

PART 205**ARCHITECTURAL AND INDUSTRIAL MAINTENANCE (AIM) COATINGS**

(Statutory authority: Environmental Conservation Law, §§ 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0301, 19-0305)

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Historical Note

Part (§§ 205.1-205.5) filed April 28, 1972; repealed, filed May 17, 1972; new (§§ 205.1-205.10) filed July 12, 1972; repealed, new (§§ 205.1-205.9) filed Nov. 29, 1973; repealed, new (§§ 205.1-205.5) filed Aug. 15, 1988; Part (*Architectural Surface Coatings*, §§ 205.1-205.5) repealed, new (§§ 205.1-205.8) filed Oct. 23, 2003 eff. Jan. 1, 2005.

§ 205.1 Applicability.

(a) Except as provided in subdivision (b) of this section, this rule is applicable to any person who supplies, sells, offers for sale, or manufacturers any architectural coating for use within the State of New York, as well as any person who applies or solicits the application of any architectural coating within the State of New York.

(b) This rule does not apply to:

(1) any architectural coating that is supplied, sold, offered for sale or manufactured for use outside of the State of New York or for shipment to other manufacturers for reformulation or repackaging;

(2) any aerosol coating product; and

(3) any architectural coating that is sold in a container with a volume of one liter (1.057 quart) or less including kits containing containers of different colors, types or categories of coatings and two component products. This exemption includes multiple containers of one liter or less that are packaged and shipped together with no intent or requirement to ultimately sell as one unit. This applicability exception does not include:

(i) bundling of containers one liter or less, which are sold together as a unit, or any type of marketing which implies that multiple containers one liter or less be combined into one container;

(ii) packaging from which the coating cannot be applied; or

(iii) floor coatings.

Historical Note

Sec. filed April 28, 1972; repealed, filed May 17, 1972; new filed July 12, 1972; repealed, new filed: Nov. 29, 1973; Aug. 15, 1988; Oct. 23, 2003; amds. filed: Sept. 21, 2010; Dec. 12, 2019 eff. 30 days after filing. Amended (b).

§ 205.2 Definitions.

(a) *Adhesive*. Any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.

(b) *Aerosol coating product*. A pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant, and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground traffic/marketing applications.

(c) *Aluminum roof coating*. 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 pounds per gallon). Pigment content shall be determined in accordance with South Coast Air Quality Management District (SCAQMD) Method 318-95 (See Table 1, section 200.9 of this Title).

(d) *Antenna coating*. A coating labeled and formulated exclusively for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals.

(1) For products manufactured on and after January 1, 2021, this coating category will be subject to the VOC limit for industrial maintenance coatings.

(e) *Antifouling coating*. A coating labeled and formulated for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms. To qualify as an antifouling coating, the coating must be registered with both the EPA under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. section 136 *et seq.*) (see Table 1, section 200.9 of this Title) and with the department pursuant to Part 326 of this Title.

(1) For products manufactured on and after January 1, 2021, this coating category will be subject to the VOC limit for industrial maintenance coatings.

(f) *Appurtenance*. 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.

(g) *Architectural coating*. A coating to be applied to stationary structures and their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Coatings applied in shop applications or to nonstationary structures such as airplanes, ships, boats, railcars, and automobiles, as well as adhesives are not considered architectural coatings for the purposes of this rule.

(h) *Basement specialty coatings*. For products manufactured on or after January 1, 2021, 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:

(1) Coating must be capable of withstanding at least 10 psi of hydrostatic pressure, as determined in accordance with American Society for Testing and Materials (ASTM) ASTM D7088-04 (see Table 1, section 200.9 of this Title).

(2) Coating must be resistant to mold and mildew growth and must achieve a microbial growth rating of 8 or more, as determined in accordance with ASTM D3273-16 and ASTM D3274-09 (2013) (see Table 1, section 200.9 of this Title).

(i) *Bitumens*. Black or brown materials including, but not limited to, asphalt, tar, pitch, and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.

(j) *Bituminous roof coating*. A coating which incorporates bitumens that is labeled and formulated exclusively for roofing with the primary purpose of preventing water penetration.

(k) *Bituminous roof primer*. A primer which incorporates bitumens that is labeled and formulated exclusively for roofing and intended for the purpose of preparing a weathered or aged surface or improving the adhesion of subsequent surfacing components.

(l) *Bond breaker*. 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.

(m) *Calcimine recoaters*. Flat solvent borne coatings formulated and recommended specifically for recoating calcimine-painted ceilings and other calcimine-painted substrates.

(n) *Clear brushing lacquers*. Clear wood finishes, excluding clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without chemical

reaction and to provide a solid, protective film, which are intended exclusively for application by brush and which are labeled as specified in section 205.4(g) of this Part.

(1) For products manufactured on and after January 1, 2021, this coating category will be subject to the VOC limit for wood coatings.

(o) *Clear wood coatings.* Clear and semi-transparent coatings, including lacquers and varnishes applied to wood substrates to provide a transparent or translucent solid film.

(1) For products manufactured on and after January 1, 2021, this coating category will be subject to the VOC limit for wood coatings.

(p) *Coating.* A material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealers and stains.

(q) *Colorant.* A concentrated pigment dispersion in water, solvent, and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color.

(r) *Concrete curing compound.* A coating labeled and formulated for application to freshly poured concrete to perform one or more of the following functions:

- (1) retard the evaporation of water; or
- (2) harden or dustproof the surface of freshly poured concrete.

(s) *Concrete/masonry sealer.* A clear or opaque coating that is labeled and formulated primarily for application to concrete and masonry surfaces to perform one or more of the following functions:

- (1) prevent penetration of water; or
- (2) provide resistance against abrasion, alkalis, acids, mildew, staining, or ultraviolet light; or
- (3) harden or dustproof the surface of aged or cured concrete.

(t) *Concrete surface retarders.* A mixture of retarding ingredients such as extender pigments, primary pigments, resin, and solvent that interact chemically with the cement to prevent hardening on the surface where the retarder is applied, allowing the retarded mix of cement and sand at the surface to be washed away to create an exposed aggregate finish.

(u) *Conjugated oil varnish.* A clear or semi-transparent wood coating, labeled as such, excluding lacquers or shellacs, based on a natural occurring conjugated vegetable oil (Tung oil) and modified with other natural or synthetic resins; a minimum of 50 percent of the resin solids consisting of conjugated oil. Supplied as a single component product, conjugated oil varnishes penetrate and seal the wood. Film formation is due to polymerization of the oil. These varnishes may contain small amounts of pigment to control the final gloss or sheen.

(v) *Conversion varnish.* A clear acid curing coating with an alkyd or other resin blended with amino resins and supplied as a single component or two-component product. Conversion varnishes produce a hard, durable, clear finish designed for professional application to wood flooring. This film formation is the result of an acid-catalyzed condensation reaction, affecting a transesterification at the reactive ethers of the amino resins.

(w) *Driveway sealer.* A coating labeled and formulated for application to worn asphalt driveway surfaces to perform one or more of the following functions:

- (1) fill cracks; or
- (2) seal the surface to provide protection; or
- (3) restore or preserve the appearance.

(x) *Dry fog coating.* A coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.

(y) *Exempt compound.* A compound identified under the definition of volatile organic compound (VOC), section 200.1 of this Title, as having negligible photochemical reactivity.

Exempt compounds content of a coating shall be determined by U.S. EPA Method 24, methods referenced in ASTM D3960-05 (2013), or SCAQMD Method 303-91 (Revised August 1996) (see Table 1, section 200.9 of this Title).

(z) *Faux finishing coating.* A coating labeled and formulated to meet one or more of the following criteria:

(1) a glaze or textured coating used to create artistic effects including, but not limited to: dirt, suede, old age, smoke damage, and simulated marble and wood grain; or

(2) a decorative coating used to create a metallic, iridescent, or pearlescent appearance that contains at least 48 grams of pearlescent mica pigment or other iridescent pigment per liter of coating as applied (at least 0.4 pounds per gallon); or

(3) a decorative coating used to create a metallic appearance that contains less than 48 grams of elemental metallic pigment per liter of coating as applied (less than 0.4 pounds per gallon), when testing in accordance with SCAQMD Method 318-95. (see Table 1, section 200.9 of this Title); or

(4) a decorative coating used to create a metallic appearance that contains greater than 48 grams of elemental metallic pigment per liter of coating as applied (greater than 0.4 pounds per gallon) and which requires a clear topcoat to prevent the degradation of the finish under normal use conditions. The metallic pigment content shall be determined in accordance with SCAQMD Method 318-95 (see Table 1, section 200.9 of this Title); or

(5) a clear topcoat to seal and protect a faux finishing coating that meets paragraphs (1)-(4) of this subdivision. These clear topcoats must be sold and used solely as part of a faux finishing coating system and must be labeled in accordance with section 205.4(e) of this Part.

(aa) *Fire-resistive coating.* A coating labeled and formulated to protect the structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials. The fire-resistive category includes sprayed fire resistive materials and intumescent fire resistive coatings that are used to bring structural materials into compliance with Federal, State, and local building code requirements. The fire-resistive coating and testing agency must be approved by building code officials. The fire-resistive coating shall be tested in accordance with ASTM E119-16a (see Table 1, section 200.9 of this Title).

(ab) *Fire-retardant coating.* A coating labeled and formulated to retard ignition and flame spread, that has been tested and rated by a testing agency approved by building code officials for use in bringing building and construction materials into compliance with Federal, State, and local building code requirements. The fire-retardant coating and the testing agency must be approved by building code officials. The fire-retardant coating shall be tested in accordance with ASTM E84-16 (see Table 1, section 200.9 of this Title).

(1) For products manufactured on and after January 1, 2021, this coating category will be subject to the VOC limit for industrial maintenance coatings.

(ac) *Flat coating.* A coating that is not defined under any other definition in this rule and that registers gloss less than 15 on an 85-degree meter or less than five on a 60-degree meter according to ASTM D523-14 (see Table 1, section 200.9 of this Title).

(ad) *Floor coating.* An opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, garage floors, and other horizontal surfaces which may be subjected to foot traffic.

(ae) *Flow coating.* A coating labeled and formulated exclusively for use to maintain the protective coating systems present on utility transformer units.

(1) For products manufactured on and after January 1, 2021, this coating category will be subject to the VOC limit for industrial maintenance coatings.

(af) *Form-release compound.* A coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal or some material other than concrete.

(ag) *Graphic arts coating or sign paint.* A coating labeled and formulated for hand-application using brush, airbrush or roller techniques to indoor and outdoor signs (excluding structural

components) and murals including letter enamels, poster colors, copy blockers, and bulletin enamels.

(ah) *High temperature coating.* A high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).

(ai) *Impacted immersion coating.* A high performance maintenance coating formulated and recommended for application to steel structures subject to immersion in turbulent, debris-laden water. These coatings are specifically resistant to high-energy impact damage by floating ice or debris.

(aj) *Industrial maintenance coating.* A high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for application to substrates, including floors, exposed to one or more of the following extreme environmental conditions listed in paragraphs (1)-(5) of this subdivision and labeled as specified in section 205.4(f) of this Part:

- (1) immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposures of interior surfaces to moisture condensation;
- (2) acute or chronic exposure to corrosive, caustic or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions; or
- (3) frequent exposure to temperatures above 121°C (250°F); or
- (4) frequent heavy abrasion, including mechanical wear and frequent scrubbing with industrial solvents, cleansers, or scouring agents; or
- (5) exterior exposure of metal structures and structural components.

(ak) *Lacquer.* A clear or opaque wood coating, including clear lacquer sanding sealers, formulated with cellulosic or synthetic resins to dry by evaporation without chemical reaction and to provide a solid, protective film.

- (1) For products manufactured on and after January 1, 2021, this coating category will be subject to the VOC limit for wood coatings.

(al) *Low solids coating.* A coating containing 0.12 kilogram or less of solids per liter (one pound or less of solids per gallon) of coating material as recommended for application by the manufacturer. The VOC content for low solids coatings shall be calculated as defined in section 205.6(b)(2) of this Part.

(am) *Magnesite cement coating.* A coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

(an) *Manufacturer's formulation data.* Data on a material (such as a coating) that are supplied by the materials manufacturer based on the manufacturer's knowledge of the ingredients used to manufacture that material, rather than an EPA reference test method. Manufacturer's formulation data may include but are not limited to information on density, VOC content, and coating solids content.

(ao) *Manufacturer's maximum thinning recommendation.* The maximum recommendation for thinning that is indicated on the label or lid of the coating container.

(ap) *Mastic texture coating.* A coating labeled and formulated to cover holes and minor cracks and conceal surface irregularities, which is applied in a single coat of at least 10 mils (at least 0.010 inch) dry film thickness.

(aq) *Medium density fiberboard.* A composite wood product, panel, molding, or other building material composed of cellulosic fibers (usually wood) made by dry forming and pressing of resonated fiber mat.

(ar) *Metallic pigmented coating.* A coating that is labeled and formulated to provide a metallic appearance. Metallic pigmented coatings must contain at least 48 grams of elemental metallic pigment (excluding zinc) per liter of coating as applied (at least 0.4 pound per gallon), when tested in accordance with SCAQMD 318-95 (see Table 1, section 200.9 of this Title).

(1) For products manufactured on and after January 1, 2021, this coating category will be subject to the VOC limit for Industrial Maintenance Coatings or other applicable category as set forth in section 205.3(a) of this Part.

(as) *Multi-color coating*. A coating that is packaged in a single container and that is labeled and formulated to exhibit more than one color when applied in a single coat.

(at) *Nonflat coating*. A coating that is not defined under any other definition in this rule and registers a gloss of 15 or greater on an 85-degree meter and five or greater on a 60-degree meter according to ASTM D523-14 (see Table 1, section 200.9 of this Title).

(au) *Nonflat - high gloss coating*. A nonflat coating that registers a gloss of 70 or greater on a 60-degree meter according to ASTM D523-14 (see Table 1, section 200.9 of this Title).

(av) *Nuclear coating*. A protective coating formulated and recommended to seal porous surfaces such as steel (or concrete) that otherwise would be subject to intrusion by radioactive materials. These coatings must be resistant to long-term (service life) cumulative radiation exposure (ASTM D4082-10, see Table 1, section 200.9 of this Title), relatively easy to decontaminate, and resistant to various chemicals to which the coatings are likely to be exposed (ASTM Method D3912-10 (see Table 1, section 200.9 of this Title).

(aw) *Particleboard*. A composite wood product panel, molding, or other building material 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.

(ax) *Pearlescent*. Exhibiting various colors depending on the angles of illumination and viewing, as observed in mother-of-pearl.

(ay) *Plywood*. A panel product consisting of layers of wood veneers or composite core pressed together with resin. Plywood includes panel products made by either hot or cold pressing (with resin) veneers to a platform.

(az) *Post-consumer coating*. Finished coatings generated by a business or consumer that have served their intended end uses and are recovered from or otherwise diverted from the waste stream for the purpose of recycling.

(ba) *Pre-treatment wash primer*. A primer that contains a minimum of 0.5 percent acid, by weight, when tested in accordance with ASTM D1613-06 (2012) (see Table 1, section 200.9 of this Title), that is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats.

(bb) *Primer*. A coating labeled and formulated for application to a substrate to provide a firm bond between the substrate and subsequent coats.

(bc) *Primer, sealer, and undercoater*. A coating labeled and formulated for one or more of the following purposes:

- (1) to provide a firm bond between the substrate and the subsequent coatings; or
- (2) to prevent subsequent coatings from being absorbed by the substrate; or
- (3) to prevent harm to subsequent coatings by materials in the substrate; or
- (4) to provide a smooth surface for the subsequent application of coatings; or
- (5) to provide a clear finish coat to seal the substrate; or
- (6) to block materials from penetrating into or leaching out of a substrate.

(bd) *Quick-dry enamel*. A nonflat coating that is labeled as specified in section 205.4(k) of this Part and that is formulated to have the following characteristics:

- (1) capable of being applied directly from the container under normal conditions with ambient temperatures between 16°C and 27°C (60°F and 80°F);
- (2) when tested in accordance with ASTM D1640/1640M-14 (see Table 1, section 200.9 of this Title), sets to touch in two hours or less, is tack free in four hours or less, and dries hard in eight hours or less by the mechanical test method; and

(3) has a dried film gloss of 70 or above on a 60-degree meter.

(4) for products manufactured on and after January 1, 2021, this coating category will be subject to the VOC limit for flat, nonflat or nonflat-high gloss.

(be) *Quick-dry primer sealer and undercoater.* A primer sealer or undercoater that is dry to the touch in 30 minutes and can be relocated in two hours when tested in accordance with ASTM D1640/1640M-14 (see Table 1, section 200.9 of this Title).

(1) For products manufactured on and after January 1, 2021, this coating category will be subject to the VOC limit for specialty primers, sealers and undercoaters.

(bf) *Reactive penetrating sealer.* A clear or pigmented coating labeled and formulated for application to above-grade concrete and masonry substrates 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. Reactive penetrating sealers line the pores of concrete and masonry substrates with a hydrophobic coating, but do not form a surface film. Reactive penetrating sealers must meet all the following criteria:

(1) the reactive penetrating sealer must improve water repellency at least 80 percent after application on a concrete or masonry substrate. This performance must be verified on standardized test specimens, in accordance with one or more of the following standards: ASTM C67-14, or ASTM C97/C967M-15 or ASTM C140/C140M-16 (see Table 1, section 200.9 of this Title); and

(2) the reactive penetrating sealer must not reduce the water vapor transmission rate by more than 2 percent after application on a concrete or masonry substrate. This performance must be verified on standardized test specimens, in accordance with ASTM E96M-16 (see Table 1, section 200.9 of this Title); and

(3) products labeled and formulated for vehicular traffic surface chloride screening applications must meet the performance criteria listed in the National Cooperative Highway Research Report 244 (1981) (see Table 1, section 200.9 of this Title).

(4) Reactive penetrating sealers must be labeled as such, in accordance with the labeling requirements in section 205.4(l) of this Part.

(bg) *Reactive penetrating carbonate stone sealer.* A clear or pigmented coating labeled and formulated for application to above-grade carbonate stone substrates to provide protection from water and waterborne contaminants, including but not limited to, alkalis, acids, and salts. Reactive penetrating carbonate stone sealers must penetrate into carbonate stone substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrate. Reactive penetrating carbonate stone sealers line the pores of carbonate stone substrates with a hydrophobic coating, but do not form a surface film. Reactive penetrating carbonate stone sealers must meet all the following criteria:

(1) the reactive penetrating carbonate stone sealer must improve water repellency at least 80 percent after application on a carbonate stone substrate. This performance must be verified on standardized test specimens, in accordance with one or more of the following standards: ASTM C67-14 or ASTM C97/C967M-15, or ASTM C140/C140M-16 (see Table 1, section 200.9 of this Title); and

(2) the reactive penetrating carbonate stone sealer must not reduce the water vapor transmission rate by more than 10 percent after application on a carbonate stone substrate. This performance must be verified on standardized test specimens, in accordance with ASTM E96M-16 (see Table 1, section 200.9 of this Title).

(3) Reactive penetrating carbonate stone sealers must be labeled as such, in accordance with the labeling requirements in section 205.4(m) of this Part.

(bh) *Recycled coating.* An architectural coating formulated such that it contains a minimum of 50 percent by volume post-consumer coating, with a maximum of 50 percent by volume secondary industrial materials or virgin materials.

(bi) *Residential.* Areas where people reside or lodge, including, but not limited to, single- and multiple-family dwellings, condominiums, mobile homes, apartment complexes, motels and hotels.

(bj) *Responsible official*. A president, vice president, secretary, treasurer, general partner, proprietor, principal executive officer, ranking elected official, or any other person who performs policy or decision making functions and is authorized to legally bind a corporation, partnership, sole proprietorship, or government entity which operates a facility that is subject to the provisions of this Part. Whenever the term *responsible official* is used in this Part or in any other regulations implementing title V of the act, it shall be deemed to refer to the “ designated representative” with regard to all matters under title IV of the act.

(bk) *Roof coating*. 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.

(bl) *Rust preventive coating*. A coating formulated to prevent the corrosion of metal surfaces for one or more of the following applications:

- (1) direct-to-metal coating; or
- (2) coating intended for application over rusty, previously coated surfaces.
- (3) The rust preventative coating category does not include the following:
 - (i) coatings that are required to be applied as a topcoat over a primer; or
 - (ii) coatings that are intended for use on wood or any other nonmetallic surface.

(4) Rust preventative coatings are for metal substrates only and must be labeled as such, in accordance with the labeling requirements in section 205.4(i) of this Part.

(bm) *Sanding sealer*. A clear or semi-transparent wood coating labeled and formulated for application to bare wood to seal the wood and to provide a coat that can be abraded to create a smooth surface for subsequent applications of coatings. A sanding sealer that also meets the definition of a laquer is not included in this category, but it is included in the lacquer category.

(1) For products manufactured on and after January 1, 2021, this coating category will be subject to the VOC limit for wood coatings.

(bn) *Sealer*. A coating labeled and formulated for application to a substrate for one or more of the following purposes: to prevent subsequent coatings from being absorbed by the substrate, or to prevent harm to subsequent coatings by materials in the substrate.

(bo) *Secondary industrial materials*. Products or by-products of the paint manufacturing process that are of known composition and have economic value but can no longer be used for their intended use.

(bp) *Semitransparent coating*. A coating that contains binders and colored pigments and formulated to change the color of the surface, but not conceal the grain pattern or texture.

(bq) *Shellac*. A clear or opaque coating formulated solely with the resinous secretions of the lac beetle (*Lacififer lacca*), and formulated to dry by evaporation without a chemical reaction.

(br) *Shop application*. Application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process (e.g., original equipment manufacturing coatings).

(bs) *Solicit*. To require for use or to specify by written or oral contract.

(bt) *Specialty primer, sealer and undercoater*. (1) For products manufactured before January 1, 2021, a coating labeled as specified in section 205.4(j) of this Part and that is formulated for application to a substrate to seal fire, smoke or water damage, to condition excessively chalky surfaces, or to block stains. An excessively chalky surface is one that is defined as having a chalk rating of four or less as determined by ASTM D4214-07 (2015) (see Table 1, section 200.9 of this Title).

(2) For products manufactured on or after January 1, 2021, a coating that is 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 in accordance with section 205.4(i) of this Part.

(bu) *Stain*. A semi-transparent or opaque coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.

(bv) *Stone consolidant*. For products manufactured on or after January 1, 2021, a coating that is labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone consolidants must penetrate into stone substrates to create bonds between particles and consolidate deteriorated material. Stone consolidants must be specified and used in accordance with ASTM E2167-01(2008). (see Table 1, section 200.9 of this Title). Stone consolidants are for professional use only and must be labeled as such in accordance with the labeling requirements in section 205.4(n) of this Part.

(bw) *Swimming pool coating*. A coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals.

(1) For products manufactured on or after January 1, 2021, swimming pool coatings include coatings used for swimming pool repair and maintenance.

(bx) *Swimming pool repair and maintenance coating*. A rubber based coating labeled and formulated to be used over existing rubber based coatings for the repair and maintenance of swimming pools.

(1) For products manufactured on and after January 1, 2021, this coating category will be subject to the VOC limit for swimming pool coatings.

(by) *Temperature-indicator safety coating*. A coating labeled and formulated as a color-changing indicator coating for the purpose of monitoring the temperature and safety of the substrate, underlying piping, or underlying equipment, and for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).

(1) For products manufactured on and after January 1, 2021, this coating category will be subject to the VOC limit for industrial maintenance coatings.

(bz) *Thermoplastic rubber coating and mastic*. A coating or mastic formulated and recommended for application to roofing or other structural surfaces and that incorporates no less than 40 percent by weight of thermoplastic rubbers in the total resin solids and may also contain other ingredients including, but not limited to, fillers, pigments, and modifying resins.

(ca) *Tint base*. An architectural coating to which coloring is added after packaging in sale units to produce a desired color.

(cb) *Traffic marking coating*. A coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces including, but not limited to, curbs, berms, driveways, parking lots, sidewalks and airport runways.

(cc) *Tub and tile refinish coating*. For products manufactured on or after January 1, 2021, a clear or opaque coating that is labeled and formulated exclusively for refinishing the surface of a bathtub, shower, sink, or countertop. Tub and tile refinish coatings must meet all of the following criteria:

(1) the coating must have a scratch hardness of 3H or harder and a gouge hardness of 4H or harder. This must be determined on bonderite 1000, in accordance with ASTM D3363-05 (2011) (see Table 1, section 200.9 of this Title);

(2) the coating must have a weight loss of 20 milligrams or less after 1000 cycles. This must be determined with CD-17 wheels on bonderite 1000, in accordance with ASTM D4060-14 (see Table 1, section 200.9 of this Title);

(3) the coating must withstand 1000 hours or more of exposure with few or no #8 blisters. This must be determined on unscribed bonderite, in accordance with ASTM D4585-13, and ASTM D714-02 (2009) (see Table 1, section 200.9 of this Title); and

(4) the coating must have an adhesion rating of 4B or better after 24 hours of recovery. This must be determined on unscribed bonderite, in accordance with ASTM D4585-13 and ASTM D3359-09e2 (see Table 1, section 200.9 of this Title).

(cd) *Varnish*. A clear or semi-transparent wood coating, excluding lacquers and shellacs, formulated to dry by chemical reaction on exposure to air. Varnishes may contain small amounts of pigment to color a surface, or to control the final sheen or gloss of the finish.

(1) For products manufactured on and after January 1, 2021, this coating category will be subject to the VOC limit for wood coatings.

(ce) *Veneer*. 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.

(cf) *Virgin materials*. Materials that contain no post-consumer coatings or secondary industrial coatings.

(cg) *VOC content*. The weight of VOC per volume of coating, calculated according to the procedures specified in section 205.6 of this Part. VOC content is VOC regulatory, as defined in subdivision (ch) of this section and calculated according to the procedures specified in section 205.6(b) of this Part, for all coatings except those in the low solids category. For coatings in the low solids category, the VOC content is VOC (ls), as calculated in section 205.6(b)(2) of this Part. If the coating is a multi-component product, the VOC content is VOC regulatory as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing. VOC content must include maximum amount of thinning solvent recommended by the manufacturer.

(ch) *VOC regulatory*. VOC regulatory is the weight of VOC per volume of coating, less the volume of water and exempt compounds.

(ci) *Waterproofing sealer*. A coating labeled and formulated for application to a porous substrate for the primary purpose of preventing the penetration of water.

(1) For products manufactured on and after January 1, 2021, this coating category will be subject to the VOC limit for concrete/masonry sealers.

(cj) *Waterproofing concrete/masonry sealer*. A clear or pigmented film-forming coating that is labeled and formulated for sealing concrete and masonry to provide resistance against water, alkalis, acids, ultraviolet light and staining.

(1) For products manufactured on and after January 1, 2021, this coating category will be subject to the VOC limit for concrete/masonry sealers.

(ck) *Waterproofing membrane*. For products manufactured on or after January 1, 2021, a clear or opaque coating labeled and formulated for application to concrete and masonry surfaces to provide a seamless waterproofing membrane that prevents any penetration of liquid water into the substrate. Waterproofing membranes 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:

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

(2) coatings must meet or exceed the requirements contained in ASTM C836M-15 (see Table 1, section 200.9 of this Title);

(3) the waterproofing membrane category does not include topcoats that are included in the concrete/masonry sealer category (*e.g.*, parking deck topcoats, pedestrian deck topcoats, etc.).

(cl) *Wood coatings*. For products manufactured on or after January 1, 2021, coatings labeled and formulated for application to wood substrates only. The wood coatings category includes the following clear and semitransparent coatings: lacquers; varnishes; sanding sealers; penetrating oils; clear stains; wood conditioners used as undercoats; and wood sealers used as topcoats. The wood coatings category also includes the following opaque wood coatings; opaque lacquers; opaque sanding sealers; and opaque lacquer undercoats. The wood coatings 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. Wood coatings must be labeled "For Wood Substrates Only", in accordance with section 205.4(o) of this Part.

(cm) *Wood preservative*. A coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. section 136, *et seq.*) (see Table 1, section 200.9 of this Title) and with Part 326 of this Title.

(cn) *Wood substrate.* A substrate made of wood, particleboard, plywood, medium density fiberboard, rattan, wicker, bamboo, or composite products with exposed wood grain. Wood products do not include items comprised of simulated wood.

(co) *Zinc-rich primer.* For products manufactured on or after January 1, 2021, a coating that meets all of the following specifications:

- (1) coating contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids;
- (2) coating is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of coatings; and
- (3) coating is intended for professional use only and labeled as such, in accordance with the labeling requirements in section 205.4(o) of this Part.

Historical Note

Sec. filed April 28, 1972; repealed, filed May 17, 1972; new filed July 12, 1972; repealed, new filed Nov. 29, 1973; amd. filed July 24, 1979; repealed, new filed: Aug. 15, 1988; Oct. 23, 2003; amd. filed Dec. 12, 2019 eff. 30 days after filing.

§ 205.3 Standards.

(a) *VOC Content Limits.* Except as provided in subdivisions (b) through (h) of this section, no person shall:

- (1) manufacture, blend or repackage for sale within the State of New York;
- (2) supply, sell, or offer for sale within the State of New York; or
- (3) solicit for application or apply within the department any architectural coating with a VOC content in excess of the corresponding limit specific in the table in this subdivision, after the specified effective date. Limits are expressed as VOC content, thinned to manufacturer's maximum thinning recommendation, excluding any colorant added to tint bases.

<i>Coating Category</i>	<i>VOC Content Limit (grams per liter) Effective Until December 31, 2020</i>	<i>VOC Content Limit (grams per liter) Effective January 1, 2021</i>
Flat Coatings	100	50
Nonflat Coatings	150	100
Nonflat - High Gloss Coatings	250	150
Specialty Coatings		
Aluminum Roof Coating	N/A	450
Antenna Coatings	530	N/A
Antifouling Coatings	400	N/A
Basement Specialty Coatings	N/A	400
Bituminous Roof Coatings	300	270
Bituminous Roof Primers	350	350
Bond Breakers	350	350
Calcimine Recoaters	475	475
Clear Wood Coatings		
● Clear Brushing Lacquers	680	N/A
● Lacquers (including lacquer sanding sealers)	550	N/A
● Sanding Sealers (other than lacquer sanding sealers)	350	N/A
● Varnishes	350	N/A
Concrete Curing Compounds	350	350
Concrete/Masonry Sealer	N/A	100
Concrete Surface Retarders	780	780
Conjugated Oil Varnish	N/A	450
Conversion Varnish	725	725
Driveway Sealers	N/A	50
Dry Fog Coatings	400	150

<i>Coating Category</i>	<i>VOC Content Limit (grams per liter) Effective Until December 31, 2020</i>	<i>VOC Content Limit (grams per liter) Effective January 1, 2021</i>
Faux Finishing Coatings	350	350
Fire Resistive Coatings	350	350
Fire Retardant Coatings		
● Clear	650	N/A
● Opaque	350	N/A
Floor Coatings	250	100
Flow Coatings	420	N/A
Form Release Compounds	250	250
Graphic Arts Coatings (Sign Paints)	500	500
High Temperature Coatings	420	420
Impacted Immersion Coatings	780	780
Industrial Maintenance Coatings	340	250
Low Solids Coatings	120	120
Magnesite Cement Coatings	450	450
Mastic Texture Coatings	300	100
Metallic Pigmented Coatings	500	500
Multi Color Coatings	250	250
Nuclear Coatings	450	450
Pre Treatment Wash Primers	420	420
Primers, Sealers, and Undercoaters	200	100
Quick Dry Enamels	250	N/A
Quick Dry Primers, Sealers and Undercoaters	200	N/A
Reactive Penetrating Sealer	N/A	350
Reactive Penetrating Carbonate Stone Sealer	N/A	500
Recycled Coatings	250	250
Roof Coatings	250	250
Rust Preventative Coatings	400	250
Shellacs		
● Clear	730	730
● Opaque	550	550
Specialty Primers, Sealers, and Undercoaters	350	100
Stains	250	250
Stone Consolidant	N/A	450
Swimming Pool Coatings	340	340
Swimming Pool Repair and Maintenance Coatings	340	N/A
Temperature Indicator Safety Coatings	550	N/A
Thermoplastic Rubber Coatings and Mastics	550	550
Traffic Marking Coatings	150	100
Tub and Tile Refinish	N/A	420
Waterproofing Membranes	N/A	250
Waterproofing Sealers	250	N/A
Waterproofing Concrete/Masonry Sealers	400	N/A
Wood Coatings	N/A	275
Wood Preservatives	350	350
Zinc-Rich Primer	N/A	340

(b) *Most restrictive VOC limit for products manufactured before January 1, 2021.* If anywhere on the container of any architectural coating, or any label sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on the manufacturer's behalf, including retailers who sell under a private label, representation is made that the coating meets the definition of or is recommended for use or may

be used for more than one of the coating categories listed in subdivision (a) of this section, then the most restrictive VOC content limit shall apply. This provision does not apply to the coating categories listed in paragraphs (1)-(21) of this subdivision:

- (1) lacquer coatings (including lacquer sanding sealers);
- (2) metallic pigmented coatings;
- (3) shellacs;
- (4) fire-retardant coatings;
- (5) pretreatment wash primers;
- (6) industrial maintenance coatings;
- (7) low-solids coatings;
- (8) wood preservatives;
- (9) high temperature coatings;
- (10) temperature-indicator safety coatings;
- (11) antenna coatings;
- (12) antifouling coatings;
- (13) flow coatings;
- (14) bituminous roof primers;
- (15) thermoplastic rubber coatings and mastics;
- (16) specialty primers, sealers, and undercoaters;
- (17) calcimine recoaters;
- (18) impacted immersion coatings;
- (19) nuclear coatings;
- (20) thermoplastic rubber coatings and mastic; and
- (21) concrete surface retarders.

(c) *Most restrictive VOC limit for products manufactured on or after January 1, 2021.* If a coating is recommended for use in more than one of the specialty coating categories listed in subdivision (a) of this section, the most restrictive (or lowest) VOC content limit shall apply. This requirement applies to usage recommendations that appear anywhere on the coating container, anywhere on any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf. This provision does not apply to the coating categories listed in paragraphs (1)-(17) of this subdivision:

- (1) aluminum roof coatings;
- (2) bituminous roof primers;
- (3) high temperature coatings;
- (4) industrial maintenance coatings;
- (5) low-solids coatings;
- (6) metallic pigmented coatings;
- (7) pretreatment wash primers;
- (8) shellacs;
- (9) specialty primers, sealers, and undercoaters;
- (10) wood coatings;
- (11) wood preservatives;
- (12) zinc-rich primers;

- (13) calcimine recoaters;
- (14) impacted immersion coatings;
- (15) nuclear coatings;
- (16) thermoplastic rubber coatings and mastic;
- (17) concrete surface retarders.

(d) *Painting practices.* Any person who applies architectural coatings shall ensure that all containers used to apply the contents therein to a surface directly from the container by pouring, siphoning brushing or rolling, padding, ragging or other means, shall be closed when not in use. These architectural coatings containers include, but are not limited to, drums, buckets, cans, pails, trays, or other application containers. Containers of any VOC-containing materials used for thinning and cleanup shall also be closed when not in use.

(e) *Thinning.* No person who applies or solicits the application of any architectural coating shall apply a coating that is thinned to exceed the applicable VOC limit specified in subdivision (a) of this section.

(f) *Rust preventive coatings.* No person shall apply or solicit the application of any rust preventive coating, manufactured before January 1, 2021, for industrial use, unless such a rust preventive coating complies with the industrial maintenance coating VOC limit specified in subdivision (a) of this section.

(g) *Coatings not listed in subdivision (a) of this section.* For any coating that does not meet any of the definitions for the specialty coatings categories listed in subdivision (a) of this section, the VOC content limit shall be determined by classifying the coating as a flat coating, nonflat coating, or nonflat-high gloss coating as those terms are defined in section 205.2(ac), (at) and (au) of this Part and the corresponding flat or nonflat coating VOC limit in subdivision (a) of this section shall apply.

(h) *Sell through of coatings.* A coating manufactured prior to the effective date specified for that coating in subdivision (a) of this section, may be sold, supplied, or offered for sale until May 1, 2023, so long as the coating complied with standards in effect at the time the coating was manufactured.

Historical Note

Sec. filed April 28, 1972; repealed, filed May 17, 1972; new filed July 12, 1972; repealed, new filed: Nov. 29, 1973; Aug. 15, 1988; Oct. 23, 2003; amds. filed: Aug. 9, 2006 as emergency measure; Nov. 7, 2006 as emergency measure; Jan. 17, 2007 as emergency measure; March 15, 2007 as emergency measure; May 8, 2007 as emergency measure; May 8, 2007; Dec. 12, 2019 eff. 30 days after filing.

§ 205.4 Container labeling requirements.

(a) Each manufacturer of any architectural coatings subject to this rule manufactured on or after January 1, 2005 shall display the information listed in paragraphs (1)-(3) of this subdivision on the coating container (or label affixed there to) in which the coating is sold or distributed.

(1) *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 director, Division of Air Resources, Department of Environmental Conservation within 90 days of making the product available for sale in New York State.

(2) *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 architectural 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.

(3) *VOC content.*

(b) For products manufactured before January 1, 2021: each container of any coating subject to this rule shall display either the maximum or the actual VOC content of the coating, as sup-

plied, including the maximum thinning as recommended by the manufacturer. VOC content shall be displayed in grams of VOC per liter of coating. VOC content displayed shall be calculated using manufacturer's formulation data, or shall be determined using the test methods in section 205.6(c) of this Part. The equations in section 205.6(b) of this Part shall be used to calculate VOC content.

(c) For products manufactured on or after January 1, 2021: Each container of any coating subject to this part shall display one of the following values in grams of VOC per liter coating:

- (1) maximum VOC content as determined from all potential product formulations; or
- (2) VOC content as determined from actual formulation data; or
- (3) VOC content as determined using the test methods in section 205.6(c) of this Part.

(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 amount of thinning solvent recommended by the manufacturer. If the coating is a multi-component product, the container must display the VOC content as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredient that general ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing. VOC content shall be determined as defined by the equations in section 205.6 of this Part.

(e) *Faux finishing coatings.* For products manufactured on or after January 1, 2021, the labels of all clear topcoat Faux finishing coatings shall prominently display the statement "This product can only be sold or used as part of a Faux finishing coating system."

(f) *Industrial maintenance coatings.* The labels of all industrial maintenance coatings shall prominently display at least one of the following statements:

- (1) "For industrial use only."
- (2) "For professional use only."
- (3) "Not for residential use" or "Not intended for residential use."

(g) *Clear brushing lacquers.* The labels of all clear brushing lacquers manufactured before January 1, 2021 shall prominently display the statements "For brush application only," and "This product must not be thinned or sprayed."

(h) *Non-flat high-gloss coatings.* The labels of all non-flat high-gloss coatings shall prominently display the words "High gloss."

(i) *Rust preventive coatings.* The labels of all rust preventive coatings shall prominently display the statement "For metal substrates only."

(j) *Specialty primers, sealers and undercoaters.* For products manufactured before January 1, 2021, the labels of all specialty primers, sealers and undercoaters shall prominently display one or more of the descriptions listed in paragraphs (1)-(5) of this subdivision.

- (1) "For blocking stains."
- (2) "For fire-damaged substrates."
- (3) "For smoke-damaged substrates."
- (4) "For water-damaged substrates."
- (5) "For excessively chalky substrates."

(6) For products manufactured on or after January 1, 2021, the labels of all specialty primers, sealers, and undercoaters shall prominently display one or more of the descriptions listed in paragraphs 205.4(j)(2) through 205.4(j)(4).

(k) *Quick-dry enamels.* The labels of all quick dry enamels manufactured before January 1, 2021, shall prominently display the words "Quick dry" and the dry hard time.

(l) *Reactive penetrating sealers.* For products manufactured on or after January 1, 2021, the labels of all reactive penetrating sealers shall prominently display the statement "Reactive penetrating sealer."

(m) *Reactive penetrating carbonate stone sealers.* For products manufactured on or after January 1, 2021, the labels of all reactive penetrating carbonate stone sealers shall prominently display the statement "Reactive penetrating carbonate stone sealer."

(n) *Stone consolidants.* For products manufactured on or after January 1, 2021, the labels of all stone consolidants shall prominently display the statement "Stone Consolidant - For Professional Use Only."

(o) *Wood coatings.* For products manufactured on or after January 1, 2021, the labels of all Wood Coatings shall prominently display the statement "For Wood Substrates Only."

(p) *Zinc rich primers.* For products manufactured on or after January 1, 2021, the labels of all zinc rich primers shall prominently display one or more of the following statements listed in paragraphs (1)-(3) of this subdivision:

- (1) "For Professional Use Only".
- (2) "For Industrial Use Only".
- (3) "Not for residential use" or "Not intended for residential use".

Historical Note

Sec. filed April 28, 1972; repealed, filed May 17, 1972; new filed July 12, 1972; repealed, new filed: Nov. 29, 1973; Aug. 15, 1988; Oct. 23, 2003; amd. filed Dec. 12, 2019 eff. 30 days after filing.

§ 205.5 Reporting requirements.

(a) A responsible official from each manufacturer shall upon request of the director or his or her delegate, provide data concerning the distribution and sales of architectural coatings. The responsible official shall, within 180 days of written request, provide information including, but not limited to:

- (1) the name and mailing address of the manufacturer;
- (2) the name, address and telephone number of a contact person;
- (3) the name of the coating product as it appears on the label and the coating category in section 205.3(a) of this Part under which the product is regulated;
- (4) whether the product is marketed for interior or exterior use or both;
- (5) the number of gallons sold in New York State in containers greater than one liter (1.057 quart) and equal to or less than one liter (1.057 quart);
- (6) the VOC actual content and the VOC regulatory content in grams per liter;
- (7) the names and CAS numbers of the VOC constituents of the product;
- (8) the names and CAS numbers of any compound in the product specifically exempted from the VOC definition;
- (9) whether the product is marketed as solventborne, waterborne, or 100 percent solids;
- (10) description of resin or binder in the product;
- (11) whether the coating is a single-component or multi-component product;
- (12) the density of the product in pounds per gallon;
- (13) the percent of weight of solids, all volatile materials, water, and any compounds in the product specifically exempted from the VOC definition;
- (14) the percent by volume of solids, water and any compounds in the product specifically exempted from the VOC definition.

(b) All data listed in paragraphs (a)(1)-(14) of this section shall be maintained by the responsible official for a minimum of three years. Data submitted by the responsible official to the department may be claimed as confidential in accordance with Part 616 of this Title.

Historical Note

Sec. filed April 28, 1972; repealed, filed May 17, 1972; new filed July 12, 1972; repealed, new filed: Nov. 29, 1973; Aug. 15, 1988; Oct. 23, 2003; amd. filed Dec. 12, 2019 eff. 30 days after filing.

§ 205.6 Compliance provisions and test methods.

(a) For the purpose of determining compliance with the VOC content limits in section 205.3(a) of this Part, the VOC content of a coating shall be determined by using the procedures described in paragraphs (b)(1) or (2) of this section, as appropriate. The VOC content of a tint base shall be determined prior to the addition of the colorant. If the manufacturer does not recommend thinning, the VOC content must be calculated for the product as supplied. If the manufacturer recommends thinning, the VOC content must be calculated including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multi-component product, the container must display the VOC content as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing.

(b) *Calculation of VOC content.* (1) With the exception of low solids coatings, determine the VOC content in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water and exempt compounds. Determine the VOC content using the following equation:

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

where:

VOC content = grams of VOC per liter of coating

W_s = weight of volatiles, in grams

W_w = weight of water, in grams

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

V_m = volume of coating, in liters

V_w = volume of water, in liters

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

(2) For low solids coatings, determine the VOC content in units of grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, including the volume of any water and exempt compounds. Determine the VOC content using the following equation:

$$\text{VOC Content (ls)} = \frac{(W_s - W_w - W_{ec})}{(V_m)}$$

where:

VOC content (ls) = the VOC content of a low solids coating in grams per liter of coating

W_s = weight of volatiles, in grams

W_w = weight of water, in grams

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

V_m = volume of coating, in liters

(c) *VOC content of coating.* To determine the physical properties of a coating in order to perform the calculations in subdivision (b) of this section, the reference method for VOC content is found at 40 CFR part 60, appendix A, method 24 (2000) (see Table 1, section 200.9 of this Title), except as provided in subdivisions (d) and (e) of this section. An alternate method to determine the VOC content of coatings is South Coast Air Quality Management District Method 304-91 (Revised February 1996) (see Table 1, section 200.9 of this Title). The exempt compounds content shall be determined by methods referenced in ASTM D3960-05 (2013), South Coast Air Quality Management District Method 303-91 (Revised August 1996), or Bay Area Air Quality Management District (BAAQMD) Method 41 (Revised 2005), as applicable (see Table 1, section 200.9 of this Title). To determine the VOC content of a coating, the manufacturer may use 40

CFR part 60, appendix A, method 24 (see Table 1, section 200.9 of this Title), or an alternative method, as provided in subdivision (c) of this section, manufacturer's formulation data, or any other reasonable means for predicting that the coating has been formulated as intended (e.g., quality assurance checks, recordkeeping). However, if there are any inconsistencies between the results of a 40 CFR part 60, appendix A, method 24 (see Table 1, section 200.9 of this Title) test and any other methods for determining VOC content, the 40 CFR part 60, appendix A, method 24 (see Table 1, section 200.9 of this Title) results will govern, except when an alternative method is approved as specified in subdivision (d) of this section. The director, Division of Air Resources, Department of Environmental Conservation may require the manufacturer to conduct a 40 CFR part 60, appendix A, method 24 (see Table 1, section 200.9 of this Title) analysis to determine the VOC content.

(d) *Alternative test methods.* Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with subdivision (c) of this section, after review and approval in writing by the director, Division of Air Resources, Department of Environmental Conservation and the EPA, may also be used.

(e) *Methacrylate traffic coating markings.* Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of 40 CFR part 60, appendix A, method 24 found at 40 CFR part 59, subpart D, appendix A (see Table 1, section 200.9 of this Title). This method has not been approved for methacrylate multicomponent coatings used for other purposes than as traffic marking coatings or for other classes of multicomponent coatings.

Historical Note

Sec. filed July 12, 1972; repealed, new filed Nov. 29, 1973; repealed, filed Aug. 15, 1988; new filed Oct. 23, 2003; amd. filed Dec. 12, 2019 eff. 30 days after filing.

§ 205.7 Severability.

Each provision of this Part shall be deemed severable, and in the event that any provision of this Part is held to be invalid, the remainder of this Part shall continue in full force and effect.

Historical Note

Sec. filed July 12, 1972; repealed, new filed Nov. 29, 1973; repealed, filed Aug. 15, 1988; new filed Oct. 23, 2003; amds. filed: Aug. 9, 2006 as emergency measure; Nov. 7, 2006 as emergency measure; Jan. 17, 2007 as emergency measure; March 15, 2007 as emergency measure; May 8, 2007 as emergency measure; May 8, 2007; repealed, new filed by renum. and amd. 205.8 filed Dec. 12, 2019 eff. 30 days after filing.

§ 205.8

Historical Note

Sec. filed July 12, 1972; repealed, new filed Nov. 29, 1973; repealed, filed Aug. 15, 1988; new filed Oct. 23, 2003; renum. 205.7 filed Dec. 12, 2019 eff. 30 days after filing.

§ 205.9

Historical Note

Sec. filed July 12, 1972; repealed, new filed Nov. 29, 1973; amd. filed July 24, 1979; repealed, filed Aug. 15, 1988 eff. 30 days after filing.

§ 205.10

Historical Note

Sec. filed July 12, 1972; repealed, filed Nov. 29, 1973 eff. 60 days after filing.