

Small Business Environmental Assistance Program

NYS Pollution Prevention Institute

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Air Pollution Control Requirements for Architectural and Industrial Maintenance (AIM) Coatings Regulatory Update (October 2022)

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Architectural and Industrial Maintenance (AIM) Coatings that are sold in NYS, manufactured for sale in NYS or applied in NYS are regulated under 6 NYCRR Part 205, which was revised in October, 2020. AIM coatings and reducers/thinners typically contain some percentage of volatile organic compounds (VOC) that evaporate during the surface coating operations, and contribute to air pollution problems such as the formation of ozone/smog and other related public health problems. Requirement Part 205 establishes VOC content limits (see Table of Standards), labeling requirements and “good housekeeping practices”. In October 2020, the rule was revised to reduce the VOC limit on 12 coating categories, create VOC limits for 12 additional coating categories, eliminate 15 coating categories, eliminate the VOC content limit exemption on quart (and smaller) containers of floor coatings, and eliminate "bundling" of small containers.

Requirements for Manufacturers

Container Labeling Requirements

Coating manufacturers subject to Part 205 are required to provide product information (see below) on the coating container, or on the label affixed to the container.

Label Requirements

- Manufactured Date or Date Code: Date Code explanation must be on file with the DEC
- Thinning recommendations
- VOC content using one of the following methods 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.
- 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.
- Specific Labeling Instructions for:
 - Industrial maintenance coatings
 - Clear brushing lacquers
 - Rust preventative coatings
 - Specialty primers, sealers & undercoaters
 - Quick-dry enamels
 - Faux finishing coatings
 - Non-flat high-gloss coatings
 - Reactive penetrating sealers
 - Stone consolidant

- Wood coatings
- Zinc-rich primers

Reporting Requirements

Manufacturers of these coatings are required to:

1. Provide data concerning the distribution and sales of architectural coatings within 180 days upon request, including
 - a. the name and mailing address of the manufacturer;
 - b. the name, address and telephone number of a contact person;
 - c. 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;
 - d. whether the product is marketed for interior or exterior use or both;
 - e. 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);
 - f. the VOC actual content and the VOC regulatory content in grams per liter;
 - g. the names and CAS numbers of the VOC constituents of the product;
 - h. the names and CAS numbers of any compound in the product specifically exempted from the VOC definition;
 - i. whether the product is marketed as solventborne, waterborne, or 100 percent solids;
 - j. description of resin or binder in the product;
 - k. whether the coating is a single-component or multi-component product;
 - l. the density of the product in pounds per gallon;
 - m. the percent of weight of solids, all volatile materials, water, and any compounds in the product specifically exempted from the VOC definition;
 - n. the percent by volume of solids, water and any compounds in the product specifically exempted from the VOC definition.
2. Maintain data for a minimum of three years

Exemptions

The rule does not apply to:

1. AIM coatings that are supplied, sold or manufactured for use outside of New York State;
2. AIM coatings for shipment to manufacturers for reformulation.
3. Any aerosol-coating product;
4. Any architectural coatings except floor coatings that are sold in a container of one liter or less, including kits with containers of different colors, types or categories of coatings and two component products. This exemption does not apply to bundling of containers one liter or less, which are sold together as a unit, or are marketed to be combined.

Please check with other States to see what rules and exemptions apply to coatings sold in their jurisdictions

Table of Standards - VOC Content Limits for Architectural Coatings Coating Category VOC Limit (g/l) (thinned to manufacturer's maximum thinning recommendation, excluding any colorant added to tint bases.)

New Category established in Oct, 2020 rule revision

More stringent limit established in Oct, 2020 rule revision

Coating Category	VOC Content Limit (grams per liter)
	Effective January 1, 2021
Flat Coatings	50
Nonflat Coatings	100
Nonflat - High Gloss Coatings	150
Specialty Coatings	
Aluminum Roof Coating	450
Basement Specialty Coatings	400
Bituminous Roof Coatings	270
Bituminous Roof Primers	350
Bond Breakers	350
Calcimine Recoaters	475
Concrete Curing Compounds	350
Concrete/Masonry Sealer	100
Concrete Surface Retarders	780
Conjugated Oil Varnish	450
Conversion Varnish	725
Driveway Sealers	50
Dry Fog Coatings	150
Faux Finishing Coatings	350
Fire Resistive Coatings	350
Floor Coatings	100
Form Release Compounds	250
Graphic Arts Coatings (Sign Paints)	500
High Temperature Coatings	420
Impacted Immersion Coatings	780
Industrial Maintenance Coatings (including rust preventive)	250
Low Solids Coatings	120
Magnesite Cement Coatings	450
Mastic Texture Coatings	100
Metallic Pigmented Coatings	500
Multi Color Coatings	250
Nuclear Coatings	450
Pre Treatment Wash Primers	420

Primers, Sealers, and Undercoaters	100
Reactive Penetrating Sealer	350
Reactive Penetrating Carbonate Stone Sealer	500
Recycled Coatings	250
Roof Coatings	250
Rust Preventative Coatings	250
Shellacs	
• Clear	730
• Opaque	550
Specialty Primers, Sealers, and Undercoaters	100
Stains	250
Stone Consolidant	450
Swimming Pool Coatings	340
Thermoplastic Rubber Coatings and Mastics	550
Traffic Marking Coatings	100
Tub and Tile Refinish	420
Waterproofing Membranes	250
Wood Coatings	275
Wood Preservatives	350
Zinc-Rich Primer	340

1. If any coating can be used for more than one category based on labeling, technical literature or advertising, the NYS Part 205 regulation must be consulted because in some cases the strictest limit applies and in other cases one particular standard applies.
2. The VOC limits listed are for the coating as applied (after thinning). No one can thin coatings so as to exceed the VOC limit.
3. For coatings not listed in the above table and that do not meet the definition of the “specialty coatings” categories, the coating will be classified as flat, nonflat or nonflat-high gloss, as applicable, and the corresponding VOC coating limit will apply.
4. Coatings manufactured before Jan 1, 2021 or approved by DEC for manufacture until 7/1/2022 that were compliant with the VOC limits effective at the time of manufacture may be sold until May 1, 2023.