

# Detailed Fact Sheet

## Architectural Coating Rule for Volatile Organic Compounds

The Environmental Protection Agency published the architectural coatings rule on September 11, 1998 (63 FR 48848) under authority of Section 183(e) of the Clean Air Act. This rule limits the amount of volatile organic compounds (VOC) that manufacturers and importers of architectural coatings can put into their products. The rule also has container labeling requirements for architectural coatings. There are different options for complying with the VOC limits, including exemptions for products that may be hard to reformulate.

### APPLICABILITY

#### **Am I subject to the rule?**

You are subject to this rule if you manufacture (includes certain packaging and repackaging) or import an architectural coating for sale or distribution in the United States. Consumers and distributors who do not manufacture or import coatings are not subject to this rule.

#### **What is an architectural coating?**

An architectural coating (coating) is a coating recommended by the manufacturer for field application to the surface of a stationary structure, portable building, pavement, or curb to protect, decorate, or serve some other function. Architectural coatings include many categories such as interior and exterior paints, traffic markings, sign paints, as well as industrial maintenance coatings.

Architectural coatings do not include adhesives; coatings recommended by the manufacturer or importer solely for application in a factory or shop as part of a manufacturing process; or coatings recommended solely for application to non-stationary structures such as airplanes, ships, boats, and railcars.

#### **What if I just repackage a coating that is manufactured by someone else?**

If you transfer an architectural coating from one container to another for sale or distribution within the United States, then you are subject to this rule; however, if you transfer a coating from one container to another and do not alter the VOC content and do not sell or distribute the coating to another party, then you are not subject to the rule.

#### **What if I just import a coating that is manufactured by someone else?**

If you bring an architectural coating into the United States for sale or distribution in the United States, then you are subject to the rule.

#### **Are any coatings exempt from the rule?**

Yes, if a coating meets any of the following criteria, it is exempt from the rule.

- **Manufactured before September 13, 1999.** Coatings manufactured prior to September 13, 1999 can continue to be sold until the stocks are depleted.

("Manufactured" means that coating ingredients have been combined and put into containers that have been labeled and made available for sale or distribution.)

- **Export.** If a coating is manufactured for sale or distribution outside of the United States, it is exempt from the rule. Coatings for export must not be sold or distributed in the United States as an architectural coating.
- **Aerosol container.** If a coating is sold in a nonrefillable aerosol container, then it is exempt from the rule.
- **Small volume.** If a coating is sold in a container that has a capacity of 1 liter or less, then it is exempt from the rule.
- **Paint exchange.** If a coating is collected and redistributed in a paint exchange, then it is exempt from the rule. A paint exchange is where architectural coating consumers drop off and pick up useable post-consumer architectural coatings to reduce hazardous waste. (A "post-consumer" coating is one that has been purchased by or distributed to a consumer but not applied, and reenters the marketplace.)

#### RULE REQUIREMENTS

| The rule has...       | for...   | and you must comply by...   | before this date...  |
|-----------------------|--|---|--|
| VOC content limits    | 61 categories of architectural coatings listed in Table 1, which is attached | choosing one or more of the following:<br><br>meeting the limits in Table 1<br><br>paying an annual exceedance fee<br><br>designating a limited volume as exempt using the annual tonnage exemption | September 13, 1999; or March 13, 2000 for Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) products |
| Labeling requirements | each coating sold or distributed in the United States                        | providing specific information on each coating container  | September 13, 1999; or March 13, 2000 for FIFRA products   |

#### VOC CONTENT LIMITS

##### **How do I determine the category for my coating?**

Refer to the definitions in the rule to determine which coating category applies to your coating. If anywhere on the coating container, or in any sales, advertising, or technical literature, you indicate that the coating meets the definition of more than one of the coating categories in Table 1, then you must comply with the more restrictive VOC content limit. However, some exceptions are specified in §59.402(c) of the rule.

**TIP:** If your coating is not specifically listed in Table 1, then you must comply with the VOC content limit for either flat coatings or nonflat coatings, depending on the gloss level of the coating.

**TIP:** If you recycle coatings, then you may comply with a less restrictive VOC content limit that accounts for recycled coating content, as specified in § 59.406(a)(3) of the rule.

##### **How do I determine the VOC content of my coatings?**

The rule provides a procedure for calculating VOC content. You may choose any reasonable means of determining the amount of VOC in the coating (e.g., formulation records, quality assurance checks, analytical testing). However, if your results differ from the results of a Method 24 test (which may be requested by EPA), the Method 24 results will govern. Method 24 is the EPA "reference" method for determining VOC content. The EPA may also approve, on a case-by-case basis, an alternative method to Method 24.

**What if I cannot meet the VOC content limit for my coating?**

If you cannot meet the VOC content limit and you wish to keep selling and distributing your coating, you can choose an alternative means of compliance. You may pay an annual exceedance fee for the coating or exempt the coating up to a certain volume using the "tonnage exemption". Or you may combine the three alternatives in any way you wish (meeting the VOC content limit, paying the exceedance fee, and claiming the tonnage exemption).

**What is the annual exceedance fee?**

With this alternative, you pay an annual exceedance fee on the excess VOC content of your coating. The rate is \$1.27 per pound of VOC over the limit. You may choose to pay the fee for as many coatings as you wish. It is determined by multiplying the fee rate times the excess VOC content of the coating times the annual volume of coating manufactured or imported.

**What is the annual tonnage exemption?**

Each year, you may manufacture or import a limited volume of coatings that exceed the VOC content limits. The volume of coatings that may be exempted is limited by the total mass of VOC (tons per year) in all the coatings that you designate as exempt. The number of tons per year that you may exempt decreases over time, as illustrated in the following table.

| <b>You may exempt coatings that contain this amount of VOC...</b> | <b>during this time period</b>               |
|---|--|
| ≤ 25 tons   | September 13, 1999 through December 31, 2000 |
| ≤ 20 tons   | January 1, 2001 through December 31, 2001    |
| ≤ 10 tons   | Each subsequent calendar year                |

**TIP:** The exceedance fee is based on the VOC content in excess of the limits in the rule, whereas the tonnage exemption is based on total mass (tons) of VOC in the coatings.

**LABELING REQUIREMENTS**

| <b>If you sell, distribute, or import a coating that is manufactured after...</b> | <b>then you must provide the following information on each container...</b>   |
|---|---|
| September 13, 1999 or March 13, 2000 for FIFRA products                           | Date of manufacture (or a date code)<br><br>Recommendations for thinning<br><br>VOC content of the coating<br><br>Special use statement (for industrial |

|  |   |
|--|---|
|  | maintenance coatings only)<br><br>Recycled coating content (for manufacturers who claim a credit) |
|--|---|

## **DEMONSTRATING COMPLIANCE**

You must submit an initial report identifying yourself as someone subject to the rule. You must determine whether or not your coatings meet the VOC content limits in Table 1. The rule does not require an initial compliance test, nor does it require the submission of periodic records or reports unless you choose to use the adjusted VOC content for recycled coatings, pay an exceedance fee, or use the tonnage exemption.

### **What must be in the initial report?**

You must submit an initial report to EPA if you manufacture or import coatings in any of the categories of architectural coatings in Table 1. This initial report must include the following information.

- Your name and address
- The street address of each one of your facilities in the United States that is producing, packaging, or repackaging any architectural coating subject to the rule
- A list of categories from Table 1 for which your coatings meet the definitions in the rule
- An explanation of any date code used on a container to represent the date of manufacture of the coating

The report must be submitted no later than September 13, 1999 or within 180 days after the date that the first architectural coating is manufactured or imported, whichever is later.

### **How will EPA determine compliance with the VOC content limits?**

The EPA may monitor compliance by using Method 24 to measure the VOC content of coatings. The EPA may conduct the analysis or require you to do it. The EPA may also check your records of coating contents, production, and distribution.

If your coatings do not meet the limits in Table 1, then you must keep records and submit reports to show the calculations (provisions for recycled coatings, exceedance fees, or tonnage exemptions) demonstrating compliance with the alternative compliance options in the rule.

### **What periodic reports and records are required?**

If your manufactured, repackaged, or imported coatings meet the VOC content limits in Table 1, then you do not have to prepare periodic reports or records. Periodic reports and records are required only if you choose to comply using any of the following methods

| <b>If you choose this option...</b>      | <b>then you must report...</b>  | <b>by this date...</b>   | <b>and for 3 years keep a record of...</b>                                  |
|--|---|--|---|
| Use the adjusted VOC content of recycled | minimum volume % of post-consumer coating content for each recycled coating | March 1 after the calendar year you use the adjusted VOC content | minimum volume % of post-consumer coating content for each recycled coating |

|                                     |   |   |  |
|-------------------------------------|---|---|--|
| coating                             | <p>volume of post-consumer coating received for recycling</p> <p>volume of unusable post-consumer coating received</p> <p>volume of virgin materials</p> <p>volume of the final recycled coating manufactured or imported</p>   |   | <p>volume of post-consumer coating received for recycling</p> <p>volume of unusable post-consumer coating received</p> <p>volume of virgin materials</p> <p>volume of the final recycled coating manufactured or imported</p> <p>calculations of the adjusted VOC content as determined using equation 7 in the rule</p>   |
| <b>If you choose this option...</b> | <b>then you must report...</b>  | <b>by this date...</b>                                    | <b>and for 3 years, keep a record of...</b>  |
| Pay an annual exceedance fee        | <p>the coatings and associated categories in Table 1 for which fee is used</p> <p>VOC content of each coating that exceeds the limits in Table 1</p> <p>excess VOC content of each coating in grams of VOC per liter of coating</p> <p>total volume of each coating manufactured or imported per calendar year in liters of coating</p> <p>annual fee for each coating</p> <p>total annual fee for all coatings</p> | March 1 after the calendar year you use exceedance fee    | <p>the coatings and associated categories in Table 1 for which fee is used</p> <p>calculations of the annual fee for all coatings as determined using the procedure in the rule</p> <p>VOC content of each coating in grams of VOC per liter of coating</p> <p>excess VOC content of each coating in grams of VOC per liter of coating</p> <p>total volume of each coating manufactured or imported per calendar year in liters of coating</p> <p>annual fee for each coating</p> <p>total annual fee for all coatings</p> |
| Claim an annual tonnage exemption   | <p>all coatings in Table 1 for which exemption is claimed</p> <p>VOC content (in grams VOC per liter of coating) of each coating for which the exemption is claimed</p> <p>volume manufactured or</p>   | March 1 after the calendar year you use tonnage exemption | <p>all coatings in Table 1 for which exemption is claimed</p> <p>VOC content (in grams VOC per liter of coating) of each coating for which the exemption is claimed</p> <p>volume manufactured or imported, in liters, for each</p>  |

|  |  |  |   |
|--|--|--|---|
|  | <p>imported, in liters, for each coating for which exemption is claimed for the time period the exemption is claimed</p> <p>total megagrams of VOC contained in all coatings for which the exemption is claimed for the time period the exemption is claimed</p> |  | <p>coating for which exemption is claimed for the time period the exemption is claimed</p> <p>total megagrams of VOC contained in each coating for which the exemption is claimed, and for all coatings combined for which the exemption is claimed, for the time period the exemption is claimed</p> |
|--|--|--|---|

**To whom do I submit reports?**

You must submit your reports, exceedance fees, and other correspondence to the Regional Office of the U.S. Environmental Protection Agency that serves the State or Territory where your corporate headquarters is located. Table 2, which is attached, lists each Regional Office and the States and Territories it serves.

**SMALL BUSINESSES**

**What outreach is EPA planning to help small businesses comply with the rule requirements?**

The EPA is planning to issue a Small Business Compliance Guide by the end of the year that will explain in plain language the requirements of the rule. The EPA will coordinate preparation of this guidance document with small business representatives.

The EPA plans to participate in two seminars being held by the National Paint and Coatings Association (NPCA), which have been scheduled for October 29, 1998 in Raleigh, North Carolina and November 19, 1998 in Chicago, Illinois. For further information about these seminars, contact the NPCA at (202) 462-6272.

**FOR FURTHER INFORMATION**

**Where can I obtain a copy of the rule and other related information?**

You may obtain a copy of the final rule and background information document on the EPA's Technology Transfer Network Website: <http://www.epa.gov/ttn/oarpg>, under "recent actions".

The final rule and background information document are also available through EPA's Air and Radiation Docket and Information Center (Docket #A-92-18) by calling (202) 260-7548 or fax (202) 260-4000. A reasonable fee may be charged for copying.

- You can find Method 24 in Title 40 of the Code of Federal Regulations, Part 60, Appendix A; or at the following Internet address: <http://www.epa.gov/ttn/emc>.

**Whom do I call if I have questions?**

If you have any questions about this rule and how it may apply to you, contact the EPA Regional Office in which your corporate headquarters is located, listed in Table 2.

A webpage for the architectural coatings rule is located on the EPA TTN Website:  
<http://www.epa.gov/ttn/atw/183e/aim/aimpg.html>, and will be updated periodically.

TABLE 1 TO SUBPART D - VOLATILE ORGANIC COMPOUND (VOC) CONTENT LIMITS FOR ARCHITECTURAL COATINGS

(Unless otherwise specified, limits are expressed in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation excluding the volume of any water, exempt compounds, or colorant added to tint bases.)

| Coating category                             | Grams VOC per liter | Pounds VOC per gallon |
|--|---------------------|-----------------------|
| Antenna coatings                             | 530                 | 4.4                   |
| Anti-fouling coatings                        | 450                 | 3.8                   |
| Anti-graffiti coatings                       | 600                 | 5.0                   |
| Bituminous coatings and mastics              | 500                 | 4.2                   |
| Bond breakers                                | 600                 | 5.0                   |
| Calcimine recoater                           | 475                 | 4.0                   |
| Chalkboard resurfacers                       | 450                 | 3.8                   |
| Concrete curing compounds                    | 350                 | 2.9                   |
| Concrete curing and sealing compounds        | 700                 | 5.8                   |
| Concrete protective coatings                 | 400                 | 3.3                   |
| Concrete surface retarders                   | 780                 | 6.5                   |
| Conversion varnish                           | 725                 | 6.0                   |
| Dry fog coatings                             | 400                 | 3.3                   |
| Extreme high durability coatings             | 800                 | 6.7                   |
| Faux finishing/glazing                       | 700                 | 5.8                   |
| Fire-retardant/resistive coatings:           |                     |                       |
| Clear  | 850                 | 7.1                   |
| Opaque                                       | 450                 | 3.8                   |
| Flat coatings:                               |                     |                       |
| Exterior coatings                            | 250                 | 2.1                   |
| Interior coatings                            | 250                 | 2.1                   |
| Floor coatings                               | 400                 | 3.3                   |
| Flow coatings                                | 650                 | 5.4                   |
| Form release compounds                       | 450                 | 3.8                   |
| Graphic arts coatings                        | 500                 | 4.2                   |
| (sign paints)                                |                     |                       |
| Heat reactive coatings                       | 420                 | 3.5                   |
| High temperature coatings                    | 650                 | 5.4                   |
| Impacted immersion coatings                  | 780                 | 6.5                   |
| Industrial maintenance coatings              | 450                 | 3.8                   |
| Lacquers (including lacquer sanding sealers) | 680                 | 5.7                   |
| Magnesite cement coatings                    | 600                 | 5.0                   |
| Mastic texture coatings                      | 300                 | 2.5                   |
| Metallic pigmented coatings                  | 500                 | 4.2                   |
| Multi-colored coatings                       | 580                 | 4.8                   |
| Nonferrous ornamental metal lacquers and     | 870                 | 7.3                   |
| surface protectants                          |                     |                       |
| Nonflat coatings:                            |                     |                       |
| Exterior coatings                            | 380                 | 3.2                   |
| Interior coatings                            | 380                 | 3.2                   |

|   |      |      |
|---|------|------|
| Nuclear coatings                          | 450  | 3.8  |
| Pretreatment wash primers                 | 780  | 6.5  |
| Primers and undercoaters                  | 350  | 2.9  |
| Quick-dry coatings:                       |      |      |
| Enamels                                   | 450  | 3.8  |
| Primers, sealers, and undercoaters        | 450  | 3.8  |
| Repair and maintenance thermoplastic      | 650  | 5.4  |
| coatings                                  |      |      |
| Roof coatings                             | 250  | 2.1  |
| Rust preventative coatings                | 400  | 3.3  |
| Sanding sealers (other than lacquer       | 550  | 4.6  |
| sanding sealers)                          |      |      |
| Sealers (including interior clear wood    | 400  | 3.3  |
| sealers)                                  |      |      |
| Shellacs:                                 |      |      |
| Clear                                     | 730  | 6.1  |
| Opaque                                    | 550  | 4.6  |
| Stains:                                   |      |      |
| Clear and semitransparent                 | 550  | 4.6  |
| Opaque                                    | 350  | 2.9  |
| Low solids                                | 120b | 1.0b |
| Stain controllers                         | 720  | 6.0  |
| Swimming pool coatings                    | 600  | 5.0  |
| Thermoplastic rubber coatings and mastics | 550  | 4.6  |
| Traffic marking coatings                  | 150  | 1.3  |
| Varnishes                                 | 450  | 3.8  |
| Waterproofing sealers and treatments      | 600  | 5.0  |
| Wood preservatives:                       |      |      |
| Below ground wood preservatives           | 550  | 4.6  |
| Clear and semitransparent                 | 550  | 4.6  |
| Opaque                                    | 350  | 2.9  |
| Low solids                                | 120b | 1.0b |
| Zone marking coatings                     | 450  | 3.8  |

aEnglish units are provided for information only. Compliance will be determined based on the VOC content limit, as expressed in metric

units.

bUnits are grams of VOC per liter (pounds of VOC per gallon) of coating, including water and exempt compounds, thinned to the maximum thinning recommended by the manufacturer.

## TABLE 2. REGIONAL OFFICE AND THE STATES AND TERRITORIES

| Region          | States and Territories  | Address  | Phone #               |
|-----------------|---|--|-----------------------|
| EPA<br>Region I | Connecticut, Maine,<br>Massachusetts, New Hampshire,<br>Rhode Island, Vermont | Director, Office of Environmental<br>Stewardship, Mailcode: SAA, J.F.K.<br>Federal Building, Boston, MA 02203-<br>2211 | (617)<br>565-<br>3939 |

|                    |   |   |                       |
|--------------------|---|---|-----------------------|
| EPA<br>Region II   | New Jersey, New York, Puerto Rico, Virgin Islands   | Director, Division of Environmental Planning and Protection, 290 Broadway, New York, NY 10007-1866                  | (212)<br>637-<br>3724 |
| EPA<br>Region III  | Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia             | Director, Air Protection Division, 1650 Arch Street, Philadelphia, PA 19103   | (215)<br>814-<br>2100 |
| EPA<br>Region IV   | Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee | Director, Air, Pesticides, and Toxics Management Division, 61 Forsyth Street, Atlanta, GA 30303                     | (404)<br>562-<br>9077 |
| EPA<br>Region V    | Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin                                     | Director, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, IL 60604-3507                             | (312)<br>353-<br>2212 |
| EPA<br>Region VI   | Arkansas, Louisiana, New Mexico, Oklahoma, Texas  | Director, Multimedia Planning and Permitting Division, 1445 Ross Avenue, Dallas, TX 75202-2733.                     | (214)<br>665-<br>7200 |
| EPA<br>Region VII  | Iowa, Kansas, Missouri, Nebraska  | Director, Air, RCRA, and Toxics Division, 726 Minnesota Avenue, Kansas City, KS 66101.                              | (913)<br>551-<br>7020 |
| EPA<br>Region VIII | Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming                                | Director, Office of Partnerships and Regulatory Assistance, 999 18th Street, Suite 500, Denver, Colorado 80202-2466 | (303)<br>312-<br>6241 |
| EPA<br>Region IX   | American Samoa, Arizona, California, Guam, Hawaii, Northern Mariana Islands, Nevada         | Director, Air Division, 75 Hawthorne Street, San Francisco, CA 94105  | (415)<br>744-<br>1219 |
| EPA<br>Region X    | Alaska, Oregon, Idaho, Washington   | Director, Office of Air Quality, 1200 Sixth Avenue, Seattle, WA 98101   | (206)<br>553-<br>4152 |