



RULE 1113 - ARCHITECTURAL COATINGS

Main Working Group Meeting

September 16, 2010

8:30 - 11:00 AM

Comment

- Timing of the proposed changes to rules in the current economic climate.

Response

- AQMD is sensitive to the current fiscal issues. Staff has delayed the public hearing until the first quarter 2011 and will carefully consider appropriate implementation dates.

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PROPOSED CHANGE TO APPLICABILITY

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

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APPLICABILITY

Comment

- 🚩 Proposal to remove the language 'for use' would adversely impact coatings being shipped out of the AQMD, and coatings sent to distribution centers.

Response

- 🚩 Staff intends for this requirement to **ONLY** apply to coatings being offered for sale at the retail level.

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PROPOSED RULE LANGUAGE

The provisions of this rule shall not apply to:

- Architectural coatings sold in the District for shipment outside of this District or for shipment to other manufacturers for repackaging; or
- 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 in writing, to the next step in the supply chain, that the architectural coating is for shipment and use outside of the District. Subparagraph (B) does not apply to architectural coatings that are supplied, sold, or offered for sale by any person to retail outlets within the District.

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DEFINITIONS

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Fire Proofing Coating Comment

 Switch to SCM definition of a Fire-Resistive Coating.

 Initial Proposed Definition:

~~FIRE-PROOFING EXTERIOR COATINGS~~ are opaque coatings formulated to protect the structural integrity of ~~outdoor~~ steel and other ~~outdoor~~ construction materials and listed by Underwriter's Laboratories, Inc. for the fire protection of steel.

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Fire Proofing Coating



SCM Definition:

Fire-Resistive Coating: A 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, incorporated by reference in subsection 8.5.2. Fire Resistive coatings and testing agencies must be approved by building code officials.

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Flat Coating

Comment





Current definition of a flat and non-flat coating is not in line with industry standards.

Definition should be changed as follows:

Sheen	60° Meter	Conjunction	85° Meter
Flat	< 5	or <u>and</u>	< <u>15</u> <u>10</u>
Non-Flat	≥ 5	and	≥ <u>15</u> <u>10</u>
Non-Flat High Gloss	≥ 70		

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Flat Coating Response

-  Potential negative impact on National Rule and SCM.
-  Potential negative impact on some non-flat coatings.

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Manufacturer

Several Comments concerning the proposed definition:

-  Language for blending could bring in retailers who tint coatings.
-  The manufacturers who produce the coating should be responsible party for reporting sales under Rule 314.
 - Manufacturers could report to the District which products they toll manufacture and sell under separate label.

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Manufacturer

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.

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Proposed New Definition: Retailer

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

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Pigmented Comment




 Need a definition for Pigmented.

Response

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

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Prominently Displayed Comment

-  Initial definition too vague.
-  Should tie the font size to the label size.
-  Mandate where the information should be displayed instead of font size.

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Prominently Displayed

PROMINENTLY DISPLAYED means

1. The required language shall be visible, noticeable and in clear and legible English;
2. The required language must be separated from other text and located at the bottom right of the back panel; and
3. Text size must be at least 12 point for containers that are one gallon or larger, and at least 10 point for containers that are less than one gallon.


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COATING CATEGORIES

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Coating Categories Comment

Add the Following:

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

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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
Japans/Glazes	350	TBD	Japans/Faux


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New Category FORM RELEASE COMPOUNDS

Comment

 The 100 g/L limit too low, should set limit at 200 g/L.

Response

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

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VOC REDUCTIONS

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Potential VOC Reduction

- 🚩 Staff will continue to evaluate Rule 314 data for areas where reductions are possible, including recently received 2009 sales data.
- 🚩 Staff is considering reductions in Faux Finishing, PSU, and non-sacrificial anti-graffiti coating.

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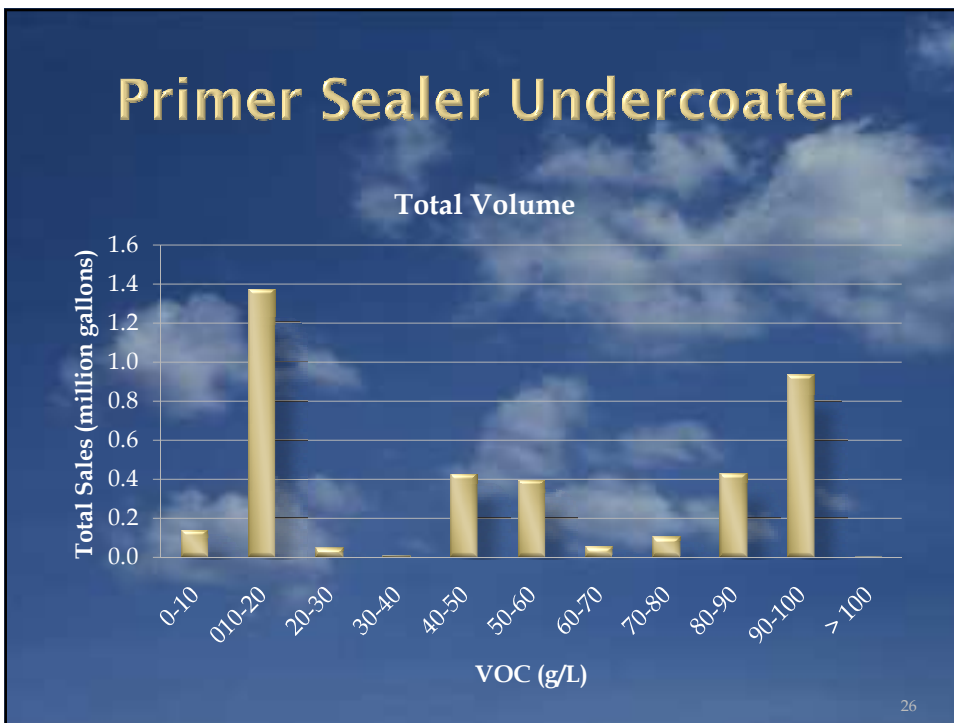
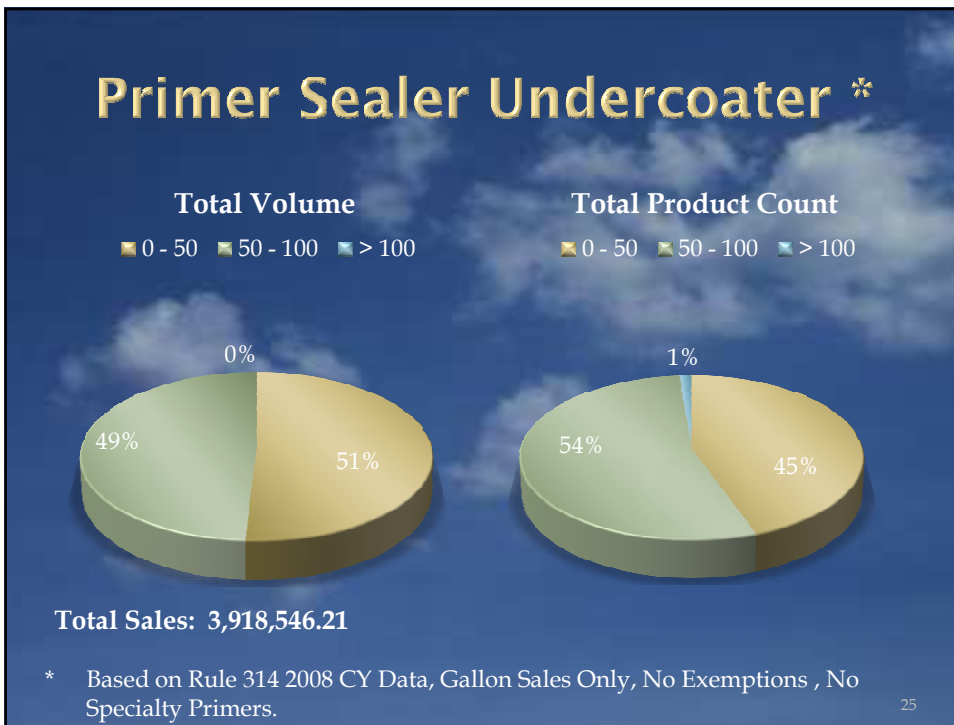
Potential VOC Reductions Comment

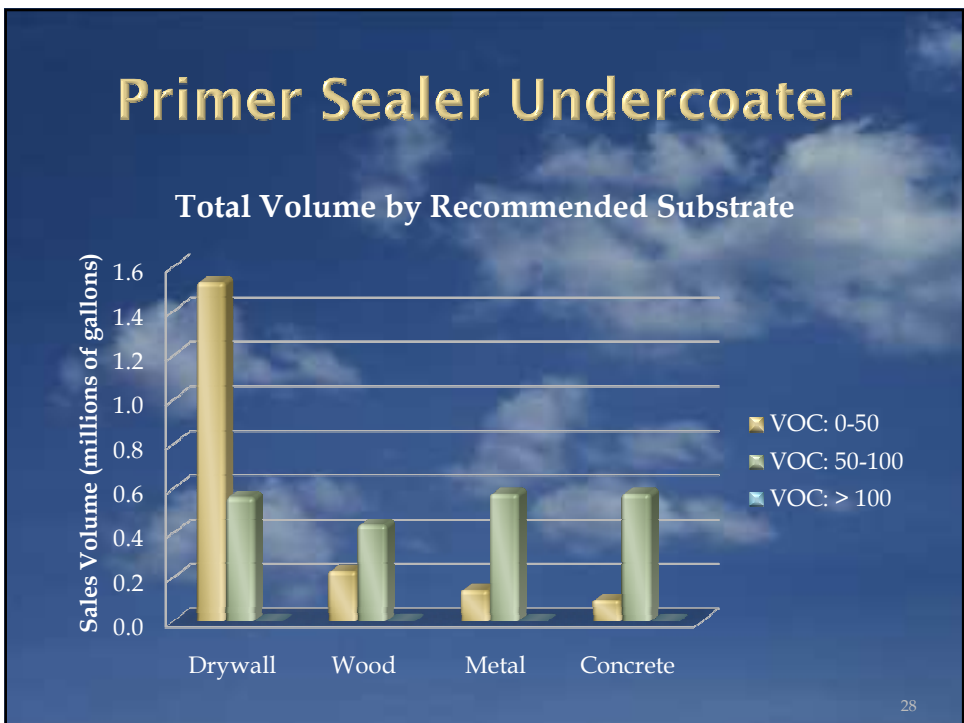
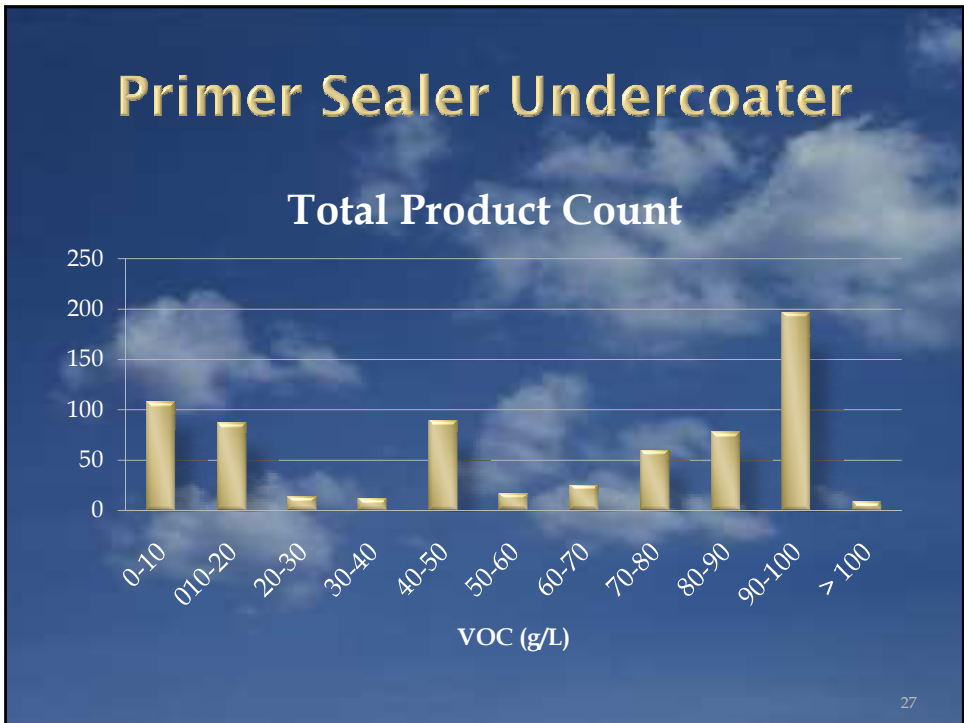
Should not use sales weighted average (SWA) to determine appropriate VOC limits, especially in regard to PSU where different coatings are recommended for different substrates.

Response

Among other indications, the SWA does yield very useful information. Regarding PSU, staff examined the 314 data to determine what substrates are recommended.

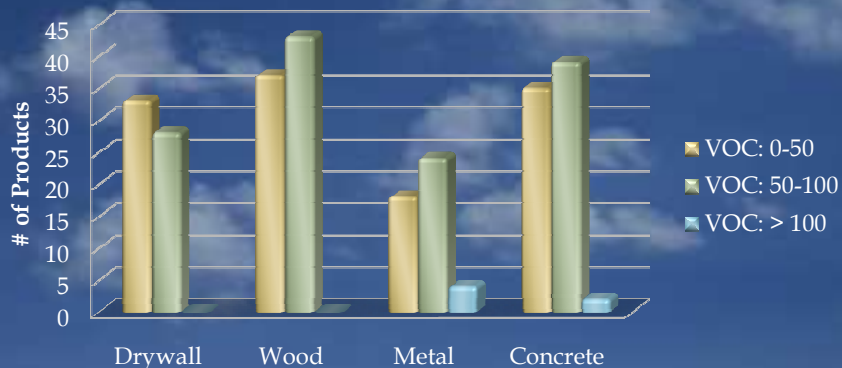
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Primer Sealer Undercoater

Total Product Count by Recommended Substrate



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Additional Request: Exempt Solvents



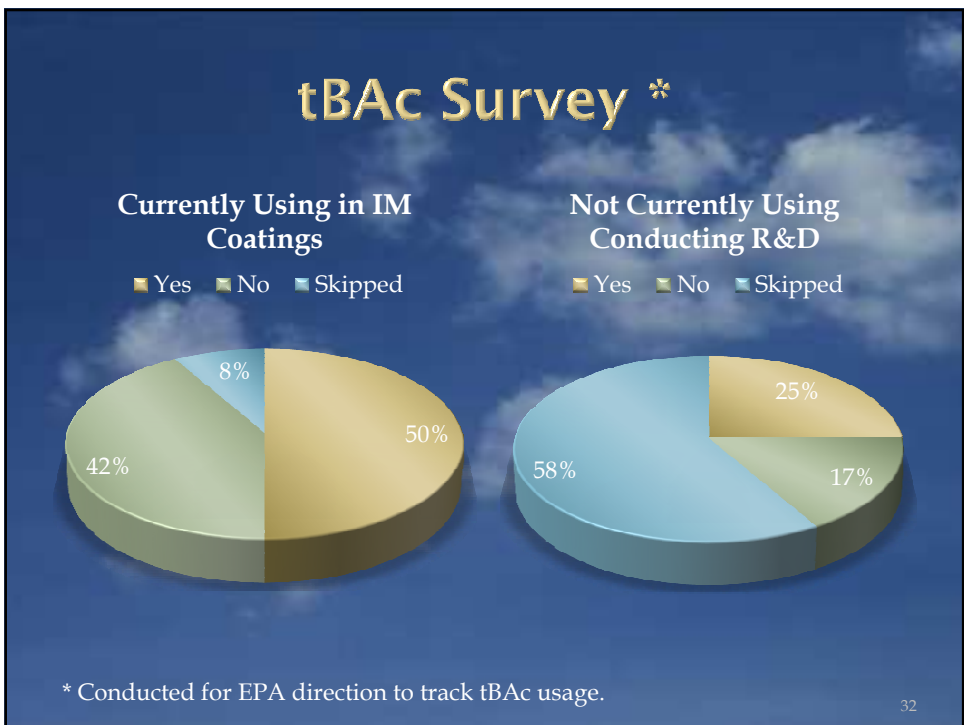
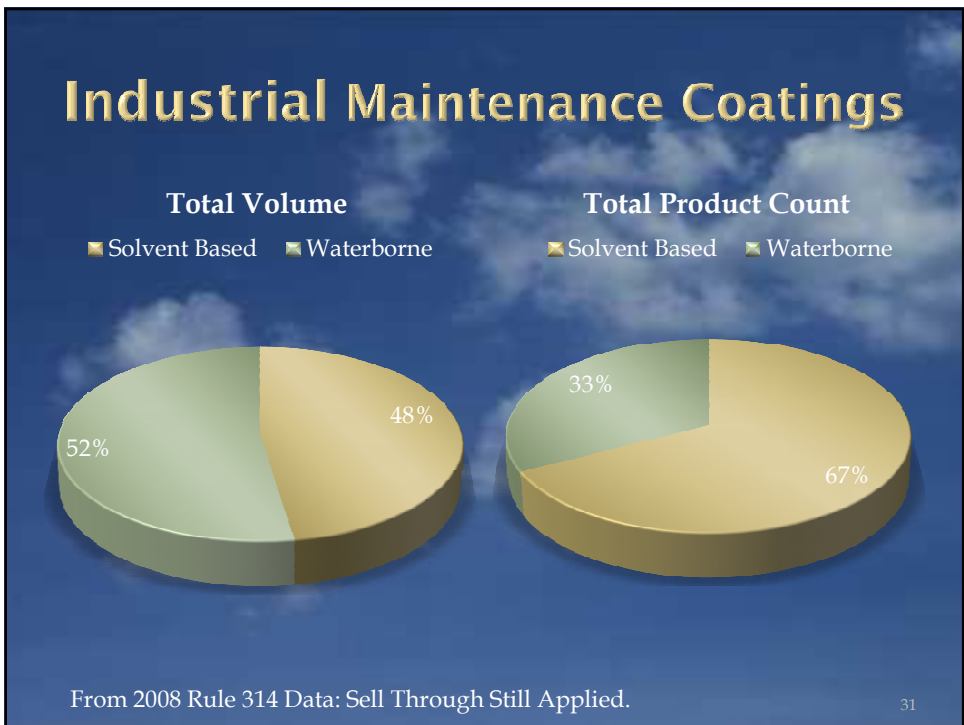
Expand the exemption for t-Butyl Acetate (tBAc).

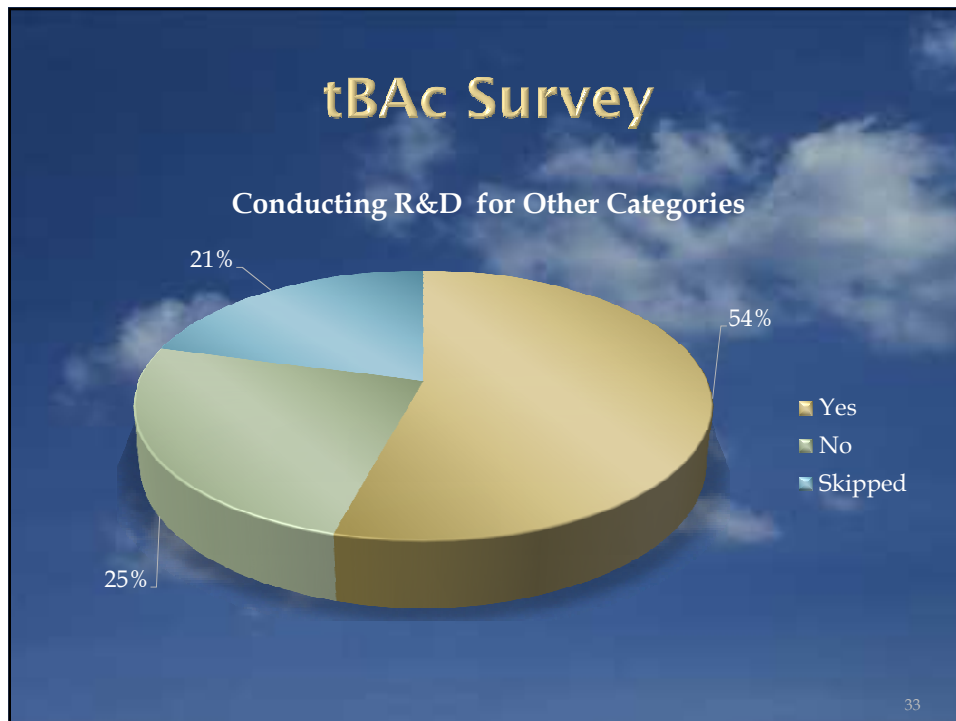
- Exempt exterior application or interior application where vapors are vented outside.



Exempt Dimethyl Carbonate.

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ATMOSPHERIC AVAILABILITY CREDIT

Comment

- 🔧 Appropriate adjustments to the VOC content calculation method or inventory should be made to account for the permanent partial retention of latex paint cosolvents and other ingredients in the dry film and substrate.

Response

- 🔧 Continue monitoring Paint and Coatings Environmental Study (PACES)/Corsi Studies.

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REACTIVITY

Comment

- Include a voluntary reactivity-based compliance option to the mass-based limits.

Response

- Continue working with Reactivity Research Working Group (RRWG).

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COLORANTS

- 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

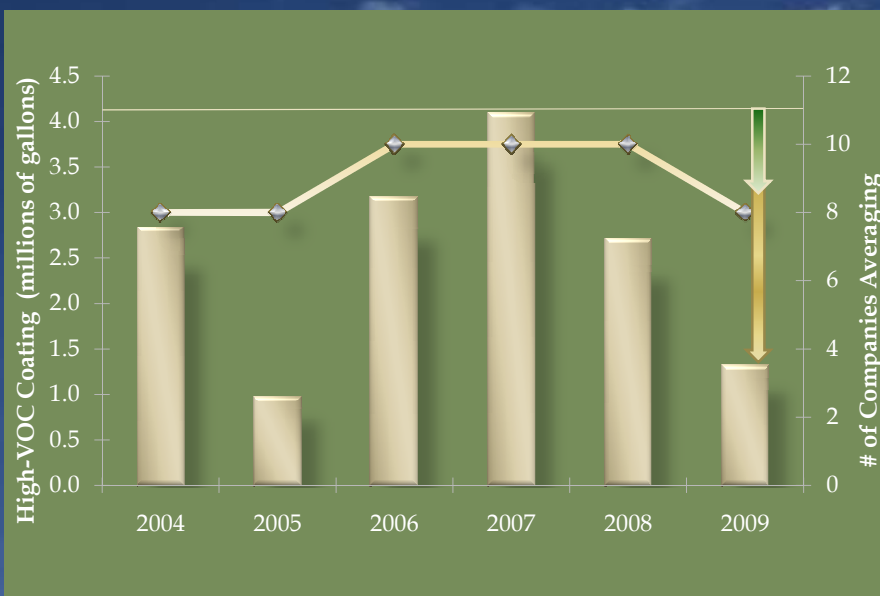
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AVERAGING COMPLIANCE OPTION (ACO)

- 🔧 Proposed Phase Out.
- 🔧 US EPA has concerns about EIP compliance.
- 🔧 Potential Emissions Reductions = 2.8 tpd.
- 🔧 Many manufacturers support this proposal.

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Trends in ACO Plans



AVERAGING COMPLIANCE OPTION (ACO)



Negative Comments include:

- Not transitional tool, needed for regulatory flexibility
- Provides incentive for offering lower-VOC coatings
- VOC content would increase without ACO
- Manufacturers expected ACO to be permanent
- Flexibility should not be taken out of Rule 1113, it should be expanded
- Lower limits in Rule 1113 are based on success of ACO provision

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AVERAGING COMPLIANCE OPTION (ACO)






Options under consideration

- Complete Phase Out
- Lower the Ceiling Limit
- Include an Environmental Benefit (i.e. allow emission ratio of 90% instead of 100%)

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SMALL CONTAINER EXEMPTION (SCE)

-  Phase out or Limit the use of the SCE.
-  Many comments asking that the SCE remain in place for small niche categories where a lower VOC product does not exist and for touch-up work.
-  Re-instate SCE for Clear Wood Finishes.

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SMALL CONTAINER EXEMPTION (SCE)




Comments

-  Create a 5 year limit on older formulations
-  Allow for the sale of a certain quantity of non-compliant coatings in small containers
-  Reduce container size to pint or smaller
-  Set a VOC limit of 2 or 3 times the VOC limit for the category
-  Narrow the categories that can be sold under the SCE

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HEAT REFLECTIVE COATINGS

Comments

-  Concerns over making this mandatory heat reflective category.
-  IR reflective pigments are costly.
-  Concerns over exempting coatings from fees, want level playing field.

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HEAT REFLECTIVE COATINGS


-  Include a category for heat reflective exterior wall and roof coatings.
-  Create an AQMD certification for heat reflective exterior coatings.
-  Once certification program in place, exempt certified coatings from Rule 314 fees.

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RULE 314 - FEES FOR ARCHITECTURAL COATINGS

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New Definitions

-  DISTRIBUTOR means any person to whom architectural coatings are sold or supplied for the purposes of resale or distribution in commerce, except that manufacturers, retailers, and consumers are not distributors.

Comments

-  Definition would pull in nearly every manufacturer. It is also unclear as to how private label accounts fit into revised "manufacturer" definition.

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New Requirements Under Consideration

- Manufacturers to list the product codes and product names for coatings that are grouped.

Comment

- ACA opposes dropping the ability to "group" via product codes and names.

Response

- Manufacturer can still group products, but must list what products are being grouped.

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Additional Exemptions Under Consideration

- Exempt coatings manufacturers that sell less than 100 gallons annually.

Comment

- Clarification on who is considered a small manufacturer.
- Still require reporting even if there are no fees.

Response

- Staff will provide numbers once review of 2009 data is completed.

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QUESTIONS AND COMMENTS

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Contacts



Rule Amendment

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