



Air Pollution Control Board

San Diego County Air Pollution Control District

GOVERNING BODY

NORA VARGAS
First District

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Second District

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Third District

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Fourth District

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Fifth District

AGENDA ITEM

DATE: February 10, 2021

AP03

TO: Air Pollution Control Board

SUBJECT

**NOTICED PUBLIC HEARING - ADOPTION OF AMENDMENTS TO RULE 67.0.1 –
ARCHITECTURAL COATINGS (DISTRICTS: ALL)**

OVERVIEW

The San Diego County Air Pollution Control District (District) is responsible, under federal and state law, for controlling and reducing air pollution from stationary (fixed) sources including power plants, industrial facilities, and certain activities such as paint application or the use of industrial solvents. Accordingly, the District prepares, adopts, and enforces rules that set limits on the amount of air pollutants emitted from these types of sources and/or by requiring specific emission control technologies. The District submits its adopted rules to the California Air Resources Board (CARB) and to the U.S. Environmental Protection Agency (EPA) for review and approval as meeting state and federal requirements.

Today's request is for the Air Pollution Control Board (Board) to adopt proposed amendments to Rule 67.0.1 (Architectural Coatings) to reduce air pollutant emissions from the application of architectural coatings in the San Diego region. Architectural coatings include house paints, stains, industrial maintenance coatings, and other coatings. These coatings contain volatile organic compounds (VOC) that evaporate as the coating is applied and dries, contributing to ozone pollution in the region. When inhaled, ozone irritates our lungs and can trigger health problems such as chest pain, coughing and shortness of breath.

Rule 67.0.1 was adopted by the Board on June 24, 2015 (AP02) and applies to the manufacture, sale, and use of architectural coatings in the San Diego region. The proposed rule amendments reflect the availability of lower-polluting coatings and are based on recommended standards developed by CARB as part of its 2019 statewide Suggested Control Measure for architectural coatings.

The proposed rule amendments also include a conditional provision that would potentially remove an existing exemption for coatings packaged in small containers. Removing this exemption would require these coatings to comply with the proposed lower VOC content limits specified in the rule. This conditional provision is designed to further reduce emissions and would only take effect should the region fail to meet federal ozone attainment deadlines. This rule amendment satisfies a

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commitment in the region’s ozone attainment plan (October 14, 2020, AP01) and is necessary to obtain rule approval by the EPA in line with federal requirements.

Today’s proposal was developed with input from the EPA and CARB, and District staff conducted substantial outreach to affected manufacturers, distributors, and sellers of architectural coatings including conducting a public workshop. Workshop participants requested clarifications and were not opposed to the proposed rule amendments.

If adopted, the rule amendments would take effect on January 1, 2022. Coatings manufactured before that date may be sold for up to three years and applied at any time, consistent with CARB’s Suggested Control Measure.

RECOMMENDATION(S)

AIR POLLUTION CONTROL OFFICER

1. Find that the adoption of proposed amended Rule 67.0.1 - Architectural Coatings is categorically exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15308, as an action taken to assure the protection of the environment, where the regulatory process involves procedures for protection of the environment, and pursuant to California Code of Regulations, Title 14, Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
2. Adopt the Resolution entitled: RESOLUTION ADOPTING AMENDMENTS TO RULE 67.0.1 – ARCHITECTURAL COATINGS, OF REGULATION IV OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT.

FISCAL IMPACT

There is no fiscal impact associated with the recommended actions. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

Adopting the proposed amendments to Rule 67.0.1 is not expected to adversely impact businesses in the San Diego region. Numerous coating manufacturers already offer complying products for which no coating reformulation would be required to meet the proposed limits. Additionally, with over three years of allowable sell-through to eliminate noncompliant inventory, businesses should have ample time to make the necessary plans and adjustments in their operations to minimize the impacts from the proposed rule amendments. A Socioeconomic Impact Assessment (Attachment E) prepared by the District demonstrates that adopting the proposed amended rule will not have a significant adverse economic impact on affected industries or small businesses in the region.

ADVISORY BOARD STATEMENT

At its meeting on November 10, 2020, with a quorum present, the Air Pollution Control District Advisory Committee voted in support of staff’s recommendations. No concerns with the proposal were raised to the District by Advisory Committee members.

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BACKGROUND

The San Diego region does not meet the California and National Ambient Air Quality Standards for ozone, and therefore is classified as an ozone nonattainment area. Both federal and state laws require the San Diego County Air Pollution Control District (District) to adopt and implement rules to further control and reduce emissions of ozone-forming volatile organic compounds (VOC). Additionally, the District is required to periodically update its rules to reflect advancements in air pollution control technology, and the proposed amended rule is the result of these requirements.

Current Rule 67.0.1, adopted in 2015, controls VOC emissions from the manufacture, sale and use of architectural coatings that include a variety of residential, commercial, and industrial paints, stains, varnishes, and other coatings. The rule aligned with the requirements of the California Air Resources Board (CARB) Suggested Control Measure (SCM) for Architectural Coatings issued in 2007.

Subsequently, CARB issued a revised SCM in 2019 which set more stringent VOC limits for nine coating categories, and VOC limits for three new coating categories and colorants. The SCM's lower VOC content limits and other new requirements for architectural coatings are based on data obtained from the CARB survey conducted in 2014.

Following the adoption of the 2019 SCM by the CARB Board, the CARB Executive Officer sent a letter to California air pollution control districts to strongly encourage them to adopt the SCM without modification, except for reformatting as necessary. Therefore, proposed amended Rule 67.0.1 aligns with the 2019 CARB SCM without modification, and includes the same coating nomenclature, definitions, VOC emission limits, and other requirements.

The proposed rule amendments also include a conditional provision that would potentially remove an existing exemption for coatings packaged in small containers (one liter or less). The existing exemption provides regulatory flexibility for specialized coatings used in small volumes. Removing the exemption would require these coatings to comply with the proposed lower VOC content limits specified in the rule. This conditional provision is designed to further reduce emissions and would only take effect if the U.S. Environmental Protection Agency (EPA) were to determine that the region failed to meet federal ozone attainment deadlines.

Prior to issuing a final determination, EPA would issue a proposed rulemaking with a public comment period. In the event the District anticipates that the conditional provision may be triggered by a forthcoming EPA determination, the District will commence outreach and coordination with the affected industry including manufacturers, retailers, and wholesalers about this issue in advance of EPA's proposed rulemaking. This lead-time will provide industry an opportunity to reformulate, repackage, or otherwise adjust their business practices to implement the new rule requirements in advance of the conditional provision taking effect.

Upon full implementation, the proposed amended rule will reduce VOC emissions from affected coatings and colorants by approximately 13% or 82 tons per year (0.22 tons per day).

If adopted, proposed amended Rule 67.0.1 will be submitted to CARB and the EPA for approval into the State Implementation Plan for attaining and maintaining the air quality standards. The

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rule will become effective on January 1, 2022, providing time for affected manufacturers and distributors to transition to the new requirements.

Customer/Stakeholder Notification

District staff conducted a public webinar to gather input on the proposed amended rule from affected parties. A webinar notice was posted on the District's website and sent to affected facilities and other stakeholders including chambers of commerce in the region, members of the Air Pollution Control District Advisory Committee, subscribers to the County's email notification service, the EPA, and CARB.

The webinar was attended by 25 people, including industry representatives. District staff prepared responses to all comments and questions received, which were provided to the webinar participants in a Workshop Report (Attachment D). If the rule amendments are adopted, staff will conduct additional outreach including the distribution of an advisory notice to further inform potentially affected parties.

SOCIOECONOMIC IMPACT ASSESSMENT

State law requires the Air Pollution Control District to perform an assessment of the socioeconomic impacts when adopting, amending, or repealing a rule that will significantly affect air quality or emission limitations. Proposed amended Rule 67.0.1 will affect emission limitations by establishing more stringent VOC content limits for architectural coatings and colorants. A Socioeconomic Impact Assessment was prepared for proposed amended Rule 67.0.1 (Attachment E) which shows that the adoption of proposed amended Rule 67.0.1 is not expected to pose significant economic impacts on affected industry sectors in the San Diego region.

ENVIRONMENTAL STATEMENT

The California Environmental Quality Act (CEQA) requires an environmental review for certain actions. The District has conducted a review of whether CEQA applies to the adoption of the proposed amendments to Rule 67.0.1. The proposed rule amendments are required by federal and state law, which calls for adoption of every feasible control measure to accelerate progress toward achieving the ambient air quality standard for ozone. Proposed amended Rule 67.0.1 will protect the environment by promoting significant reductions in VOC emissions. Therefore, District staff determined that the adoption of the proposed amendments to Rule 67.0.1 are exempt from the provisions of CEQA pursuant to California Code of Regulations, Title 14, Section 15308, as an action taken to assure the protection of the environment, and pursuant to Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed actions support the Sustainable Environments/Thriving Initiative in the County of San Diego's 2021-2026 Strategic Plan with an objective to enhance the quality of the environment by focusing on sustainability, pollution prevention and strategic planning. The proposed amendments to Rule 67.0.1 will reduce air pollutant emissions and improve air quality in San Diego County.

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Respectfully submitted,



SARAH E. AGHASSI
Deputy Chief Administrative Officer



ROBERT REIDER
Interim Air Pollution Control Officer

ATTACHMENT(S)

Attachment A – Resolution Adopting Amendments to Rule 67.0.1 – Architectural Coatings, of
Regulation IV of the Rules and Regulations of the San Diego County Air
Pollution Control District

Attachment B – Comparative Analysis

Attachment C – Incremental Cost-Effectiveness Analysis

Attachment D – Workshop Report

Attachment E – Socioeconomic Impact Assessment

Attachment F – Rule 67.0.1 – Architectural Coatings Change Copy

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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: ☐ Yes ☒ No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED

☐ Yes ☒ No

PREVIOUS RELEVANT BOARD ACTIONS:

June 24, 2015 (AP02) Adoption of new Rule 67.0.1 – Architectural Coatings

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

MANDATORY COMPLIANCE:

N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION
NUMBER(S):**

N/A

ORIGINATING DEPARTMENT: Air Pollution Control District

OTHER CONCURRENCE(S): None

CONTACT PERSON(S):

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RESOLUTION ADOPTING AMENDMENTS TO RULE 67.0.1 – ARCHITECTURAL COATINGS, OF REGULATION IV OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT

On motion of Member Anderson, seconded by Member Lawson-Remer, the following resolution is adopted:

WHEREAS, the San Diego County Air Pollution Control Board (Board), pursuant to Section 40702 of the Health and Safety Code, adopted Rules and Regulations of the Air Pollution Control District of San Diego County; and

WHEREAS, said Board now desires to amend said Rules and Regulations; and

WHEREAS, notice has been given and a public hearing has been held relating to the amendment of said Rules and Regulations pursuant to Section 40725 of the Health and Safety Code and Section 51.102 of Title 40 of the Code of Federal Regulations; and

WHEREAS, pursuant to Section 40727 of the Health and Safety Code, the San Diego County Air Pollution Control Board makes the following findings:

- (1) (Necessity) The adoption of proposed amended Rule 67.0.1 is necessary in order to implement federal requirements for Reasonably Available Control Technology and state requirements for all feasible control measures to achieve the ambient air quality standards for ozone by reducing emissions of volatile organic compounds in San Diego County;
- (2) (Authority) The adoption of proposed amended Rule 67.0.1 is authorized by Health and Safety Code Section 40702;
- (3) (Clarity) Proposed amended Rule 67.0.1 can be easily understood by persons directly affected by it;
- (4) (Consistency) The adoption of proposed amended Rule 67.0.1 is in harmony with, and not in conflict with or contrary to, existing statutes, court decisions, and State and federal regulations;
- (5) (Non-duplication) The adoption of proposed amended Rule 67.0.1 will not duplicate existing District, state, or federal requirements;
- (6) (Reference) The adoption of proposed amended Rule 67.0.1 is necessary to comply with: federal law, Clean Air Action Section 182(b)(2), which requires implementation of Reasonably Available Control Technology on stationary sources of volatile organic compound emissions; and state law, California Health and Safety Code Section 40914(b)(2), which requires adoption of every feasible control measure to reduce ozone-precursor emissions;

WHEREAS, the Board further finds pursuant to Health and Safety Code Section 40001 that adoption of proposed amended Rule 67.0.1 will facilitate the attainment of ambient air quality standards; and

WHEREAS, the Board further finds that an analysis comparing proposed amended Rule 67.0.1 with applicable requirements of federal and local regulations has been prepared pursuant to Health and Safety Code Section 40727.2; and

WHEREAS, the Board further finds that an incremental cost-effectiveness analysis pursuant to Health and Safety Code Section 40920.6(a) has been prepared for proposed amended Rule 67.0.1 and has been made available for public review and comment, and has been actively considered; and

WHEREAS, the Board further finds pursuant to Health and Safety Code Section 40728.5(e) that proposed amended Rule 67.0.1 only adopts requirements that are substantially similar to, or required by, state or federal statutes, regulations, or formal guidance documents, and as such, the socioeconomic analysis required pursuant to Health and Safety Code Section 40728.5 is not required to analyze either the impact of the adoption of proposed amended Rule 67.0.1 on employment and the economy of the region, or the availability and cost-effectiveness of alternatives to proposed amended Rule 67.0.1, and that as a result a socioeconomic analysis of the remaining factors specified in Health and Safety Code Section 40728.5(b) has been prepared.

NOW THEREFORE IT IS RESOLVED AND ORDERED by the San Diego County Air Pollution Control Board that the Rules and Regulations of the Air Pollution Control District of San Diego County be, and hereby are amended as follows:

1. Proposed amended Rule 67.0.1 is to read as follows:

RULE 67.0.1. ARCHITECTURAL COATINGS

(Rev. Adopted February 10, 2021, Effective January 1, 2022)

(a) APPLICABILITY

(1) Except as provided in Section (b) Exemptions, this rule is applicable to any person who manufactures, blends or repackages, supplies, sells, markets, offers for sale, applies, or solicits the application of any architectural coating for use within San Diego County.

(2) Rule 66.1 – Miscellaneous Surface Coating Operations and Other Processes Emitting Volatile Organic Compounds shall not apply to any coating subject to this rule.

(b) EXEMPTIONS

This rule shall not apply to:

(1) Any architectural coating that is sold or manufactured for use outside of San Diego County or for shipment to other manufacturers for reformulation or repackaging.

(2) Any aerosol coating product.

(3) Emulsion-type bituminous pavement sealers subject to Rule 67.7 – Cutback and Emulsified Asphalts, and applied to roads.

(4) Except as provided in Subsections (b)(6), any architectural coating sold in a container with a volume of one liter (1.057 quart) or less, provided that sales data of such coatings are submitted in accordance with the requirements of Subsection (f)(1), upon request of the Executive Officer of CARB or the San Diego County Air Pollution Control Officer, and the following requirements are met:

(i) The coating container is not bundled together with other containers of the same specific coating category (listed in Subsection (d)(1) Table 1. VOC Content of Coatings) to be sold as a unit that exceeds one liter (1.057 quart), excluding containers packed together for shipping to a retail outlet; and

(ii) The label or any other product literature does not suggest combining multiple containers of the same specific category (listed in Subsection (d)(1) Table 1. VOC Content of Coatings) so that the combination exceeds one liter (1.057 quart).

(5) The VOC limits in Subsection (d)(1) Table 2. VOC Content of Colorants shall not apply to the following:

(i) Colorant added at the factory or at the worksite; and

(ii) Containers of colorant sold at the point of sale for use in the field or on a job site.

(6) On and after 60 days following the effective date of the U.S. Environmental Protection Agency's (EPA) final determination that one or both of the conditions described in Clean Air Act Sections 172(c)(9) or 182(c)(9) have occurred in San Diego County regarding the 2008 or 2015 8-hour Ozone National Ambient Air Quality Standard, the categories of coatings listed below shall no longer be exempt from the provisions of Table 1. VOC Content of Coatings when sold in containers having capacities of one liter (1.057 quarts) or less:

(i) Bituminous Roof Coatings;

(ii) Flat Coatings that are sold in containers having capacities greater than eight fluid ounces;

(iii) Magnesite Cement Coatings;

(iv) Multi-Color Coatings;

(v) Nonflat Coatings that are sold in containers having capacities greater than eight fluid ounces;

(vi) Pretreatment Wash Primers;

(vii) Reactive Penetrating Sealers;

(viii) Shellacs (Clear and Opaque);

(ix) Stone Consolidants;

(x) Swimming Pool Coatings;

(xi) Tub and Tile Refinishing Coatings;

(xii) Wood Coatings; and

(xiii) Wood Preservatives.

(c) **DEFINITIONS**

For the purpose of this rule the following definitions shall apply:

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

(2) “**Aerosol Coating Product**” means a pressurized coating containing pigments or resins that dispenses coating product ingredients by means of a propellant, and is packaged in a disposable container either for hand-held application or for use in specialized equipment for ground traffic marking applications.

(3) “**Aluminum Roof Coating**” means a coating labeled and formulated exclusively for application to roofs and containing at least 84 grams of elemental aluminum pigment per liter of coating (at least 0.7 lbs/gallon) as determined in accordance with South Coast Air Quality Management District’s (SCAQMD) Test Method 318-95, incorporated by reference in Subsection (f)(2)(ii)(G).

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

(5) “**Architectural Coating**” means coating to be applied to stationary structures and/or their appurtenances at the site of installation (stationary source), to portable buildings including mobile homes at the site of installation, to pavements, or to curbs.

Coatings applied in off-site shops or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are not considered architectural coatings.

(6) “**ASTM**” means ASTM International.

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

(i) Be capable of withstanding at least 10 psi of hydrostatic pressure as determined in accordance with ASTM D7088-17 incorporated by reference in Subsection (f)(2)(ii)(H); and

(ii) Be resistant to mold and mildew growth determined in accordance with ASTM D3273-16 and achieve a microbial growth rating of 8 or more as determined in accordance with ASTM D3274-09(2017), both incorporated by reference in Subsection (f)(2)(ii)(H).

(8) “**Bitumens**” means 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 obtained from natural deposits or as residues from the distillation of crude petroleum or coal.

(9) “**Bituminous Roof Coating**” means a coating which incorporates bitumens and is labeled and formulated exclusively for roofing.

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

(11) “**Bond Breaker**” means 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.

(12) “**Building Envelope**” means the ensemble of exterior and demising partitions of a building that enclose conditioned space.

(13) “**Building Envelope Coating**” means the fluid applied coating applied to the building envelope to provide a continuous barrier to air or vapor leakage through the building envelope that separates conditioned from unconditioned spaces. Building Envelope Coatings are applied to diverse materials including, but not limited to, concrete masonry units (CMU), oriented strand board (OSB), gypsum board, and wood substrates and must meet the following performance criteria:

(i) Air Barriers formulated to have an air permeance not exceeding 0.004 cubic feet per minute per square foot under a pressure differential of 1.57 pounds per square foot (0.004 cfm/ft² @ 1.57 psf), [0.02 liters per square meter per second under

a pressure differential of 75 Pa (0.02 L/(s m²) @ 75 Pa)] when tested in accordance with ASTM E2178-13, incorporated by reference in Subsection (f)(2)(ii)(I); and/or

(ii) Water Resistive Barriers formulated to resist liquid water that has penetrated a cladding system from further intruding into the exterior wall assembly and is classified as follows:

(A) Passes water resistance testing accordance to ASTM E331-00(2016), incorporated by reference in Subsection (f)(2)(ii)(I); and

(B) Water vapor permeance is classified in accordance with ASTM E96/E96M-16, incorporated by reference in Subsection (f)(2)(ii)(I).

(14) **“CARB”** means the California Air Resources Board.

(15) **“Coating”** means 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.

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

(17) **“Concrete Curing Compound”** means a coating labeled and formulated for application to freshly poured concrete to perform the following functions:

(i) Retard the evaporation of water; or

(ii) Harden or dust proof the surface of freshly poured concrete.

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

(i) Prevent penetration of water;

(ii) Provide resistance against abrasion, acids, alkalis, mildew, staining or ultraviolet light;

(iii) Harden or dustproof the surface of aged or cured concrete.

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

(i) Fill cracks;

(ii) Seal surface to provide protection;

(iii) Restore or preserve the appearance.

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

(21) **“Exempt Compound”** means the same as defined in Rule 2 – Definitions.

(22) **“Faux Finishing Coating”** means a coating labeled and formulated to use as:

(i) A glaze or textured coating to create artistic effects including, but not limited to, dirt, old age, smoke damage, suede, simulated marble or wood grain; or

(ii) A decorative coating to create a metallic, iridescent, or pearlescent appearance that contains at least 48 g/liter (0.4 lbs/gallon) of pearlescent mica pigment or other pearlescent pigment as applied; or

(iii) A decorative coating to create a metallic appearance that contains less than 48 g/liter (0.4 lbs/gal) of elemental metallic pigment, as applied, determined by SCAQMD Test Method 318-95, incorporated by reference in Subsection(f)(2)(ii)(L); or

(iv) A decorative coating to create a metallic appearance that requires a clear topcoat to prevent the degradation of the finish under the normal use conditions. This coating must contain more than 48 g/liter (0.4 lbs/gal) of elemental metallic pigment, as applied, determined by SCAQMD Test Method 318-95, incorporated by reference in Subsection (f)(2)(ii)(L); or

(v) A clear topcoat to seal and protect a Faux Finishing coating defined in this Subsection (c)(22), sold and used solely as part of a Faux Finishing coating system and labeled in accordance with Subsection (e)(2)(i).

(23) **“Fire-Resistive Coating”** means a coating labeled and formulated to protect the structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials. This coating category includes sprayed fire-resistive materials and intumescent coatings that are used to bring structural materials into compliance with federal, state, and local building code requirements. The fire-resistive coatings shall be tested in accordance with ASTM E119-20, incorporated by reference in Subsection (f)(2)(ii)(J). The fire-resistive coatings and the testing agency must also be approved by building code officials.

(24) **“Flat Coating”** means a coating that is not described 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 in accordance with ASTM D523-14(2018) incorporated by reference in Subsection (f)(2)(ii)(K).

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

(26) **“Form-Release Compound”** means 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 be made of wood, metal, or some material other than concrete.

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

(28) **“High-Temperature Coating”** means a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 400°F (204°C).

(29) **“Industrial Maintenance Coating”** means high performance architectural coatings, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for application to various substrates, including floors, labeled as specified in Subsection (e)(2)(ii) and exposed to one or more of the following extreme environmental conditions:

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

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

(iii) Frequent exposure to temperature above 250°F (121°C); or

(iv) Frequent heavy abrasion, including mechanical wear and frequent scrubbing with industrial solvents, cleansers, or scouring agents; or

(v) Exterior exposure of metal structures and structural components.

(30) **“Interior Stain”** means a stain labeled and formulated exclusively for use on interior surfaces.

(31) **“Intumescent”** is a material that swells as a result of heat exposure, thus increasing in volume and decreasing in density.

(32) **“Low-Solids Coating”** means a coating that contains one pound or less of solids per gallon (120 grams or less of solids per liter) of coating material. The VOC content of low-solids coatings shall be calculated as VOC content of material in accordance with Subsection (d)(6)(ii).

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

(34) “**Manufacturer’s Maximum Thinning Recommendation**” means the maximum recommended thinning ratio that is indicated on the label or lid of the coating container.

(35) “**Market**” means to facilitate sales through third party vendors including, but not limited to, catalog or ecommerce sales that bring together buyers and sellers. For the purposes of this rule, market does not mean to generally promote or advertise coatings.

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

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

(38) “**Metallic Pigmented Coating**” means a coating labeled and formulated to provide a metallic appearance. The coating must contain at least 48 g/liter of coating (0.4 lbs/gallon) of elemental metallic pigment (excluding zinc), as applied and as tested by SCAQMD Test Method 318-95, incorporated by reference in Subsection (f)(2)(ii)(L). This coating category does not include Zinc-Rich Primers or coatings applied to roofs.

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

(40) “**Nonflat Coating**” means a coating that is not described by any other definition of 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 as measured in accordance with ASTM D523-14(2018), incorporated by reference in Subsection (f)(2)(ii)(K).

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

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

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

(44) **“Post-Consumer Coating”** means a finished coating generated by a business or a consumer that has served its intended end uses, and is recovered from or otherwise diverted from the waste stream for the purpose of recycling.

(45) **“Pretreatment Wash Primer”** means a primer that contains a minimum of 0.5 percent acid, by weight, and labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats. The acidity of a Pretreatment Wash Primer shall be measured by ASTM D1613-17 incorporated by reference in Subsection (f)(2)(ii)(F).

(46) **“Primers, Sealers, and Undercoaters”** mean coatings labeled and formulated for one or more of the following purposes:

- (i) To provide a firm bond between the substrate and the subsequent coatings;
- (ii) To prevent subsequent coatings from being absorbed by the substrate;
- (iii) To prevent harm to subsequent coatings by materials in the substrate;
- (iv) To provide a smooth surface for the subsequent application of coatings;
- (v) To provide a clear finish coat to seal the substrate;
- (vi) To block materials from penetrating into or leaching out of the substrate.

(47) **“Reactive Penetrating Sealer”** means a clear or pigmented coating labeled and formulated for application to above-grade concrete and masonry to provide protection from water and waterborne contaminants, including, but not limited to, alkalis, acids, and salts. Reactive Penetrating Sealers must penetrate into concrete and masonry substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrate. This coating lines the pores of concrete and masonry with hydrophobic coating, but does not form a surface film.

Reactive Penetrating Sealers must be labeled as such according to the requirements of Subsection (e)(2)(iv) and also meet the following requirements:

- (i) Improve water repellency after application on concrete or masonry by at least 80% verified on standardized test specimens in accordance with ASTM C67/C67M-20, ASTM C97/C97M-18 or ASTM C140/C140M-20, incorporated by reference in Subsection (f)(2)(ii)(N); and
- (ii) Provide a breathable waterproof barrier for concrete or masonry surfaces that does not prevent or substantially retard water vapor transmission. This performance must be verified on standardized test specimens, in accordance with ASTM E96/E96M-16 or ASTM D6490-99(2014), incorporated by reference in Subsection (f)(2)(ii)(N).

(iii) Reactive penetrating sealers labeled and formulated for vehicular traffic surface chloride screening must meet the performance criteria in the National Cooperative Highway Research 244 (1981) incorporated by reference in Subsection (f)(2)(ii)(N).

(48) **“Recycled Coating”** means an architectural coating formulated to contain a minimum of 50% by volume of post-consumer coating, with a maximum of 50% by volume of secondary industrial or virgin materials.

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

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

(51) **“Rust Preventative Coating”** means a coating labeled and formulated to prevent the corrosion of metal surfaces for the following applications:

- (i) Direct-to-metal coating; or
- (ii) Coating intended for application over rusty, previously coated metal surfaces.

The Rust Preventative Coating category does not include coatings that are required to be applied as a topcoat over a primer, or coatings that are intended for use on wood or other non-metallic surfaces. Rust Preventative Coatings must be used only for metal surfaces and labeled as such in accordance to Subsection (e)(2)(iii).

(52) **“Secondary Industrial Materials”** mean products or by-products of the paint manufacturing processes that are of known composition and have economic value but can no longer be used for their intended purpose.

(53) **“Semitransparent Coating”** means a coating that contains binders and colored pigments and is formulated to change the color of the surface but not conceal its grain patterns or texture.

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

(55) **“Shop Application”** means 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.

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

(57) “**Specialty Primers, Sealers, and Undercoaters**” mean coatings formulated for application to a substrate to block water-soluble stains resulting from fire damage, smoke damage, or water damage. Specialty primers, sealers, and undercoaters must be labeled as such according to the requirements of Subsection (e)(2)(v).

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

(59) “**Stone Consolidant**” means a coating labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone Consolidants penetrate into stone substrates to create bonds between particles and consolidate deteriorated material. Stone Consolidants are for professional use only and must be labeled according to the requirements of Subsection (e)(2)(vi). Stone Consolidants must be specified and used in accordance with ASTM E2167-01(2008), incorporated by reference in Subsection (f)(2)(ii)(O).

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

(61) “**Tile and Stone Sealers**” means a clear or pigmented sealer that is used for sealing tile, stone or grout to provide resistance against water, alkalis, acids, ultraviolet light or straining and which meet one of the following subcategories:

(i) Penetrating sealers are polymer solutions that cross-link in the substrate and must meet the following criteria:

(A) A fine particle structure to penetrate dense tile such as porcelain with absorption as low as 0.10 percent per ASTM C373-18, ASTM C97/C97M-18, or ASTM C642-13, incorporated by reference in Subsection (f)(2)(ii)(P);

(B) Retain or increase static coefficient of friction per ANSI A137.1 (2019), incorporated by reference in Subsection (f)(2)(ii)(P);

(C) Not create a topical surface film on the tile or stone; and

(D) Allow vapor transmission per ASTM E96/E96M-16, incorporated by reference in Subsection (f)(2)(ii)(P).

(ii) Film forming sealers which leave a protective film on the surface.

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

(63) “**Traffic Marking Coating**” means 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. This coating category also includes Methacrylate Multicomponent Coatings used as traffic marking coatings. The VOC content of Methacrylate Multicomponent Coatings used as traffic marking coatings shall be analyzed by the procedures in 40 CFR Part 59, Subpart D, Appendix A, incorporated by reference in Subsection (f)(2)(ii)(M).

(64) **“Tub and Tile Refinish Coating”** means a clear or opaque coating labeled and formulated exclusively for refinishing the surface of a bathtub, shower, sink, or countertop. Tub and Tile Refinish coatings must have all of the following properties:

(i) Scratch hardness of 3H or more and a gouge hardness of 4H or more. Scratch hardness must be determined on bonderite 1000, in accordance with ASTM D3363-05(2011)e2, incorporated by reference in Subsection (f)(2)(ii)(Q).

(ii) Weight loss of 20 milligrams or less after 1000 cycles. Weight loss must be determined with CS 17 wheels on bonderite 1000, in accordance with ASTM D4060-19, incorporated by reference in Subsection (f)(2)(ii)(Q).

(iii) Withstand 1000 hours of more of exposure, with few or no #8 blisters. This must be determined on unscribed bonderite, in accordance with ASTM D4585/D4585M-18 and ASTM D714-02(2017), incorporated by reference in Subsection (f)(2)(ii)(Q).

(iv) Adhesion rating of 4B or better after 24 hours recovery. Adhesion rating must be determined by on unscribed bonderite, in accordance with ASTM D4585/D4585M-18 and ASTM D3359-17, incorporated by reference in Subsection (f)(2)(ii)(Q).

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

(66) **“Virgin Materials”** mean materials that contain no secondary industrial materials or post-consumer coatings.

(67) **“Volatile Organic Compound (VOC)”** means the same as defined in Rule 2 – Definitions.

(68) **“VOC Content Actual”** means the weight of VOC per total volume of coating or colorant, including any water and exempt compounds, and calculated as specified in Subsection (d)(6)(ii).

(69) **“VOC Content Regulatory”** also known as “VOC content, less water and exempt compounds”, means the weight of VOC per volume of coating or colorant, excluding the volume of water and exempt compounds, and calculated as specified in Subsection (d)(6)(i).

(70) **“VOC Content of Material”** means the same as VOC Content Actual.

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

(i) Coating must be applied in a single coat of at least 0.025 inch (25 mils) dry film thickness; and

(ii) Coatings must meet or exceed the requirements of ASTM C836/C836M-18 incorporated by reference in Subsection (f)(2)(ii)(R).

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

(72) **“Wood Coating”** means a coating labeled according to the requirements of Subsection (e)(2)(vii) and formulated only for application to wood substrates. The Wood Coating category includes the following clear and semitransparent coatings: lacquers, varnishes, sanding sealers, penetrating oils, clear stains and wood conditioners used as undercoats, and wood sealers used as topcoats. The Wood Coating category also includes the following opaque coatings: opaque lacquers, opaque sanding sealers and opaque lacquer undercoaters. The Wood Coating category does not include the following: clear sealers that are labeled and formulated for use on concrete/masonry surfaces; or coatings intended for substrates other than wood.

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

(74) **“Wood Substrate”** means a product made of wood, particleboard, plywood, medium density fiberboard, rattan, wicker, bamboo, or composite products with exposed wood grain. Wood Substrate does not include items comprised of simulated wood.

(75) **“Zinc-Rich Primer”** means a coating that meets all of the following specifications:

(i) Contains at least 65 weight percent of total solids as metallic zinc powder or zinc dust;

(ii) Formulated for application to metal substrates to provide a firm bond between the substrate and subsequent coatings; and

(iii) Intended for professional use only and labeled as such in accordance with the labeling requirements of Subsection (e)(2)(viii).

(d) **STANDARDS**

(1) **VOC Content Limits**

With the exception of low-solids coatings, VOC content limits of architectural coatings in Table 1. VOC Content of Coatings and colorants in Table 2. VOC Content of Colorants below are expressed as VOC content regulatory. VOC content limits of low-solids coatings are expressed as VOC content actual (material).

Except as provided in Section (b) Exemptions and Subsections (d)(2), (d)(3) and (d)(4) no person shall:

- (i) manufacture, blend, or repackage for use within San Diego County;
- (ii) supply, sell, market, or offer for sale within San Diego County; or
- (iii) solicit for application or apply within San Diego County, any architectural coating with a VOC content in excess of the corresponding limits specified below:

Table 1. VOC Content of Coatings*

Coating Categories	VOC	Content
General Coatings	Grams/liter	Lbs/gallon
Flat Coatings	50	0.4
Nonflat Coatings	50	0.4
Specialty Coatings	Grams/liter	Lbs/gallon
Aluminum Roof Coatings	100	0.8
Basement Specialty Coatings	400	3.3
Bituminous Roof Coatings	50	0.4
Bituminous Roof Primers	350	2.9
Bond Breakers	350	2.9
Building Envelope Coatings	50	0.4
Concrete Curing Compounds	350	2.9
Concrete / Masonry Sealers	100	0.8
Driveway Sealers	50	0.4
Dry Fog Coatings	50	0.4
Faux Finishing Coatings	350	2.9
Fire Resistive Coatings	150	1.3
Coating Categories	VOC	Content
Specialty Coatings	Grams/liter	Lbs/gallon
Floor Coatings	50	0.4
Form-Release Compounds	100	0.8
Graphic Arts Coatings (Sign Paints)	500	4.2

High-Temperature Coatings	420	3.5
Industrial Maintenance Coatings	250	2.1
Low-solids Coatings**	120	1.0
Magnesite Cement Coatings	450	3.8
Mastic Texture Coatings	100	0.8
Metallic Pigmented Coatings	500	4.2
Multi-Color Coatings	250	2.1
Pretreatment Wash Primers	420	3.5
Primers, Sealers and Undercoaters	100	0.8
Reactive Penetrating Sealers	350	2.9
Recycled Coatings	250	2.1
Roof Coatings	50	0.4
Rust Preventative Coatings	250	2.1
Shellacs: Clear	730	6.1
Opaque	550	4.6
Specialty Primers, Sealers and Undercoaters	100	0.8
Stains: Exterior/Dual	100	0.8
Interior	250	2.1
Stone Consolidants	450	3.8
Swimming Pool Coatings	340	2.8
Tile and Stone Sealers	100	0.8
Traffic Marking Coatings	100	0.8
Tub and Tile Refinish Coatings	420	2.9
Waterproofing Membranes	100	0.8
Wood Coatings	275	2.3
Wood Preservatives	350	2.9
Zinc-Rich Primers	340	2.8

*Thinned to the manufacturer's maximum thinning recommendations excluding any colorant added to tint bases.

**VOC content of low-solids coatings is calculated as VOC content actual (material).

Table 2. VOC Content of Colorants

Colorant Added To	VOC	Content
Coating Categories	Grams/liter	Lbs/gallon
Architectural Coatings, excluding Industrial Maintenance Coatings	50	0.4
Solvent-Based Industrial Maintenance Coatings	600	5.0
Waterborne Industrial Maintenance Coatings	50	0.4
Wood Coatings	600	5.0

(2) Coatings Not Listed in Table 1. VOC Content of Coatings

For any coating that does not conform with any of the definitions for the specialty coating categories listed in Table 1. VOC Content of Coatings, the VOC content limit shall be determined by classifying this coating, based on its gloss, as either a flat coating or a

nonflat coating, defined in Subsections (c)(24) or (c)(40), as applicable. The corresponding flat or nonflat VOC limit in Table 1. VOC Content of Coatings shall apply.

(3) Most Restrictive VOC Content Limits

If a coating meets the definition in Section (c) Definitions for one or more specialty coating categories listed in Table 1. VOC Content of Coatings, then that coating is not required to meet the VOC Content limits for Flat or Nonflat coatings, but is required to meet the VOC content limit for the applicable specialty coating category listed in Table 1. VOC Content of Coatings, then the most restrictive VOC content limits shall apply.

With the exception of the specialty category coatings specified below, if a coating is recommended for use in more than one specialty categories listed in Table 1. VOC Content of Coatings, the most restrictive VOC content limit shall apply. This requirement applies to usage recommendations that appear anywhere on the coating container, or on any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by the manufacturer or anyone acting on his/her behalf.

This provision does not apply to the specialty coating categories specified below:

- (i) Aluminum roof coatings,
- (ii) Bituminous roof primers,
- (iii) High-temperature coatings,
- (iv) Industrial maintenance coatings,
- (v) Low-solids coatings,
- (vi) Metallic pigmented coatings,
- (vii) Pretreatment wash primers,
- (viii) Shellacs,
- (ix) Specialty primers, sealers, and undercoaters
- (x) Wood coatings,
- (xi) Wood preservatives, and
- (xii) Zinc-Rich primers.

(4) Sell-Through Provisions

Coatings or colorants manufactured prior to January 1, 2022, shall comply with the following requirements:

(i) A coating manufactured prior to January 1, 2022, may be sold, supplied, or offered for sale for up to three years after January 1, 2022. In addition, a coating manufactured before January 1, 2022, may be applied at any time, both before and after January 1, 2022, so long as the coating complied with all applicable provisions of current Rule 67.0.1 – Architectural Coatings (effective 01/01/16, incorporated by reference). This provision does not apply to any coating that does not display the date or date-code required by Subsection (e)(1)(i).

(ii) A colorant manufactured prior to January 1, 2022, may be sold, supplied, or offered for sale for up to three years after January 1, 2022. In addition, a colorant manufactured before January 1, 2022, may be applied at any time, both before and after January 1, 2022, so long as the colorant complied with all applicable provisions of current Rule 67.0.1 – Architectural Coatings (effective 01/01/16, incorporated by reference). This provision does not apply to any colorant that does not display the date or date-code required by Subsection (e)(3)(i).

(5) Thinning

No person who applies or solicits the application of any architectural coating shall apply or specify the application of a coating that is thinned to exceed the applicable VOC limit specified in Table 1. VOC Content of Coatings.

(6) Calculations of VOC Content of Architectural Coatings or Colorants

For the purpose of determining compliance with the VOC content limits in Table 1. VOC Content of Coatings or Table 2. VOC Content of Colorants, the VOC content of a coating or colorant shall be calculated as follows:

(i) With the exception of low-solids coatings, the VOC content of architectural coatings or colorants, also referred to as VOC content regulatory, shall be calculated as weight of VOC per volume of coating or colorant thinned to the manufacturer's maximum recommendation, excluding the volume of any water and exempt compounds, according to the following equation:

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

Where:

VOC content	=	grams of VOC per liter of coating or colorant
W_s	=	weight of all volatiles, in grams
W_w	=	weight of water, in grams
W_{ec}	=	weight of exempt compounds, in grams
V_m	=	volume of coating or colorant, in liters
V_w	=	volume of water, in liters
V_{ec}	=	volume of exempt compounds, in liters

(ii) For low-solids coatings, the VOC content, also referred to as VOC content actual, shall be calculated as weight of VOC per volume of coating or colorant, thinned to the manufacturer's maximum recommendation, including the volume of any water and exempt compound:

$$\text{VOC content}_{\text{ls}} = (W_s - W_w - W_{\text{ec}}) / (V_m)$$

Where: VOC content_{ls} = grams of VOC per liter of coating or colorant
W_s = weight of all volatiles, in grams
W_w = weight of water, in grams
W_{ec} = weight of exempt compounds, in grams
V_m = volume of coating or colorant, in liters

(iii) The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured.

(iv) If the manufacturer does not recommend thinning, the VOC content must be calculated for the coating as supplied. If the manufacturer recommends thinning, the VOC content regulatory shall be calculated by including the maximum amount of thinning solvent as recommended by the manufacturer.

(v) The VOC content of a multicomponent coating shall be calculated as mixed or catalyzed.

(vi) If the coating contains silanes, siloxanes or other ingredients that generate ethanol or other VOCs during the curing process, the calculated VOC content must include the VOCs emitted during curing.

(7) Painting Practices

All persons using containers for storing, transferring or otherwise utilizing architectural coatings, thinners, cleanup solvents, or other materials which contain volatile organic compounds shall comply with the requirements of Rule 67.17 – Storage of Materials Containing Volatile Organic Compounds.

(8) Colorants

No person within San Diego County shall, at the point of sale of any architectural coating subject to Subsection (d)(1), add to such coating any colorant that contains VOC in excess of the corresponding applicable VOC limit specified in Table 2. VOC Content of Colorants. The point of sale includes retail outlets that add colorant to a coating container to obtain a specific color.

(e) ADMINISTRATIVE REQUIREMENTS

(1) General Container Labeling Requirements:

Each manufacturer of any architectural coating subject to this rule shall display the information listed in Subsections (e)(1)(i) through (e)(2)(viii) on the coating container (or its label) in which the coating is sold or distributed.

(i) **Date Code:** The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation of each code with the Executive Officer of CARB and make it available upon request to the San Diego County Air Pollution Control Officer.

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

(iii) **VOC Content:**

VOC content of coatings shall be calculated using equations in Subsection (d)(6), as applicable.

Each coating container subject to this rule shall display one of the following values in grams of VOC per liter of coating:

(A) Maximum VOC content as determined from all potential product formulations; or

(B) VOC content as determined from actual formulation data for this coating; or

(C) VOC content as determined using test methods specified in Subsection (f)(2);

(D) If the manufacturer does not recommend thinning, the container must display the VOC content, as supplied. If the manufacturer recommends thinning, the container must display the VOC content, including the maximum recommended amount of thinning solvent. This requirement does not apply to the thinning of coatings with water;

(E) For multicomponent coatings the container must display the VOC content as a mixture of all components including catalysts;

(F) If a coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the coating's curing process, the VOC content must include the amount of VOCs emitted during curing.

(2) **Additional Container Labeling Requirements for Specified Coatings** subject to this rule:

(i) **Faux Finishing Coatings:** The labels of all clear topcoat faux finishing coatings shall prominently display the following statement: “This product can only be sold or used as a part of a Faux Finishing coating system.”

(ii) **Industrial Maintenance Coatings:** Each manufacturer of industrial maintenance coatings shall display on the label or lid of the container in which the coating is sold or distributed one or more of the statements listed below:

(A) “For industrial use only.”

(B) “For professional use only.”

(iii) **Rust Preventative Coatings:** The labels of rust preventative coatings shall prominently display the statement “For Metal Substrates Only.”

(iv) **Reactive Penetrating Sealers:** The labels of reactive penetrating sealers shall prominently display the statement “Reactive Penetrating Sealer.”

(v) **Specialty Primers, Sealers, and Undercoaters:** The labels of all specialty primers, sealers, and undercoaters shall prominently display the statement “Specialty Primer, Sealer, Undercoater.”

(vi) **Stone Consolidants:** The labels of Stone Consolidants shall prominently display the statement “Stone Consolidant – For Professional Use Only.”

(vii) **Wood Coatings:** The labels of Wood Coatings shall prominently display the statement “For Wood Substrates Only.”

(viii) **Zinc-Rich Primers:** The labels of Zinc-Rich Primers shall prominently display the statement “For professional use only.”

(3) Effective January 1, 2022, each manufacturer of any colorant subject to this rule shall display the information listed in Subsections (e)(3)(i) and (e)(3)(ii) on the container (or its label) in which the colorant is sold or distributed.

(i) **Date Code:** The date the colorant was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any colorant, the manufacturer shall file an explanation of each code with the Executive Officer of CARB and make it available upon request to the San Diego County Air Pollution Control Officer.

(ii) **VOC Content:** Each container of any colorant subject to this rule shall display one of the following values in grams of VOC per liter of colorant:

(A) Maximum VOC content as determined from all potential product formulations; or

(B) VOC content as determined from actual formulation data for this colorant; or

(C) VOC content as determined using the test methods specified in Subsection (f)(2).

If the colorant contains silanes, siloxanes or other ingredients that generate ethanol or other VOCs during the curing process, the calculated VOC content must include the VOCs emitted during curing.

(f) REPORTING AND TESTING REQUIREMENTS

(1) Sales Data

A responsible official from each coating manufacturer shall upon request of the Executive Officer of CARB, or the San Diego County Air Pollution Control Officer, provide data concerning the distribution and sales of architectural coatings. The responsible official shall within 180 days provide the following information, including, but not limited to:

- (i) The name and mailing address of the manufacturer;
- (ii) The name, mailing address and telephone number of a contact person;
- (iii) The name of a coating product as it appears on the label and the applicable coating category;
- (iv) Whether the product is marketed for interior or exterior use or both;
- (v) The number of gallons of coatings sold in California in containers with a volume greater than one liter (1.057 quart) and in containers with a volume equal or smaller than one liter (1.057 quart);
- (vi) The VOC content of coatings, both actual and regulatory, in grams per liter.

If thinning is recommended, list the VOC content actual and VOC content regulatory calculated using maximum recommended thinning. For a multicomponent coating, list the VOC content as mixed or catalyzed. If coating containers with a volume greater than one liter and those with a volume equal to or less than one liter have a different VOC content, list them separately;

- (vii) The names and Chemical Abstract Service (CAS) numbers of the VOC constituents in the coating;

(viii) The names and CAS numbers of exempt compounds, as listed in Rule 2 – Definitions;

(ix) Whether the product is marketed as containing 100% solids, or as solvent borne or waterborne;

(x) Description of resins or binders in the coating;

(xi) Whether the coating is single-component or multi-component;

(xii) The density of the coating in pounds per gallon;

(xiii) Weight percent of solids, all volatile materials, water and any exempt compounds, as applicable; and

(xiv) Volume percent of solids, water and exempt compounds, as applicable.

All sales data listed in Subsection (f)(1) shall be maintained by a responsible official for a minimum of three years. Sales data submitted by the responsible official to the Executive Officer of CARB may be claimed as confidential and such information shall be handled in accordance to the procedures specified in Title 17, California Code of Regulations, Sections 91000 through 91022.

(2) Test Procedures

The procedures and test methods listed below shall be used to demonstrate compliance with this rule.

(i) **VOC Content of Coatings or Colorants:**

Laboratory determination of the VOC content of coatings or colorants, with the exception of methacrylate multicomponent coatings, shall be conducted by EPA Test Method 24, incorporated by reference in Subsection (f)(2)(ii)(A). To determine the physical properties of a coating or colorant the standard test methods incorporated by reference in EPA Test Method 24 shall be used.

As an alternative, SCAQMD Method 304-91 (1996), incorporated by reference in Subsection (f)(2)(ii)(B) may be used.

The exempt compounds content shall be determined by SCAQMD Method 303-91 (1993) and incorporated by reference in Subsection (f)(2)(ii)(C), or BAAQMD Method 43 (2005) or BAAQMD Method 41 (2005), incorporated by reference in Subsections (f)(2)(ii)(D) and (E), respectively.

To calculate the VOC content of a coating or colorant, the manufacturer may also use formulation data, or any other reasonable means for predicting that the coating or colorant has been formulated as intended (e.g., quality assurance checks,

record keeping). However, if there are any inconsistencies between the results of Test Method 24 and any other means for determining VOC content, the Test Method 24 results will govern, except when an alternative method is approved as specified in Subsection (f)(2)(iii). The San Diego County Air Pollution Control Officer may also require the manufacturer to conduct analysis according to EPA Test Method 24.

(ii) **Incorporated Test Methods:** The following test methods are incorporated by reference herein, and shall be used to test coatings or colorants subject to provisions of this rule. The most recent version of the ASTM incorporated test methods may be used instead of those specified below.

(A) VOC Content of Coatings or Colorants: The VOC content of a coating or colorant shall be determined by EPA Test Method 24 as it exists in Appendix A of 40 Code of Federal Regulations (CFR) Part 60, "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings".

The VOC content of a coating or colorant with a VOC content of 150 g/l or less shall be determined by SCAQMD Method 313-91 (1997), "Determination of Volatile Organic Compounds (VOC) by Gas Chromatography/Mass Spectrometry (GC/MS)"; ASTM D6886-18, "Standard Test Method for Determination of the Weight Percent Individual Volatile Organic Compounds in Waterborne Air-Dry Coatings by Gas Chromatography"; or any other reasonable means for predicting that the coating or colorant has been formulated as intended (e.g., quality assurance checks, record keeping).

(B) Alternative Test for VOC Content of Coatings or Colorants: Alternatively, the VOC content of coatings or colorants may be determined by SCAQMD Method 304-91 (1996), "Determination of Volatile Organic Compounds (VOC) in Various Materials", SCAQMD "Laboratory Methods of Analysis for Enforcement Samples".

(C) Exempt Compounds: The content of compounds exempt under EPA Test Method 24 shall be analyzed by SCAQMD Method 303-91 (1993), "Determination of Exempt Compounds", SCAQMD "Laboratory Methods of Analysis for Enforcement Samples".

(D) Exempt Compounds – Siloxanes: Cyclic, branched, or linear completely methylated siloxanes shall be analyzed by BAAQMD Test Method 43, "Determination of Volatile Methylsiloxanes in Solvent Based Coatings, Inks, and Related Materials", BAAQMD Manual of Procedures, Volume III, adopted 05/18/2005.

(E) Exempt Compounds – Parachlorobenzotrifluoride (PCBTF): PCBTF shall be analyzed by BAAQMD Test Method 41, "Determination of Volatile Organic Compounds in Solvent Based Coatings and Related Materials

Containing Parachlorobenzotrifluoride”, BAAQMD Manual of Procedures, Volume III, adopted 05/18/2005.

(F) Acid Content of Coatings: See Subsection (c)(45).

The acid content of Pretreatment Wash Primer shall be determined by ASTM D1613-17, “Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products”.

(G) Aluminum Roof Coatings: See Subsection (c)(3).

Aluminum pigment content shall be determined in accordance with SCAQMD Test Method 318-95, “Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction”, SCAQMD “Laboratory Methods of Analysis for Enforcement Samples”.

(H) Basement Specialty Coatings: See Subsection (c)(7)(i).

Hydrostatic Pressure Resistance of Basement Specialty Coatings shall be determined by ASTM D7088-17, “Standard Practice for Resistance to Hydrostatic Pressure for Coatings Used in Below Grade Applications Applied to Masonry”.

See Subsection (c)(7)(ii). Mold and Mildew Growth Resistance of Basement Specialty Coatings shall be determined by ASTM D3273-16, “Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber”, and ASTM D3274-09(2017), “Standard Test Method for Evaluating Degree of Surface Disfigurement of Paint Films by Fungal or Algal Growth, or Soil and Dirt Accumulation”.

(I) Building Envelope Coatings: See Subsection (c)(13)(i).

The air permeance of Building Envelope Coatings shall be determined by ASTM E2178-13, “Standard Test Method for Air Permeance of Building Materials”.

See Subsection (c)(13)(ii)(A). Water resistance testing of Building Envelope Coatings shall be determined by ASTM E331-00(2016), “Standard Test Method for Water Penetration of Exterior Windows, Skylights, Doors, and Curtain Walls by Uniform Static Air Pressure Difference”.

See Subsection (c)(13)(ii)(B). The water vapor permeance of Building Envelope Coatings shall be determined by ASTM E96/E96M-16, “Standard Test Methods for Water Vapor Transmission of Materials”.

(J) Fire Resistance Rating: See Subsection (c)(23).

The fire resistance rating of fire-resistive coatings shall be determined by ASTM E119-20, "Standard Test Methods for Fire Tests of Building Construction and Materials".

(K) Gloss Determination: See Subsections (c)(24) and (c)(40). The gloss of flat and nonflat coatings shall be determined by ASTM D523-14(2018), "Standard Test Method for Specular Gloss".

(L) Metal Content of Coatings: See Subsections (c)(22) and (c)(38). The metal content of a coating shall be determined by SCAQMD Test Method 318-95, "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction", SCAQMD "Laboratory Methods of Analysis for Enforcement Samples".

(M) Methacrylate Multicomponent Coatings: See Subsection (c)(63). The VOC content of Methacrylate Multicomponent Coatings used as traffic marking coatings shall be analyzed by the procedures described in 40 CFR Part 59, Subpart D, Appendix A, "Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings".

Please note that this method has not been approved for Methacrylate Multicomponent Coatings used for purposes other than traffic marking coatings or for other classes of multicomponent coatings.

(N) Reactive Penetrating Sealer: See Subsection (c)(47)(i). The water repellency of Reactive Penetrating Sealers shall be determined by ASTM C67/C67M-20, "Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile"; or ASTM C97/C97M-18, "Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone"; or ASTM C140/C140M-20 "Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units".

See Subsection (c)(47)(ii). The water vapor transmission of Reactive Penetrating Sealers shall be determined by ASTM E96/E96M-16, "Standard Test Methods for Water Vapor Transmission of Materials"; or ASTM D6490-99(2014), "Standard Test Method for Water Vapor Transmission of NonFilm Forming Treatments Used on Cementitious Panels".

See Subsection (c)(47)(iii). The chloride screening for Reactive Penetrating Sealers shall be determined using the National Cooperative Highway Research Report 244 (1981), "Concrete Sealers for the Protection of Bridge Structures".

(O) Stone Consolidants: See Subsection (c)(59).

Selection and use of Stone Consolidants shall be determined by ASTM E2167-01(2008), “Standard Guide for Selection and Use of Stone Consolidants”.

(P) Tile and Stone Sealers: See Subsection (c)(61)(i)(A). The absorption of Tile and Stone Sealers shall be determined by ASTM C373-18, “Standard Test Methods for Determination of Water Absorption and Associated Properties by Vacuum Method for Pressed Ceramic Tile and Glass Tiles and Boil Method for Extruded Ceramic Tiles and Non-tile Fired Ceramic Whiteware Products”; or ASTM C97/C97M-18, “Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone”; or ASTM C642-13, “Standard Test Method for Density, Absorption, and Voids in Hardened Concrete”.

See Subsection (c)(61)(i)(B). The static coefficient of friction of Tile and Stone Sealers shall be determined by ANSI A137.1 (2019), “American National Standard of Specifications for Ceramic Tile”.

See Subsection (c)(61)(i)(D). The water vapor transmission of Tile and Stone Sealers shall be determined by ASTM E96/E96M-16, “Standard Test Methods for Water Vapor Transmission of Materials”.

(Q) Tub and Tile Refinish Coating: See Subsection (c)(64)(i). The scratch hardness of Tub and Tile Refinish Coatings shall be measured by ASTM D3363-05(2011)e2, “Standard Test Method for Film Hardness by Pencil Test”.

See Subsection (c)(64)(ii). The abrasion resistance of Tub and Tile Refinish Coatings shall be determined by ASTM D4060-19, “Standard Test Method for Abrasion Resistance of Organic Coatings by the Taber Abraser”.

See Subsection (c)(64)(iii). The water resistance of Tub and Tile Refinish Coatings shall be determined by ASTM D4585/D4585M-18, “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation”, and ASTM D714-02(2017), “Standard Test Method for Evaluating Degree of Blistering of Paints”.

See Subsection (c)(64)(iv). The adhesion of Tub and Tile Refinish Coatings shall be determined by ASTM D4585/D4585M-18, “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation” and ASTM D3359-17, “Standard Test Methods for Rating Adhesion by Tape Test”.

(R) Waterproofing Membranes: See Subsection (c)(71).

The properties of waterproofing membranes shall be determined by ASTM C836/C836M-18, “Standard Specification for High Solids Content, Cold Liquid-Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course”.

(iii) **Alternative Test Methods:**

Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with Subsection (f)(2) after review and approval in writing by the District, CARB, and EPA, may also be used.

(g) **COMPLIANCE SCHEDULE**

(1) All persons subject to this rule shall be in compliance with all the rule’s provisions by January 1, 2022.

(2) Prior to January 1, 2022, any coating that meets all the requirements of this rule shall be exempt from the current Rule 67.0.1 – Architectural Coatings (effective 01/01/16).

IT IS FURTHER RESOLVED AND ORDERED that proposed amended Rule 67.0.1 of Regulation IV shall take effect on January 1, 2022.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY: Paula Forbis, Senior Deputy

The foregoing Resolution was passed and adopted by the Air Pollution Control District, County of San Diego, State of California, on this 10th day of February, 2021, by the following vote:

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

- - -

STATE OF CALIFORNIA)
County of San Diego)^{SS}

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution entered in the Minutes of the San Diego County Air Pollution Control Board.

ANDREW POTTER
Clerk of the Air Pollution Control Board

By: C. Rodriguez
Chrystal Rodriguez, Deputy



Resolution No. 21-020
Meeting Date: 02/10/2021 (AP3)

COMPARATIVE ANALYSIS

PROPOSED AMENDED RULE 67.0.1 – ARCHITECTURAL COATINGS

Statutory Requirements

Prior to adopting, amending, or repealing a rule or regulation, California Health and Safety Code Section 40727 requires findings of necessity, authority, clarity, consistency, non-duplication, and reference, as defined therein. As part of the consistency finding and to ensure proposed rule requirements do not conflict with or contradict other Air Pollution Control District (District) or federal regulations, Health and Safety Code Section 40727.2(a) requires the District to perform a written analysis identifying and comparing the air pollution control standards and other provisions of proposed amended Rule 67.0.1 with existing or proposed District rules and guidelines and existing federal rules, requirements, and guidelines applying to the same source category.

Analysis

Proposed amended Rule 67.0.1 applies to manufacturers, suppliers, distributors, sellers, marketers, and users of architectural coatings. The proposed amended rule is based on the California Air Resources Board (CARB) 2019 Suggested Control Measure (SCM) for Architectural Coatings and has the same definitions, volatile organic compound (VOC) content limits, and other requirements of the SCM.

Comparison with Existing District Rules and Regulations

There are no existing District source specific or other rules that contradict with proposed amended Rule 67.0.1. Architectural coating operations are exempt from permitting requirements and therefore are not subject to the Best Available Control Technology (BACT) requirements of New Source Review.

Comparison with EPA National Architectural Coating Rule

The National Volatile Organic Compound Emission Standards for Architectural Coatings (National Rule) was promulgated by the EPA and first published in the Federal Register in September 1998. The most significant difference between the National Rule and proposed amended Rule 67.0.1 is the applicability and VOC content limits of coatings.

The National Rule applies only to manufacturers and importers of architectural coatings as allowed by Section 183(e) of the Federal Clean Air Act. Proposed amended Rule 67.0.1 also applies to distributors, retailers, and end users of coatings.

The VOC content limits for the coatings in proposed amended Rule 67.0.1 are equal to or more stringent than those in the National Rule. Furthermore, the National Rule has 30 additional coating categories that are not included in the SCM, and consequently are not present in

proposed amended Rule 67.0.1. CARB analyzed these categories and concluded that it was not necessary to incorporate them into the SCM. These coatings may be substituted by other coatings with lower VOC content that have similar properties to ensure the satisfactory quality of the painted surface.

Conclusion

There are no conflicts or contradictions between proposed amended Rule 67.0.1, BACT requirements, and the National Rule.

INCREMENTAL COST-EFFECTIVENESS ANALYSIS

PROPOSED AMENDED RULE 67.0.1 – ARCHITECTURAL COATINGS

Health and Safety Code Section 40920.6(a) requires air pollution control districts to identify one or more potential control options that achieve at least the same benefit as the proposed rule, assess the cost-effectiveness of those options and calculate the incremental cost-effectiveness of each identified option. Incremental cost-effectiveness is defined as the difference in control costs divided by the difference in emission reductions between two potential options achieving the same emission reduction goal.

The only potential option that achieves at least the same or better environmental benefits from controlling volatile organic compound (VOC) emissions from the application of architectural coatings would be to adopt the lower VOC content limits of Rule 1113 (Architectural Coatings) of the South Coast Air Quality Management District (SCAQMD).

Many of the VOC content limits in the 2019 California Air Resources Board (CARB) Suggested Control Measure (SCM) for Architectural Coatings, and correspondingly in proposed amended Rule 67.0.1, are similar to those in SCAQMD Rule 1113 adopted in 2016. Therefore, for the purpose of conducting the incremental cost-effectiveness analysis for Rule 67.0.1, the District used the cost-effectiveness, emission reductions, and control costs of Rule 1113 as it existed in 2016.

Table 1. SDAPCD Rule 67.0.1 – Proposed Amendments

VOC Emission Reductions	82 tons per year = 164,000 pounds per year
Annualized Cost for proposed Rule 69.4.1	\$257,560 per year
Cost-Effectiveness	\$1.57 per pound VOC reduced

Table 2. SCAQMD Rule 1113 – 2016

VOC Emission Reductions	1,935 tons per year = 3,870,000 pounds per year
Annualized cost	\$10,392,530 per year
Cost-Effectiveness	\$2.69 per pound VOC reduced

Table 3. Incremental Cost-Effectiveness

Incremental Annualized Cost	$\$10,392,530 - \$257,560 = \$10,134,970$ per year
Incremental Annual Emission Reductions	$3,870,000 - 164,000 = 3,706,000$ pounds per year
Incremental Cost-Effectiveness	\$2.73 per pound VOC reduced

As shown in Table 3. Incremental Cost-Effectiveness, the incremental cost-effectiveness of achieving higher emission reductions is \$2.73 per pound of VOC reduced. This means that each extra pound of VOC emissions that would be reduced by adopting the more stringent limits of SCAQMD Rule 1113 would cost \$2.73 in San Diego County.

While the low incremental cost-effectiveness value indicates this potential option may be feasible, CARB determined that a higher VOC limit would be more appropriate. The most significant of these categories are Industrial Maintenance Coatings, Metallic Pigmented Coatings, Rust Preventative Coatings, Zinc-Rich Primers, and Concrete Curing Compounds. The two primary reasons for these higher VOC content limits in the SCM are described below.

1. The SCM Does Not Contain a VOC Exemption for TBAC

SCAQMD Rule 1113 contains a limited VOC exemption for tertiary-butyl acetate (TBAC) to allow for its use in Industrial Maintenance Coatings only. Under this exemption, manufacturers do not have to include TBAC when calculating the VOC content of Industrial Maintenance Coatings. Because the SCAQMD allowed the use of TBAC as an exempt solvent, it was technologically feasible to establish a VOC limit of 100 g/l for Industrial Maintenance Coatings. CARB staff has not proposed a similar exemption for TBAC due to potential toxicity health concerns identified by the Office of Environmental Health Hazard Assessment (OEHHA). Additionally, another commonly used exempt solvent, parachlorobenzotrifluoride (PCBTF), is currently being evaluated for potential carcinogenic effects. Since the SCM does not allow for the use of TBAC as an exempt solvent, and there is the potential that PCBTF will also be found to be carcinogenic, CARB concluded that it was appropriate to retain the 250 g/l VOC limit for the Industrial Maintenance category.

Industry has expressed a high level of concern regarding the potential removal of both TBAC and PCBTF from the VOC exempt list. They have stated that it would not be feasible to meet the VOC limits in SCAQMD Rule 1113 for metallic pigmented, zinc rich primers, industrial maintenance, and potentially other categories if these exempts are not available for formulation.

2. The SCM Does Not Contain an Exemption for High Elevations

SCAQMD Rule 1113 contains an exemption for all stains and lacquers that are used in areas with elevations of 4,000 feet or greater above sea level. Stains and lacquers that are used at these high elevations are exempt from VOC limits and all other requirements of Rule 1113. The SCM does not include an exemption for high elevations.

Conclusion

For these reasons, and to align with the VOC content limits of the 2019 SCM, the District has decided not to incorporate the lower limits of SCAQMD Rule 1113 for certain coating categories into proposed amended Rule 67.0.1 at this time.

**AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO**

**DRAFT PROPOSED AMENDMENTS TO
RULE 67.0.1 – ARCHITECTURAL COATINGS**

WORKSHOP REPORT

The San Diego County Air Pollution Control District (District) held a public webinar on September 16, 2020, to discuss and receive input on the draft proposed amendments to Rule 67.0.1 – Architectural Coatings. A meeting notice was mailed to all known manufacturers, distributors, and retailers of architectural coatings sold or used in San Diego County, chamber of commerce in the region, the U.S. Environmental Protection Agency (EPA), and the California Air Resources Board (CARB). Additionally, a meeting notice was posted on the District’s website and distributed to interested parties including through the County of San Diego’s electronic mail service.

The workshop was attended by 25 people. A summary of the comments and District responses are provided below:

1. WORKSHOP COMMENT

The American Coatings Association (ACA) members will require at least a year to adjust production, labeling, and distribution networks to implement amended Rule 67.0.1 efficiently and effectively. A compliance date of at least one year after rule adoption, or July 1, 2022, is suggested to give industry adequate time to comply after the rule has been adopted.

DISTRICT RESPONSE

The District agrees and will propose an effective date that is up to one year after the rule’s date of adoption.

2. WORKSHOP COMMENT

Proposed Subsection (b)(6) adds a contingency measure provision that removes the small container exemption from the rule only if and when the EPA were to issue a finding that the region did not meet certain federally mandated requirements regarding the 2008 or 2015 National Ambient Air Quality Standards for ozone. Will industry receive notification before the EPA issues the final determination triggering the removal of the small container exemption?

DISTRICT RESPONSE

Yes. While the region is currently making progress towards attaining the ozone standards, should the EPA determine that the region failed to attain by federal deadlines or to make reasonable further progress towards attainment in future years, the District would be in close communication with affected stakeholders about this issue. The District would provide advance notification to the

affected industry as to when the contingency measure would take effect such that certain products sold in containers of one liter or less (small container exemption) would no longer be exempt from the rule.

Prior to EPA issuing a final determination, EPA would issue a proposed rulemaking with a public comment period. In the event the District anticipates that the contingency measure may be triggered by a forthcoming EPA determination, the District will commence outreach and coordination with the affected industry including manufacturers, retailers, and wholesalers about this issue in advance of EPA's proposed rulemaking. This lead-time will provide industry an opportunity to reformulate, repackage, or otherwise adjust their business practices to implement the new rule requirements in advance of the contingency measure taking effect.

3. WORKSHOP COMMENT

Sixty days to remove from shelves products exempt per the small container exemption is a very short time. Is this timeframe consistent with what other California air districts have adopted in their analogous architectural coating rules?

DISTRICT RESPONSE

Yes. The proposed timeframe of sixty days in the contingency measure provision specified in Subsection (b)(6), revised from 120 days as suggested by EPA (see Comment No. 10 below), is consistent with the requirements of the San Joaquin Valley Air Pollution Control District's Rule 4601 – Architectural Coatings, which was adopted on April 16, 2020. The District is not aware of any other California air districts' architectural coating rules that currently include a similar small container exemption contingency measure.

4. WORKSHOP COMMENT

In order to limit the negative financial and environmental impacts associated with disposing of “stranded” products that can no longer be sold, ACA suggests that a three year sell-through period be included in the rule if the contingency measure is triggered by EPA's final determination. This three-year sell-through period is consistent with every other architectural coating regulation in the United States.

DISTRICT RESPONSE

Per the federal Clean Air Act, the proposed small container exemption contingency measure requires an immediate emissions reduction if triggered by EPA's final determination. The District's plan for outreach and coordination with industry prior to EPA's proposed rulemaking (as described in response to Comment No. 2) and the proposed sixty-day timeframe after EPA's final determination (as described in response to Comment No. 3) will provide additional lead-time for affected industry to plan and account for stranded products accordingly.

5. WORKSHOP COMMENT

ACA suggests that the definition for "Nonflat-High Gloss Coating" in Section (c) – Definitions be retained since such products may still be sold during the sell-through period.

DISTRICT RESPONSE

The District disagrees. The removal of the category “Nonflat-High Gloss Coating” and combining it under the category “Nonflat Coating” in the proposed rule is consistent with the requirements of the CARB 2019 Suggested Control Measure (SCM) for Architectural Coatings. As specified in CARB’s July 18, 2019, letter to the air districts, CARB “strongly encourages air districts to adopt the SCM without modification” to ensure uniformity of architectural coating regulations throughout California.

6. WORKSHOP COMMENT

To minimize confusion, ACA suggests that Subsection (d)(4) be revised to include separate sell-through provisions for coatings and colorants consistent with the SCM as noted below:

4. Sell-Through Provisions: Coatings or colorants manufactured prior to the applicable effective date specified in Table 1 or Table 2 must meet the following:

(i) A coating manufactured prior to the effective date specified for that coating in Table 1 may be sold, supplied, or offered for sale for up to three years after the specified effective date. In addition, a coating manufactured before the effective date specified for that coating in Table 1 may be applied at any time, both before and after the specified effective date, so long as the coating complied with the standards in effect at the time the coating was manufactured. This subsection does not apply to any coating that does not display the date or date-code required by Subsection (e)(1)(i).

(ii) A colorant manufactured prior to the effective date specified for that colorant in Table 2 may be sold, supplied, or offered for sale for up to three years after the specified effective date. In addition, a colorant manufactured before the effective date specified for that colorant in Table 2 may be applied at any time, both before and after the specified effective date, so long as the colorant complied with the standards in effect at the time the colorant was manufactured. This subsection does not apply to any colorant that does not display the date or date-code required by Subsection e(3)(i).

DISTRICT RESPONSE

The District agrees. Subsection (d)(4) has been revised as suggested with some minor edits.

7. WORKSHOP COMMENT

ACA suggests that Subsections (e)(2)(ii) and (viii) be revised respectively to allow the use of all four label statements for Industrial Maintenance Coatings and Zinc-Rich Primers – “For industrial use only” or “For professional use only” or “Not for residential use” or “Not intended for residential use.” Some coatings manufacturers still utilize the “Not for residential use” or “Not intended for residential use” label statements. Allowing all four labeling statements will provide flexibility and lessens the burden of expensive label changes.

DISTRICT RESPONSE

The District disagrees. The proposed revisions to the labeling requirements for Industrial Maintenance Coatings and Zinc-Rich Primers are consistent with the requirements of the SCM and with the San Joaquin Valley Air Pollution Control District Rule 4601 – Architectural Coatings, which was amended on April 16, 2020. CARB has strongly encouraged air districts to adopt the SCM without modification, as previously noted in response to Comment No. 5.

8. WORKSHOP COMMENT

Does the District have plans to list aminomethyl propanol (AMP) as an exempt compound? It is very difficult for industry to manage if the various California air districts’ definitions of volatile organic compounds (VOC) do not align with EPA’s list of exempt compounds.

DISTRICT RESPONSE

The District is not proposing to list AMP as an exempt compound at this time. On September 15, 2015, the Office of Environmental Health Hazard Assessment (OEHHA) issued their final interim reference exposure levels (RELs) for AMP (i.e., the AMP concentration levels below which no adverse health effects are expected), which were low enough to cause concern. Accordingly, SCAQMD decided not to exempt AMP from their Rule 1113 – Architectural Coatings.

The District will reconsider its position on AMP at such time OEHHA further evaluates the possible toxicity of AMP and its metabolites, or CARB exempts AMP from statewide VOC regulations.

9. CARB COMMENT

CARB has no official comments at this time.

10. EPA COMMENT

To avoid ambiguity, and to clarify that a Reasonable Further Progress milestone failure determination and/or a failure to attain determination will trigger the small container exemption contingency measure, Subsection (b)(6) should be revised as follows:

*“On and after 60 ~~120~~ days following **the effective date of U.S. Environmental Protection Agency’s final determination** ~~a formal finding by the San Diego County Air Pollution Control Officer, CARB, or the U.S. Environmental Protection Agency (EPA), whichever occurs earliest,~~ that **one or both** of the conditions described in Clean Air Act Sections 172(c)(9) or 182(c)(9)...”*

DISTRICT RESPONSE

The District agrees. Subsection (b)(6) has been revised as suggested.

AMF:RC:jl
10/21/20

SOCIOECONOMIC IMPACT ASSESSMENT

**PROPOSED AMENDED
RULE 67.0.1 – ARCHITECTURAL COATINGS**

FEBRUARY 2021

Prepared by

**San Diego County Air Pollution Control District
10124 Old Grove Road
San Diego, CA 92131**

**SOCIOECONOMIC IMPACT ASSESSMENT
PROPOSED AMENDED RULE 67.0.1 –
ARCHITECTURAL COATINGS**

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EXECUTIVE SUMMARY

The San Diego County Air Pollution Control District (District) is required by federal and State law to adopt and periodically update rules to control and reduce ozone-forming emissions from stationary sources in the San Diego region, which is an ozone nonattainment area. The District's proposed amended Rule 67.0.1 – Architectural Coatings is the result of these federal and State requirements.

Additionally, when adopting, amending, or repealing a rule that will significantly affect air quality or emissions limitations, the District is required by State law to assess the socioeconomic impacts. Proposed amended Rule 67.0.1 will affect emissions limitations by establishing more stringent emissions standards for architectural coatings and colorants. Accordingly, this Socioeconomic Impact Assessment (SIA) has been prepared pursuant to State law.

Current Rule 67.0.1, adopted in 2015, controls volatile organic compound (VOC) emissions from the manufacture, sale and use of architectural coatings that include a variety of residential, commercial, and industrial paints, stains, varnishes, and other coatings. The rule aligned with the requirements of the California Air Resources Board (CARB) Suggested Control Measure (SCM) for Architectural Coatings issued in 2007.

Subsequently, CARB issued a new SCM in 2019 which set more stringent VOC limits for nine coatings categories, and VOC limits for three new coating categories and colorants. The SCM's lower VOC content limits and other new requirements for architectural coatings are based on data obtained from the CARB survey conducted in 2014.

Following the adoption of the 2019 SCM by the CARB Governing Board, the CARB Executive Officer's letter to California air pollution control districts strongly encouraged them to adopt the SCM without modification, except for reformatting as necessary.¹ Therefore, proposed amended Rule 67.0.1 aligns with the 2019 CARB SCM, and includes the same coating nomenclature, definitions, VOC emission limits, and other requirements.

Overall, the proposed amended rule is expected to have no significant impact on employment, business creation, elimination or expansion, or business competitiveness in San Diego County. The rule will not significantly affect individual consumers of new low VOC content coatings or colorants due to their current availability and comparable prices.

The proposed amended rule will provide sizeable air quality benefits by reducing emissions of VOCs that are precursors of ground level ozone, a major component of photochemical smog. Upon full implementation, the proposed amended rule will reduce VOC emissions from affected coatings and colorants by approximately 13% or 82 tons per year (0.22 tons per day).

I. INTRODUCTION

California law requires air pollution control districts (with populations of 500,000 people or higher) to perform an SIA when adopting, amending, or repealing rules and regulations that will significantly affect air quality and emission limitations.

The Health and Safety Code Section 40728.5, subdivision (b), specifies the following elements to be included in the SIA:

1. The type of industry or business, including small business, affected by the rule or regulation.
2. The impact of the rule or regulation on employment and the economy of the region affected by the adoption of the rule or regulation.
3. The range of probable costs to industry or business, including small business, of the rule or regulation.
4. The availability and cost-effectiveness of alternatives to the rule or regulation.
5. The emission reduction potential of the rule or regulation.
6. The necessity of adopting, amending, or repealing the rule or regulation in order to attain state and federal ambient air quality standards.

Pursuant to Health and Safety Code Section 40728.5(e), the analyses specified in 2. and 4. above are not required if the proposed rule is substantially similar to or required by a state or federal law, regulation, or formal guidance document, including federal Control Techniques Guidelines. The District considers the SCM to be a formal guidance document and accordingly, proposed amended Rule 67.0.1 aligns with the 2019 CARB SCM in terms of coating definitions, emission standards, and administrative, reporting, and testing requirements. Therefore, based on the Health and Safety Code stipulation, this SIA does not address either the availability or cost-effectiveness of the alternatives to proposed amended Rule 67.0.1, or its impact on the employment and the economy of San Diego County.

II. NECESSITY OF PROPOSED AMENDED RULE 67.0.1

The San Diego County Air Basin does not attain the National and State Ambient Air Quality Standards for ozone. Both federal and State laws require the District to implement rules that control emissions of ozone precursors – VOCs and oxides of nitrogen. Similarly, the California Clean Air Act requires the District to adopt all feasible measures to control and reduce ozone precursor emissions from stationary sources.

Current District Rule 67.0.1, adopted by the District in 2015, is consistent with the requirements of the 2007 CARB SCM for Architectural Coatings. Subsequently, CARB issued a new SCM in 2019 that was based on the latest achievements in low VOC content coating technology.

Adopting proposed amended Rule 67.0.1, which aligns with requirements of the 2019 CARB SCM, will provide the District with the opportunity to further control VOC emissions from architectural coatings and obtain sizeable VOC emission reductions. This action will also result in the improvement in air quality in San Diego County and expedite the attainment of the National and State Ambient Air Quality Standards for ozone.

III. SUMMARY OF PROPOSED AMENDED RULE 67.0.1

In summary, proposed amended Rule 67.0.1 will:

- Establish the following new coating categories and corresponding VOC content limits:

Coating Category	Proposed VOC Content Limit (grams/liter)
Building Envelope Coatings	50
Stains, Interior	250
Tile and Stone Sealers	100

- Lower the VOC content limits for the following existing coating categories:

Coating Category	Existing VOC Content Limit (grams/liter)	Proposed VOC Content Limit (grams/liter)
Aluminum Roof Coatings	400	100
Dry Fog Coatings	150	50
Fire Resistive Coatings	350	150
Floor Coatings	100	50
Form Release Compounds	250	100
Nonflat Coatings	100	50
Nonflat-High Gloss Coatings	150	50
Stains, Exterior	250	100
Waterproofing Membranes	250	100

- Establish new VOC content limits for colorants added to coatings:

Colorant Added To	Proposed VOC Content Limit (grams/liter)
Architectural Coatings, excluding Industrial Maintenance Coatings	50
Solvent-Based Industrial Maintenance Coatings	600
Waterborne Industrial Maintenance Coatings	50
Wood Coatings	600

- Update several test methods to reflect the latest versions.
- Add an anti-bundling provision to prevent bundling of exempt small containers to avoid meeting coating category limits.

- Add a contingency measure provision, pursuant to the requirements of the federal Clean Air Act, that removes the small container exemption from the rule only if and when the EPA were to issue a finding that the region did not meet certain federally mandated requirements regarding the 2008 or 2015 National Ambient Air Quality Standards for ozone.
- Add a three-year sell-through provision for coatings and colorants manufactured prior to January 1, 2022.

IV. TYPE OF INDUSTRIES AFFECTED BY THE PROPOSED AMENDED RULE

Proposed amended Rule 67.0.1 would potentially impact industries engaged in manufacturing paints, varnishes, enamels and allied products (NAICS 325510); end users of architectural coatings including do-it-yourself consumers and painting contractors that may be small businesses, and maintenance personnel (NAICS 238320); wholesale sellers of paints, varnishes, and supplies (NAICS 424950); and paint stores (NAICS 444120). In addition, the proposed amended rule may impact new construction and maintenance of industrial and non-industrial buildings, transportation infrastructure, and industrial structures, e.g. aboveground fuel tanks.

V. RANGE OF PROBABLE COSTS TO INDUSTRY INCLUDING SMALL BUSINESS

State law requires local air pollution control districts to conduct an SIA before adopting a rule that will significantly affect air quality or emission limitations. Proposed amended Rule 67.0.1 contains new, more stringent VOC emission limits and other new requirements for the manufacturing and use of architectural coatings. While the SCM is not a State regulation, CARB urged the air districts to adopt the SCM without significant changes so that the various local rules for architectural coatings would be uniform throughout California with the same VOC emission limitations and other requirements. Therefore, this SIA is using Chapter VIII. Economic Impacts in the Staff Report of the 2019 CARB SCM as a guidance document to assess the range of probable costs to industry due to proposed amended Rule 67.0.1.²

Overall, most affected businesses will be able to absorb the costs of the SCM VOC limits and requirements with no significant adverse impacts on their profitability. Profitability impacts were estimated by calculating the decline in the return on owner's equity (ROE). Based on the assumption that coating manufacturers will have to absorb all costs associated with the SCM, an average ROE decline of 3% is estimated, which is not considered to be a significant impact on the profitability of affected businesses. However, the proposed VOC limits may impose economic hardship on some small businesses with very little or no margin of profitability.

In addition, CARB expects the SCM to have no significant impact on employment, business creation, elimination or expansion, or business competitiveness in California. CARB also expects no significant adverse fiscal impacts on any local or State agencies. The total cost to architectural coating manufacturers affected by the SCM is approximately \$1.4 million per year in nonrecurring costs and \$1.6 million in annual recurring costs. This corresponds to a total annualized cost of \$3 million per year in 2019 dollars.

To project the maximum potential impacts on consumers, CARB assumes manufacturers and retailers pass on all the costs to consumers by raising the price of coatings that need reformulation. With this assumption, CARB projects a maximum cost increase ranging from a net savings to a cost of \$5.29 per reformulated gallon, with an average increase of about \$0.96 per gallon. Based on an assumed 4X multiplier (i.e., the distributor doubles the purchase price from the manufacturer, and the retailer doubles the purchase price from the distributor), the maximum retail price increase ranges from a net savings to a cost of about \$21.17 per reformulated gallon, with an average increase of about \$3.82 per gallon. Assuming the average retail price per gallon of noncompliant coating currently ranges from \$18.24 to \$66.16 with an average of about \$34.65, the maximum retail price increase would range from a net savings to a 24% increase, with an average increase of about 11%.

However, it is important to note that most individual consumers buy Stains (Exterior/Dual), Floor Coatings, Nonflat Coatings and Nonflat – High Gloss Coatings. For these categories, if all costs were passed on to consumers, CARB estimates a maximum retail price increase from \$0.79 to \$17.92 per reformulated gallon, with an average increase of \$3.43 per gallon. Assuming the average retail price per gallon of noncompliant coating ranges from \$28.12 to \$38.72, with an average of \$31.91, the maximum retail price increase would range from 2% to 46% increase, with an average increase of about 11%.

Consumers who do not wish to purchase these reformulated coatings could buy the available compliant coatings at current prices. These products will still be available with no expected price increase. The competition from the existing compliant coatings will constrain any price increases for the reformulated coatings. As a result, manufacturers would not be able to pass on all the costs to consumers, which was assumed in CARB's analysis. Therefore, the increase in actual retail price would be less than CARB's projections.

VI. EMISSION REDUCTION POTENTIAL AND COST-EFFECTIVENESS OF THE PROPOSED AMENDED RULE

The VOC emission reductions and cost-effectiveness of proposed amended Rule 67.0.1 were determined using the information provided in the Staff Report for the 2019 CARB SCM.

The VOC emissions in California, excluding the South Coast Air Quality Management District (SCAQMD), from the manufacture and use of architectural coatings were calculated by CARB based on the results of the 2014 Architectural Coating Survey. The data obtained represented the amount of architectural and industrial maintenance coatings and their VOC content sold in California during the 2013 calendar year. The VOC emissions from the data were calculated to be 11.5 tons per day.

The estimated VOC emissions and emission reductions as a result of the implementation of the 2019 CARB SCM in San Diego County were determined by apportioning the total VOC emissions for California to individual air districts and according to each district's population. It was also assumed that the population distribution by air districts in California did not significantly change in the last ten years.

According to 2018 Census Bureau data, California's population was estimated at 39.6 million. The population of the SCAQMD, which includes four counties, was estimated at 17.9 million. The population of San Diego County in 2018 was estimated at 3.3 million, which was 15.4% of the state population, excluding SCAQMD. Therefore, the estimated VOC emissions from architectural coatings in San Diego County are:

$$11.46 \text{ tons/day} \times 0.154 = 1.76 \text{ tons/day}$$

According to CARB, the statewide VOC emission reductions resulting from implementation of the 2019 CARB SCM will be approximately 12.7%. Accordingly, the projected VOC emission reductions resulting from implementation of proposed amended Rule 67.0.1 in San Diego County will be:

$$1.76 \text{ tons/day} \times 0.127 \times 365 \text{ days/year} = 82 \text{ tons/year}$$

CARB also determined the individual cost-effectiveness of the proposed new lower VOC content limits for each coating category of the SCM, and the cost increase per gallon of each coating for consumers based on raw material costs (not on actual retail prices). The overall average cost-effectiveness of the SCM was estimated to be \$1.85 per pound of VOC reduced. It is significantly below the District's average cost-effectiveness for rules controlling VOC emissions of \$6 per pound of VOC reduced.

VII. CONCLUSION

Overall, the proposed amended rule is expected to have no significant impact on employment, business creation, elimination or expansion, or business competitiveness in California. The District also expects no significant adverse fiscal impacts on any local or State agencies. The rule will not significantly affect individual consumers of new low VOC content coatings or colorants due to their current availability and comparable prices.

The proposed amended rule will provide sizeable air quality benefits by reducing emissions of VOCs that are precursors of ground level ozone, a major component of photochemical smog.

References

1. Letter from Richard W. Corey, CARB Executive Officer, to Air Pollution Control Districts, July 18, 2019.
2. Staff Report, Suggested Control Measure for Architectural Coatings, California Air Resources Board, 2019.

RULE 67.0.1. ARCHITECTURAL COATINGS

(~~Adopted June 24, 2015, Effective January 1, 2016~~ Rev. Adopted *(date of adoption)*, Effective January 1, 2022)

(a) APPLICABILITY

(1) Except as provided in Section (b) Exemptions, this rule is applicable to any person who manufactures, blends or repackages, supplies, sells, markets, offers for sale, applies, or solicits the application of any architectural coating for use within San Diego County.

(2) Rule 66.1 - Miscellaneous Surface Coating Operations and Other Processes Emitting Volatile Organic Compounds shall not apply to any coating subject to this rule.

(b) EXEMPTIONS

This rule shall not apply to:

(1) Any architectural coating that is sold or manufactured for use outside of San Diego County or for shipment to other manufacturers for reformulation or repackaging.

(2) Any aerosol coating product.

(3) Emulsion-type bituminous pavement sealers subject to ~~District's~~ Rule 67.7 – {Cutback and Emulsified Asphalts}, and applied to roads.

(4) Except as provided in Subsections (b)(6), A any architectural coating sold in a container with a volume of one liter (1.057 quart) or less, provided that sales data of such coatings are submitted in accordance with the requirements of Subsection (f)(1), upon request of the Executive Officer of CARB or the San Diego County Air Pollution Control Officer-, and the following requirements are met:

(i) The coating container is not bundled together with other containers of the same specific coating category (listed in Subsection (d)(1) Table 1. VOC Content of Coatings) to be sold as a unit that exceeds one liter (1.057 quart), excluding containers packed together for shipping to a retail outlet; and

(ii) The label or any other product literature does not suggest combining multiple containers of the same specific category (listed in Subsection (d)(1) Table 1. VOC Content of Coatings) so that the combination exceeds one liter (1.057 quart).

(5) The VOC limits in Subsection (d)(1) Table 2. VOC Content of Colorants shall not apply to the following:

(i) Colorant added at the factory or at the worksite; and

(ii) Containers of colorant sold at the point of sale for use in the field or on a job site.

(6) On and after ~~120~~ 60 days following a formal finding by the San Diego County Air Pollution Control Officer, CARB, or the effective date of the U.S. Environmental Protection Agency's (EPA), whichever occurs earliest, final determination that one or both of the conditions described in Clean Air Act Sections 172(c)(9) or 182(c)(9) have occurred in San Diego County regarding the 2008 or 2015 8-hour Ozone National Ambient Air Quality Standard, the categories of coatings listed below shall no longer be exempt from the provisions of Table 1. VOC Content of Coatings when sold in containers having capacities of one liter (1.057 quarts) or less:

- (i) Bituminous Roof Coatings;
- (ii) Flat Coatings that are sold in containers having capacities greater than eight fluid ounces;
- (iii) Magnesite Cement Coatings;
- (iv) Multi-Color Coatings;
- (v) Nonflat Coatings that are sold in containers having capacities greater than eight fluid ounces;
- (vi) Pretreatment Wash Primers;
- (vii) Reactive Penetrating Sealers;
- (viii) Shellacs (Clear and Opaque);
- (ix) Stone Consolidants;
- (x) Swimming Pool Coatings;
- (xi) Tub and Tile Refinishing Coatings;
- (xii) Wood Coatings; and
- (xiii) Wood Preservatives.

(c) DEFINITIONS

For the purpose of this rule the following definitions shall apply:

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

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

(3) “**Aluminum Roof Coating**” means a coating labeled and formulated exclusively for application to roofs and containing at least 84 grams of elemental aluminum pigment per liter of coating (at least 0.7 lbs/gallon) as determined in accordance with South Coast Air Quality Management District’s (SCAQMD) Test Method 318-95, incorporated by reference in Subsection (f)(2)(ii)(G).

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

(5) “**Architectural Coating**” means coating to be applied to stationary structures and/or their appurtenances at the site of installation (stationary source), to portable buildings including mobile homes at the site of installation, to pavements, or to curbs. Coatings applied in off-site shops or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are not considered architectural coatings.

(6) “**ASTM**” means ASTM International.

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

(i) Be capable of withstanding at least 10 psi of hydrostatic pressure as determined in accordance with ASTM D7088-~~08~~17 incorporated by reference in Subsection (f)(2)(ii)(H); and

(ii) Be resistant to mold and mildew growth determined in accordance with ASTM D3273-~~12~~16 and achieve a microbial growth rating of 8 or more as determined in accordance with ASTM D3274-09(~~2013~~2017), both incorporated by reference in Subsection (f)(2)(ii)(H).

(8) “**Bitumens**” means 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 obtained from natural deposits or as residues from the distillation of crude petroleum or coal.

(9) “**Bituminous Roof Coating**” means a coating which incorporates bitumens and is labeled and formulated exclusively for roofing.

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

(11) “**Bond Breaker**” means 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.

(12) “**Building Envelope**” means the ensemble of exterior and demising partitions of a building that enclose conditioned space.

(13) “**Building Envelope Coating**” means the fluid applied coating applied to the building envelope to provide a continuous barrier to air or vapor leakage through the building envelope that separates conditioned from unconditioned spaces. Building Envelope Coatings are applied to diverse materials including, but not limited to, concrete masonry units (CMU), oriented strand board (OSB), gypsum board, and wood substrates and must meet the following performance criteria:

(i) Air Barriers formulated to have an air permeance not exceeding 0.004 cubic feet per minute per square foot under a pressure differential of 1.57 pounds per square foot (0.004 cfm/ft² @ 1.57 psf), [0.02 liters per square meter per second under a pressure differential of 75 Pa (0.02 L/(s m²) @ 75 Pa)] when tested in accordance with ASTM E2178-13, incorporated by reference in Subsection (f)(2)(ii)(I); and/or

(ii) Water Resistive Barriers formulated to resist liquid water that has penetrated a cladding system from further intruding into the exterior wall assembly and is classified as follows:

(A) Passes water resistance testing accordance to ASTM E331-00(2016), incorporated by reference in Subsection (f)(2)(ii)(I); and

(B) Water vapor permeance is classified in accordance with ASTM E96/E96M-16, incorporated by reference in Subsection (f)(2)(ii)(I).

(1214) “**CARB**” means the California Air Resources Board.

(1315) “**Coating**” means 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.

(1416) “**Colorant**” means a dispersion of a concentrated pigment in water, solvent and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color.

(1517) “**Concrete Curing Compound**” means a coating labeled and formulated for application to freshly poured concrete to perform the following functions:

- (i) Retard the evaporation of water; or
- (ii) Harden or dust proof the surface of freshly poured concrete.

~~(1618)~~ **“Concrete/Masonry Sealer”** means a clear or opaque coating labeled and formulated primarily for application to concrete and masonry surfaces to perform one or more of the following functions:

- (i) Prevent penetration of water;
- (ii) Provide resistance against abrasion, acids, alkalis, mildew, staining or ultraviolet light;
- (iii) Harden or dustproof the surface of aged or cured concrete.

~~(1719)~~ **“Driveway Sealer”** means a coating labeled and formulated for application to worn asphalt driveway surfaces to perform one or more of the following functions:

- (i) Fill cracks;
- (ii) Seal surface to provide protection;
- (iii) Restore or preserve the appearance.

~~(1820)~~ **“Dry Fog Coating”** means a coating labeled and formulated only for spray application to ensure that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.

~~(1921)~~ **“Exempt Compound”** means the same as defined in Rule 2 – Definitions.

~~(2022)~~ **“Faux Finishing Coating”** means a coating labeled and formulated to use as:

- (i) A glaze or textured coating to create artistic effects including, but not limited to, dirt, old age, smoke damage, suede, simulated marble or wood grain; or
- (ii) A decorative coating to create a metallic, iridescent, or pearlescent appearance that contains at least 48 g/liter (0.4 lbs/gallon) of pearlescent mica pigment or other pearlescent pigment as applied; or
- (iii) A decorative coating to create a metallic appearance that contains less than 48 g/liter (0.4 lbs/gal) of elemental metallic pigment, as applied, determined by SCAQMD Test Method 318-95, incorporated by reference in Subsection(f)(2)(ii)(~~K~~ L); or
- (iv) A decorative coating to create a metallic appearance that requires a clear topcoat to prevent the degradation of the finish under the normal use conditions. This coating must contain more than 48 g/liter (0.4 lbs/gal) of elemental metallic pigment,

as applied, determined by SCAQMD Test Method 318-95, incorporated by reference in Subsection (f)(2)(ii)(~~K-L~~); or

(v) A clear topcoat to seal and protect a Faux Finishing coating defined in this Subsection (c)(~~20-22~~), sold and used solely as part of a Faux Finishing coating system and labeled in accordance with Subsection (e)(2)(i).

(~~24~~23) “**Fire-Resistive Coating**” means a coating labeled and formulated to protect the structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials. This coating category includes sprayed fire-resistive materials and intumescent coatings that are used to bring structural materials into compliance with federal, state, and local building code requirements. The fire-resistive coatings shall be tested in accordance with ASTM E119-4420, incorporated by reference in Subsection (f)(2)(ii)(~~I-J~~). The fire-resistive coatings and the testing agency must also be approved by building code officials.

(~~22~~24) “**Flat Coating**” means a coating that is not described 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 in accordance with ASTM D523-14(2018) incorporated by reference in Subsection (f)(2)(ii)(~~J-K~~).

(~~23~~25) “**Floor Coating**” means an opaque coating labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, garage floors, and other horizontal surfaces which may be subject to foot traffic.

(~~24~~26) “**Form-Release Compound**” means 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 be made of wood, metal, or some material other than concrete.

(~~25~~27) “**Graphic Arts Coating or Sign Paint**” means a coating labeled and formulated for hand application by artists using brush, air brush or roller techniques to indoor and outdoor signs (excluding structural components) and murals including lettering enamels, poster colors, copy blockers, and bulletin enamels.

(~~26~~28) “**High-Temperature Coating**” means a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 400°F (204°C).

(~~27~~29) “**Industrial Maintenance Coating**” means high performance architectural coatings, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for application to various substrates, including floors, labeled as specified in Subsection (e)(2)(ii) and exposed to one or more of the following extreme environmental conditions:

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

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

(iii) Frequent exposure to temperature above 250°F (121°C); or

(iv) Frequent heavy abrasion, including mechanical wear and frequent scrubbing with industrial solvents, cleansers, or scouring agents; or

(v) Exterior exposure of metal structures and structural components.

(30) “**Interior Stain**” means a stain labeled and formulated exclusively for use on interior surfaces.

~~(2831)~~ **“Intumescent”** is a material that swells as a result of heat exposure, thus increasing in volume and decreasing in density.

~~(2932)~~ **“Low-Solids Coating”** means a coating that contains one pound or less of solids per gallon (120 grams or less of solids per liter) of coating material. The VOC content of low-solids coatings shall be calculated as VOC content of material in accordance with Subsection (d)(6)(ii).

~~(3033)~~ **“Magnesite Cement Coating”** means a coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

~~(3434)~~ **“Manufacturer’s Maximum Thinning Recommendation”** means the maximum recommended thinning ratio that is indicated on the label or lid of the coating container.

(35) “**Market**” means to facilitate sales through third party vendors including, but not limited to, catalog or ecommerce sales that bring together buyers and sellers. For the purposes of this rule, market does not mean to generally promote or advertise coatings.

~~(3236)~~ **“Mastic Texture Coating”** means a coating labeled and formulated to cover holes and minor cracks, conceal surface irregularities and applied in a single coat of at least 0.010 inch (10 mils) dry film thickness.

~~(3337)~~ **“Medium Density Fiberboard (MDF)”** means a composite wood product, panel, molding, or other building material composed of cellulosic fibers (usually wood) made by dry forming and pressing of a resinated fiber mat.

~~(3438)~~ **“Metallic Pigmented Coating”** means a coating labeled and formulated to provide a metallic appearance. The coating must contain at least 48 g/liter of coating (0.4 lbs/gallon) of elemental metallic pigment (excluding zinc), as applied and as tested by SCAQMD Test Method 318-95, incorporated by reference in Subsection (f)(2)(ii)~~(K-L)~~. This coating category does not include Zinc-Rich Primers or coatings applied to roofs.

(3539) “**Multi-Color Coating**” means a coating labeled and formulated to exhibit more than one color when applied in a single coat and packaged in a single container.

(3640) “**Nonflat Coating**” means a coating that is not described by any other definition of 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 as measured in accordance with ASTM D523-14(2018), incorporated by reference in Subsection (f)(2)(ii)(J-K).

~~(37) “**Nonflat-High Gloss Coating**” means a nonflat coating that is not described in any other definition in this rule and that registers a gloss of 70 or above on a 60 degree meter as measured in accordance with ASTM D523-14, incorporated by reference in Subsection (f)(2)(ii)(J). Nonflat High Gloss coatings must be labeled in accordance to Subsection (e)(2)(iii).~~

(3841) “**Particle Board**” means a composite wood product panel, molding, or other building component composed of cellulosic material (usually wood) in the form of discreet particles, as distinguished from fibers, flakes, or strands, which are pressed together with resin.

(3942) “**Pearlescent**” means exhibiting various colors depending on the angle of illumination and viewing, as observed in mother-of-pearl.

(4043) “**Plywood**” means a panel consisting of layers of wood veneers or composite core pressed together with resin. Plywood includes panels made by either hot or cold pressing (with resin) veneers to a platform.

(4144) “**Post-Consumer Coating**” means a finished coating generated by a business or a consumer that has served its intended end uses, and is recovered from or otherwise diverted from the waste stream for the purpose of recycling.

(4245) “**Pretreatment Wash Primer**” means a primer that contains a minimum of 0.5 percent acid, by weight, and labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats. The acidity of a Pretreatment Wash Primer shall be measured by ASTM D1613-06(2012) 17 incorporated by reference in Subsection (f)(2)(ii)(F).

(4346) “**Primers, Sealers, and Undercoaters**” mean coatings labeled and formulated for one or more of the following purposes:

- (i) To provide a firm bond between the substrate and the subsequent coatings;
- (ii) To prevent subsequent coatings from being absorbed by the substrate;
- (iii) To prevent harm to subsequent coatings by materials in the substrate;
- (iv) To provide a smooth surface for the subsequent application of coatings;

- (v) To provide a clear finish coat to seal the substrate;
- (vi) To block materials from penetrating into or leaching out of the substrate.

(4447) **“Reactive Penetrating Sealer”** means a clear or pigmented coating labeled and formulated for application to above-grade concrete and masonry to provide protection from water and waterborne contaminants, including, but not limited to, alkalis, acids, and salts. Reactive Penetrating Sealers must penetrate into concrete and masonry substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrate. This coating lines the pores of concrete and masonry with hydrophobic coating, but does not form a surface film.

Reactive Penetrating Sealers must be labeled as such according to the requirements of Subsection (e)(2)(~~v~~iv) and also meet the following requirements:

(i) Improve water repellency after application on concrete or masonry by at least 80% verified on standardized test specimens in accordance with ASTM C67-14 /C67M-20, ASTM C97/C97M-09-18 or ASTM C140/C140M-14-20, incorporated by reference in Subsection (f)(2)(ii)(~~M-N~~); and

(ii) ~~Not reduce the water transmission rate after application on concrete or masonry by more than 2% verified on standardized test specimens in accordance with ASTM E96/E96M-14,~~ Provide a breathable waterproof barrier for concrete or masonry surfaces that does not prevent or substantially retard water vapor transmission. This performance must be verified on standardized test specimens, in accordance with ASTM E96/E96M-16 or ASTM D6490-99(2014), incorporated by reference in Subsection (f)(2)(ii)(~~M-N~~).

(iii) ~~In addition,~~ Reactive penetrating sealers labeled and formulated for vehicular traffic surface chloride screening must meet the performance criteria in the National Cooperative Highway Research 244 (1981) incorporated by reference in Subsection (f)(2)(ii)(~~M-N~~).

(4548) **“Recycled Coating”** means an architectural coating formulated to contain a minimum of 50% by volume of post-consumer coating, with a maximum of 50% by volume of secondary industrial or virgin materials.

(4649) **“Residential”** means areas where people reside or lodge, including, but not limited to, single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels and hotels.

(4750) **“Roof Coating”** means a non-bituminous coating labeled and formulated for application to roofs for the primary purpose of preventing water penetration, reflecting ultraviolet light, or reflecting solar radiation.

(4851) **“Rust Preventative Coating”** means a coating labeled and formulated to prevent the corrosion of metal surfaces for the following applications:

- (i) Direct-to-metal coating; or
- (ii) Coating intended for application over rusty, previously coated metal surfaces.

The Rust Preventative Coating category does not include coatings that are required to be applied as a topcoat over a primer, or coatings that are intended for use on wood or other non-metallic surfaces. Rust Preventative Coatings must be used only for metal surfaces and labeled as such in accordance to Subsection (e)(2)(~~iv~~-iii).

(4952) “**Secondary Industrial Materials**” mean products or by-products of the paint manufacturing processes that are of known composition and have economic value but can no longer be used for their intended purpose.

(5053) “**Semitransparent Coating**” means a coating that contains binders and colored pigments and is formulated to change the color of the surface but not conceal its grain patterns or texture.

(5154) “**Shellac**” means a clear or opaque coating formulated solely with the resinous secretions of the lac beetle (*Laccifer lacca*), and formulated to dry by evaporation without a chemical reaction.

(5255) “**Shop Application**” means 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.

(5356) “**Solicit**” means to require for use or to specify, by written or oral contract.

(5457) “**Specialty Primers, Sealers, and Undercoaters**” mean coatings formulated for application to a substrate to block water-soluble stains resulting from fire damage, smoke damage, or water damage. Specialty primers, sealers, and undercoaters must be labeled as such according to the requirements of Subsection (e)(2)(v).

(5558) “**Stain**” means a semitransparent or opaque coating labeled and formulated to change the color of a surface, but not to conceal the grain pattern or texture.

(5659) “**Stone Consolidant**” means a coating labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone Consolidants penetrate into stone substrates to create bonds between particles and consolidate deteriorated material. Stone Consolidants are for professional use only and must be labeled according to the requirements of Subsection (e)(2)(vi). Stone Consolidants must be specified and used in accordance with ASTM E2167-01(2008), incorporated by reference in Subsection (f)(2)(ii)(~~N-O~~).

(5760) “**Swimming Pool Coating**” means a coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals. Swimming pool coatings include coatings used for swimming pool repair and maintenance.

(61) “**Tile and Stone Sealers**” means a clear or pigmented sealer that is used for sealing tile, stone or grout to provide resistance against water, alkalis, acids, ultraviolet light or straining and which meet one of the following subcategories:

(i) Penetrating sealers are polymer solutions that cross-link in the substrate and must meet the following criteria:

(A) A fine particle structure to penetrate dense tile such as porcelain with absorption as low as 0.10 percent per ASTM C373-18, ASTM C97/C97M-18, or ASTM C642-13, incorporated by reference in Subsection (f)(2)(ii)(P);

(B) Retain or increase static coefficient of friction per ANSI A137.1 (2019), incorporated by reference in Subsection (f)(2)(ii)(P);

(C) Not create a topical surface film on the tile or stone; and

(D) Allow vapor transmission per ASTM E96/E96M-16, incorporated by reference in Subsection (f)(2)(ii)(P).

(ii) Film forming sealers which leave a protective film on the surface.

(5862) “**Tint Base**” means an architectural coating to which colorant is added after packaging in sale units to produce a desired color.

(5963) “**Traffic Marking Coating**” means 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. This coating category also includes Methacrylate Multicomponent Coatings used as traffic marking coatings. The VOC content of Methacrylate Multicomponent Coatings used as traffic marking coatings shall be analyzed by the procedures in 40 CFR Part 59, Subpart D, Appendix A, incorporated by reference in Subsection (f)(2)(ii)(~~L~~M).

(6064) “**Tub and Tile Refinish Coating**” means a clear or opaque coating labeled and formulated exclusively for refinishing the surface of a bathtub, shower, sink, or countertop. Tub and Tile Refinish coatings must have all of the following properties:

(i) Scratch hardness of 3H or more and a gouge hardness of 4H or more. Scratch hardness must be determined on bonderite 1000, in accordance with ASTM D3363-05(2011)e2, incorporated by reference in Subsection (f)(2)(ii)(~~Θ~~Q).

(ii) Weight loss of 20 milligrams or less after 1000 cycles. Weight loss must be determined with CS 17 wheels on bonderite 1000, in accordance with ASTM D4060-14-19, incorporated by reference in Subsection (f)(2)(ii)(~~Θ~~Q).

(iii) Withstand 1000 hours of more of exposure, with few or no #8 blisters. This must be determined on unscribed bonderite, in accordance with ASTM

D4585/D4585M-13-18 and ASTM D714-02(2009-2017), incorporated by reference in Subsection (f)(2)(ii)(P-Q).

(iv) Adhesion rating of 4B or better after 24 hours recovery. Adhesion rating must be determined by on unscribed bondrite, in accordance with ASTM D4585/D4585M-13-18 and ASTM D3359-09e2-17, incorporated by reference in Subsection (f)(2)(ii)(P-Q).

(6465) “**Veneer**” means thin sheets of wood peeled or sliced from logs for use in the manufacture of wood products such as plywood, laminated veneer lumber, or other products.

(6266) “**Virgin Materials**” mean materials that contain no secondary industrial materials or post-consumer coatings.

(6367) “**Volatile Organic Compound (VOC)**” means the same as defined in Rule 2-Definitions.

(6468) “**VOC Content Actual**” means the weight of VOC per total volume of coating or colorant, including any water and exempt compounds, and calculated as specified in Subsection (d)(6)(ii).

(6569) “**VOC Content Regulatory**” also known as “VOC content, less water and exempt compounds”, means the weight of VOC per volume of coating or colorant, excluding the volume of water and exempt compounds, and calculated as specified in Subsection (d)(6)(i).

(6670) “**VOC Content of Material**” means the same as VOC ~~e~~-Content a-Actual.

(6771) “**Waterproofing Membrane**” means a clear or opaque coating labeled and formulated for application to concrete and masonry surfaces to provide a seamless coat that prevents any penetration of liquid water into the substrate. These coatings are intended for the following waterproofing applications: below-grade surfaces, between concrete slabs, inside tunnels, inside concrete planters, and under flooring materials. Waterproofing Membranes must meet the following criteria:

(i) Coating must be applied in a single coat of at least 0.025 inch (25 mils) ~~(0.025-inch)~~ dry film thickness; and

(ii) Coatings must meet or exceed the requirements of ASTM C836/C836M-12-18 incorporated by reference in Subsection (f)(2)(ii)(P-R).

The Waterproofing Membranes category ~~do~~-does not include topcoats that meet the definition of Concrete/Masonry Sealers category (e.g., parking deck topcoats, pedestrian deck topcoats, etc.).

~~(6872)~~ **“Wood Coating”** means a coating labeled according to the requirements of Subsection (e)(2)(vii) and formulated only for application to wood substrates. The Wood Coating category includes the following clear and semitransparent coatings: lacquers, varnishes, sanding sealers, penetrating oils, clear stains and wood conditioners used as undercoats, and wood sealers used as topcoats. The Wood Coating category also includes the following opaque coatings: opaque lacquers, opaque sanding sealers and opaque lacquer undercoaters. The Wood Coating category does not include the following: clear sealers that are labeled and formulated for use on concrete/masonry surfaces; or coatings intended for substrates other than wood.

~~(6973)~~ **“Wood Preservative”** means a coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered with both the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code Section 136, *et seq.*) and with the California Department of Pesticide Regulation.

~~(7074)~~ **“Wood Substrate”** means a product made of wood, particleboard, plywood, medium density fiberboard, rattan, wicker, bamboo, or composite products with exposed wood grain. Wood Substrate does not include items comprised of simulated wood.

~~(7175)~~ **“Zinc-Rich Primer”** means a coating ~~labeled according to the requirements of Subsection (e)(2)(viii)~~ that also meets all of the following specifications:

- (i) Contains at least 65 weight percent of total solids as metallic zinc powder or zinc dust;
- (ii) Formulated for application to metal substrates to provide a firm bond between the substrate and subsequent coatings; and
- (iii) Intended for professional use only and labeled as such in accordance with the labeling requirements of Subsection (e)(2)(viii).

(d) **STANDARDS**

(1) VOC Content Limits

With the exception of low-solids coatings, VOC content limits of architectural coatings in Table 1. VOC Content of Coatings and colorants in Table 2. VOC Content of Colorants below are expressed as VOC content regulatory. VOC content limits of low-solids coatings are expressed as VOC content actual (material).

Except as provided in Section (b) Exemptions and Subsections (d)(2), (d)(3) and (d)(4) no person shall:

- (i) manufacture, blend, or repackage for use within San Diego County;
- (ii) supply, sell, market, or offer for sale within San Diego County; or

(iii) solicit for application or apply within San Diego County, any architectural coating with a VOC content in excess of the corresponding limits specified below:

Table 1. VOC Content of Coatings*

Coating Categories	VOC	Content
General Coatings	Grams/liter	Lbs/gallon
Flat Coatings	50	0.4
Nonflat Coatings	100 <u>50</u>	0.8 <u>0.4</u>
Nonflat High Gloss Coatings	150	1.3
Specialty Coatings	Grams/liter	Lbs/gallon
Aluminum Roof Coatings	400 <u>100</u>	3.3 <u>0.8</u>
Basement Specialty Coatings	400	3.3
Bituminous Roof Coatings	50	0.4
Bituminous Roof Primers	350	2.9
Bond Breakers	350	2.9
<u>Building Envelope Coatings</u>	<u>50</u>	<u>0.4</u>
Concrete Curing Compounds	350	2.9
Concrete / Masonry Sealers	100	0.8
Driveway Sealers	50	0.4
Dry Fog Coatings	150 <u>50</u>	1.3 <u>0.4</u>
Faux Finishing Coatings	350	2.9
Fire Resistive Coatings	350 <u>150</u>	2.9 <u>1.3</u>
Floor Coatings	100 <u>50</u>	0.8 <u>0.4</u>
Form-Release Compounds	250 <u>100</u>	2.1 <u>0.8</u>
Graphic Arts Coatings (Sign Paints)	500	4.2
High-Temperature Coatings	420	3.5
Industrial Maintenance Coatings	250	2.1
Low-solids Coatings**	120	1.0
Magnesite Cement Coatings	450	3.8
Mastic Texture Coatings	100	0.8
Metallic Pigmented Coatings	500	4.2
Multi- e <u>Color</u> Coatings	250	2.1
Pretreatment Wash Primers	420	3.5
Primers, Sealers and Undercoaters	100	0.8
Reactive Penetrating Sealers	350	2.9
Recycled Coatings	250	2.1
Roof Coatings	50	0.4
Rust Preventative Coatings	250	2.1
Shellacs: Clear	730	6.1
Opaque	550	4.6
Specialty Primers, Sealers and Undercoaters	100	0.8
Stains: <u>Exterior/Dual</u>	250 <u>100</u>	2.1 <u>0.8</u>
<u>Interior</u>	<u>250</u>	<u>2.1</u>
Stone Consolidants	450	3.8
Swimming Pool Coatings	340	2.8
<u>Tile and Stone Sealers</u>	<u>100</u>	<u>0.8</u>

Specialty Coatings	VOC Grams/liter	Content Lbs/gallon
Traffic Marking Coatings	100	0.8
Tub and Tile Refinish Coatings	420	2.9
Waterproofing Membranes	250 100	2.1 0.8
Wood Coatings	275	2.3
Wood Preservatives	350	2.9
Zinc-Rich Primers	340	2.8

*Thinned to the manufacturer's maximum thinning recommendations excluding any colorant added to tint bases.

**VOC content of low-solids coatings is calculated as VOC content actual (material).

Table 2. VOC Content of Colorants

<u>Colorant Added To</u>	<u>VOC</u>	<u>Content</u>
<u>Coating Categories</u>	<u>Grams/liter</u>	<u>Lbs/gallon</u>
<u>Architectural Coatings, excluding</u> <u>Industrial Maintenance Coatings</u>	<u>50</u>	<u>0.4</u>
<u>Solvent-Based Industrial Maintenance</u> <u>Coatings</u>	<u>600</u>	<u>5.0</u>
<u>Waterborne Industrial Maintenance</u> <u>Coatings</u>	<u>50</u>	<u>0.4</u>
<u>Wood Coatings</u>	<u>600</u>	<u>5.0</u>

(2) Coatings Not Listed in Table 1. VOC Content of Coatings

For any coating that does not conform with any of the definitions for the specialty coating categories listed in Table 1. VOC Content of Coatings, the VOC content limit shall be determined by classifying this coating, based on its gloss, as either a flat coating, ~~nonflat coating~~ or a nonflat ~~high gloss~~ coating, defined in Subsections (c)(22-24), ~~(c)(36)~~ or (c)(37-40), as applicable. The corresponding flat or nonflat VOC content limit in Table 1. VOC Content of Coatings ~~for a coating category classified by this determination~~ shall apply.

(3) Most Restrictive VOC Content Limits

If a coating meets the definition in Section (c) Definitions for one or more specialty coating categories listed in Table 1. VOC Content of Coatings, then that coating is not required to meet the VOC Content limits for Flat, ~~Nonflat~~, or Nonflat ~~High Gloss~~ coatings, but is required to meet the VOC content limit for the applicable specialty coating category listed in Table 1. VOC Content of Coatings, then the most restrictive VOC content limits shall apply.

With the exception of the specialty category coatings specified below, if a coating is recommended for use in more than one specialty categories listed in Table 1. VOC Content of Coatings, the most restrictive VOC content limit shall apply. This requirement applies to usage recommendations that appear anywhere on the coating container, or on any label

or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by the manufacturer or anyone acting on his/her behalf.

This provision does not apply to the specialty coating categories specified below:

- (i) Aluminum roof coatings,
- (ii) Bituminous roof primers,
- (iii) High-temperature coatings,
- (iv) Industrial maintenance coatings,
- (v) Low-solids coatings,
- (vi) Metallic pigmented coatings,
- (vii) Pretreatment wash primers,
- (viii) Shellacs,
- (ix) Specialty primers, sealers, and undercoaters
- (x) Wood coatings,
- (xi) Wood preservatives, and
- (xii) Zinc-Rich primers.

(4) Sell-Through of Coatings Provisions

~~A Coatings or colorants manufactured prior to January 1, 2016-2022 may be sold, supplied, or offered for sale for up to three years after January 1, 2016-2022, provided that the coating or colorant complied with all applicable provisions of current Rule 67.0-67.0.1 – Architectural Coatings (effective 12/12/01-01/01/16, incorporated by reference). Such coating or colorant may also be applied at any time, both before and after January 1, 2016-2022, shall comply with the following requirements:~~

- (i) A coating manufactured prior to January 1, 2022, may be sold, supplied, or offered for sale for up to three years after January 1, 2022. In addition, a coating manufactured before January 1, 2022 may be applied at any time, both before and after January 1, 2022, so long as the coating complied with all applicable provisions of current Rule 67.0.1 – Architectural Coatings (effective 01/01/16, incorporated by reference). This provision does not apply to any coating that does not display the date or date-code required by Subsection (e)(1)(i).

(ii) A colorant manufactured prior to January 1, 2022, may be sold, supplied, or offered for sale for up to three years after January 1, 2022. In addition, a colorant manufactured before January 1, 2022, may be applied at any time, both before and after January 1, 2022, so long as the colorant complied with all applicable provisions of current Rule 67.0.1 – Architectural Coatings (effective 01/01/16, incorporated by reference). This provision does not apply to any colorant that does not display the date or date-code required by Subsection (e)(3)(i).

~~This Subsection does not apply to any coating or colorant that does not display the date or date-code required by Subsections (e)(1)(i) or (e)(3)(i).~~

(5) Thinning

No person who applies or solicits the application of any architectural coating shall apply or specify the application of a coating that is thinned to exceed the applicable VOC limit specified in Table 1, VOC Content of Coatings.

(6) Calculations of VOC Content of Architectural Coatings or Colorants

For the purpose of determining compliance with the VOC content limits in Table ~~1~~, VOC Content of Coatings or Table 2. VOC Content of Colorants, the VOC content of a coating or colorant shall be calculated as follows:

(i) With the exception of low-solids coatings, the VOC content of architectural coatings or colorants, also referred to as VOC content regulatory, shall be calculated as weight of VOC per volume of coating or colorant thinned to the manufacturer's maximum recommendation, excluding the volume of any water and exempt compounds, according to the following equation:

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

Where: VOC content = grams of VOC per liter of coating or colorant

W_s = weight of all volatiles, in grams

W_w = weight of water, in grams

W_{ec} = weight of exempt compounds, in grams

V_m = volume of coating or colorant, in liters

V_w = volume of water, in liters

V_{ec} = volume of exempt compounds, in liters

(ii) For low-solids coatings, the VOC content, also referred to as VOC content actual, shall be calculated as weight of VOC per volume of coating or colorant, thinned to the manufacturer's maximum recommendation, including the volume of any water and exempt compound:

$$\text{VOC content}_{ls} = (W_s - W_w - W_{ec}) / (V_m)$$

Where: VOC content $_{ls}$ = grams of VOC per liter of coating or colorant

W_s	=	weight of all volatiles, in grams
W_w	=	weight of water, in grams
W_{ec}	=	weight of exempt compounds, in grams
V_m	=	volume of coating <u>or colorant</u> , in liters

(iii) The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured.

(iv) If the manufacturer does not recommend thinning, the VOC content must be calculated for the coating as supplied. If the manufacturer recommends thinning, the VOC content regulatory shall be calculated by including the maximum amount of thinning solvent as recommended by the manufacturer.

(v) The VOC content of a multicomponent coating shall be calculated as mixed or catalyzed.

(vi) If the coating contains silanes, siloxanes or other ingredients that generate ethanol or other VOCs during the curing process, the calculated VOC content must include the VOCs emitted during curing.

(7) Painting Practices

All persons using containers for storing, transferring or otherwise utilizing architectural coatings, thinners, cleanup solvents, or other materials which contain volatile organic compounds shall comply with the requirements of Rule 67.17 – Storage of Materials Containing Volatile Organic Compounds.

(8) Colorants

No person within San Diego County shall, at the point of sale of any architectural coating subject to Subsection (d)(1), add to such coating any colorant that contains VOC in excess of the corresponding applicable VOC limit specified in Table 2. VOC Content of Colorants. The point of sale includes retail outlets that add colorant to a coating container to obtain a specific color.

(e) **ADMINISTRATIVE REQUIREMENTS**

(1) General Container Labeling Requirements:

Each manufacturer of any architectural coating subject to this rule shall display the information listed in Subsections (e)(1)(i) through (e)(2)(viii) on the coating container (or its label) in which the coating is sold or distributed.

(i) **Date Code:** The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any coating, the manufacturer shall file an

explanation of each code with the Executive Officer of ~~the~~ CARB and make it available ~~on~~ upon request to the San Diego County Air Pollution Control Officer.

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

(iii) **VOC Content:**

VOC content of coatings shall be calculated using equations in Subsection (d)(6), as applicable.

Each coating container subject to this rule shall display one of the following values in grams of VOC per liter of coating:

(A) Maximum VOC content as determined from all potential product formulations; or

(B) VOC content as determined from actual formulation data for this coating; or

(C) VOC content as determined using test methods specified in Subsection (f)(2);

(D) If the manufacturer does not recommend thinning, the container must display the VOC content, as supplied. If the manufacturer recommends thinning, the container must display the VOC content, including the maximum recommended amount of thinning solvent. This requirement does not apply to the thinning of coatings with water;

(E) For multicomponent coatings the container must display the VOC content as a mixture of all components including catalysts;

(F) If a coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the coating's curing process, the VOC content must include the amount of VOCs emitted during curing.

(2) Additional Container Labeling Requirements for Specified Coatings subject to this rule:

(i) **Faux Finishing Coatings:** The labels of all clear topcoat faux finishing coatings shall prominently display the following statement: "This product can only be sold or used as a part of a Faux Finishing coating system."

(ii) **Industrial Maintenance Coatings:** Each manufacturer of industrial maintenance coatings shall display on the label or lid of the container in which the coating is sold or distributed one or more of the statements listed below:

(A) “For industrial use only.”

(B) “For professional use only.”

(C) “Not for Residential Use” or “Not Intended For Residential Use.”

~~(iii) **Nonflat High Gloss Coatings:** The labels of nonflat high gloss coatings shall prominently display the words “High Gloss.”~~

~~(iviii)~~ **Rust Preventative Coatings:** The labels of rust preventative coatings shall prominently display the statement “For Metal Substrates Only.”

(iv) **Reactive Penetrating Sealers:** The labels of reactive penetrating sealers shall prominently display the statement “Reactive Penetrating Sealer.”

(v) **Specialty Primers, Sealers, and Undercoaters:** The labels of all specialty primers, sealers, and undercoaters shall prominently display the statement “Specialty Primer, Sealer, Undercoater.”

(vi) **Stone Consolidants:** The labels of Stone Consolidants shall prominently display the statement “Stone Consolidant – For Professional Use Only.”

(vii) **Wood Coatings:** The labels of Wood Coatings shall prominently display the statement “For Wood Substrates Only.”

~~(viii) **Zinc-Rich Primers:** The labels of Zinc-Rich Primers shall prominently display one or more of the statements listed below:~~

~~(A) “For industrial use only.”~~

~~(B) “For professional use only.”~~

~~(C) “Not for Residential Use” or “Not Intended For Residential Use.”~~

(3) Effective January 1, 2022, each manufacturer of any colorant subject to this rule shall display the information listed in Subsections (e)(3)(i) and (e)(3)(ii) on the container (or its label) in which the colorant is sold or distributed.

(i) **Date Code:** The date the colorant was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any colorant, the manufacturer shall file an explanation of each code with the Executive Officer of CARB and make it available upon request to the San Diego County Air Pollution Control Officer.

(ii) **VOC Content:** Each container of any colorant subject to this rule shall display one of the following values in grams of VOC per liter of colorant:

(A) Maximum VOC content as determined from all potential product formulations; or

(B) VOC content as determined from actual formulation data for this colorant; or

(C) VOC content as determined using the test methods specified in Subsection (f)(2).

If the colorant contains silanes, siloxanes or other ingredients that generate ethanol or other VOCs during the curing process, the calculated VOC content must include the VOCs emitted during curing.

(f) REPORTING AND TESTING REQUIREMENTS

(1) Sales Data

A responsible official from each coating manufacturer shall upon request of the Executive Officer of CARB, or ~~his/her delegate~~ the San Diego County Air Pollution Control Officer, provide data concerning the distribution and sales of architectural coatings. The responsible official shall within 180 days provide the following information, including, but not limited to:

- (i) The name and mailing address of the manufacturer;
- (ii) The name, mailing address and telephone number of a contact person;
- (iii) The name of a coating product as it appears on the label and the applicable coating category;
- (iv) Whether the product is marketed for interior or exterior use or both;
- (v) The number of gallons of coatings sold in California in containers with a volume greater than one liter (1.057 quart) and in containers with a volume equal or smaller than one liter (1.057 quart);
- (vi) The VOC content of coatings, both actual and regulatory, in grams per liter.

If thinning is recommended, list the VOC content actual and VOC content regulatory ~~content~~ calculated using maximum recommended thinning. For a multicomponent coating, list the VOC content as mixed or catalyzed. If coating containers with a volume greater than one liter and those with a volume equal to or less than one liter have a different VOC content, list them separately;

(vii) The names and Chemical Abstract Service (CAS) numbers of the VOC constituents in the coating;

(viii) The names and CAS numbers of exempt compounds, as listed in ~~District~~ Rule 2 – Definitions;

(ix) Whether the product is marketed as containing 100% solids, or as solvent borne or waterborne;

(x) Description of resins or binders in the coating;

(xi) Whether the coating is single-component or multi-component;

(xii) The density of the coating in pounds per gallon;

(xiii) Weight percent of solids, all volatile materials, water and any exempt compounds, as applicable; and

(xiv) Volume percent of solids, water and exempt compounds, as applicable.

All sales data listed in Subsection (f)(1) shall be maintained by a responsible official for a minimum of three years. Sales data submitted by the responsible official to the Executive Officer of CARB may be claimed as confidential and such information shall be handled in accordance to the procedures specified in Title 17, California Code of Regulations, Sections 91000 through 91022.

(2) Test Procedures

The procedures and test methods listed below shall be used to demonstrate compliance with this rule.

(i) **VOC Content of Coatings or Colorants:**

Laboratory determination of the VOC content of coatings or colorants, with the exception of methacrylate multicomponent coatings, shall be conducted by ~~the~~ EPA Test Method 24, incorporated by reference in Subsection (f)(2)(ii)(A). To determine the physical properties of a coating or colorant the standard test methods incorporated by reference in ~~the~~ EPA Test Method 24 shall be used.

As an alternative, SCAQMD Method 304-91 (1996), incorporated by reference in Subsection (f)(2)(ii)(B) may be used.

The exempt compounds content shall be determined by SCAQMD Method 303-91 (~~revised in 1996-1993~~) and incorporated by reference in Subsection (f)(2)(ii)(C), or BAAQMD Method 43 (~~revised in 2005~~) or BAAQMD Method 41 (~~revised in 2005~~), incorporated by reference in Subsections (f)(2)(ii)(D) and (E), correspondingly respectively.

To calculate the VOC content of a coating or colorant, the manufacturer may also use formulation data, or any other reasonable means for predicting that the coating or colorant has been formulated as intended (e.g., quality assurance checks, record keeping). However, if there are any inconsistencies between the results of Test Method 24 and any other means for determining VOC content, the Test Method 24 results will govern, except when an alternative method is approved as specified in Subsection (f)(2)(iii). The San Diego County Air Pollution Control Officer may also require the manufacturer to conduct analysis according to EPA Test Method 24.

(ii) **Incorporated Test Methods:** The following test methods are incorporated by reference herein, and shall be used to test coatings or colorants subject to provisions of this rule. The most recent version of the ASTM incorporated test methods may be used instead of those specified below.

(A) VOC Content of Coatings or Colorants: The VOC content of a coating or colorant shall be determined by EPA Test Method 24 as it exists in Appendix A of 40 Code of Federal Regulations (CFR) Part 60, "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings".

The VOC content of a coating or colorant with a VOC content of 150 g/l or less shall be determined by SCAQMD Method 313-91 (1997), "Determination of Volatile Organic Compounds (VOC) by Gas Chromatography/Mass Spectrometry (GC/MS)"; ASTM D6886-18, "Standard Test Method for Determination of the Weight Percent Individual Volatile Organic Compounds in Waterborne Air-Dry Coatings by Gas Chromatography"; or any other reasonable means for predicting that the coating or colorant has been formulated as intended (e.g., quality assurance checks, record keeping).

(B) Alternative Test for VOC Content of Coatings or Colorants: Alternatively, the VOC content of coatings or colorants may be determined by SCAQMD Method 304-91 (1996), "Determination of Volatile Organic Compounds (VOC) in Various Materials", SCAQMD "Laboratory Methods of Analysis for Enforcement Samples".

(C) Exempt Compounds: The content of compounds exempt under EPA Test Method 24 shall be analyzed by SCAQMD Method 303-91 (~~1996-1993~~), "Determination of Exempt Compounds", SCAQMD "Laboratory Methods of Analysis for Enforcement Samples".

(D) Exempt e-Compounds – Siloxanes: Cyclic, branched, or linear completely methylated siloxanes shall be analyzed by BAAQMD Test Method 43, "Determination of Volatile Methylsiloxanes in Solvent Based Coatings, Inks, and Related Materials", BAAQMD Manual of Procedures, Volume III, adopted 05/18/2005.

(E) Exempt Compounds – Parachlorobenzotrifluoride (PCBTF): PCBTF shall be analyzed by BAAQMD Test Method 41, “Determination of Volatile Organic Compounds in Solvent Based Coatings and Related Materials Containing Parachlorobenzotrifluoride”, BAAQMD Manual of Procedures, Volume III, adopted 05/18/2005.

(F) Acid Content of Coatings: See Subsection (c)(42-45).
The acid content of Pretreatment Wash Primer shall be determined by ASTM D1613-~~06(2012)~~-17, “Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products”.

(G) Aluminum Roof Coatings: See Subsection (c)(3).
Aluminum pigment content shall be determined in accordance with SCAQMD Test Method 318-95 (~~1996~~), “Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction”, SCAQMD “Laboratory Methods of Analysis for Enforcement Samples”.

(H) Basement Specialty Coatings: See Subsection (c)(7)(i).
Hydrostatic Pressure Resistance of Basement Specialty Coatings shall be determined by ASTM D7088-~~08~~-17, “Standard Practice for Resistance to Hydrostatic Pressure for Coatings Used in Below Grade Applications Applied to Masonry”.

See Subsection (c)(7)(ii). Mold and Mildew Growth Resistance of Basement Specialty Coatings shall be determined by ASTM D3273-~~12~~-16, “Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber”, and ASTM D3274-09(2013 2017), “Standard Test Method for Evaluating Degree of Surface Disfigurement of Paint Films by Microbial (Fungal or Algal) Growth, or Soil and Dirt Accumulation”.

(I) Building Envelope Coatings: See Subsection (c)(13)(i).
The air permeance of Building Envelope Coatings shall be determined by ASTM E2178-13, “Standard Test Method for Air Permeance of Building Materials”.

See Subsection (c)(13)(ii)(A). Water resistance testing of Building Envelope Coatings shall be determined by ASTM E331-00(2016), “Standard Test Method for Water Penetration of Exterior Windows, Skylights, Doors, and Curtain Walls by Uniform Static Air Pressure Difference”.

See Subsection (c)(13)(ii)(B). The water vapor permeance of Building Envelope Coatings shall be determined by ASTM E96/E96M-16, “Standard Test Methods for Water Vapor Transmission of Materials”.

(~~I~~-J) Fire Resistance Rating: See Subsection (c)(~~21-23~~). The fire resistance rating of fire-resistive coatings shall be determined by ASTM E119-14-20, “Standard Test Methods for Fire Tests of Building Construction and Materials”.

(~~J~~-K) Gloss Determination: See Subsections (c)(~~22-24~~), (~~e~~)(~~36~~), and (c)(~~37-40~~). The gloss of flat, ~~nonflat~~ and nonflat ~~high gloss~~ coatings shall be determined by ASTM D523-14(2018), “Standard Test Method for Specular Gloss”.

(~~K~~-L) Metal Content of Coatings: See Subsections (c)(~~20-22~~) and (c)(34-38). The metal content of a coating shall be determined by SCAQMD Test Method 318-95 (1996), “Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction”, SCAQMD “Laboratory Methods of Analysis for Enforcement Samples”.

(~~L~~-M) Methacrylate Multicomponent Coatings: See Subsection (c)(~~59-63~~). The VOC content of Methacrylate Multicomponent Coatings used as traffic marking coatings shall be analyzed by the procedures described in 40 CFR Part 59, Subpart D, Appendix A, “Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings”.

Please note that this method has not been approved for Methacrylate Multicomponent Coatings used for purposes other than traffic marking coatings or for other classes of multicomponent coatings.

(~~M~~-N) Reactive Penetrating Sealer: See Subsection (c)(~~44-47~~)(i). The water repellency of Reactive Penetrating Sealers shall be determined by ASTM C67-14/C67M-20, “Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile”; or ASTM C97/C97M-~~09-18~~, “Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone”; or ASTM C140/C140M-~~14b-20~~ “Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units”.

See Subsection (c)(47)(ii). The water vapor transmission of Reactive Penetrating Sealers shall be determined by ASTM E96/E96M-14-16, “Standard Test Methods for Water Vapor Transmission of Materials”; or ASTM D6490-99(2014), “Standard Test Method for Water Vapor Transmission of NonFilm Forming Treatments Used on Cementitious Panels”.

See Subsection (c)(47)(iii). The chloride screening for Reactive Penetrating Sealers shall be determined using the National Cooperative Highway Research Report 244 (1981), “Concrete Sealers for the Protection of Bridge Structures”.

~~(N-Q)~~ Stone Consolidants: See Subsection (c)(~~56-59~~).
Selection and use of Stone Consolidants shall be determined by
ASTM E2167-01(2008), “Standard Guide for Selection and Use of Stone
Consolidants”.

(P) Tile and Stone Sealers: See Subsection (c)(61)(i)(A).
The absorption of Tile and Stone Sealers shall be determined by ASTM C373-18, “Standard Test Methods for Determination of Water Absorption and Associated Properties by Vacuum Method for Pressed Ceramic Tile and Glass Tiles and Boil Method for Extruded Ceramic Tiles and Non-tile Fired Ceramic Whiteware Products”; or ASTM C97/C97M-18, “Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone”; or ASTM C642-13, “Standard Test Method for Density, Absorption, and Voids in Hardened Concrete”.

See Subsection (c)(61)(i)(B). The static coefficient of friction of Tile and Stone Sealers shall be determined by ANSI A137.1 (2019), “American National Standard of Specifications for Ceramic Tile”.

See Subsection (c)(61)(i)(D). The water vapor transmission of Tile and Stone Sealers shall be determined by ASTM E96/E96M-16, “Standard Test Methods for Water Vapor Transmission of Materials”.

~~(Θ-Q)~~ Tub and Tile Refinish Coating: See Subsection (c)(~~60-64~~)(i).
The scratch hardness of Tub and Tile Refinish Coatings shall be measured by
ASTM D3363-05(2011)e2, “Standard Test Method for Film Hardness by
Pencil Test”.

See Subsection (c)(64)(ii). The abrasion resistance of Tub and Tile Refinish Coatings shall be determined by ASTM D4060-14-19, “Standard Test Method for Abrasion Resistance of Organic Coatings by the Taber Abraser”.

See Subsection (c)(64)(iii). The water resistance of Tub and Tile Refinish Coatings shall be determined by ASTM D4585/D4585M-18, “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation”, and ASTM D714-02(2017), “Standard Test Method for Evaluating Degree of Blistering of Paints”.

See Subsection (c)(64)(iv). The adhesion of Tub and Tile Refinish Coatings shall be determined by ASTM D4585/D4585M-13-18, “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation” and ASTM D3359-09e2-17, “Standard Test Methods for Measuring Rating Adhesion by Tape Test”.

~~The water resistance of Tub and Tile Refinish Coatings shall be determined by ASTM D4585/D4585M-13, “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation”, and ASTM~~

~~D714-02(2009), “Standard Test Methods for Evaluating Degree of Blistering of Paints”.~~

(P-R) Waterproofing Membranes: See Subsection (c)(~~67-71~~).

The properties of waterproofing membranes shall be determined by ASTM C836/C836M-~~12-18~~, “Standard Specification for High Solids Content, Cold Liquid-Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course”.

(iii) **Alternative Test Methods:**

Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with Subsection (f)(2) after review and approval in writing by the District, CARB, and EPA, may also be used.

(g) **COMPLIANCE SCHEDULE**

(1) All persons subject to this rule shall be in compliance with all the rule’s provisions by January 1, ~~2016-2022~~.

(2) Prior to January 1, ~~2016-2022~~, any coating that meets all the requirements of this rule shall be exempt from the current Rule ~~67.0~~ 67.0.1 – Architectural Coatings (effective ~~12/12/01-01/01/16~~).