dry Enamel
-  Subsumed into Non-flat
-  Quick Dry Primers, Sealers, and Undercoaters
-  Subsumed into Primers, Sealers, and Undercoaters
-  Consolidate in Table of Standard:
 -  Clear Wood Finishes
 -  Swimming Pool Coatings (Repair & Other)
 -  Wood Preservatives (Below Ground & Other)

24

FORM RELEASE COMPOUNDS

Comment

Technology assessment is needed for any VOC limit reduction.

Response

Staff will continue to evaluate this category; however, technology is available at or below 100 g/L.

25

FORM RELEASE COMPOUNDS*

| Reporting Year | # of Products | VOC | | | | Gallons sold |
|----------------|---------------|-----|-----|-----|-----|--------------|
| | | SWA | Max | Avg | Min | |
| 2008 | 11 | 114 | 246 | 105 | 0 | 27,320 |
| 2009 | 6 | 135 | 238 | 113 | 0 | 26,691 |

* Data is based solely on the brand names or product names listed in the Rule 314 data

26

Pigmented Varnish

Comment

Exempt from most restrictive clause so these coatings do not get classified as stains.

Response

Stains change the color of a wood species and/or enhance the grain without forming a coating film and require sealing and finish coating with a clear wood finish.

CVF is a products applied to wood substrates to provide a transparent or translucent solid film.

27





Potential VOC Reduction

| CATEGORY | Year | VOC | | | | | | | Total | # | Above Prop. Limit | | Below Prop. Limit | |
|------------------|------|-------|------|-----|-----|-----|-----|---------|-------|--------|-------------------|---------|-------------------|--|
| | | Limit | Prop | SWA | Max | Avg | Min | Total | | | # | Total | # | |
| Bond Breakers | 2008 | 350 | 150 | 127 | 330 | 149 | 0 | - | 7 | - | 2 | - | 5 | |
| Bond Breakers | 2009 | 350 | 150 | 114 | 330 | 96 | 0 | 7,455 | 7 | 60 | 1 | 7,395 | 6 | |
| Default | 2008 | 250 | 100 | 46 | 702 | 71 | 0 | 164,640 | 243 | 30,330 | 49 | 134,310 | 194 | |
| Default | 2009 | 250 | 100 | 97 | 483 | 101 | 0 | 127,072 | 135 | 57,633 | 57 | 69,439 | 78 | |
| Dry Fog coatings | 2008 | 150 | 50 | 70 | 141 | 65 | 10 | 99,896 | 28 | 57,670 | 16 | 42,226 | 12 | |
| Dry Fog coatings | 2009 | 150 | 50 | 62 | 394 | 93 | 14 | 89,116 | 32 | 41,541 | 20 | 47,575 | 12 | |

Sales Volumes not shown if there are only 3 manufacturers or less reporting

Potential VOC Reduction

| CATEGORY | Year | VOC | | | | | | Total | # | Above Prop. Limit | | Below Prop. Limit | |
|------------------------|------|-------|------|-----|-----|-----|-----|--------|-----|-------------------|-----|-------------------|-----|
| | | Limit | Prop | SWA | Max | Avg | Min | | | Total | # | Total | # |
| Fire Proofing Exterior | 2008 | 350 | 150 | 154 | 344 | 174 | 1 | - | 12 | - | 6 | - | 6 |
| Fire Proofing Exterior | 2009 | 350 | 150 | 157 | 350 | 151 | 0 | 16,188 | 21 | 7,435 | 12 | 8,753 | 9 |
| Graphic Arts | 2008 | 500 | 150 | 156 | 496 | 135 | 11 | 12,464 | 206 | 4,073 | 103 | 8,391 | 103 |
| Graphic Arts | 2009 | 500 | 150 | 157 | 496 | 132 | 0 | 7,459 | 205 | 2,892 | 101 | 4,567 | 104 |
| Metallic Pigmented | 2008 | 500 | 150 | 177 | 498 | 258 | 0 | 11,950 | 58 | 3,881 | 37 | 8,069 | 21 |
| Metallic Pigmented | 2009 | 500 | 150 | 176 | 498 | 260 | 0 | 10,405 | 59 | 3,395 | 39 | 7,011 | 20 |

Sales Volumes not shown if there are only 3 manufacturers or less reporting 31

Potential VOC Reduction

| CATEGORY | Year | VOC | | | | | | Total | # | Above Prop. Limit | | Below Prop. Limit | |
|----------------------|------|-------|------|-----|-----|-----|-----|---------|----|-------------------|----|-------------------|----|
| | | Limit | Prop | SWA | Max | Avg | Min | | | Total | # | Total | # |
| Multi-Color Coatings | 2008 | 250 | 50 | 22 | 213 | 106 | 0 | 72,953 | 19 | 5023 | 9 | 67,930 | 10 |
| Multi-Color Coatings | 2009 | 250 | 50 | 37 | 213 | 46 | 0 | 82,541 | 74 | 6215 | 9 | 76,326 | 65 |
| Shellac-Clear | 2008 | 730 | 550 | 562 | 656 | 596 | 545 | - | 6 | - | 5 | - | 1 |
| Shellac-Clear | 2009 | 730 | 550 | 590 | 614 | 594 | 559 | - | 4 | - | 4 | - | 0 |
| Specialty Primers* | 2008 | 100 | 50 | 287 | 521 | 124 | 0 | 379,850 | 89 | 343,056 | 82 | 36,794 | 7 |
| Specialty Primers* | 2009 | 100 | 50 | 283 | 521 | 129 | 0 | 359,838 | 88 | 323,927 | 81 | 35,910 | 7 |


* Includes Averaged Products
Sales Volumes not shown if there are only 3 manufacturers or less reporting 32

Estimated VOC Reduction


| COATINGCATEGORY | Limit | Proposed | Reductions # / day | |
|---------------------------------|-------|----------|--------------------|-------|
| | | | 2008 | 2009 |
| Bond Breakers | 350 | 150 | 0.34 | 0.02 |
| Default | 250 | 100 | 64 | 75 |
| Dry Fog coatings | 150 | 50 | 28 | 19 |
| Fire Proofing Exterior Coatings | 350 | 150 | 55 | 43 |
| Graphic Arts Coatings | 500 | 150 | 11 | 6 |
| Faux Finishing Coatings | 350 | 150 | 30 | 17 |
| Metallic Pigmented Coatings | 500 | 150 | 23 | 19 |
| Multi-Color Coatings | 250 | 50 | 4 | 7 |
| Primers, Sealers, Undercoaters | 100 | 50 | 616 | 562 |
| Shellac - Clear | 730 | 550 | 0.00 | 0.12 |
| Specialty Primers* | 100 | 50 | 2,229 | 2,088 |
| Total (# / day) | | | 3,061 | 2,836 |
| Total (tpd) | | | 1.5 | 1.4 |

*Includes averaged products 33

Primer Sealer Undercoater Comment


 Because of widely varied substrates this coating category must cover, indicates it as a specialized niche category and the VOC limit should continue to be regulated at 100 g/L.

Response


 Staff has found a considerable number of products at the proposed 50g/L VOC limit specified for drywall, concrete, and metal.

34

Primer Sealer Undercoater Comment


 When a primer fails, not only the primer must be replaced new topcoats are necessary, too. This causes increased emissions and excess consumption of energy and material resources.

Response


 Most coating failures happen due to lack of proper surface preparation.

35

Primer Sealer Undercoater Comment

 Lower VOC PSUs need greater surface preparation, have less tolerance, and painters need to follow instructions.

Response

 Surface preparation is the most critical step in any painting process, improper prep will result in coating failure regardless of the VOC.

36

COLORANTS Proposal

- Include colorants added at the point of sale to Rule 1113
- Separate Table of Standard for Colorants with the following categories:
 - Trade Sales
 - Waterborne IM
 - Solvent Based IM

37

COLORANTS Comment

- Coatings should be formulated to meet the VOC limits with the addition of colorant and not regulate the colorant as a separate category.

Response

- Feedback from most manufacturers indicates that this approach would be more onerous.

38

COLORANTS Comment

- Low VOC colorants lead to more mistints


Response

- Difficult to pinpoint the source of mistints:
"Home Depot execs leave headquarters to work in the stores", by Henry Unger, September 14, 2010
- Mistints occur even with conventional colorants



39

COLORANTS

Comment

-  Colorant VOC should be at least 100 g/L for architectural, IM will need to be much higher.

Response

-  Proposing 10g/L VOC limit
-  Manufacturers are striving for 'zero' VOC colorants

40

COLORANTS

Comment

-  Manufacturers will need 4 - 5 years to implements such a change.


Response

-  Most manufacturers have on-going research on low VOC colorants.
-  Preliminary draft rule language proposes January 1, 2013 effective date.

41

COLORANTS


Comment

-  Emissions reduction for colorants was over estimated in the Colorant Survey Report.

Response

| | 80% Gallons sold | | Emissions tpd | |
|------------------|------------------|------------|---------------|------|
| | 2008 | 2009 | 2008 | 2009 |
| Flat & Non-Flat | 18,755,636 | 17,718,674 | 2.18 | 2.06 |
| IM Solvent Based | 351,416 | 321,663 | 0.04 | 0.04 |
| IM Waterborne | 447,612 | 310,265 | 0.05 | 0.04 |

Assumes 4 ounces of colorant at VOC of Material 325 g/L.

-  Continue evaluation of anticipated emission reductions.

42

AVERAGING COMPLIANCE OPTION (ACO)

Comment

- Many manufacturers are in favor of a phase out and some are against.
- EPA gave Rule 1113 only a partial SIP approval, recommends:
 - Reduce ACO period to 30 day or less
 - Include a discount of emissions reductions of at least 10%

43

AVERAGING COMPLIANCE OPTION (ACO)

Response

- Proposed Phase Out by January 1, 2013
- Reduce eligible categories to what is currently being averaged
- Discount emissions reductions by 10%
 - Effective January 1, 2012
- Lower ceiling limit to 2003 limits
- Potential emission reductions - TBD

44

SMALL CONTAINER EXEMPTION (SCE)

Comment

- Needed for touch up of shop applied coatings
- Safety valve for low limits of Rule 1113
- Leave in rule for transition to lower-VOC products and specialty usage

45

SMALL CONTAINER EXEMPTION (SCE) Response

- ✦ Considering a two pronged approach, coatings sold in small containers would have to either:
 - ✦ Comply with 2003 Rule 1113 limits (ceiling limit)
 - ✦ Annual sales less than xxx gallons per manufacturer
 - ✦ Potential emission reductions - TBD

46

SCE Proposed Rule Language

The provisions of subdivision (c) of this rule shall not apply to:

- A. Architectural coatings, other than clear wood finishes, including varnishes, pigmented varnishes and sanding sealers; and lacquers, including pigmented lacquers, in containers having capacities of one liter or less, provided that:
 - i. The manufacturer reports the sales in the Rule 314 Annual Quantity and Emissions Report. The loss of this exemption due to the failure of the manufacturer to submit the Rule 314 Annual Quantity and Emissions Report shall apply only to the manufacturer.
 - ii. The coatings do not exceed the ceiling limit listed in the Table of Standards or the annual sales volume does not exceed XXX gallons, **effective January 1, 2012**.
 - iii. The manufacturer packages coatings for sale in individual containers. This exemption does not apply to coatings for sale in bundled containers with total cumulative quantity greater than one quart.

47

HEAT REFLECTIVE COATINGS Comment

- ✦ Request for an analysis of the impact associated with a certification program that provides an incentive for these products by exempting heat reflective coatings from Rule 314.

Response

- ✦ Staff will have to first develop a certification program in order to make this assessment. We look forward to input from industry as we craft the standard.

48

HEAT REFLECTIVE COATINGS

Future Work

- Create an AQMD certification for heat reflective exterior coatings.
- Once certification program in place, exempt certified coatings from Rule 314 fees.

49

Exempt Solvents Comment

- Expand the exemption for t-Butyl Acetate (tBAC) and Dimethyl Carbonate (DMC)
- US EPA, OEHHA and DOSH should regulate health effects
- Replace more reactive, flammable, and hazardous solvents
- Exempt exterior application or interior application where vapors are vented outside.

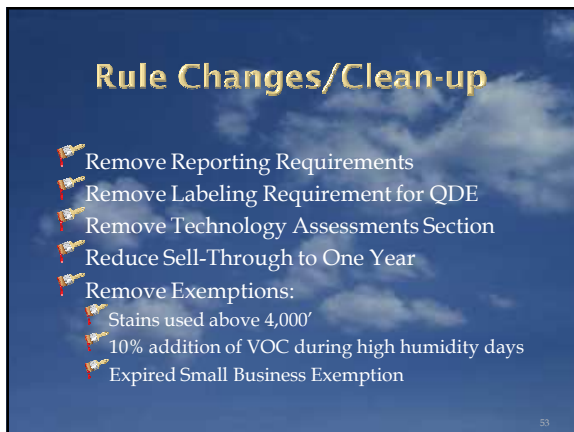
50

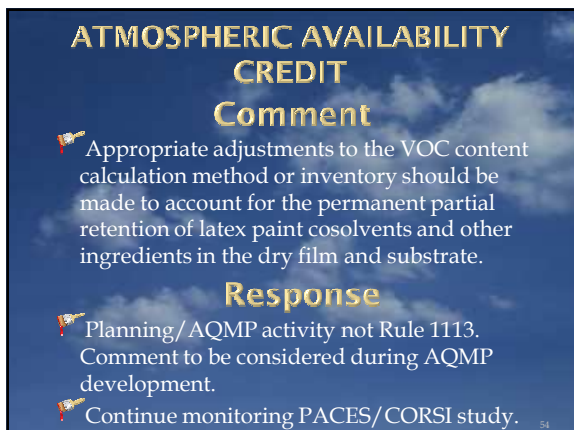
Exempt Solvents Response

- AQMD follows OEHHA recommendation
- Governing Board sensitive to worker exposure issues

51







**REACTIVITY
Comment**

Include an option for a reactivity-based ozone strategy be included in Rule 1113

Response

Continue working with Reactivity Research Working Group (RRWG), too many uncertainties to switch to reactivity based regulations:

- Enforcement
- Toxicity - including PM 2.5
- SIP equivalency

55

NEW CONCEPTS

56

General Prohibition

Effective January 1, 2012, no person shall supply, sell, offer for sale, manufacture, blend, or repackage any architectural coating for use in the District subject to the provisions of this rule with any materials that contain in excess of 0.1% by weight any Group II exempt compounds listed in Rule 102. Cyclic, branched, or linear, completely methylated siloxanes (VMS) are not subject to this prohibition.

57

Prohibition of Possession, Specification and Sale

Effective July 1, 2011, no person that applies architectural coatings subject to this rule, retail outlets that sell architectural coatings subject to this rule, or work sites that store architectural coatings subject to this rule, shall possess any coating with the label indicating a VOC content greater than the applicable VOC limit. Non-compliant coatings will be seized and a non-refundable fee as stated in Rule 314 will be assessed to the applicator to cover the cost of disposal.

58

New Definition

WORKSITE means any location where paint application takes place.

59

RULE 314 - FEES FOR ARCHITECTURAL COATINGS

Delaying Rule Amendment until Summer 2011.

60

Additional Exemptions Under Consideration

- Exempt 'small' manufacturers
- Example: manufacturers that sold less than 100 gallons annually.

| Reporting Year | 2008 | 2009 |
|----------------------|----------|----------|
| # of Companies | 20 | 19 |
| Total Fees Collected | \$ 53.00 | \$ 67.76 |

61

Additional Exemptions Under Consideration Comment

- Reporting requirements should still apply if Rule 314 exempts coatings manufacturers that sell less than XX gallons annually.

Comment

- Staff will propose to keep reporting requirements intact and add a penalty fee if sales are not reported in a timely manner.

62

Disposal Fee

- Amending 314 to include a disposal fee for the confiscation clause.

Proposed language:

Disposal Fee

Any person cited under Rule 1113 (c)(9) for possession of non-compliant coatings will pay a non-refundable disposal of \$87.43 per gallon.

63

