

Title 26 Department of the Environment

Subtitle 11 Air Quality

Chapter 33 Architectural Coatings

26.11.33.01 Applicability and Exemptions.

A. Except as provided in §§B E of this regulation, this chapter applies to a person who, on or after January 1, 2005:

(1) Supplies, sells, offers for sale, or manufactures an architectural coating for use within the State; or

(2) Applies or solicits the application of an architectural coating within the State.

B. Exemptions. This chapter does not apply to the following products:

(1) An architectural coating that is sold or manufactured for:

(a) Use outside of the State;

(b) For shipment to other manufacturers for reformulation or repackaging;

(2) An aerosol coating product; or

(3) An architectural coating that is sold in a container with a volume of 1 liter (1.057 quart) or less.

C. Sell-Through of Coatings.

(1) A coating manufactured before the effective date of January 1, 2005, may be sold, supplied, or offered for sale after the effective date.

(2) A coating that complies with the standards in effect at the time of manufacture may be applied at any time.

(3) The provisions of this section do not apply to a coating that does not display the date or date code required under Regulation .12 of this chapter.

D. Good Faith Effort; Discontinuance of Sale.

(1) A retailer who makes an architectural coating available for sale that violates the standards in this chapter is not in violation of this chapter if:

(a) The retailer demonstrates to the satisfaction of the Department that the purchase was made with reasonable good faith efforts to assure that the coating met applicable State requirements; and

(b) The retailer, upon determining that a noncomplying coating was purchased, immediately discontinues sale of the coating in the State.

(2) Good faith efforts include the following:

(a) Written communication with manufacturers and distributors that only complying coatings will be acceptable for sale in the State;

(b) Written agreements between the retailer and the manufacturers and distributors, in which the manufacturers and distributors commit to supply only complying coatings;

(c) The implementation of a self-audit program that periodically evaluates the purchase and sale of architectural coatings regulated under this chapter; and

(d) The use of invoices, purchase orders, and other contractual and billing documents, which specify that only complying coatings are acceptable.

E. Alternative Standards.

(1) A person subject to this chapter may request an alternative standard in accordance with this section.

(2) A person who requests an alternative standard with a higher VOC content than the standards in Regulation .05 of this chapter shall demonstrate to the Department's satisfaction that implementation of an alternative standard will not result in a decrease in the total emission reduction that would result from implementing the standards in Regulation .05 of this chapter.

(3) If a request is approved by the Department, the alternative standard shall be adopted as a regulation.

(4) The standards in Regulation .05 of this chapter apply on January 1, 2005, unless an alternative standard is adopted by the Department as a regulation.

26.11.33.02 Test Methods - Incorporation by Reference.

A. In this chapter, the following documents are incorporated by reference.

B. Documents Incorporated.

(1) Flame Spread Index. The flame spread index of a fire-retardant coating shall be determined by the ASTM Designation: E 84-01, "Standard Test Method for Surface Burning Characteristics of Building Materials".

(2) Fire-Resistance Rating. The fire-resistance rating of a fire-resistive coating shall be determined by ASTM Designation: E 119-00a, "Standard Test Methods for Fire Tests of Building Construction Materials".

(3) Gloss Determination. The gloss of a coating shall be determined by ASTM Designation: D 523-89 (Reapproved 1999), "Standard Test Method for Specular Gloss".

(4) Metal Content of Coatings. The metallic content of a coating shall be determined by South Coast Air Quality Management District (SCAQMD) Method 318-95, "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction", (Approved July 1996) SCAQMD Laboratory Methods of Analysis for Enforcement Samples.

(5) Acid Content of Coatings. The acid content of a coating shall be determined by ASTM Designation: D 1613-96 (Reapproved 1999), "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products".

(6) Drying Times.

(a) The set-to-touch, dry-hard, dry-to-touch, and dry-to-recoat times of a coating shall be determined by ASTM Designation: D 1640-95 (Reapproved 1999), "Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature".

(b) The tack free time of a quick-dry enamel coating shall be determined by the Mechanical Test Method of ASTM Designation: D 1640-95 (Reapproved 1999), "Standard Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature".

(7) Surface Chalkiness. The chalkiness of a surface shall be determined using ASTM Designation: D 4214-98, "Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films".

(8) Exempt Compounds Siloxanes. Exempt compounds that are cyclic, branched, or linear, completely methylated siloxanes, shall be analyzed as exempt compounds by Bay Area Air Quality Management District (BAAQMD) Method 43, "Determination of Volatile Methylsiloxanes in Solvent Based Coatings, Inks and Related Materials," BAAQMD Manual of Procedures, Volume III, adopted November 6, 1996.

(9) Exempt Compounds Parachlorobenzotrifluoride (PCBTF). The exempt compound parachlorobenzotrifluoride, shall be analyzed using BAAQMD Method 41 "Determination of Volatile Organic Compounds in Solvent Based Coatings and Related Materials Containing Parachlorobenzotrifluoride," BAAQMD Manual of Procedures, Volume III, adopted December

20, 1995.

(10) Exempt Compounds. The content of compounds exempt under U.S. EPA Method 24 shall be analyzed using South Coast Air Quality Management District (SCAQMD) Method 303-91 "Determination of Exempt Compounds (Revised 1993)", SCAQMD Laboratory Methods of Analysis for Enforcement Samples.

(11) VOC Content of Coatings. The VOC content of a coating shall be determined by U.S. EPA Method 24 as it exists in Appendix A of 40 CFR Part 60 , "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings".

(12) Alternative VOC Content of Coatings. The VOC content of coatings may be analyzed by either U.S. EPA Method 24 as it exists in Appendix A of 40 CFR Part 60 , "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings" or SCAQMD Method 304-91 "Determination of Volatile Organic Compounds (VOC) in Various Materials (Revised 1996)", SCAQMD Laboratory Methods of Analysis for Enforcement Samples.

(13) Methacrylate 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 , "Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings" (September 11, 1998).

(14) ASTM Designation: D 4082-02, "Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants".

(15) ASTM Designation: D 3912-95 (Reapproved 2001), "Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants".

26.11.33.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Adhesive" means a 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 product that:

(a) Contains pigments or resins that dispenses product ingredients by means of a propellant; and

(b) Is packaged in a disposable can for handheld application, or for use in

specialized equipment for ground traffic/marking applications.

(3) "Antenna coating" means a coating labeled and formulated exclusively for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals.

(4) "Antifouling coating" means a coating that is:

(a) Labeled and formulated for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms; and

(b) Registered with both the U.S. EPA under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. §136 et seq.) and with the State.

(5) Appurtenance.

(a) "Appurtenance" means an accessory to a stationary structure that is coated at the site of installation, whether installed or detached.

(b) "Appurtenance" includes the following:

(i) Bathroom and kitchen fixtures;

(ii) Cabinets;

(iii) Concrete forms;

(iv) Doors;

(v) Elevators;

(vi) Fences;

(vii) Hand railings;

(viii) Heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools;

(ix) Lampposts;

(x) Partitions;

(xi) Pipes and piping systems;

- (xii) Rain gutters and downspouts;
- (xiii) Stairways;
- (xiv) Fixed ladders;
- (xv) Catwalks and fire escapes; and
- (xvi) Window screens.

(6) Architectural Coating.

(a) "Architectural coating" means a coating to be applied to:

- (i) Stationary structures or their appurtenances at the site of installation;
- (ii) Portable buildings at the site of installation;
- (iii) Pavements; or
- (iv) Curbs.

(b) "Architectural coating" does not include:

- (i) Coatings applied in shop applications or to nonstationary structures such as airplanes, ships, boats, railcars, or automobiles; or
- (ii) Adhesives.

(7) "Bitumens" means a black or brown material such as asphalt, tar, pitch, and asphaltite that:

- (a) Is soluble in carbon disulfide;
- (b) Consists mainly of hydrocarbons; and
- (c) Is obtained from natural deposits or as residues from the distillation of crude petroleum or coal.

(8) "Bituminous roof coating" means a coating which incorporates bitumens that is labeled and formulated exclusively for roofing.

(9) "Bituminous roof primer" means a primer that incorporates bitumens and is labeled and formulated exclusively for roofing.

(10) "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.

(11) "Calcimine recoater" means a flat solvent borne coating formulated and recommended specifically for recoating calcimine-painted ceilings and other calcimine-painted substrates.

(12) "Clear brushing lacquer" means a clear wood finish, excluding clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins:

(a) To dry by solvent evaporation without chemical reaction;

(b) To provide a solid, protective film, which is intended exclusively for application by brush; and

(c) Which are labeled as specified in Regulation .12 of this chapter.

(13) "Clear wood coatings" means a clear and semitransparent coating, including lacquers and varnishes, applied to wood substrates to provide a transparent or translucent solid film.

(14) Coating.

(a) "Coating" means a material applied onto or impregnated into a substrate for protective, decorative, or functional purposes.

(b) "Coating" includes, paints, varnishes, sealers, and stains.

(15) "Colorant" means a concentrated pigment dispersion in water, solvent, or binder that is added to an architectural coating after packaging in sale units to produce a desired color.

(16) "Concrete curing compound" means a coating labeled and formulated for application to freshly poured concrete to retard the evaporation of water.

(17) "Concrete surface retarder" means 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.

(18) "Conversion varnish" means a clear acid curing coating with an alkyd, or other resin blended with amino resins, which:

(a) Is supplied as a single component or two-component product designed for professional application to wood flooring to produce a hard, durable, clear finish; and

(b) Results in a film formation from an acid-catalyzed condensation reaction, affecting a transesterification of the reactive ethers of the amino resins.

(19) "Dry fog coating" means 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.

(20) "Exempt compound" means a compound identified as exempt under the definition of volatile organic compound (VOC) under COMAR 26.11.01.01B(53).

(21) "Faux finishing coating" means a coating labeled and formulated as a stain or a glaze to create artistic effects such as the simulated appearance of dirt, old age, smoke damage, or marble and wood grain.

(22) "Fire-resistive coating" means an opaque coating that has been:

(a) Labeled and formulated to protect structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials; and

(b) Fire tested and rated by a testing agency in accordance with ASTM Designation E 119-98, "Standard Test Methods for Fire Tests of Building Construction Materials", and approved by building code officials for use in bringing building and construction materials into compliance with federal, State, and local building code requirements.

(23) "Fire-retardant coating" means a coating that has been:

(a) Labeled and formulated to retard ignition and flame spread; and

(b) Fire tested and rated by a testing agency in accordance with ASTM Designation E 84-99, "Standard Test Methods for Fire Tests of Building Construction Materials", and approved by building code officials for use in bringing building and construction materials into compliance with federal, State, and local building code requirements.

(24) "Flat coating" means a coating that is not defined under any other definition in this regulation and that registers gloss less than 15 on an 85-degree meter or less than 5 on a 60-degree meter according to ASTM Designation D 523-89 (1999) "Standard Test Method for Specular Gloss".

(25) "Floor coating" means an opaque coating that is labeled and formulated for application to flooring such as decks, porches, steps, and other horizontal surfaces that may be subjected to foot traffic.

(26) "Flow coating" means a coating labeled and formulated exclusively for use by electric power companies or their subcontractors to maintain the protective coating systems present on utility transformer units.

(27) "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 also consist of wood, metal, or some material other than concrete.

(28) "Graphic arts coating or sign paint" means a coating labeled and formulated for hand-application using brush or roller techniques to indoor and outdoor signs, excluding structural components, and murals including letter enamels, poster colors, copy blockers, and bulletin enamels.

(29) "High-temperature coating" means a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).

(30) "Impacted immersion coating" means a high performance maintenance coating that is:

(a) Formulated and recommended for application to steel structures subject to immersion in turbulent, debris-laden water; and

(b) Resistant to high-energy impact damage caused by floating ice or debris.

(31) "Industrial maintenance coating" means a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats, that is labeled as specified in Regulation .12 of this chapter and formulated for application to substrates exposed to one or more of the following extreme environmental conditions:

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

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

(c) Repeated exposure to temperatures above 121°C (250°F);

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

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

(32) "Lacquer" means a clear or opaque wood coating, including clear lacquer sanding

sealers, formulated with cellulosic or synthetic resins to dry by evaporation without chemical reaction to provide a solid, protective film.

(33) "Low-solids coating" means a coating containing 0.12 kilogram or less of solids per liter (1 pound or less of solids per gallon) of coating material.

(34) "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.

(35) "Mastic texture coating" means a coating:

(a) Labeled and formulated to cover holes and minor cracks and to conceal surface irregularities; and

(b) Applied in a single coat of at least 10 mils (0.010 inch) dry film thickness.

(36) "Metallic pigmented coating" means a coating containing at least 48 grams of elemental metallic pigment per liter of coating as applied (0.4 pounds per gallon), when tested in accordance with SCAQMD Method 318-95 "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction".

(37) "Multi-color coating" means a coating that:

(a) Is packaged in a single container; and

(b) Exhibits more than one color when applied in a single coat.

(38) "Non-flat coating" means a coating that is:

(a) Not defined under any other definition in this regulation; and

(b) Registers a gloss of 15 or greater on an 85-degree meter and 5 or greater on a 60-degree meter according to ASTM Designation D 523-89 (1999) "Standard Test Method for Specular Gloss".

(39) "Non-flat high gloss coating" means a non-flat coating that registers a gloss of 70 or above on a 60-degree meter according to ASTM Designation D 523-89 (1999) "Standard Test Method for Specular Gloss".

(40) "Nonindustrial use" means use of an architectural coating except in the construction or maintenance of the following:

(a) Facilities used in the manufacturing of goods and commodities;

(b) Transportation infrastructure, including highways, bridges, airports, and railroads;

(c) Facilities used in mining activities, including petroleum extraction; or

(d) Utilities infrastructure, including power generation and distribution, and water treatment and distribution systems.

(41) "Nuclear coating" means a protective coating formulated and recommended to seal porous surfaces such as steel or concrete that:

(a) Otherwise would be subject to intrusion by radioactive materials;

(b) Are resistant to long-term (service life) cumulative radiation exposure as determined under ASTM Method D 4082-89, "Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants";

(c) Are relatively easy to decontaminate; and

(d) Are resistant to various chemicals to which the coatings are likely to be exposed as determined under ASTM Method D 3912-80 (Reapproved 1989), "Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants".

(42) Post-Consumer Coating.

(a) "Post-consumer coating" means a finished coating that would have been disposed of in a landfill, having completed its usefulness to a consumer.

(b) "Post-consumer coating" does not include manufacturing wastes.

(43) "Pre-treatment wash primer" means a primer that:

(a) Contains a minimum of 0.5 acid, by weight, when tested in accordance with ASTM Designation D 1613-96, "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer and Related Products"; and

(b) Is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and promote adhesion of subsequent topcoats.

(44) "Primer" means a coating labeled and formulated for application to a substrate to provide a firm bind between the substrate and subsequent coats.

(45) "Quick-dry enamel" means a non-flat coating that is:

(a) Labeled as specified in Regulation .12 of this chapter; and

(b) Formulated to have the following characteristics:

(i) Can be applied directly from the container under normal conditions with ambient temperatures between 16 and 27°C (60 and 80°F);

(ii) When tested in accordance with ASTM Designation D 1640-95, "Standard Method for Drying, Curing, or Film Forming of Organic Coatings at Room Temperature" sets to touch in 2 hours or less, is tack free in 4 hours or less, and dries hard in 8 hours or less by the mechanical test method; and

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

(46) "Quick-dry primer sealer and undercoater" means a primer, sealer, or undercoater that is dry to the touch in 30 minutes and can be re-coated in 2 hours when tested in accordance with ASTM Designation D 1640-95 "Standard Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature".

(47) "Recycled coating" means an architectural coating formulated so that:

(a) Not less than 50 percent of the total weight consists of secondary and post-consumer coating; and

(b) Not less than 10 percent of the total weight consists of post-consumer coating.

(48) "Residence" means areas where people reside or lodge, such as single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels, and hotels.

(49) Roof Coating.

(a) "Roof coating" means a non-bituminous coating labeled and formulated exclusively for application to roofs for the primary purpose of preventing penetration of the substrate by water or reflecting heat and ultraviolet radiation.

(b) "Roof coating" does not include metallic pigmented roof coatings, which are classified under the metallic pigmented coatings category.

(50) "Rust preventive coating" means a coating formulated exclusively for nonindustrial use to prevent the corrosion of metal surfaces and labeled as specified in Regulation .12 of this chapter.

(51) Sanding Sealer.

(a) "Sanding sealer" means a clear or semi-transparent wood coating labeled and formulated for application to bare wood to:

(i) Seal the wood; and

(ii) Provide a coat that can be abraded to create a smooth surface for subsequent applications of coatings.

(b) "Sanding sealer" that also meets the definition of a lacquer is included in the lacquer category but not the sanding sealer category.

(52) "Sealer" means a coating labeled and formulated for application to a substrate to:

(a) Prevent subsequent coatings from being absorbed by the substrate; or

(b) Prevent harm to subsequent coatings by materials in the substrate.

(53) Secondary Coating.

(a) "Secondary coating" means a fragment of a finished coating or a finished coating from a manufacturing process that has converted resources into a commodity of real economic value.

(b) "Secondary coating" does not include excess virgin resources of the manufacturing process.

(54) "Shellac" means a clear or opaque coating formulated solely with the resinous secretions of the Lac beetle (*Lacier lace*), thinned with alcohol, 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 require for use or to specify by written or oral contract.

(57) "Specialty primer, sealer, and undercoater" means a coating that is labeled as required by Regulation .12 of this chapter and formulated for application to a substrate in order to:

(a) Seal fire, smoke, or water damage;

(b) Block stains; or

(c) Condition a surface that has a chalk rating of four or less as determined by ASTM Designation D 4214-98, "Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films".

(58) "Stain" means a clear, semi-transparent, or opaque coating labeled and formulated to change the color of a surface, but not conceal the grain pattern or texture.

(59) "Swimming pool coating" means a coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals.

(60) "Swimming pool repair and maintenance coating" means a rubber-based coating labeled and formulated to be used over existing rubber-based coatings for the repair and maintenance of swimming pools.

(61) "Temperature-indicator safety coating" means a coating labeled and formulated as a color-changing indicator coating for:

(a) Monitoring the temperature and safety of the substrate, underlying piping, or underlying equipment; and

(b) Application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).

(62) "Thermoplastic rubber coating and mastic" means a coating or mastic:

(a) Formulated and recommended for application to roofing or other structural surfaces; and

(b) That incorporates no less than 40 percent by weight of thermoplastic rubbers in the total resin solids; and

(c) May also contain other ingredients including fillers, pigments, and modifying resins.

(63) "Tint base" means an architectural coating to which colorant is added after packaging in sale units to produce a desired color.

(64) "Traffic marking coating" means a coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces such as curbs, berms, driveways, parking lots, sidewalks, and airport runways.

(65) "Undercoater" means a coating labeled and formulated to provide a smooth surface for subsequent coatings.

(66) Varnish.

(a) "Varnish" means a clear or semi-transparent wood coating, excluding lacquers and shellacs, formulated to dry by chemical reaction on exposure to air.

(b) "Varnish" may contain small amounts of pigment to color a surface or to control the final sheen or gloss of a finish.

(c) "Varnish" does not include a conversion varnish.

(67) "VOC content" means the weight of VOC per volume of coating, calculated according to the procedures specified in Regulation .14 of this chapter.

(68) "Waterproofing sealer" means a coating labeled and formulated for application to a porous substrate for the primary purpose of preventing the penetration of water.

(69) "Waterproofing concrete/masonry sealer" means 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.

(70) "Wood preservative" means a coating that is:

(a) Labeled and formulated to protect exposed wood from decay or insect attack; and

(b) Registered with both the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. §136 et seq.) and with the State.

26.11.33.04 General Standard VOC Content Limits.

Except as provided in this regulation, effective January 1, 2005, a person may not manufacture, blend, repackage for sale, supply, sell, offer for sale, solicit for application, or apply within the State an architectural coating with a VOC content in excess of the corresponding limit specified in Regulation .05 of this chapter.

26.11.33.05 VOC Content Limits.

VOC content limits, expressed as grams per liter, are as follows:

A. Flat coatings.....100;

B. Non-flat coatings.....150;

C. Non-flat high gloss coatings.....250;

D. Specialty coatings:

(1) Antenna coatings.....530;

- (2) Anti-fouling coatings.....400;
- (3) Bituminous roof coatings.....300;
- (4) Bituminous roof primers.....350;
- (5) Bond breakers.....350;
- (6) Calcimine recoater.....475;
- (7) Clear wood coatings:
 - (a) Clear brushing lacquers.....680;
 - (b) Lacquers, including clear lacquer sanding sealers.....550;
 - (c) Sanding sealers, excluding clear lacquer sanding sealers.....350;
 - (d) Varnishes other than conversion varnishes.....350;
- (8) Concrete curing compounds.....350;
- (9) Concrete surface retarder.....780;
- (10) Conversion varnishes.....725;
- (11) Dry fog coatings.....400;
- (12) Faux finishing coatings.....350;
- (13) Fire-resistive coatings.....350;
- (14) Fire-retardant coatings:
 - (a) Clear.....650;
 - (b) Opaque.....350;
- (15) Floor coatings.....250;
- (16) Flow coatings.....420;
- (17) Form-release compounds.....250;

- (18) Graphic arts coatings (sign paints).....500;
- (19) High-temperature coatings.....420;
- (20) Impacted immersion coating.....780;
- (21) Industrial maintenance coatings.....340;
- (22) Low-solids coatings.....120;
- (23) Magnesite cement coatings.....450;
- (24) Mastic texture coatings.....300;
- (25) Metallic pigmented coatings.....500;
- (26) Multi-color coatings.....250;
- (27) Nuclear coatings.....450;
- (28) Pre-treatment wash primers.....420;
- (29) Primers, sealers, and undercoaters.....200;
- (30) Quick-dry enamels.....250;
- (31) Quick-dry primers, sealers and undercoaters200;
- (32) Recycled coatings.....250;
- (33) Roof coatings.....250;
- (34) Rust preventive coatings.....400;
- (35) Shellacs:
 - (a) Clear.....730;
 - (b) Opaque.....550;
- (36) Specialty primers, sealers, and undercoaters.....350;
- (37) Stains.....250;

- (38) Swimming pool coatings.....340;
- (39) Swimming pool repair and maintenance coatings.....340;
- (40) Temperature-indicator safety coatings.....550;
- (41) Thermoplastic rubber coating and mastic.....550;
- (42) Traffic marking coatings.....150;
- (43) Waterproofing sealers.....250;
- (44) Waterproofing concrete/masonry sealers.....400;
- (45) Wood preservatives.....350.

26.11.33.06 Most Restrictive VOC Limit

A. Most Restrictive Limit. If anywhere on the container of an architectural coating, label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on behalf of a manufacturer, any representation is made that indicates that the coating meets the definition of or is recommended for use for more than one of the coating categories listed in Regulation .05 of this chapter, then the most restrictive VOC content limit applies.

B. Section A of this regulation does not apply to the following coating categories:

- (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) Specialty primers, sealers, and undercoaters;
- (16) Calcimine recoaters;
- (17) Impacted immersion coatings;
- (18) Nuclear coatings; and
- (19) Thermoplastic rubber coating and mastic.

26.11.33.07 Painting Practices.

A. An architectural coating container, the contents of which are applied to a surface by pouring, siphoning, brushing, rolling, padding, ragging, or other means, shall be closed when not in use.

B. Architectural coatings containers include drums, buckets, cans, pails, trays, or other application containers.

C. Containers of any VOC-containing materials used for thinning and cleanup shall also be closed when not in use.

26.11.33.08 Thinning.

A person may not add thinner to an architectural coating if the addition of thinner will result in violation of a standard in Regulation .05 of this chapter.

26.11.33.09 Rust Preventive Coatings.

A person may not apply or solicit the application of any rust preventive coating for industrial use, unless the rust preventive coating complies with the industrial maintenance coating VOC limit specified in Regulation .05 of this chapter.

26.11.33.10 Coatings Not Listed in Regulation .05

A coating that does not meet the definitions for the specialty coatings categories listed in Regulation .05 of this chapter is subject to the VOC content limit for either a flat coating or a non-flat coating, based on its gloss as determined in Regulation .02 of this chapter.

26.11.33.11 Lacquers.

If a lacquer coating contains acetone and not more than 550 grams of VOC per liter of coating, less water and exempt compounds, before the addition of VOC, then a person may add up to 10 percent by volume of VOC to the lacquer to avoid blushing of the finish during days with relative humidity greater than 70 percent and temperature below 65°F, at the time of application.

26.11.33.12 Container Labeling Requirements

A. A person who manufactures an architectural coating subject to this chapter shall display the information listed in this regulation on the coating container or container label in which the coating is sold or distributed.

B. Date Code. The date the coating was manufactured, or a date code representing the date of manufacture, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for a coating, the manufacturer shall file an explanation of each code with the Department.

C. Thinning Recommendations.

(1) A statement of the manufacturer's recommendation regarding thinning of the coating shall be indicated on the label or lid of the container.

(2) This requirement does not apply to the thinning of architectural coatings with water.

(3) If thinning of the coating before use is not necessary, the recommendation shall specify that the coating is to be applied without thinning.

D. VOC Content.

(1) A container of a coating subject to this chapter shall display either the maximum or the actual VOC content of the coating, as supplied, including the maximum thinning as recommended by the manufacturer.

(2) The VOC content shall be displayed in grams of VOC per liter of coating. The VOC content shall be calculated using product formulation data, or determined using the test methods in Regulation .14B of this chapter. The equations in Regulation .14A of this chapter shall be used to calculate the VOC content.

E. Industrial Maintenance Coatings. A manufacturer of an industrial maintenance coating shall

display on the label or the lid of the container in which the coating is sold or distributed one or more of the following descriptions:

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

F. Clear Brushing Lacquers. The labels of a clear brushing lacquer shall prominently display both of the following statements:

- (1) "For brush application only"; and
- (2) "This product may not be thinned or sprayed".

G. Rust Preventive Coatings. The labels of a rust preventive coating shall prominently display the statement "For Metal Substrates Only".

H. Specialty Primers, Sealers, and Undercoaters. The label of a specialty primer, sealer, or undercoater shall, as applicable, prominently display one or more of the following descriptions:

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

I. Quick Dry Enamels. The label of a quick dry enamel shall prominently display:

- (1) The words "Quick Dry"; and
- (2) The dry hard time.

J. Non-Flat—High-Gloss Coatings. The label of a non-flat—high-gloss coating shall prominently display the words "High Gloss".

.13 Record Keeping Requirements.

A. A person who manufactures a coating subject to this chapter shall, for each year beginning in 2005, maintain the following records:

(1) Identification of each regulated product manufactured, the number of gallons of each coating sold in Maryland, and the VOC content of each coating;

(2) For coatings that contain perchloroethylene or methylene chloride:

(a) Identification for each regulated product that contains perchloroethylene or methylene chloride;

(b) The total volume of each coating sold in Maryland; and

(c) The volume percent, to the nearest 0.10 percent, of perchloroethylene or methylene chloride in the coating; and

(3) The total volume of coatings manufactured that is sold in containers with a capacity of 1 liter or less.

B. A coating manufacturer that is required to maintain records on the volume of coatings sold or distributed in Maryland shall show the method used to calculate the total sales or distribution.

C. The records under this regulation shall be maintained for not less than 5 years and made available to the Department upon request.

26.11.33.14 Compliance Provisions and Test Methods.

A. Calculation of VOC Content.

(1) For the purpose of determining compliance with the VOC content limits in Regulation .05 of this chapter, the VOC content of a coating shall be determined by using the following procedures, as applicable:

(a) 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 using the following equation:

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

Where:

VOC content = grams of VOC per liter of coating;

Ws = weight of volatiles, in grams;

Ww = weight of water, in grams;

Wec = weight of exempt compounds, in grams;

Vm = volume of coating, in liters;

Vw = volume of water, in liters; and

Vec = volume of exempt compounds, in liters;

(b) 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 using the following equation:

$$\text{VOC content (ls)} = (Ws - Ww - Wec) / Vm$$

Where:

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

Ws = weight of volatile, in grams;

Ww = weight of water, in grams;

Wec = weight of exempt compounds, in grams; and

Vm = volume of coating, in liters.

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

B. VOC Content of Coatings.

(1) Except as provided in §C of this regulation, a person shall determine the VOC content of a coating using U.S. EPA Method 24, SCAQMD Method 304-91 (Revised February 1996), or an alternative method approved by the Department and the U.S. EPA.

(2) The exempt compounds content shall be determined by SCAQMD Method 303-91 (Revised August 1996).

C. Methacrylate Traffic Coating Markings. Analysis of methacrylate multi-component coatings used as traffic marking coatings shall be performed in accordance with U.S. EPA Method 24 as

modified in 40 CFR 59 , Subpart D , Appendix A . This method is not approved for methacrylate multicomponent coatings used for purposes other than as traffic marking coatings or for other classes of multicomponent coatings.