

REGULATORY ALERT on the Manufacture, Sale and Use of Architectural and Industrial Maintenance (AIM) Coatings in New York State

The manufacture, sale and use of Architectural and Industrial Maintenance (AIM) Coatings are regulated by the New York State Department of Environmental Conservation (DEC) under Title 6, New York Codes, Rules and Regulations Part 205. AIM coatings include, but are not limited to stains, varnishes, paints, enamels, primers, sealers and undercoatings. AIM coatings and reducers/thinners typically contain some percentage of volatile organic compounds (VOC) that evaporate during the surface coating operations and contribute to air pollution problems such as the formation of ozone/smog and related public health problems. DEC has recently modified the regulations under Emergency Rulemaking Provisions.

What does this mean for you?

All non-compliant AIM coatings, either produced prior to January 1, 2005 or manufactured under a small manufacturer's exemption, may not be sold after **May 15, 2007**. This "sell-through" deadline provision is new. Any AIM coatings on

the market after this date must meet the VOC standards in the current version of Part 205 (see Table of Standards below). **All noncompliant coatings must be sold by May 15, 2007 or removed from vendors' shelves.** Please note: With 6 NYCRR Part 205 DEC is regulating the VOC content of 52 categories of architectural and industrial maintenance coatings. Resin technology is not included among the 52 coating categories—no specific types of coating are prohibited. Any coating that is regulated must comply with the VOC content limits of the regulation regardless of the resin technology employed by the manufacturer.

Where to go from here:

- ❖ Contact your AIM coatings distributor or manufacturer to make sure the products that you sell and/or use are in compliance with the new DEC regulations.
- ❖ For more information about this regulatory alert, or for other explanations on environmental compliance issues in New York State, call the **Small Business Environmental Ombudsman (SBEO)** toll-free at 1-877-247-2329.

- ❖ Status of this rule revision can be found at www.empire.state.ny.us/environment by clicking on "Permitting and Compliance Assistance," and then "AIM Alert."

Container Labeling Requirements

Manufacturers of these coatings are required to provide product information (see box on reverse) on the coating container or on the label affixed to the container.

Exemptions

The rule does not apply to AIM coatings that are sold or manufactured for use outside of New York State; any aerosol-coating product; or any architectural coatings that are sold in a container of one liter or less. Products sold in quart containers are not subject to the regulation. These exemptions are valid in New York State. Please check with other States to see what exemptions apply in other jurisdictions.

TABLE OF STANDARDS VOC Content Limits for Architectural Coatings

The VOC limits listed are for the coating as applied (after thinning).

Coating Category	VOC Limit (g/L)
Flat coatings	100
Nonflat coatings	150
Nonflat – high gloss coatings	250
Antenna coatings	530
Antifouling coatings	400
Bituminous roof coatings	300
Bituminous roof primers	350
Bond breakers	350
Calcimine recoaters	475
Clear wood coatings:	
Clear brushing lacquers	680
Lacquers (including lacquer sanding sealers)	550
Sanding sealers (other than lacquer sanding sealers)	350
Varnishes	350
Conversion varnishes	725
Concrete curing compounds	350
Concrete surface retarders	780
Dry fog coatings	400
Faux finishing coatings	350

Coating Category	VOC Limit (g/L)
Fire resistive coatings	350
Fire retardant coatings:	
Clear	650
Opaque	350
Floor coatings	250
Flow coatings	420
Form-release compounds	250
Graphic arts coatings (sign plates)	500
High Temperature Coatings	420
Impacted Immersion Coatings	780
Industrial maintenance coatings	340
Low solids coatings	120
Magnesite cement coatings	450
Mastic texture coatings	300
Metallic pigmented coatings	500
Multi-color coatings	250
Nuclear coatings	450
Pre-treatment wash primers	420
Primers, sealers & undercoaters sealers	200

Coating Category	VOC Limit (g/L)
Quick-dry enamels	250
Quick-dry primers, sealers & undercoaters	200
Recycled coatings	250
Roof coatings	250
Rust preventive coatings	400
Shellacs:	
Clear	730
Opaque	550
Specialty Primers, sealers & undercoaters	350
Stains	250
Swimming pool coatings & swimming pool repair & maintenance coatings	340
Temperature-indicator safety coatings	550
Thermoplastic-Rubber coatings & mastics	550
Traffic marking coatings	150
Waterproofing sealers	250
Waterproofing concrete/masonry sealers	400
Wood preservatives	350

For coatings not listed in the above table and that do not meet the definition of the 'specialty coatings' categories, the coating will be classified as flat, nonflat or nonflat-high gloss, as applicable, and the corresponding VOC coating limit will apply.

Environmental Ombudsman

Small Business Environmental Ombudsman
Empire State Development

1-877-247-2329 (toll free)

Email: environment@empire.state.ny.us

Web: www.empire.state.ny.us/environment

Call for simple explanations on environmental compliance issues in New York State.

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LABEL REQUIREMENTS

- Manufactured Date or Date Code: (Date Code must be on file with the DEC)
- Thinning recommendations
- VOC content (g/L)
- Specific Labeling Instructions for:

Industrial maintenance coatings

Clear brushing lacquers

Rust preventatives

*Specialty primers, sealers
& undercoaters*

Quick dry enamels

*Non-flat high-gloss
coatings*



The information in this fact sheet is intended for general reference only; it is not a full and complete statement of the technical or legal requirements associated with the regulation.

For simple explanations on environmental compliance issues in New York State, call the Small Business Environmental Ombudsman (SBE0) toll-free at 1-877-247-2329.

All services are free and confidential!



- Forward to:**
- Environmental Manager
 - Small Business Owner
 - Municipal Engineer
 - Building Inspector
 - Economic Development Specialist

Small Business Environmental Ombudsman
Empire State Development
633 Third Ave, 33rd Fl
New York, New York 10017

ATTENTION:

Vendors and Users of Architectural and Industrial Maintenance (AIM) Coatings



**Small Business
Environmental Ombudsman**

Empire State  Development