3745-113-01 Definitions for architectural and industrial maintenance (AIM) coatings.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (AA) of this rule titled "referenced materials."]

Except as otherwise provided in this rule, the definitions in rule 3745-15-01 of the Administrative Code apply to this chapter:

(A)

(1) "Adhesive" means any 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 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/marking applications.

(3) "AIM" means architectural and industrial maintenance.

(4) "Aluminum roof coating" means a coating labeled and formulated exclusively for application to roofs and containing at least eighty-four grams of elemental aluminum pigment per liter of coating (at least 0.7 pounds per gallon). Pigment content is determined in accordance with SCAQMD method 318-95.

(5) "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.

(6) "Anti-fouling coating" means a coating that is registered with both USEPA under the Federal Insecticide, Fungicide and Rodenticide Act contained in 7 USC 136 to 136y and with Ohio EPA, and is labeled and formulated for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms.

(7) "Appurtenance" means 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 and fire escapes; and window screens.

(8) "Architectural coating" means a coating to be applied to stationary structures or 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 non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, as well as adhesives are not considered architectural coatings for the purposes of this rule.

(B)

(1) "Basement specialty coating" means 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. Both of the following criteria apply to basement specialty coatings:

(a) Coating capable of withstanding at least ten psi of hydrostatic pressure, as determined in accordance with ASTM D7088.

(b) Coating resistant to mold and mildew growth and with a microbial growth rating of eight or more, as determined in accordance with ASTM D3273 and ASTM D3274.

(2) "Bitumens" means 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.

(3) "Bituminous roof coating" means a coating which incorporates bitumens that is labeled and formulated exclusively for roofing for the primary purpose of preventing water penetration.

(4) "Bituminous roof primer" means 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.

(5) "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.

(C)

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

(2) "Clear brushing lacquers" means 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 rule 3745-113-04 of the Administrative Code.

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

(4) "Coating" means 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.

(5) "Colorant" means 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.

(6) "Concrete curing compound" means a coating labeled and formulated for application to freshly poured concrete to perform one or more of the following functions:

(a) Retard the evaporation of water.

(b) Harden or dustproof the surface of freshly poured concrete.

(7) "Concrete/masonry sealer" means 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:

(a) Prevent penetration of water.

(b) Provide resistance against abrasion, alkalis, acids, mildew, staining, or ultraviolet light.

(c) Harden or dustproof the surface of aged or cured concrete.

(8) "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.

(9) "Conjugated oil varnish" means 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 fifty per cent 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.

(10) "Conversion varnish" means 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. Film formation is the result of an acid-catalyzed condensation reaction, affecting a transetherification at the reactive ethers of the amino resins.

(D)

(1) "Driveway sealer" means a coating labeled and formulated for application to worn asphalt driveway surfaces to perform one or more of the following functions:

(a) Fill cracks.

(b) Seal the surface to provide protection.

(c) Restore or preserve the appearance.

(2) "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.

(E) "Exempt compound" means a compound identified as exempt under the definition of VOC. Exempt compounds content of a coating is determined by USEPA method 24, ASTM D3960 or SCAQMD method 303-91.

(F)

(1) "Faux finishing coating" means a coating labeled and formulated to meet one or more of the following criteria:

(a) 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.

(b) A decorative coating used to create a metallic, iridescent, or pearlescent appearance that contains at least forty-eight grams of pearlescent mica pigment or other iridescent pigment per liter of coating as applied (at least 0.4 pounds per gallon).

(c) A decorative coating used to create a metallic appearance that contains less than forty-eight 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.

(d) A decorative coating used to create a metallic appearance that contains greater than forty-eight 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 is determined in accordance with SCAQMD method 318-95.

(e) A clear topcoat to seal and protect a faux finishing coating that meets the requirements of paragraphs (F)(1)(a) to (F)(1)(d) of this rule. These clear topcoats are sold and used solely as part of a faux finishing coating system, and labeled in accordance with rule 3745-113-04 of the Administrative Code.

(2) "Fire-resistive coating" means a coating labeled and formulated to protect 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, that has been fire tested and rated by a testing agency and approved by building code officials for use in bringing assemblies of structural materials into compliance with federal, state, and local building code requirements. The fire-resistive coating and the testing agency are approved by building code officials. The fire-resistive coating is tested in accordance with ASTM E119.

(3) "Fire-retardant coating" means a coating labeled and formulated to retard ignition and

flame spread, that has been fire 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 are approved by building code officials. The fire-retardant coating is tested in accordance with ASTM E84.

(4) "Flat coating" means a coating that is not defined under any other definition in this rule and that registers gloss less than fifteen on an eighty-five-degree meter or less than five on a sixty-degree meter according to ASTM D523.

(5) "Floor coating" means 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.

(6) "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.

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

(G) "Graphic arts coating or sign paint" means a coating labeled and formulated for hand-application by artists 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.

(H) "High-temperature coating" means a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above two hundred four degrees Celsius (four hundred degrees Fahrenheit).

(I)

(1) "Impacted immersion coating" means 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.

(2) "Industrial maintenance coating" means 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 this paragraph and labeled as specified in rule 3745-113-04 of the Administrative Code:

(a) Immersion in water, wastewater, or 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) Frequent exposure to temperatures above one hundred twenty-one degrees Celsius (two hundred fifty degrees Fahrenheit).

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

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

(J) [Reserved.]

(K) [Reserved.]

(L)

(1) "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 and to provide a solid, protective film.

(2) "Low-solids coating" means 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 is calculated in accordance with this rule.

(M)

(1) "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.

(2) "Manufacturer's maximum thinning recommendation" means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

(3) "Mastic texture coating" means a coating labeled and formulated to cover holes and minor cracks and to conceal surface irregularities, and is applied in a single coat of at least ten mils (at least 0.010 inch) dry film thickness.

(4) "Medium density fiberboard (MDF)" means 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.

(5) "Metallic pigmented coating" means a coating that is labeled and formulated to provide a metallic appearance. Metallic pigmented coatings contain at least forty-eight grams of elemental metallic pigment (excluding zinc) per liter of coating as applied (at least 0.4 pounds per gallon), when tested in accordance with SCAQMD method 318-95. For products manufactured on or after January 1, 2024, the metallic pigmented coatings category does not include coatings applied to roofs or zinc-rich primers.

(6) "Multi-color coating" means 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.

(N)

(1) "Non-flat coating" means a coating that is not defined under any other definition in this rule and that registers a gloss of fifteen or greater on an eighty-five-degree meter and five or greater on a sixty-degree meter according to ASTM D523.

(2) "Non-flat-high-gloss coating" means a non-flat coating that registers a gloss of seventy or greater on a sixty-degree meter according to ASTM D523. Non-flat-high gloss coatings are labeled in accordance with rule 3745-113-04 of the Administrative Code.

(3) "Nuclear coating" means a protective coating formulated and recommended to seal porous surfaces such as steel (or concrete) that otherwise would be subject to intrusions by radioactive materials, are resistant to long-term (service life) cumulative radiation exposure [ASTM method D4082], relatively easy to decontaminate, and resistant to various chemicals to which the coatings are likely to be exposed [ASTM method D3912].

(O) "Ohio EPA" means Ohio environmental protection agency.

(P)

(1) "Particleboard" means 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.

(2) "Pearlescent" means exhibiting various colors depending on the angles of illumination and viewing, as observed in mother-of-pearl.

(3) "Plywood" means 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.

(4) "Post-consumer coating" means 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.

(5) "Pre-treatment wash primer" means a primer that contains a minimum of 0.5 per cent acid, by weight, when tested in accordance with ASTM D1613, that is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats.

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

(7) "Primer, sealer, and undercoater" means a coating labeled and formulated for one or more of the following purposes:

(a) To provide a firm bond between the substrate and the subsequent coatings.

(b) To prevent subsequent coatings from being absorbed by the substrate.

(c) To prevent harm to subsequent coatings by materials in the substrate.

(d) To provide a smooth surface for the subsequent application of coatings.

(e) To provide a clear finish coat to seal the substrate.

(f) To block materials from penetrating into or leaching out of a substrate.

(Q)

(1) "Quick-dry enamel" means a non-flat coating that is labeled as specified in rule 3745-113-04 of the Administrative Code and that is formulated to have the following characteristics:

(a) Is capable of being applied directly from the container under normal conditions with ambient temperatures between sixteen and twenty-seven degrees Celsius (sixty and eighty degrees Fahrenheit).

(b) When tested in accordance with ASTM D1640, 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 has a dried film gloss of seventy or above on a sixty-degree meter.

(2) "Quick-dry primer, sealer and undercoater" means a primer, sealer, or undercoater that is dry to the touch in thirty minutes and can be re-coated in two hours when tested in accordance with ASTM D1640.

(R)

(1) "Reactive penetrating sealer" means a clear or pigmented coating that is 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 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. The following criteria apply to reactive penetrating sealers:

(a) Improve water repellency at least eighty per cent after application on a concrete or masonry substrate. This performance is verified on standardized test specimens, in accordance with one or more of the following standards: ASTM C67, or ASTM C97, or ASTM C140.

(b) Not reduce the water vapor transmission rate by more than two per cent after application on a concrete or masonry substrate. This performance is verified on standardized test specimens, in accordance with ASTM E96/E96M.

(c) For products labeled and formulated for vehicular traffic surface chloride

screening applications, meet the performance criteria listed in the "National Cooperative Highway Research Report 244 (1981)."

(d) Be labeled in accordance with the labeling requirements in rule 3745-113-04 of the Administrative Code.

(2) "Reactive penetrating carbonate stone sealer" means a clear or pigmented coating that is 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 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. The following criteria apply to reactive penetrating carbonate stone sealers:

(a) Improve water repellency at least eighty per cent after application on a carbonate stone substrate. This performance is verified on standardized test specimens, in accordance with one or more of the following standards: ASTM C67, or ASTM C97, or ASTM C140.

(b) Not reduce the water vapor transmission rate by more than ten per cent after application on a carbonate stone substrate. This performance is verified on standardized test specimens, in accordance with ASTM E96/E96M.

(c) Be labeled in accordance with the labeling requirements in rule 3745-113-04 of the Administrative Code.

(3) "Recycled coating" means an architectural coating formulated such that it contains a minimum of fifty per cent by volume post-consumer coating, with a maximum of fifty per cent by volume secondary industrial materials or virgin materials.

(4) "Residential" means areas where people reside or lodge, including, but not limited to, single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels, and hotels.

(5) "Roof coating" means 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.

(6) "Rust preventive coating" means a coating formulated to prevent the corrosion of metal surfaces for one or more of the following applications:

(a) Direct-to-metal coating.

(b) Coating intended for application over rusty, previously coated surfaces.

The rust preventive category does not include the following

(c) Coatings that are required to be applied as a topcoat over a primer.

(d) Coatings that are intended for use on wood or any other nonmetallic surface.

Rust preventive coatings are for metal substrates only and are labeled as such, in accordance with the labeling requirements in rule 3745-113-04 of the Administrative Code.

(S)

(1) "Sanding sealer" means 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 lacquer is not included in this category, but it is included in the lacquer category.

(2) "SCAQMD" means the south coast air quality management district in California.

(3) "Sealer" means 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.

(4) "Secondary industrial materials" means 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.

(5) "Semitransparent coating" means a coating that contains binders and colored pigments and is formulated to change the color of the surface, but not conceal the grain pattern or texture.

(6) "Shellac" means a clear or opaque coating formulated solely with the resinous secretions of the lac beetle (Laciffer lacca), and formulated to dry by evaporation without a chemical reaction.

(7) "Shop application" means an 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 (for example, original equipment manufacturing coatings).

(8) "Solicit" means to require for use or to specify, by written or oral contract.

(9) "Specialty primer, sealer, and undercoater" for products manufactured before January 1, 2024, means a coating labeled as specified in rule 3745-113-04 of the Administrative Code and that is formulated for application to a substrate to seal fire, smoke or water damage; to condition excessively chalky surfaces; to seal in efflorescence; 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. For products manufactured on or after January 1, 2024, "specialty primer, sealer, and undercoater" means 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 are labeled in accordance with rule 3745-113-04 of the Administrative Code.

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

(11) "Stone consolidant" means 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 penetrate into stone substrates to create bonds between particles and consolidate deteriorated material. Stone consolidants are for professional use only and are labeled as such, in accordance with the labeling requirements in rule 3745-113-04 of the Administrative Code.

(12) "Swimming pool coating" means a coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals. For products manufactured on or after January 1, 2024, swimming pool coatings include coatings used for swimming pool repair and maintenance.

(13) "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.

(T)

(1) "Temperature-indicator safety coating" means 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 two hundred and four degrees Celsius (four hundred degrees Fahrenheit).

(2) "Thermoplastic rubber coating and mastics" means a coating or mastic formulated and recommended for application to roofing or other structural surfaces and that incorporates no less than forty per cent 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.

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

(4) "Traffic marking coating" means 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.

(5) "Tub and tile refinish coating" means a clear or opaque coating that is labeled and formulated exclusively for refinishing the surface of a bathtub, shower, sink, or countertop. The following criteria apply to tub and tile refinish coatings:

(a) A scratch hardness of 3H or harder and a gouge hardness of 4H or harder. This is determined on bonderite 1000 in accordance with ASTM D3363.

(b) A weight loss of twenty milligrams or less after 1000 cycles. This is determined with CD-17 wheels on bonderite 1000, in accordance with ASTM D4060.

(c) Withstand 1000 hours or more of exposure with few or no #8 blisters. This is

determined on unscribed bonderite, in accordance with ASTM D4585 and ASTM D714.

(d) An adhesion rating of 4B or better after twenty-four hours of recovery. This is determined on inscribed bonderite, in accordance with ASTM D4585 and ASTM D3359.

(U) "USEPA" means United States environmental protection agency.

(V)

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

(2) "Veneer" means 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.

(3) "Virgin materials" means materials that contain no post-consumer coatings or secondary industrial coatings.

(4) "VOC" or "volatile organic compound" means an organic compound which participates in atmospheric photochemical reactions; that is, an organic compound other than those which the administrator of the USEPA designates in 40 CFR 51.100 (relating to definitions) as having negligible photochemical reactivity.

(5) "VOC actual" means the weight of VOC per volume of coating as is calculated with the following equation:

VOC Actual = (Ws - Ww - Wec)/Vm

Where:

VOC Actual = grams of VOC per liter of coating (also known as "Material VOC")

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

VOC actual includes maximum amount of thinning solvent recommended by the manufacturer.

(6) "VOC content" means the weight of VOC per volume of coating. VOC content is VOC regulatory, as defined in this rule, for all coatings except those in the low solids category. For coatings in the low solids category, the VOC content is VOC actual, as defined in this rule. 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 includes the VOCs emitted during curing. VOC content includes maximum amount of thinning solvent recommended by the manufacturer.

(7) "VOC regulatory" means the weight of VOC per volume of coating, less the volume of water and exempt compounds. It is calculated with the following equation:

VOC regulatory = (Ws - Ww - Wec)/(Vm - Vw - Vec)

Where:

VOC regulatory = grams of VOC per liter of coating, less water and exempt compounds (also known as "Coating VOC")

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

Vec = volume of exempt compounds, in liters

VOC regulatory includes maximum amount of thinning solvent recommended by the manufacturer.

(W)

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

(2) "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.

(3) "Waterproofing membrane" means a clear or opaque coating that is 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. The following criteria apply to waterproofing membranes:

(a) Applied in a single coat of at least twenty-five mils (at least 0.025 inch) dry film thickness.

(b) Meet or exceed the requirements contained in ASTM C836.

(c) 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.).

(4) "Wood coatings" means 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 undercoaters. 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 are labeled "For wood substrates only," in accordance with rule 3745-113-04 of the Administrative Code.

(5) "Wood preservative" means a coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered with both USEPA under the Federal Insecticide, Fungicide, and Rodenticide Act contained in 7 USC 136 to 136y and with Ohio EPA.

(6) "Wood substrate" means 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.

(X) [Reserved.]

(Y) [Reserved.]

(Z) "Zinc-rich primer" means a coating that meets all of the following specifications:

(1) Coating contains at least sixty-five per cent 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.

(3) Coating is intended for professional use only and labeled as such, in accordance with the labeling requirements in rule 3745-113-04 of the Administrative Code.

(AA) Referenced materials. This chapter includes references to certain matter or materials. The text of the referenced materials is not included in the rules contained in this chapter. Material is referenced as it exists on the effective date of this rule. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not applicable unless and until this rule has been amended to specify the new dates.

(1) Availability. The referenced materials are available as follows:

(a) "American Society for Testing Materials" (ASTM). Information and copies of documents may be obtained by writing to: "ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959." These

documents are also available for purchase at www.astm.org. ASTM documents are also available for inspection and use at most public libraries and "The State Library of Ohio."

(b) "Bay Area Air Quality Management District" (BAAQMD). Information and copies of documents may be obtained by writing to: "Bay Area Air Quality Management District, 375 Beale Street Suite 600, San Francisco, CA 94105." These documents are also available at https://www.baaqmd.gov/publications/manual-of-procedures. BAAQMD documents are also available for inspection and use at most public libraries and "The State Library of Ohio."

(c) Code of Federal Regulations. Information and copies may be obtained by writing to: "Superintendent of Documents, Attention: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954." The full text of the CFR is also available in electronic format at www.ecfr.gov. The CFR compilations are also available for inspection and use at most public libraries and "The State Library of Ohio."

(d) Federal Insecticide, Fungicide, and Rodenticide Act. Information and copies may be obtained by writing to: "Superintendent of Documents, Attention: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954." The full text of the Act as amended in 1998 is also available in electronic format at https://www.epa.gov/laws-regulations/summary-federal-insecticide-fungicide-and-rodenticide-act. A copy of the Act is also available for inspection and use at most public libraries and "The State Library of Ohio."

(e) National cooperative highway research program. Information and copies of documents may be obtained by writing to: "NCHRP, 500 Fifth Street, NW, Washington, DC 20001" These documents are also available at https://www.trb.org/NCHRP/NCHRP.aspx. NCHRP documents are also available for inspection and use at most public libraries and "The State Library of Ohio."

(f) "South Coast Air Quality Management District (SCAQMD)". Information and copies of documents may be obtained by writing to: "South Coast AQMD, Public Records Unit, 21865 Copley Drive, Diamond Bar, CA, 91765." These documents are also available at http://www.aqmd.gov. SCAQMD documents are also available for inspection and use at most public libraries and "The State Library of Ohio."

(2) Referenced materials.

(a) 40 CFR 59, Subpart D, Appendix A; "Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings;" 63 FR 48877, Sept. 11, 1998; 63 FR 55175, Oct. 14, 1998; 63 FR 32103, June 15, 1999; 64 FR 35002, June 30, 1999.

(b) ASTM C67-21; "Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile"; approved June 22, 2021.

(c) ASTM C97-18; "Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone"; approved June 18, 2018.

(d) ASTM C140-21; "Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units"; approved August 5, 2021.

(e) ASTM C836-18; "Standard Specification for High Solids Content, Cold Liquid-Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course"; approved June 12, 2018.

(f) ASTM D523-14; "Standard Test Method for Specular Gloss"; approved January 1, 2014; reapproved May 1, 2018.

(g) ASTM D714-02(2017); "Standard Test Method for Evaluating Degree of Blistering of Paints"; approved December 12, 2017.

(h) ASTM D1613-17; "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products"; approved February 1, 2017.

(i) ASTM D1640-18; "Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings"; approved September 11, 2018.

(j) ASTM D3273-16; "Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber"; approved December 27, 2016.

(k) ASTM D3274-09(2017); "Standard Test Method for Evaluating Degree of Surface Disfigurement of Paint Films by Fungal or Algal Growth or Soil and Dirt Accumulation"; approved December 12, 2017.

(l) ASTM D3359-17; "Standard Test Methods for Rating Adhesion by Tape Test"; approved December 16, 2019.

(m) ASTM D3363-20; "Standard Test Method for Film Hardness by Pencil Test"; approved September 9, 2020.

(n) ASTM D3912-10; "Standard Test Method for Chemical Resistance of Coatings and Linings for use in Nuclear Power Plants"; approved September 1, 2017.

(o) ASTM D3960-05 (2018); "Standard Practice for Determining Volatile Organic Compound (VOC) Content of Paints and Related Coatings"; approved June 20, 2018.

(p) ASTM D4060-19; "Standard Test Methods for Abrasion Resistance of Organic Coatings by the Taber Abraser": approved October 18, 2019.

(q) ASTM D4082-10(2017); "Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Nuclear Power Plants"; approved September 22, 2017.

(r) ASTM D4214-07(2015); "Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films"; approved December 27, 2016.

(s) ASTM D4585-18; "Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation"; approved July 24, 2018.

(t) ASTM D7088-17; "Standard Practice for Resistance to Hydrostatic Pressure for Coatings Used in Below Grade Applications Applied to Masonry"; approved July 28, 2017.

(u) ASTM E96/E96M-16; "Standard Test Method for Water Vapor Transmission of Materials"; approved December 27, 2016.

(v) ASTM E119-20; "Standard Test Methods for Fire Tests of Building Construction and Materials"; approved June 9, 2020.

(w) ASTM E84-21a; "Standard Test Method for Surface Burning Characteristics of Building Materials"; approved May 26, 2021.

(x) BAAQMD method 41, "Determination of Volatile Organic Compounds in Solvent Based Coatings and Related Materials Containing Parachlorobenzotrifluoride"; revised July 3, 2012.

(y) BAAQMD method 43, "Determination of Volatile Methylsiloxanes in Solvent Based Coatings, Inks, and Related Materials"; revised July 3, 2012.

(z) Federal Insecticide, Fungicide, and Rodenticide Act; as contained in 7 USC 136 to 136y; "Environmental Pesticide Control"; as published in the 2018 edition of the United States Code.

(aa) "National Cooperative Highway Research Report 244 (1981)": "Concrete Sealers for the Protection of Bridge Structures"; approved December 1981.

(bb) SCAQMD method 303-91; "Determination of Exempt Compounds;" approved June 1, 1991, revised February, 1993.

(cc) SCAQMD method 304-91; "Determination of Volatile Organic Compounds (VOC) in Various Materials"; approved June 1, 1991, revised February, 1993, revised February, 1996.

(dd) SCAQMD method 318-95; "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction"; approved July, 1996.

(ee) USEPA method 24; contained in 40 CFR Part 60, Appendix A; "Determination of volatile matter content, water content, density, volume solids, and weight solids of surface coatings"; as published in the July 1, 2020 Code of Federal Regulations.

Effective: 12/16/2022

Five Year Review (FYR) Dates: 9/9/2022 and 12/16/2027

CERTIFIED ELECTRONICALLY
Certification

12/06/2022
Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)
Prior Effective Dates: 09/21/2007, 10/18/2013, 02/16/2019

3745-113-02 Applicability.

(A) The rules in this chapter are applicable to any person who supplies, sells, offers for sale, repackages for sale, manufacturers, or blends any AIM coating for use within the state of Ohio, as well as any person who applies or solicits the application of any AIM coating within the state of Ohio, except the following:

(1) Any AIM coating that is sold or manufactured for use outside of the state of Ohio or for shipment to other manufacturers for reformulation or repackaging.

(2) Any aerosol coating product.

(3) Any AIM 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 applicability exception does not include bundling of containers individually containing one liter or less, which are sold together as a unit comprising more than one liter in volume, or any type of marketing which implies that multiple containers one liter or less be combined in one container. This exemption does not include packaging from which the coating cannot be applied. This exemption does include multiple containers of one liter or less that are packaged and shipped together with no intent or requirement to ultimately sell as one unit.

(B) On or after January 1, 2024, the following coating categories, as defined in rule 3745-113-01 of the Administrative Code are eliminated and coatings meeting any of these definitions will be subject to the VOC limit for the applicable category in the table in rule 3745-113-03 of the Administrative Code.

(1) Antenna coating.

(2) Anti-fouling coating.

(3) Clear brushing lacquers.

(4) Clear wood coating.

(5) Fire retardant coating.

(6) Flow coating.

(7) Lacquer.

(8) Primer.

(9) Quick-dry enamel.

(10) Quick-dry primer, sealer and undercoater.

(11) Sanding sealer.

(12) Sealer.

(13) Swimming pool repair and maintenance coating.

(14) Tempature indicator safety coating.

(15) Varnish.

(16) Waterproofing sealer.

(17) Waterproofing concrete/masonry sealer.

(C) The following coating categories, as defined in rule 3745-113-01 of the Administrative Code, become effective on or after January 1, 2024:

(1) Aluminum roof coating.

(2) Basement specialty coating.

(3) Concrete/masonry sealer.

(4) Driveway sealer.

(5) Reactive penetrating sealant.

(6) Reactive penetrating carbonate stone sealer.

(7) Stone consolidant.

(8) Tub and tile refinish coating.

(9) Waterproofing membrane.

(10) Wood coatings.

(11) Zinc-rich primer.

Effective: 12/16/2022

Five Year Review (FYR) Dates: 9/9/2022 and 12/16/2027

CERTIFIED ELECTRONICALLY
Certification

12/06/2022
Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)
Prior Effective Dates: 09/21/2007, 10/18/2013, 02/16/2019

3745-113-03 Standards for architectural and industrial maintenance (AIM) coatings.

(A) On or after the effective date specified, any person subject to this chapter in accordance with rule 3745-113-02 of the Administrative Code shall ensure that the AIM coatings meet the following limits:

(1) VOC content limits.

Limits are expressed as VOC content, thinned to the manufacturer's maximum thinning recommendation, excluding any colorant added to tint bases.

Table: VOC Content Limits for AIM Coatings

Coating Type	Limit (grams/liter)	Limit (pounds/gallon)	Limit (grams/liter)	Limit (pounds/gallon)
	Effective January 1, 2009 until December 31, 2023	Effective January 1, 2009 until December 31, 2023	Effective January 1, 2024	Effective January 1, 2024
Flat coatings	100	0.83	50	0.42
Non-flat coatings	150	1.25	100	0.83
Non-flat-high-gloss coatings	250	2.08	150	1.25
Specialty coatings:				
Aluminum roof	N/A	N/A	450	3.75
Antenna coatings	530	4.42	N/A	N/A
Anti-fouling coatings	400	3.33	N/A	N/A
Basement specialty coatings	N/A	N/A	400	3.33
Bituminous roof coatings	300	2.50	270	2.25
Bituminous roof primers	350	2.92	350	2.92
Bond breakers	350	2.92	350	2.92
Calcimine recoaters	475	3.96	475	3.96
Clear wood coatings:				
Clear brushing	680	5.67	N/A	N/A

Table: VOC Content Limits for AIM Coatings

lacquers				
Lacquers, including clear lacquer sanding sealers	550	4.59	N/A	N/A
Sanding sealers, excluding clear lacquers	350	2.92	N/A	N/A
Varnishes other than conversion varnishes	350	2.92	N/A	N/A
Concrete curing compounds	350	2.92	350	2.92
Concrete/masonry sealer	N/A	N/A	100	0.83
Concrete surface retarders	780	6.50	780	6.50
Conjugated oil varnish	450	3.75	450	3.75
Conversion varnish	725	6.04	725	6.04
Driveway sealers	N/A	N/A	50	0.42
Dry fog coatings	400	3.33	150	1.25
Faux finishing coatings	350	2.92	350	2.92
Fire-resistive coatings	350	2.92	350	2.92
Fire-retardant coatings:				
Clear	650	5.42	N/A	N/A
Opaque	350	2.92	N/A	N/A
Floor coatings	250	2.08	100	0.83
Flow coatings	420	3.50	N/A	N/A
Form-release compounds	250	2.08	250	2.08
Graphic arts coatings (sign paints)	500	4.17	500	4.17
High-temperature coatings	420	3.50	420	3.50

Table: VOC Content Limits for AIM Coatings

Impacted immersion coatings	780	6.50	780	6.50
Industrial maintenance coatings	340	2.83	250	2.08
Low-solids coatings	120	1.00	120	1.00
Magnesite cement coatings	450	3.75	450	3.75
Mastic texture coatings	300	2.50	100	0.83
Metallic pigmented coatings	500	4.17	500	4.17
Multi-color coatings	250	2.08	250	2.08
Nuclear coatings	450	3.75	450	3.75
Pre-treatment wash primers	420	3.50	420	3.50
Primers, sealers, and undercoaters	200	1.67	100	0.83
Quick-dry enamels	250	2.08	N/A	N/A
Quick-dry primers, sealers and undercoaters	200	1.67	N/A	N/A
Reactive penetrating sealer	N/A	N/A	350	2.92
Reactive penetrating carbonate stone sealer	N/A	N/A	500	4.17
Recycled coatings	250	2.08	250	2.08
Roof coatings	250	2.08	250	2.08
Rust preventive coatings	400	3.33	250	2.08
Shellacs:				
Clear	730	6.09	730	6.09
Opaque	550	4.59	550	4.59

Table: VOC Content Limits for AIM Coatings

Specialty primers, sealers and undercoaters	350	2.92	100	0.83
Stains	250	2.08	250	2.08
Stone consolidant	N/A	N/A	450	3.75
Swimming pool coatings	340	2.83	340	2.83
Swimming pool repair & maintenance coatings	340	2.83	N/A	N/A
Temperature-indicator Safety coatings	550	4.59	N/A	N/A
Thermoplastic rubber coatings and mastics	550	4.59	550	4.59
Traffic marking coatings	150	1.25	100	0.83
Tub and tile refinish	N/A	N/A	420	3.50
Waterproofing membranes	N/A	N/A	250	2.08
Waterproofing sealers	250	2.08	N/A	N/A
Waterproofing concrete/masonry sealers	400	3.33	N/A	N/A
Wood coatings	N/A	N/A	275	2.29
Wood preservatives	350	2.92	350	2.92
Zinc-rich primer	N/A	N/A	340	2.83

Conversion factor: one pound VOC per gallon (US) = 119.95 grams per liter.

(2) Most restrictive VOC limit.

If a coating is recommended for use in more than one of the specialty coating categories listed in the table in paragraph (A) of this rule, the most restrictive (or lowest) VOC content limit applies. 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.

(a) Effective for products manufactured before January 1, 2024, this provision does not apply to the following coating categories:

(i) Lacquer coatings (including lacquer sanding sealers).

(ii) Metallic pigmented coatings.

(iii) Shellacs.

(iv) Fire-retardant coatings.

(v) Pretreatment wash primers.

(vi) Industrial maintenance coatings.

(vii) Low-solids coatings.

(viii) Wood preservatives.

(ix) High-temperature coatings.

(x) Temperature-indicator safety coatings.

(xi) Antenna coatings.

(xii) Antifouling coatings.

(xiii) Flow coatings.

(xiv) Bituminous roof primers.

(xv) Specialty primers, sealers, and undercoaters.

(xvi) Thermoplastic rubber coatings and mastics.

(xvii) Calcimine recoaters.

(xviii) Impacted immersion coatings.

(xix) Nuclear coatings.

(b) Effective for products manufactured on or after January 1, 2024, this provision does not apply to the following coating categories:

(i) Aluminum roof coatings.

(ii) Bituminous roof primers.

(iii) High temperature coatings.

(iv) Industrial maintenance coatings.

(v) Low-solids coatings.

(vi) Metallic pigmented coatings.

(vii) Pretreatment wash primers.

(viii) Shellacs.

(ix) Specialty primers, sealers, and undercoaters.

(x) Wood coatings.

(xi) Wood preservatives.

(xii) Zinc-rich primers.

(xiii) Calcimine recoaters.

(xiv) Impacted immersion coatings.

(xv) Nuclear coatings.

(xvi) Thermoplastic rubber coatings and mastic.

(xvii) Concrete surface retarders.

(3) Sell-through of coatings.

A coating manufactured prior to the effective date specified for that coating in the table in paragraph (A) of this rule, and that complied with the standards in effect at the time the coating was manufactured, may be sold, supplied, or offered for sale for up to three years after the specified effective date. In addition, a coating manufactured before the effective date specified for that coating in the table in paragraph (A) of this rule may be applied at any time, both before and after the specified effective date, so long as the coating complied with the standards in effect at the time the coating was manufactured. This paragraph does not apply to any coating that does not display the date or date code required by rule 3745-113-04 of the Administrative Code.

(B) Painting practices.

All AIM coating containers used to apply the contents therein to a surface directly from the container by pouring, siphoning, brushing, rolling, padding, ragging, or other means, shall be closed when not in use. These AIM 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.

(C) Thinning.

No person who applies or solicits the application of any AIM coating shall apply a coating that is thinned to exceed the applicable VOC limit specified in the table of paragraph (A)(3) of this rule.

(D) Rust preventive coatings.

No person shall apply or solicit the application of any rust preventive coating for industrial use, manufactured before January 1, 2024, unless such a rust preventive

coating complies with the industrial maintenance coating VOC limit specified in the table in paragraph (A) of this rule. No person shall sell or offer for sale any rust preventive coating for application to any nonmetallic substrate, nor shall any person apply a rust preventive coating to any nonmetallic substrate.

(E) Coatings not listed in the table of paragraph (A) of this rule.

For any coating that does not meet any of the definitions for the specialty coatings categories listed in the table of paragraph (A) of this rule, the VOC content limit is determined by classifying the coating as a flat coating, non-flat coating, or non-flat-high-gloss coating as defined in rule 3745-113-01 of the Administrative Code and the corresponding flat or non-flat or non-flat-high-gloss coating limit in the table in paragraph (A) of this rule applies.

(F) New categories.

Prior to January 1, 2024, any coating that meets the definition in rule 3745-113-01 of the Administrative Code for a coating category listed in the table in paragraph (A) of this rule, and complies with the applicable VOC limit in the table in paragraph (A) of this rule and reporting requirements, is considered in compliance with this rule.

Effective: 12/16/2022

Five Year Review (FYR) Dates: 9/9/2022 and 12/16/2027

CERTIFIED ELECTRONICALLY
Certification

12/06/2022
Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)
Prior Effective Dates: 09/21/2007, 10/18/2013, 02/16/2019

3745-113-04 Container labeling requirements.

(A) Effective on the date specified for that coating in the table in paragraph (A) of rule 3745-113-03 of the Administrative Code, each manufacturer of any AIM coatings subject to this rule shall display the following information on the coating container (or label) 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.

(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 shall specify that the coating is to be applied without thinning.

(3) VOC content: Each container of any coating subject to this rule shall:

(a) For products manufactured before January 1, 2024:

(i) Display either the maximum or the actual VOC content of the coating, as supplied, including the maximum thinning as recommended by the manufacturer.

(ii) Display VOC content in grams of VOC per liter of coating.

(iii) Calculate the VOC content using product formulation data, or by determining using the test methods in rule 3745-113-06 of the Administrative Code. VOC content is calculated using the equations in rule 3745-113-01 of the Administrative Code.

(b) For products manufactured on or after January 1, 2024: display one of the following values in grams of VOC per liter of coating:

(i) Maximum VOC content as determined from all potential product formulations.

(ii) VOC content as determined from actual formulation data.

(iii) VOC content as determined using the test methods in rule 3745-113-06 of the Administrative Code.

If the manufacturer does not recommend thinning, display the VOC content, as supplied, on the container. If the manufacturer recommends thinning, display the the VOC content including the maximum amount of thinning solvent recommended by the manufacturer on the container. If the coating is a multi-component product, display the VOC content as mixed or catalyzed on the container. If the coating contains silanes, siloxanes, or other ingredient that generate ethanol or other VOCs during the curing process,

include the VOCs emitted during curing in the VOC content. VOC content is calculated using the equations in rule 3745-113-01 of the Administrative Code.

(4) The following coating types shall meet the following coating specific labeling requirements:

(a) Faux finishing coatings: For products manufactured on or after January 1, 2024, prominently display the statement "This product can only be sold or used as part of a Faux Finishing coating system."

(b) Industrial maintenance coatings: prominently display at least one of the following statements:

(i) "For industrial use only."

(ii) "For professional use only."

(iii) "Not for residential use" or "Not intended for residential use."

(5) Clear brushing lacquers: For products manufactured before January 1, 2024, prominently display the statements "For brush application only," and "This product must not be thinned or sprayed."

(6) Non-flat-high-gloss coatings: prominently display the words "High gloss."

(7) Rust preventive coatings: prominently display the statement "For metal substrates only."

(8) Specialty primers, sealers, and undercoaters: For products manufactured before January 1, 2024, prominently display one or more of the following:

(a) For blocking stains.

(b) For fire-damaged substrates.

(c) For smoke-damaged substrates.

(d) For water-damaged substrates.

(e) For excessively chalky substrates.

(f) To seal in efflorescence.

For products manufactured on or after January 1, 2024, prominently display one or more of the descriptions listed in paragraphs (A)(8)(b) to (A)(8)(d) of this rule.

(9) Quick dry enamels: For products manufactured before January 1, 2024, prominently display the words "Quick Dry" and the dry hard time.

(10) Reactive penetrating sealers: For products manufactured on or after January 1, 2024, prominently display the statement "Reactive penetrating sealer."

(11) Reactive penetrating carbonate stone sealers: For products manufactured on or after January 1, 2024, prominently display the statement "Reactive penetrating carbonate stone sealer."

(12) Stone consolidants: For products manufactured on or after January 1, 2024, prominently display the statement "Stone consolidant - for professional use only."

(13) Wood coatings: For products manufactured on or after January 1, 2024, prominently display the statement "For wood substrates only."

(14) Zinc-rich primers: For products manufactured on or after January 1, 2024, prominently display one or more of the following statements:

(a) "For professional use only."

(b) "For industrial use only."

(c) "Not for residential use" or "Not intended for residential use."

Effective: 12/16/2022

Five Year Review (FYR) Dates: 9/9/2022 and 12/16/2027

CERTIFIED ELECTRONICALLY
Certification

12/06/2022
Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)
Prior Effective Dates: 09/21/2007, 10/18/2013, 02/16/2019

3745-113-05 Reporting requirements.

(A) Each manufacturer of a product subject to a VOC content limit in paragraph (A)(1) of rule 3745-113-03 of the Administrative Code, shall keep records demonstrating compliance with the VOC content limits. Such records shall clearly list each product by name (and identifying number, if applicable) as shown on the product label and in applicable sales and technical literature, the VOC content as determined in rule 3745-113-06 of the Administrative Code, the name and chemical abstract service (CAS) number of the VOC constituents in the product, the dates of the VOC content determinations, and the coating category and the applicable VOC content limit. These records shall be kept for a period not less than five years and made available to the director within ninety days of request.

(B) Each manufacturer shall maintain the following data for a minimum of five years and, upon request of the director, provide the following data within ninety days concerning the distribution and sales of coatings subject to a VOC content limit in paragraph (A)(1) of rule 3745-113-03 of the Administrative Code. The information includes, but is not limited to the following:

(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 product as the name appears on the label and the coating category in paragraph (A)(1) of rule 3745-113-03 of the Administrative Code 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 the state of Ohio in containers greater than one liter and less than one liter.

(6) The VOC actual content and VOC regulatory content limit in grams per liter. If thinning is recommended, list the VOC actual content and VOC regulatory content limit after recommended thinning. If containers less than one liter have a different VOC content than containers greater than one liter, list separately. If the coating is a multi-component product, provide the VOC content as mixed or catalyzed.

(7) The names and CAS number of the VOC constituents in the product.

(8) The names and CAS numbers of any compounds in the product specifically exempted from the VOC definition.

(9) Whether the product is marketed as solventborne, waterborne, or one hundred per cent 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 per cent by weight of: solids, all volatile materials, water, and any compounds in the product specifically exempted from the VOC definition.

(14) The per cent by volume of: solids, water, and any compounds in the product specifically exempted from the VOC definition.

Effective: 12/16/2022

Five Year Review (FYR) Dates: 9/9/2022 and 12/16/2027

CERTIFIED ELECTRONICALLY
Certification

12/06/2022
Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)
Prior Effective Dates: 09/21/2007, 10/18/2013, 02/16/2019

3745-113-06 Compliance provisions and test methods.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (AA) of rule 3745-113-01 of the Administrative Code titled "referenced materials."]

(A) Calculation of VOC content: For the purpose of determining compliance with the VOC content limits in the table of paragraph (A)(1) of rule 3745-113-03 of the Administrative Code, the VOC content of a coating shall be determined as defined in rule 3745-113-01 of the Administrative Code. The VOC content of a tint base is determined without colorant that is added after the tint base is manufactured. If the manufacturer does not recommend thinning, the VOC content is calculated for the product as supplied. If the manufacturer recommends thinning, the VOC content is calculated including the maximum amount of thinning solvent recommended by manufacturer. If the coating is a multi-component product, display the VOC content as mixed or catalyzed on the container. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content includes the VOCs emitted during curing.

(B) VOC content of coatings: To determine the physical properties of a coating, the reference method for VOC content is USEPA method 24, except as provided in paragraphs (C) and (D) of this rule. An alternative method to determine the VOC content of coatings is SCAQMD method 304-91. The exempt compounds content shall be determined by methods referenced in ASTM D 3960, SCAQMD method 303-91 (Revised August 1996), BAAQMD Method 43, or BAAQMD method 41, as applicable. To determine the VOC content of a coating, the manufacturer may use USEPA method 24, or an alternative method, as provided in paragraph (C) of this rule, 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 test conducted utilizing USEPA method 24 and any other means for determining VOC content, the results of the test utilizing USEPA method 24 will govern, except when an alternative method is approved as specified in paragraph (C) of this rule. The director may require the manufacturer to conduct an analysis using USEPA method 24.

(C) Alternative test methods: Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with paragraph (B) of this rule, after review and approval in writing by the director and the USEPA, may also be used.

(D) Methacrylate traffic coating markings: Analysis of methacrylate multi-component coatings used as traffic marking coatings shall be conducted according to a modification of USEPA method 24 contained in 40 CFR 59, Subpart D, Appendix A. This method has not been approved for methacrylate multicomponent coatings used for purposes other than as traffic marking coatings or for other classes of multicomponent coatings.

Effective: 12/16/2022

Five Year Review (FYR) Dates: 9/9/2022 and 12/16/2027

CERTIFIED ELECTRONICALLY
Certification

12/06/2022
Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)
Prior Effective Dates: 09/21/2007, 10/18/2013, 02/16/2019