

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

REGULATION 8 -- ORGANIC COMPOUNDS

RULE 3 -- ARCHITECTURAL COATINGS

(Amended November 21, 2001)

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REGULATION 8
ORGANIC COMPOUNDS
RULE 3
ARCHITECTURAL COATINGS

(Adopted March 1, 1978)

8-3-100 GENERAL

8-3-101 Description: The purpose of this Rule is to limit the quantity of volatile organic compounds in architectural coatings supplied, sold, offered for sale, applied, solicited for application, or manufactured for use within the District.

(Amended November 21, 2001)

8-3-102 Applicability: Except as provided in Section 8-3-110, this Rule is applicable to any person who supplies, sells, offers for sale, or manufacturers any architectural coating for use within the District, as well as any person who applies or solicits the application of any architectural coating within the District.

(Adopted November 21, 2001)

8-3-103 Severability: If a court of competent jurisdiction issues an order that any provision of this rule is invalid, it is the intent of the Board of Directors of the District that other provisions of this rule remain in full force and affect, to the extent allowed by law.

(Adopted November 21, 2001)

8-3-110 Exemptions: This rule does not apply to:

110.1 Any architectural coating that is sold or manufactured for use outside of the District or for shipment to other manufacturers for reformulation or repackaging;

110.2 Any aerosol coating product; or

110.3 Any architectural coating that is sold in a container with a volume of one liter (1.057 quart) or less.

(Amended, Renumbered November 21, 2001)

8-3-111 Deleted November 21, 2001

8-3-112 Deleted January 8, 1986

8-3-113 Deleted November 21, 2001

8-3-114 Deleted November 21, 2001

8-3-200 DEFINITIONS

8-3-201 Adhesive: Any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.

(Adopted November 21, 2001)

8-3-202 Aerosol Coating Product: A pressurized coating product containing pigments or resins that dispense 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. Aerosol coating products are subject to District Regulation 8, Rule 49 or the provisions of 17 California Code of Regulations 94520 *et. seq.*

(Adopted November 21, 2001)

8-3-203 Antenna Coating: A coating labeled and formulated exclusively for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals.

(Adopted November 21, 2001)

8-3-204 Antifouling Coating: 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 U.S. 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.

(Adopted November 21, 2001)

- 8-3-205 Appurtenances:** 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 down-spouts; stairways, fixed ladders, catwalks, and fire escapes; and window screens.
(Adopted November 21, 2001)
- 8-3-206 Architectural Coatings:** A coating to be applied to stationary structures and 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 purpose of this rule.
(Amended, Renumbered November 21, 2001)
- 8-3-207 Bitumens:** 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.
(Renumbered 5/18/83; Amended, Renumbered 11/21/01)
- 8-3-208 Bituminous Roof Coating:** A coating which incorporates bitumens that is labeled and formulated exclusively for roofing.
(Amended November 21, 2001)
- 8-3-209 Bituminous Roof Primer:** A primer which incorporates bitumens that is labeled and formulated exclusively for roofing.
(Amended November 21, 2001)
- 8-3-210 Bond Breakers:** A 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.
(Adopted 5/18/83; Amended, Renumbered 11/21/01)
- 8-3-211 Clear Brushing Lacquers:** 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, which are intended exclusively for application by brush, and which are labeled as specified in subsection 8-3-401.5.
(Adopted November 21, 2001)
- 8-3-212 Clear Wood Coatings:** Clear and semi-transparent coatings, including lacquers and varnishes, applied to wood substrates to provide a transparent or translucent solid film.
(Adopted November 21, 2001)
- 8-3-213 Coating:** A 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.
(Adopted November 21, 2001)
- 8-3-214 Colorant:** A 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.
(Adopted November 21, 2001)
- 8-3-215 Concrete Curing Compound:** A coating labeled and formulated for application to freshly poured concrete to retard the evaporation of water.
(Adopted 5/18/83; Amended, Renumbered 11/21/01)
- 8-3-216 Dry Fog Coating:** A 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.
(Adopted November 21, 2001)
- 8-3-217 Exempt Compound:** A compound identified by the US EPA as having a negligible contribution to photochemical reactivity. Compounds exempt for the purposes of this Rule are listed in subsection 8-3-261.1.
(Adopted November 21, 2001)
- 8-3-218 Faux Finishing Coating:** A coating labeled and formulated as a stain or glaze to create artistic effects including, but not limited to, dirt, old age, smoke damage, and simulated marble and wood grain.

(Adopted November 21, 2001)

8-3-219 Fire-Resistive Coating: An opaque coating labeled and formulated to protect the structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials, 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. The fire-resistive coating and the testing agency must be approved by building code officials. The fire-resistive coating shall be tested in accordance with ASTM Designation E 119-98, incorporated by reference in subsection 8-3-606.2.

(Adopted November 21, 2001)

8-3-220 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 84-99, incorporated by reference in subsection 8-3-606.1.

(Renumbered 5/18/81; Amended, Renumbered 11/21/01)

8-3-221 Flat Coating: A 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), incorporated by reference in subsection 8-3-606.3.

(Adopted November 21, 2001)

8-3-222 Floor Coating: An opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, and other horizontal surfaces which may be subject to foot traffic.

(Adopted November 21, 2001)

8-3-223 Flow Coating: A coating labeled and formulated exclusively for use by electric power companies or their subcontractors to maintain the protective coating systems present on utility transformer units.

(Adopted November 21, 2001)

8-3-224 Form-Release Compound: A 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 other material other than concrete.

(Adopted November 21, 2001)

8-3-225 Graphic Arts Coating or Sign Paint: A coating labeled and formulated for hand application by artists using brush or roller techniques to indoor and outdoor signs (excluding structural components) and murals, including lettering enamels, poster colors, copy blockers, and bulletin enamels.

(Amended, Renumbered 5/18/83, 11/21/01)

8-3-226 High-Temperature Coating: A high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).

(Adopted November 21, 2001)

8-3-227 Industrial Maintenance Coating: A high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for application to substrates exposed to one or more of the following extreme environmental conditions listed in subsections 8-3-227.1 through 227.5, and labeled as specified in subsection 8-3-401.4:

227.1 Immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposure of interior surfaces to moisture condensation;

227.2 Acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions;

227.3 Repeated exposure to temperatures above 121°C (250°F);

227.4 Repeated (frequent) heavy abrasion, including mechanical wear and repeated (frequent) scrubbing with industrial solvents, cleansers, or scouring agents; or

227.5 Exterior exposure of metal structures and structural components.

(Amended, Renumbered 5/18/83; Amended 1/8/86; Amended, Renumbered 11/21/01)

- 8-3-228 Lacquer:** A clear or opaque wood coating, including clear lacquer sanding sealers, formulated with cellulosic or synthetic resins to dry by evaporation without chemical reaction and to provide a solid, protective film.
(Amended, Renumbered 5/18/83, 11/21/01)
- 8-3-229 Low-Solids Coating:** A coating containing 0.12 kilogram or less of solids per liter (1 pound or less of solids per gallon) of coating material.
(Adopted 11/4/98; Amended, Renumbered 11/21/01)
- 8-3-230 Magnesite Cement Coating:** A coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.
(Adopted November 21, 2001)
- 8-3-231 Mastic Texture Coating:** A coating labeled and formulated to cover holes and minor cracks, and to conceal surface irregularities, and applied in a single coat of at least 10 mils (0.010 inch) dry film thickness.
(Adopted 5/18/83; Amended, Renumbered 11/21/01)
- 8-3-232 Metallic Pigmented Coating:** A coating containing at least 48 grams of elemental metallic pigment per liter of coating as applied (0.4 pounds per gallon), when tested in accordance with South Coast Air Quality Management District Method 318-95, incorporated by reference in subsection 8-3-606.4.
(Renumbered 5/18/83; Amended, Renumbered 11/21/01)
- 8-3-233 Multi-Color Coating:** A coating that is packaged in a single container and that exhibits more than one color when applied in a single coat.
(Renumbered 5/18/83; Amended, Renumbered 11/21/01)
- 8-3-234 Nonflat Coating:** A 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), incorporated by reference in subsection 8-3-606.3.
(Adopted 9/1/82; Amended, Renumbered 11/21/01)
- 8-3-235 Nonflat – High Gloss Coating:** A nonflat coating that registers a gloss of 70 or above on a 60 degree meter according to ASTM Designation D 523-89 (1999), incorporated by reference in subsection 8-3-606.3.
(Adopted November 21, 2001)
- 8-3-236 Non-Industrial Use:** Non-industrial 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.
(Adopted November 21, 2001)
- 8-3-237 Post-Consumer Coating:** A finished coating that would have been disposed of in a landfill, having completed its usefulness to a consumer, and does not include manufacturing wastes.
(Adopted November 21, 2001)
- 8-3-238 Pre-Treatment Wash Primer:** A primer that contains a minimum of 0.5 percent by acid, by weight, when tested in accordance with ASTM Designation D 1613-96, incorporated by reference in subsection 8-3-606.5, that is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats.
(Adopted November 21, 2001)
- 8-3-239 Primer:** A coating labeled and formulated for application to a substrate to provide a firm bond between the substrate and subsequent coats.
(Adopted November 21, 2001)
- 8-3-240 Quick-Dry Enamel:** A nonflat coating that is labeled as specified in subsection 8-3-401.8 and that is formulated to have the following characteristics:
- 240.1 Is capable of being applied directly from the container under normal conditions with ambient temperatures between 16°C and 27°C (60°F and 80°F);
 - 240.2 When tested in accordance with ASTM Designation D 1640-95, incorporated by reference in subsection 8-3-606.6, sets to touch in 2 hours or less, is tack free in 4 hours or less, and dries hard in 8 hours or less by the mechanical method test; and

240.3 Has a dried film gloss of 70 or above on a 60-degree meter.

(Adopted 9/1/82; Amended, Renumbered 5/18/83, 11/21/01)

8-3-241 Quick Dry Primer, Sealer, and Undercoater: A primer, sealer, or undercoater that is dry to touch in 30 minutes and can be recoated in 2 hours when tested in accordance with ATSM D 1640-95, incorporated by reference in subsection 8-3-606.6.

(Adopted 5/18/83; Amended, Renumbered 11/21/01)

8-3-242 Recycled Coating: An architectural coating formulated such that not less than 50 percent of the total weight consists of secondary and post-consumer coating, with not less than 10 percent of the total weight consisting of post-consumer coating.

(Adopted November 21, 2001)

8-3-243 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.

(Adopted November 21, 2001)

8-3-244 Roof Coating: A non-bituminous coating labeled and formulated exclusively for application to roofs for the primary purpose of preventing penetration of the substrate by water or reflecting heat and ultraviolet radiation. Metallic pigmented roof coatings which qualify as Metallic Pigmented Coating shall not be considered to be in this category, but shall be considered to be in the Metallic Pigmented Coating category.

(Adopted 5/18/83; Amended, Renumbered 11/21/01)

8-3-245 Rust Preventative Coating: A coating formulated for non-industrial use to prevent the corrosion of metal surfaces and labeled as specified in subsection 8-3-401.6.

(Adopted November 21, 2001)

8-3-246 Sanding Sealer: A clear or semi-transparent wood coating 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 applications 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.

(Adopted November 21, 2001)

8-3-247 Sealer: A coating labeled and formulated for application to a substrate for one or more of the following purposes: to prevent subsequent coatings from being absorbed by the substrate, or to prevent harm to subsequent coatings by materials in the substrate.

(Adopted November 21, 2001)

8-3-248 Secondary Coating (Rework): A fragment of a finished coating or a finished coating from a manufacturing process that has converted resources into a commodity of real economic value, but does not include excess virgin resources of the manufacturing process.

(Adopted November 21, 2001)

8-3-249 Shellac: A clear or opaque coating 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.

(Amended, Renumbered 5/18/83, 11/21/01)

8-3-250 Shop Application: 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).

(Adopted November 21, 2001)

8-3-251 Solicit: To require for use or to specify, by written or oral contract.

(Adopted November 21, 2001)

8-3-252 Specialty Primer, Sealer and Undercoater: A coating labeled as specified in subsection 8-3-401.7 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 ASTM Designation D 4214-98, incorporated by reference in subsection 8-3-606.7.

(Adopted 5/18/83; Amended, Renumbered 11/21/01)

8-3-253 Stain: A clear, semitransparent, or opaque coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.

(Renumbered 5/18/83; Amended, Renumbered 11/21/01)

- 8-3-254 Swimming Pool Coating:** A coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals.
(Adopted November 21, 2001)
- 8-3-255 Swimming Pool Repair And Maintenance Coating:** A rubber based coating labeled and formulated to be used over existing rubber based coatings for the repair and maintenance of swimming pools.
(Adopted November 21, 2001)
- 8-3-256 Temperature-Indicator Safety Coating:** A coating labeled and formulated as a color-changing indicator coating for the purpose of monitoring the temperature and safety of the substrate, underlying piping, or underlying equipment, and for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).
(Adopted November 21, 2001)
- 8-3-257 Tint Base:** An architectural coating to which colorant is added after packaging in sale units to produce a desired color.
(Adopted November 21, 2001)
- 8-3-258 Traffic Marking Coating:** A 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.
(Adopted 5/18/83; Amended, Renumbered 11/21/01)
- 8-3-259 Undercoater:** A coating labeled and formulated to provide a smooth surface for subsequent coats.
(Adopted November 21, 2001)
- 8-3-260 Varnish:** A clear or semi-transparent wood coating, 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.
(Amended, Renumbered 5/18/83; Amended 1/8/86; Amended, Renumbered 11/21/01)
- 8-3-261 Volatile Organic Compound (VOC):** Any organic compound (excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates and ammonium carbonate) which would be emitted during use, application, curing or drying of an architectural coating.
- 261.1 For purposes of calculating VOC content of a coating, any water or the following non-precursor organic compounds:
- acetone
 - methyl acetate
 - parachlorobenzotrifluoride (PCBTF)
 - cyclic, branched or linear, completely methylated siloxanes (VMS)
- shall not be considered to be part of the coating.
- 261.2 For the purposes of calculating VOC content of a low solids coating, any water or non-precursor organic compound listed in subsection 8-3-261.1 shall be considered part of the coating, but shall not be considered part of the VOC content of the coating.
(Adopted 12/20/95; Amended 11/4/98; Amended, Renumbered 11/21/01)
- 8-3-262 VOC Content:** The calculation to determine the VOC content of a coating is found in the Manual of Procedures, Volume III, Laboratory Methods 21, 22 and 31.
(Adopted November 21, 2001)
- 8-3-263 Waterproofing Sealer:** A coating labeled and formulated for application to a porous substrate for the primary purpose of preventing the penetration of water.
(Amended, Renumbered 5/18/83, 11/21/01)
- 8-3-264 Waterproofing Concrete/Masonry Sealer:** 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.
(Adopted November 21, 2001)
- 8-3-265 Wood Preservative:** A coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered with both the U.S. 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.
(Adopted 5/18/83; Amended, Renumbered 11/21/01)

8-3-300 STANDARDS

8-3-301 VOC Content Limits: Except as provided in Sections 8-3-302, 303, 307, and 308, no person shall: (i) manufacture, blend, or repackage for sale within the District; (ii) supply, sell, or offer for sale within the District; or (iii) solicit for application or apply within the District, any architectural coating with a VOC content in excess of the corresponding limit specified in the following table. Limits are expressed in grams of VOC per liter of coating as thinned to the manufacturer's maximum recommendation, excluding the volume of any water, exempt compounds, or colorant added to the tint bases. "Manufacturer's maximum recommendation" means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

<u>Coating Category</u>	<u>Limit</u>	<u>Effective 1/1/2003</u>	<u>Effective 1/1/2004</u>
Flat Coatings	250	100	
Nonflat Coatings	250	150	
Nonflat – High Gloss Coatings	250		
Specialty Coatings:			
Antenna Coatings	530		
Antifouling Coatings	420	400	
Bituminous Roof Coatings	300		
Bituminous Roof Primers	350		
Bond Breakers	600 ⁽²⁾	350	
Clear Wood Coatings:			
Clear Brushing Lacquer	680		
Lacquer (including lacquer sanding sealer)	680	550 ⁽¹⁾	
Sanding sealer	550	350	
Varnish	350		
Concrete Curing Compounds	350		
Dry Fog Coatings	400 ⁽²⁾		
Faux Finishing Coatings	350		
Fire Resistive Coatings	450 ⁽²⁾	350	
Fire Retardant Coatings:			
Clear	850 ⁽²⁾	650	
Opaque	450 ⁽²⁾	350	
Floor Coatings	400	250	
Flow Coatings	420		
Form-Release Compounds	250		
Graphic Arts Coatings (Sign Paints)	500 ⁽²⁾		
High Temperature Coatings	420		
Industrial Maintenance Coatings	420		250
Low Solids Coatings	120		
Magnesite Cement Coatings	450		
Mastic Texture Coatings	300 ⁽²⁾		
Metallic Pigmented Coatings	500 ⁽²⁾		
Multi-Color Coatings	580 ⁽²⁾	250	
Pre-Treatment Wash Primers	420		
Primers, Sealers, and Undercoaters	350	200	
Quick-Dry Enamels	400	250	
Quick-Dry Primers, Sealers, Undercoaters	450 ⁽²⁾	200	
Recycled Coatings	250		
Roof Coatings	250 ⁽²⁾		
Rust Preventative Coatings	420	400	

<u>Coating Category</u>	<u>Limit</u>	<u>Effective 1/1/2003</u>	<u>Effective 1/1/2004</u>
Shellacs:			
Clear	730 ⁽²⁾		
Opaque	550 ⁽²⁾		
Specialty Primers, Sealers and Undercoaters	350		
Stains	350	250	
Swimming Pool Coatings	600 ⁽²⁾	340	
Swimming Pool Repair and Maintenance Coatings	600 ⁽²⁾	340	
Temperature-Indicator Safety Coatings	550		
Traffic Marking Coatings	250	150	
Waterproofing Concrete/Masonry Sealers	400		
Waterproofing Sealers	400	250	
Wood Preservatives:			
Above ground	350		
Below ground	550 ⁽²⁾	350	

⁽¹⁾ A person may add up to 10 percent by volume of VOC to a lacquer to avoid blushing of the finish provided that, (i) the relative humidity at the time of coating application is greater than 70%, (ii) the temperature at the time of coating application is below 18°C (65°F), (iii) the lacquer contains acetone, and (iv) the lacquer contains no more than 550 grams of VOC per liter of coating, less water and exempt compounds, prior to the addition.

⁽²⁾ VOC limit effective April 1, 2002.

(Amended 9/1/82, 5/18/83, 1/8/86, 9/3/86, 11/4/98; Amended, Renumbered 11/21/01)

8-3-302 Most Restrictive VOC Limits: If anywhere on the container of any architectural coating or 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, 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 the table in Section 8-3-301, then the most restrictive VOC limit shall apply. This Section does not apply to the following coating categories:

- 302.1: Antenna coatings,
- 302.2: Antifouling coatings,
- 302.3: Bituminous roof coatings,
- 302.4: Fire-retardant coatings,
- 302.5: Flow coatings,
- 302.6: High temperature coatings,
- 302.7: Industrial maintenance coatings,
- 302.8: Lacquer coatings (including lacquer sanding sealers),
- 302.9: Low-solids coatings,
- 302.10: Metallic pigmented coatings,
- 302.11: Pretreatment wash primers,
- 302.12: Shellacs,
- 302.13: Specialty primers, sealers and undercoaters,
- 302.14: Temperature-indicator safety coatings, and
- 302.15: Wood preservatives.

(Adopted 4/17/86; Amended 1/8/86; Amended, Renumbered 11/21/01)

8-3-303 Sell-Through of Coatings: Any coating manufactured prior to the January 1, 2003 or January 1, 2004 effective dates that does not comply with the VOC limits effective on those dates may be supplied, offered for sale, or sold for up to three years after the effective dates provided that (i) the coating was in compliance with the VOC limits in effect at the time of manufacture, and (ii) the date or date-code is displayed on the coating container as required by subsection 8-3-401.1. Any coating subject to this Section may be applied at any time after the effective dates.

303.1 Until January 1, 2008, any coating included in an approved Averaging Program that does not comply with the VOC limits in Section 8-3-301 may be supplied, offered for sale or sold for up to three years after the end of the compliance period specified in the approved Averaging Program provided that 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 is displayed on the coating container. Any coating subject to this subsection may be applied at any time after the period specified in the Averaging Program.

(Adopted November 21, 2001)

8-3-304 Painting Practices: All architectural coating containers shall be closed when not in use. "In use" is the active application of contents to a surface by pouring, siphoning, brushing, rolling, padding, ragging or other means. Architectural coating containers include but are not limited to, drums, buckets, cans, pails, trays and any other application containers. Containers of any VOC-containing materials used for thinning or cleanup shall also be closed when not in use.

(Adopted November 21, 2001)

8-3-305 Prohibition of Excess 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 Section 8-3-301.

(Adopted November 21, 2001)

8-3-306 Rust Preventative Coatings: Effective January 1, 2004, a person shall only apply and solicit the application of rust preventative coatings for non-industrial uses, unless such coatings comply with the VOC limit for industrial maintenance coating as specified in Section 8-45-301.

(Adopted November 21, 2001)

8-3-307: Coatings Not Listed in Section 8-3-301: Any coating that does not meet any of the definitions for a specialty coating listed in Section 8-3-301 shall be classified as a flat, nonflat or nonflat high gloss coating, based on it's gloss, as defined in Section 8-3-221, 234 or 235, and the corresponding VOC limit shall apply.

(Adopted November 21, 2001)

8-3-308: Averaging Compliance Option: Effective January 1, 2003, in lieu of compliance with the specified VOC limits in Section 8-3-301, any of the following coatings may be averaged by the manufacturer such that their actual cumulative emissions over a compliance period not to exceed one year, as calculated from sales of the designated coatings, are less than or equal to the cumulative emissions that would have been allowed under the specified VOC limits, provided that, (i) the manufacturer complies with the provisions of the Manual of Procedures, Volume I, Number 7, and, (ii) the manufacturer maintains and makes available inspection records for at least three years after the end of each compliance period:

- 307.1 Bituminous roof coatings,
- 307.2 Flats,
- 307.3 Floor coatings,
- 307.4 Industrial maintenance coatings,
- 307.5 Nonflats,
- 307.6 Primers, sealers, and undercoaters,
- 307.7 Quick-dry enamels,
- 307.8 Quick-dry primers, sealers, and undercoaters,
- 307.9 Roof coatings,
- 307.10 Rust preventative coatings,
- 307.11 Stains, and
- 307.12 Waterproofing sealers.

This Section and Volume I, Number 7 of the Manual of Procedures: Averaging Provision for Architectural Coatings, shall be effective only until January 1, 2005, after which this compliance option shall no longer be allowed.

(Adopted November 21, 2001)

8-3-309 Limited Allowance, Industrial Maintenance Coatings: Effective January 1, 2004, industrial maintenance coatings with a VOC content of greater than 250 grams VOC per liter but no greater than 340 grams VOC per liter may be manufactured, sold, offered for sale, solicited, and applied in the District provided the user of the coating,

or manufacturer or seller on behalf of the user, has petitioned the APCO for use of the coating as per Section 8-3-402 and has received written approval. The APCO shall not approve any petition if the approval, when combined with approvals granted previously during the calendar year, would result in excess emissions of greater than 10 tons per year. Excess emissions are emissions greater than those that would result from an equal volume of coating at the VOC limit of 250 grams per liter. This Section shall not apply to industrial maintenance coatings offered for sale to the general public.

(Adopted November 21, 2001)

8-3-400 ADMINISTRATIVE REQUIREMENTS

8-3-401 Container Labeling Requirements: Each container for any coating subject to this Rule shall display all the information in subsection 8-3-401.1 through 401.3, and, as applicable, the information in subsection 8-3-401.4 through 401.9:

- 401.1 Date Code: On the label, lid or bottom; the date the coating was manufactured, or a date code representing the date. If the manufacturer uses a date code, an explanation of each code must be filed with the Executive Officer of the Air Resources Board and be made available to the Air Pollution Control Officer on request.
- 401.2 Thinning Recommendation: On the label or lid; a statement of the manufacturer's recommendation regarding thinning of the coating so as not to exceed the VOC limit listed in Section 8-3-301. This requirement does not apply to the thinning of coatings with water. If thinning prior to use is not necessary, the recommendation must specify that the coating is to be applied without thinning.
- 401.3 VOC Content: On the container; the maximum or actual VOC content of the coating, as supplied, including the VOC content at maximum thinning as recommended by the manufacturer. VOC content shall be displayed as grams VOC per liter of coating. VOC content may be calculated using product formulation data or shall be determined using the test method specified in Section 8-3-601, 602 or 604.
- 401.4 For Industrial Maintenance Coatings: On the label or lid; one or more of the following: (i) "For Industrial Use Only," (ii) "For Professional Use Only," (iii) "Not For Residential Use," or (iv) "Not Intended For Residential Use" shall be prominently displayed.
- 401.5 For Clear Brushing Lacquers: Effective January 1, 2003, "For Brush Application Only," and "This Product Must Not Be Thinned Or Sprayed" shall be prominently displayed on the label.
- 401.6 For Rust Preventative Coatings: Effective January 1, 2003, "For Metal Substrates Only" shall be prominently displayed on the label.
- 401.7 For Specialty Primers, Sealers, and Undercoaters: Effective January 1, 2003, one of the following: (i) For Blocking Stains, (ii) For Fire-Damaged Substrates, (iii) For Smoke-Damaged Substrates, (iv) For Water-Damaged Substrates, or, (v) For Excessively Chalky Surfaces shall be prominently displayed on the label.
- 401.8 For Quick Dry Enamels: Effective January 1, 2003, "Quick Dry" and the dry hard time shall be prominently displayed on the label.
- 401.9 For Nonflat – High Gloss Coatings: Effective January 1, 2003, "High Gloss" shall be prominently displayed on the label.

(Amended 3/17/82, 12/1/82, 5/18/83, 1/8/86; Amended, Renumbered 11/21/01)

8-3-402 Petition, Limited Allowance for Industrial Maintenance Coatings: A person seeking to use the limited allowance for industrial maintenance coatings as per Section 8-3-309 shall comply with the following requirements:

- 402.1 The petitioner shall certify that complying coatings able to meet the job performance requirements are not available.
- 402.2 The petition shall contain the following information, as applicable: (i) job requirements, and job and site description, (ii) volume of coating required, and, (iii) maximum VOC content of coating to be applied.

- 402.3 If the APCO grants written approval, the approval shall contain volume and allowable VOC content conditions. Until written approval is granted and received by the petitioner, all provisions of this Rule shall apply.

(Adopted November 21, 2001)

8-3-500 MONITORING AND RECORDS

8-3-501 Reporting Requirements: Each manufacturer of the following products shall submit a report to the Executive Officer of the California Air Resources Board on or before April 1 of each calendar year beginning in the year 2004. The report shall contain the following information for the preceding calendar year, but need only be submitted once each year for all districts:

- 501.1 Clear Brushing Lacquers: Number of gallons of clear brushing lacquers sold in California and the method used to calculate California sales.
- 501.2 Rust Preventative Coatings: Number of gallons of rust preventative coatings sold in California and the method used to calculate California sales.
- 501.3 Specialty Primers, Sealers and Undercoaters: Number of gallons of specialty primers, sealers and undercoaters as defined in Section 8-3-252 sold in California and the method used to calculate California sales.
- 501.4 Toxic Compounds: For coatings that contain methylene chloride or perchloroethylene, (i) product brand name and a copy of product label with legible usage instructions, (ii) product category as defined by this Rule to which the product belongs, (iii) total sales in California during the calendar year to the nearest gallon, and (iv) volume percentage, to the nearest 0.10%, of methylene chloride or perchloroethylene in the coating.
- 501.5 Recycled Coatings: Number of gallons of recycled coatings distributed in California and the method used to calculate California distribution. In addition, each manufacturer shall submit a certification of their status as a Recycled Paint Manufacturer, but need only submit a certification once.
- 501.6 Bituminous Coatings: Number of gallons of bituminous roof coatings and bituminous roof primers sold in California and the method used to calculate California sales.

(Adopted November 21, 2001)

8-3-600 MANUAL OF PROCEDURES

8-3-601 Determination of Compliance, Air-Dried Water Reducible Coatings: The means by which compliance of air-dried, water reducible coatings is determined are found in the Manual of Procedures, Volume III, Method 21.

(Amended 3/17/82, 5/18/83)

8-3-602 Determination of Compliance, Air-Dried Solvent Based Coatings: The means by which compliance of air-dried, solvent based coatings is determined are found in the Manual of Procedures, Volume III Method 22.

(Amended 3/17/82, 5/18/83)

8-3-603 Deleted November 21, 2001

8-3-604 Determination of Compliance, Low Solids Architectural Coatings: The means by which compliance of low solids architectural coatings is determined are found in the Manual of Procedures, Volume III, Method 31.

(Adopted November 4, 1998)

8-3-605 Determination of Compliance, Methacrylate Traffic Marking Coatings: Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of U.S. Environmental Protection Agency Method 24 (40 CFR 59, subpart D, Appendix A). This method has not been approved for methacrylate multicomponent coatings used for purposes other than as traffic marking coatings or for other classes of multicomponent coatings.

(Adopted November 21, 2001)

8-3-606 Incorporated Test Methods: The following test methods are incorporated by reference herein, and shall be used to test coatings subject to provisions of this Rule:

- 606.1 Flame Spread Index: The flame spread index of a fire-retardant coating shall be determined by ASTM Designation E 84-99, "Standard Test Method for Surface Burning Characteristics of Building Materials," (see Section 8-3-220, Fire-Retardant Coating).
- 606.2 Fire Resistance Rating: The fire resistance rating of a fire-resistive coating shall be determined by ASTM Designation E 119-98, "Standard Test Methods for Fire Tests of Building Construction Materials," (see Section 8-3-219, Fire-Resistive Coating).
- 606.3 Gloss Determination: The gloss of a coating shall be determined by ASTM Designation D 523-89 (1999), "Standard Test Method for Specular Gloss," (see Section 8-3-221, 234, 235 and 240, Flat Coating, Nonflat Coating, Nonflat High Gloss Coating, and Quick-Dry Enamels).
- 606.4 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," South Coast Air Quality Management District "Laboratory Methods of Analysis for Enforcement Samples," (see Section 8-3-232, Metallic Pigmented Coating).
- 606.5 Acid Content of Coatings: Measurement of acid content of Pre-Treatment Wash Primers shall be determined by ASTM Designation D 1613-96, "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products," (see Section 8-3-238, Pre-Treatment Wash Primers).
- 606.6 Drying Times: The set-to-touch, dry-hard, dry-to-touch, and dry-to-recoat times of a coating shall be determined by ASTM Designation D 1640-95, "Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature," (see Section 8-3-240 and 241, 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 ASTM Designation D 1640-95.
- 606.7 Surface Chalkiness: The chalkiness of a surface shall be determined using ASTM Designation D 4214-98, "Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films," (see Section 8-3-252, Specialty Primer, Sealer, and Undercoater).
- 606.8 Exempt Compounds – Siloxanes: The quantity of cyclic, branched, or linear completely methylated siloxanes shall be analyzed by the Manual of Procedures, Volume III, Laboratory Method 43: "Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials," (see Section 8-3-261, Volatile Organic Compounds).
- 606.9 Exempt Compounds – Parachlorobenzotrifluoride (PCBTF): The quantity of parachlorobenzotrifluoride shall be analyzed by the Manual of Procedures, Volume III, Laboratory Method 41, "Determination of Volatile Organic Compounds in Solvent-Based Coatings and Related Materials Containing Parachlorobenzotrifluoride (see Section 8-3-261, Volatile Organic Compound).
- 606.10 Exempt Compounds – Methyl Acetate: The quantity of methyl acetate shall be determined by ASTM Method D-6133-00: "Standard Test Method for Acetone, PCBTF, Methyl Acetate or t-Butyl Acetate Content of Solvent-Reducible and Water Reducible Paints, Coatings, Resins, and Raw Materials by Direct Injection Into a Gas Chromatograph." (see Section 8-3-261, Volatile Organic Compound).

(Adopted November 21, 2001)