



Department of the Environment

COMAR 26.11.41 – Architectural and Industrial Maintenance (AIM) Coatings



Background - Existing Regulation

Background

COMAR 26.11.33 – Architectural Coatings.

- Adopted in 2004.
- Based on Ozone Transport Commission (OTC) model rule for architectural and industrial coatings.
- Applies to the sale or manufacture of architectural and industrial maintenance coatings for use or application in Maryland.
- Regulation requires architectural and industrial maintenance coatings to meet specific requirements:
 - VOC content limits for coatings
 - Container labeling requirements
 - Compliance and recordkeeping requirements

Proposed Regulation

Background

COMAR 26.11.41 – Architectural and Industrial Maintenance (AIM) Coatings.

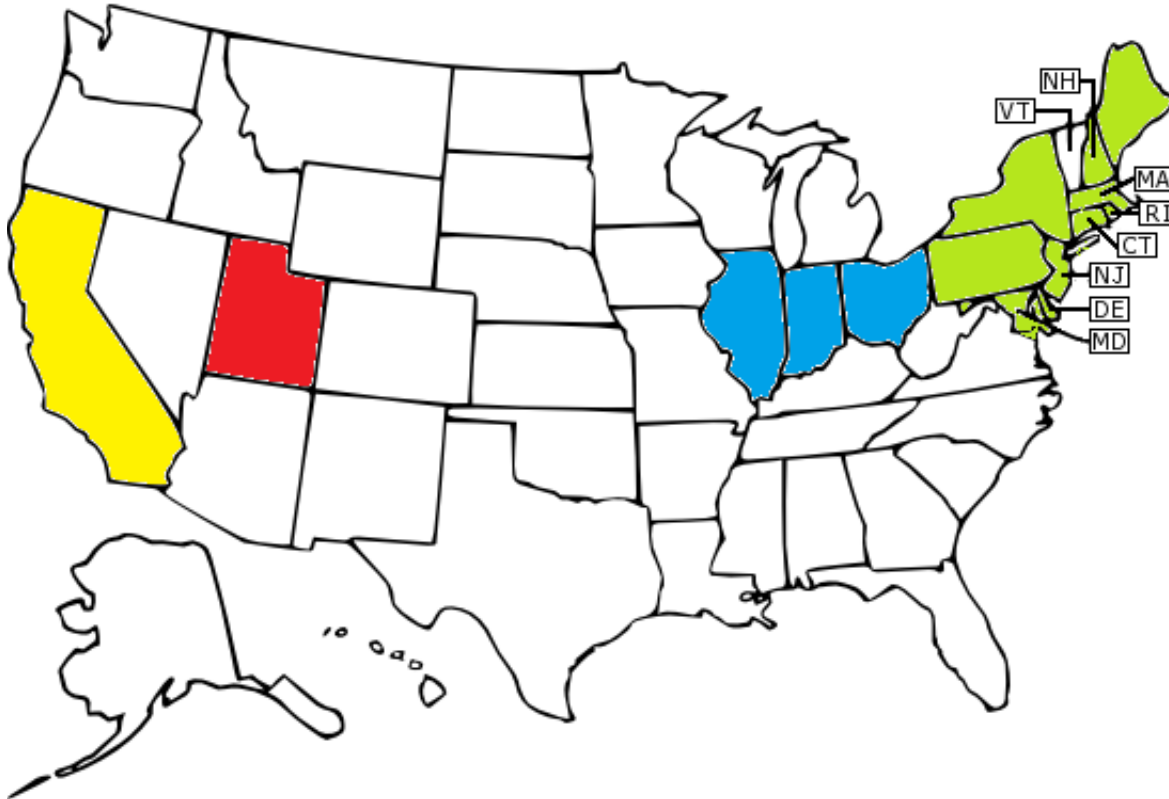
- Based on Phase II of the OTC Model Rule for AIM, developed in conjunction with member states (includes Maryland).
- OTC Model Rule (Phase II) was developed using standards (Suggested Control Measure) adopted in California in 2007.
- Part of Maryland State Implementation Plan (SIP) for VOC.
- Updates the current regulation of COMAR 26.11.33 – *Architectural Coatings*.
 - Revises the VOC content limits for many coating categories
 - Improves definitions for certain coating categories.
 - Some standards and requirements are more stringent than the current regulation.

Stakeholder Process

- OTC Model Rule developed with industry and public input since 2011.
- The Department held a stakeholder meeting at MDE Headquarters on April 14, 2015.
- Stakeholder process included outreach to trade associations, manufacturers, suppliers, retailers, contractors, etc.
- No significant comments.



AIM Regulations in Other States



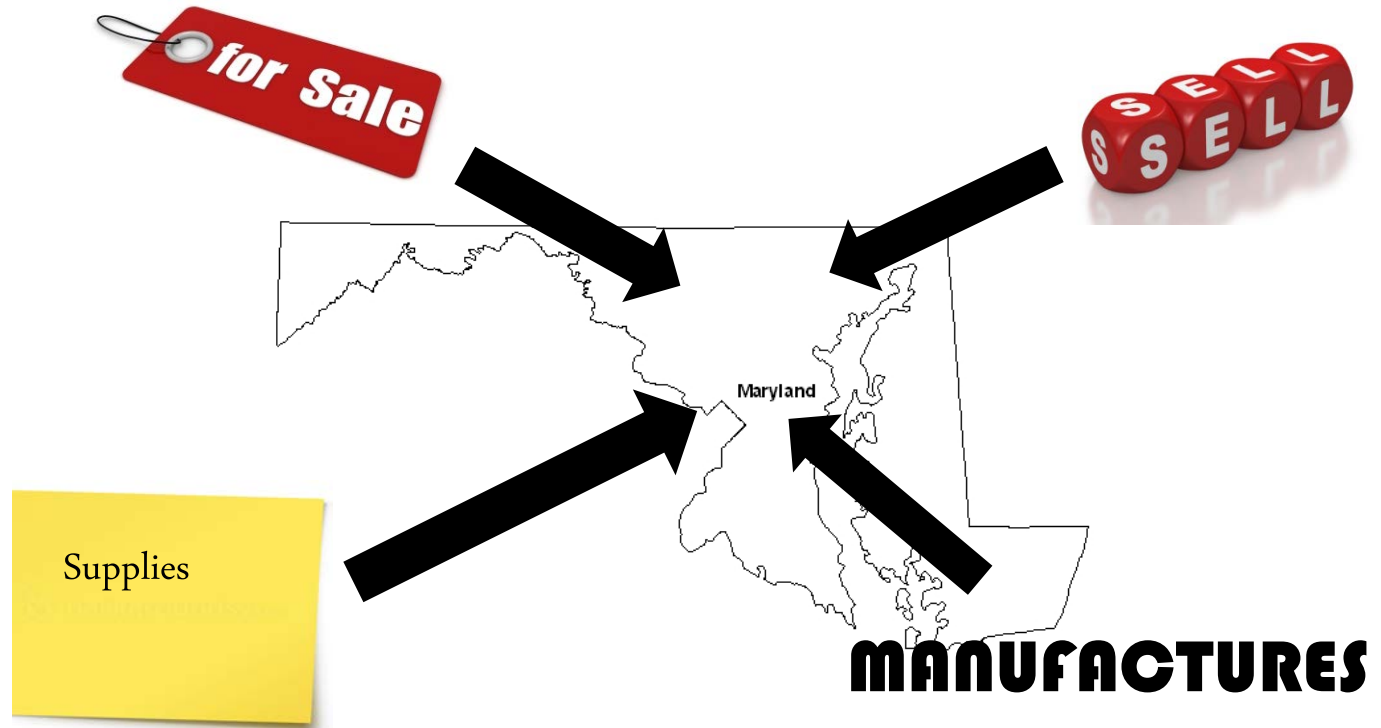
- There are approximately 17 states with AIM regulations.
- Includes 22 air quality districts in the state of California.
- More manufacturers are producing coatings which meet or comply with the lower VOC limits.

As more states require VOC compliant products, manufacturers ultimately develop a single national product rather than producing multiple products for a category.

Proposed Regulation

Applicability

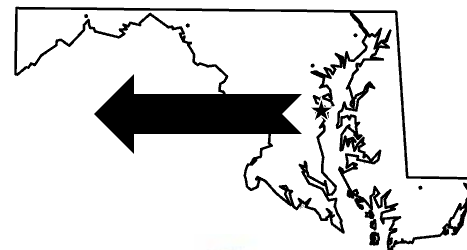
- Applies to any person who, on or after January 1, 2017...



Proposed Regulation

Applicability

- Does not apply to...
 - Architectural coatings sold, supplied, offered for sale, or manufactured for use outside the state or shipment to other manufacturers for reformulation or repackaging.
 - Aerosol coatings.
 - Coatings sold in a container with a volume of 1 liter (1.57 quart) or less (includes kits containing containers of different colors, types, categories, and two component products).



Proposed Regulation

Applicability

The exemption for coatings sold in containers of 1 liter or less does not apply to:

- Bundling of containers 1 liter or less, which are sold together as a unit.
- Coatings with packaging or marketing which implies that multiple containers 1 liter or less be combined into one container.



EXEMPTIONS

Coating Categories and Standards

Coating Categories Eliminated under Proposed Regulation*

Antenna coatings	Flow coatings
Anti-fouling coatings	Fire-retardant coatings
Quick-dry primers, sealers, and undercoaters	Swimming pool repair and maintenance coatings
Clear brushing lacquers	Lacquers
Waterproofing sealers	Waterproofing concrete/masonry sealers
Temperature indicator safety coatings	Sanding sealers
Varnishes (other than conversion varnishes)	Quick-dry enamels

*As of January 1, 2017

Coating Categories and Standards

Examples of New Coating Categories Added to Proposed Regulation*

Coating Category	Maximum VOC Limit (g/L)
Aluminum roof coatings	450
Concrete/masonry sealers	100
Driveway sealers	50
Reactive penetrating sealers	350
Stone consolidant	450
Tub and tile refinishing	420
Waterproofing membranes	250
Wood coatings	275

*As of January 1, 2017

Coating Categories and Standards

Examples of Revised VOC Limits for Existing Coating Categories in Proposed Regulation

Coating Category	Maximum VOC Limit (g/L)	
	Current	Proposed*
Flat coatings	100	50
Non-flat coatings	150	100
Non-flat – high gloss coatings	200	150
Bituminous roof coatings	300	270
Floor coatings	250	100
Industrial maintenance coatings	340	250
Primers, sealers, and undercoaters	200	100
Rust preventative coatings	400	250

*As of January 1, 2017

General Requirements and Standards

Most Restrictive Limit

- If an architectural coating meets the definition of, or is recommended for use under, one or more coating category, then the most restrictive limit applies.
- Provision does not apply to certain coating categories (examples):
 - Aluminum roof coatings
 - High temperature coatings
 - Industrial maintenance coatings
 - Shellacs
 - Wood coatings



General Requirements and Standards

Most Restrictive Limit – Example #1



Coating recommended for use as a Floor Coating (VOC Limit = 100 g/L) or a Driveway Sealer (VOC Limit = 50 g/L).

Under the Most Restrictive Limit provision, the coating would be subject to the VOC limit for a Driveway Sealer (50 g/L)

General Requirements and Standards

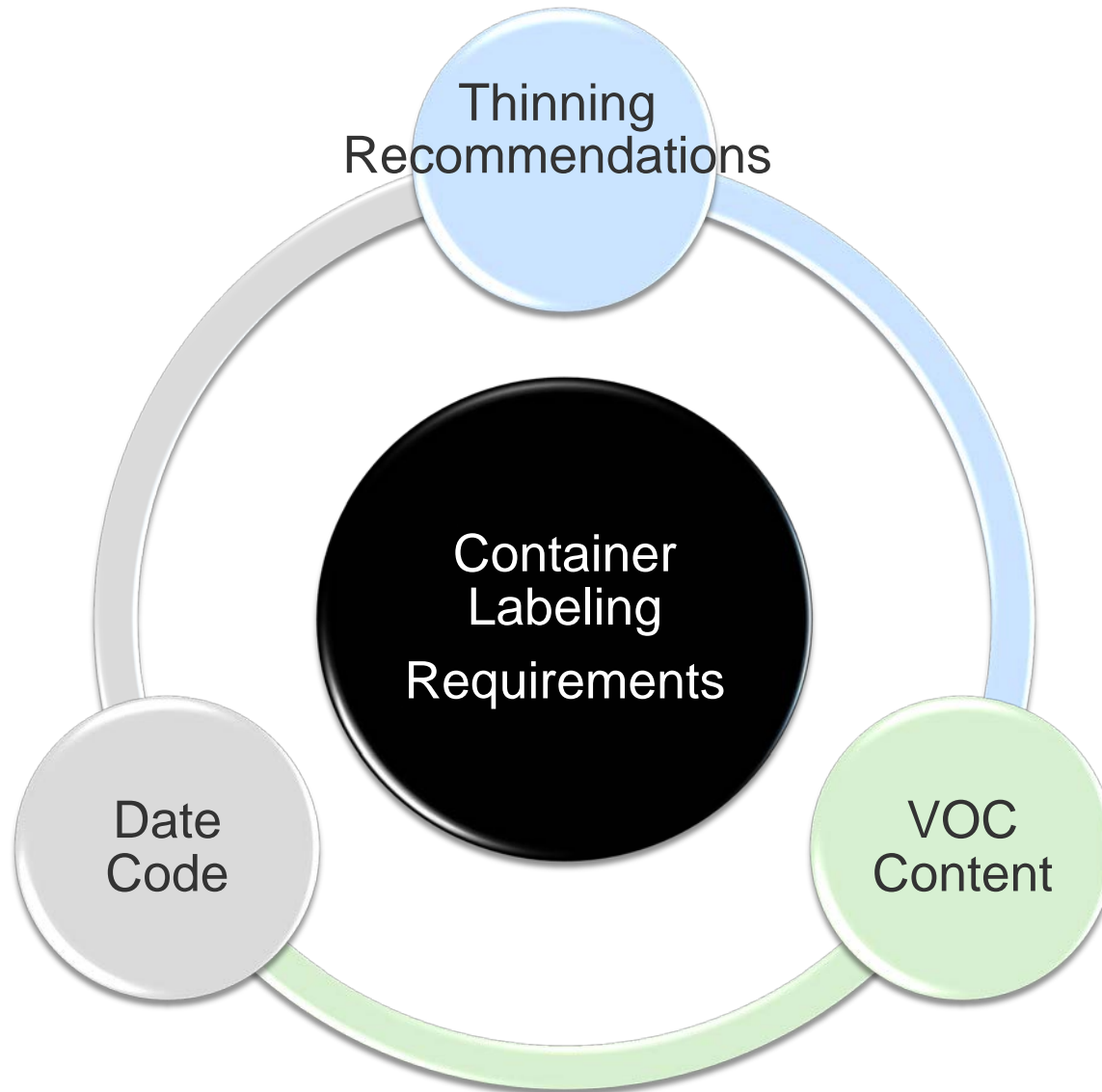
Most Restrictive Limit – Example #2



Coating recommended for use as a Concrete/Masonry Sealer (VOC Limit = 100 g/L) or an Industrial Maintenance Coating (VOC Limit = 250 g/L).

Under the Most Restrictive Limit provision, the coating would be subject to the higher VOC limit for an Industrial Maintenance Coating (250 g/L)

General Requirements and Standards





General Requirements and Standards

Labeling Requirements for Specific Coating Categories

Faux finishing coatings	Wood coatings
Industrial maintenance coatings	Reactive penetrating sealers
Rust preventative coatings	Reactive penetrating carbonate stone sealers
Non-flat – high gloss coatings	Stone consolidants
Specialty primers, sealers, and undercoaters	Zinc-rich primers



General Requirements and Standards

Sell-Through Provision for Coatings

- Allows non-compliant coatings that were manufactured prior to the effective date to be sold, supplied, or offered for sale three years.
- Coatings that comply with the standards in effect at the time of manufacture may be used at any time.
- The sell-through provision for coatings does not apply to coatings that do not display the date or date code required under the container labeling requirements.



Additional Requirements

- Painting Practices - coating containers and any VOC-containing materials (e.g. thinners and cleaning solvents) used for cleaning or thinning are to be closed when not in use.
- Thinning – If thinners are added to a coating, the coating must not exceed the applicable VOC limit.
- Coatings not Listed under VOC Content Limits for AIM Coatings - A coating does not meet any of the definitions for the categories listed in Table 1 of the regulation will be classified as flat, non-flat, or non-flat-high gloss, based on its gloss level, and the corresponding VOC content limit will apply.



Maryland Department of the Environment
Air & Radiation Management Administration
Regulation Development Division

1800 Washington Boulevard | Baltimore, MD 21230-1718
410-537-3000 | TTY Users: 1-800-735-2258
www.mde.state.md.us

