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CHAPTER Env-A 4200 ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS

Statutory Authority: RSA 125-C:4, I(n), RSA 125-C:6, XVII, and RSA 485:16-c

PART Env-A 4201 PURPOSE, APPLICABILITY, AND EXEMPTIONS

Env-A 4201.01 Purpose. The purpose of this chapter is to limit emissions of volatile organic compounds (VOCs) by requiring reductions in the VOC content of architectural and industrial maintenance (AIM) coatings as required by NH Laws of 2004, 175:1, I.

Source. #8695, eff 7-27-06; ss by #10736, eff 1-1-15

Env-A 4201.02 Applicability. Except as provided in Env-A 4201.03, or unless waived pursuant to Env-A 205, this chapter shall apply to:

(a) Any person who sells, supplies, offers for sale, repackages for sale, blends, or manufactures any AIM coating for use in New Hampshire; and

(b) Any person who applies or solicits the application of any AIM coating in New Hampshire.

Source. #8695, eff 7-27-06; ss by #10736, eff 1-1-15

Env-A 4201.03 Exemptions. This chapter shall not apply to:

(a) Any AIM coating that is supplied, sold, offered for sale, or manufactured for use outside of New Hampshire or for shipment to other manufacturers for reformulation or repackaging for ultimate sale only outside of New Hampshire;

(b) Any aerosol coating product; or

(c) Any AIM coating that is sold in a container with a volume of one liter, equivalent to 1.057 quart, or less.

Source. #8695, eff 7-27-06; ss by #10736, eff 1-1-15

PART Env-A 4202 DEFINITIONS

Env-A 4202.01 “Adhesive” means any chemical substance that is applied for the purpose of bonding 2 surfaces together other than by mechanical means.

Source. #8695, eff 7-27-06; ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(a))

Env-A 4202.02 “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.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(b))

Env-A 4202.03 “Antenna coating” means a coating formulated and labeled exclusively for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(c))

Env-A 4202.04 “Antifouling coating” means a coating that is:

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

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(b) Registered as an antifouling coating with the state under RSA 430:36 and with the EPA under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. §§136 et seq.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(d))

Env-A 4202.05 “Appurtenance” means an 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, catwalks and fire escapes, concrete forms, doors, elevators, fences, fixed ladders, hand railings, lampposts, partitions, pipes and piping systems, rain gutters and downspouts, stairways, window screens, and heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(e))

Env-A 4202.06 “Architectural coating” means a coating formulated to be applied at the site of installation to stationary structures or their appurtenances, portable buildings, pavements, or curbs, excluding adhesives and coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(f))

Env-A 4202.07 “Bitumens” means black or brown materials 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, such as asphalt, tar, pitch, and asphaltite.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(g))

Env-A 4202.08 “Bituminous roof coating” means a coating that incorporates bitumens and is formulated and labeled exclusively for roofing.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(h))

Env-A 4202.09 “Bituminous roof primer” means a primer that incorporates bitumens and is formulated and labeled exclusively for roofing.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(i))

Env-A 4202.10 “Bond breaker” means a coating 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.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(j))

Env-A 4202.11 “Calcimine recoater” means a flat solvent-borne coating formulated and labeled specifically for recoating calcimine painted ceilings and other calcimine painted substrates.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(k))

Env-A 4202.12 “Clear brushing lacquers” means a clear wood finish, excluding clear lacquer sanding sealers, that is formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without chemical reaction and to provide a solid, protective film, and is intended exclusively for application by brush.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(l))

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Env-A 4202.13 “Clear wood coating” means clear and semi-transparent coatings, including lacquers and varnishes, applied to wood substrates to provide a transparent or translucent solid film.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202. 01(m))

Env-A 4202.14 “Coating” means a material applied onto or impregnated into a substrate for protective, decorative, or functional purposes, including but not limited to paints, varnishes, sealers, and stains.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(n))

Env-A 4202.15 “Colorant” means a concentrated pigment dispersion in water, solvent, and binder that is added to an architectural coating after packaging in sale units to produce the desired color.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(o))

Env-A 4202.16 “Concrete curing compound” means a coating formulated and labeled for application to freshly poured concrete to retard the evaporation of water.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(p))

Env-A 4202.17 “Concrete surface retarder” means a mixture of retarding ingredients, such as extender pigments, primary pigments, resins, and solvents, that interacts chemically with the concrete to which it is applied to prevent hardening on the surface, allowing the retarded surface concrete to be washed away to create an exposed aggregate finish.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(q))

Env-A 4202.18 “Conversion varnish” means a clear acid-curing coating comprising an alkyd or other resin blended with amino resins and supplied as a single or 2-component product, formulated for professional application to wood flooring to produce a hard, durable, clear finish.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(r))

Env-A 4202.19 “Dry fog coating” means a coating formulated and labeled only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(s))

Env-A 4202.20 “Exempt compound” means a compound excluded under the definition of VOC in Env-A 100.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(t))

Env-A 4202.21 “Faux finishing coating” means a coating formulated as a stain or a glaze to create artistic effects, including but not limited to dirt, old age, smoke damage, marble, and wood grain.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(u))

Env-A 4202.22 “Fire-resistive coating” means an opaque coating formulated and labeled to protect structural integrity by increasing the fire endurance of the interior or exterior structural materials to which it is

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applied, including but not limited to steel, that has been fire-tested and rated by an independent third party in accordance with the ASTM test method required by the state building code, currently E119, and approved by state building code officials for use in New Hampshire to bring assemblies of structural materials into compliance with state building code requirements.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(v))

Env-A 4202.23 “Fire-retardant coating” means a coating formulated and labeled to retard ignition and flame spread, that has been fire tested and rated by an independent third party in accordance with the ASTM test method required by the state building code, currently E84, and approved by state building code officials for use in New Hampshire to bring building and construction materials into compliance with state building code requirements.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(w))

Env-A 4202.24 “Flat coating” means a coating that is not otherwise defined in this part and that, when tested in accordance with ASTM test method D523-89, as revised in 1999, registers a gloss of less than 15 on an 85 degree gloss meter or less than 5 on a 60 degree gloss meter.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(x))

Env-A 4202.25 “Floor coating” means an opaque coating formulated for application to areas that will be subjected to foot traffic, including but not limited to decks, porches, garage floors, and steps.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(y))

Env-A 4202.26 “Flow coating” means a coating formulated and labeled exclusively for use by electric power companies or their subcontractors to maintain the protective coating systems present on utility transformer units.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(z))

Env-A 4202.27 “Form-release compound” means a coating formulated and labeled for application to a form to prevent the freshly poured concrete from bonding to the form.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(aa))

Env-A 4202.28 “Formulation data” means a list of the materials used to create a coating based on information from the coating manufacturer rather than on information from a coating test method used after the product is manufactured, which can include information on density, VOC content, and coating solids content.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(ab))

Env-A 4202.29 “Graphic arts coating or sign paint” means a coating formulated and labeled for hand-application by artists using brush or roller techniques to indoor and outdoor signs, excluding structural components, and to murals. The term includes letter enamels, poster colors, copy blockers, and bulletin enamels.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(ac))

Env-A 4202.30 “High temperature coating” means a high performance coating formulated and labeled for application to substrates exposed continuously or intermittently to temperatures above 204°C, equivalent to 400°F.

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Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(ad))

Env-A 4202.31 “Impacted immersion coating” means a high performance maintenance coating formulated and labeled for application to steel structures that are subject to immersion in turbulent, debris-laden water. The term includes coatings that are specifically resistant to high-energy impact damage caused by floating ice or debris.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(ae))

Env-A 4202.32 “Industrial maintenance coating” means a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for application to substrates exposed to one or more of the following extreme environmental conditions:

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

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

(e) Exposure of metal structures and structural components to exterior conditions.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(af))

Env-A 4202.33 “Label” means any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon any consumer product package for purposes of branding, identifying, or giving information with respect to the product or to the contents of the package.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(ag))

Env-A 4202.34 “Lacquer” means a clear or opaque wood coating comprising cellulosic or synthetic resins that is formulated to dry by evaporation without chemical reaction and to provide a solid, protective film.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(ah))

Env-A 4202.35 “Low solids coating” means a coating containing 0.12 kilogram or less of solids per liter of coating material, equivalent to one pound or less of solids per gallon of coating material.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(ai))

Env-A 4202.36 “Magnesite cement coating” means a coating formulated and labeled for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(aj))

Env-A 4202.37 “Manufacturer” means a person who manufactures, imports, assembles, processes, produces, packages, repackages, or relabels a product.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly

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Env-A 4202.01(ak))

Env-A 4202.38 “Mastic texture coating” means a coating that is formulated to cover holes and minor cracks and to conceal surface irregularities, and is applied in a single coat of at least 10 mils dry film thickness, equivalent to 0.010 inch dry film thickness.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(al))

Env-A 4202.39 “Metallic pigmented coating” means a coating that, when tested in accordance with South Coast Air Quality Management District (SCAQMD) method 318-95, is determined to contain at least 48 grams per liter as applied, equivalent to 0.4 pounds per gallon as applied, of elemental metallic pigment, mica particles or any combination of metallic pigments and mica particles.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(am))

Env-A 4202.40 “Multi-color coating” means a coating that is formulated to exhibit more than one color when applied in a single coat and is packaged in a single container.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(an))

Env-A 4202.41 “Non-flat coating” means a coating that is not otherwise defined in this chapter and that, when tested in accordance with ASTM test method D523-89, as revised in 1999, registers a gloss of 15 or greater on an 85 degree gloss meter or 5 or greater on a 60 degree gloss meter.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(ao))

Env-A 4202.42 “Non-flat high gloss coating” means a non-flat coating that, when tested in accordance with ASTM test method D523-89, as revised in 1999, registers a gloss of 70 or above on a 60 degree gloss meter.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(ap))

Env-A 4202.43 “Non-industrial use” means any use of architectural coatings other than in the construction or maintenance of any of the following:

- (a) Facilities used in the manufacturing of goods and commodities;
- (b) Transportation infrastructure, including highways, bridges, airports or railroads;
- (c) Facilities used in mining activities, including petroleum extraction;
- (d) Utilities infrastructure, including power generation or distribution systems; and
- (e) Water treatment or distribution systems.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(aq))

Env-A 4202.44 “Nuclear coating” means a protective coating formulated and labeled to seal porous surfaces that otherwise would be subject to intrusions by radioactive materials, such as steel or concrete, that is determined by its manufacturer to be:

- (a) Resistant to long-term, cumulative radiation exposure using ASTM test method D4082-02;
- (b) Able to be decontaminated by methods that are standard practices within the industry; and

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(c) Resistant to various chemicals to which the coating is likely to be exposed using ASTM test method D3912-95, as revised in 2001.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(ar))

Env-A 4202.45 “Post-consumer coating” means a finished coating other than manufacturing wastes that has completed its usefulness to a consumer and is recovered from or otherwise diverted from the waste stream for the purpose of recycling.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(as))

Env-A 4202.46 “Pre-treatment wash primer” means a primer that is formulated and labeled for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats, that when tested in accordance with ASTM test method D1613-03 contains a minimum of 0.5 percent acid by weight.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(at))

Env-A 4202.47 “Primer” means a coating formulated for application to a substrate to provide a firm bond between the substrate and subsequent coats.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(au))

Env-A 4202.48 “Quick-dry enamel” means a non-flat coating that is formulated to:

(a) Be applied directly from the container under normal conditions with ambient temperatures between 16 and 27°C, equivalent to 60 and 80°F;

(b) Set to touch in 2 hours or less, be tack free in 4 hours or less, and dry hard in 8 hours or less by the mechanical method when tested in accordance with ASTM test method D1640-03; and

(c) Register a dried film gloss of 70 or above on a 60 degree gloss meter, when tested in accordance with ASTM test method D523-89, as revised in 1999.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(av))

Env-A 4202.49 “Quick-dry primer, sealer, or undercoater” means a primer, sealer, or undercoater that, when tested by its manufacturer using ASTM test method D1640-03, is dry to the touch in 30 minutes and can be re-coated in 2 hours.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01 (aw))

Env-A 4202.50 “Recycled coating” means an architectural coating formulated such that not less than 50% of the total weight consists of secondary coating and post-consumer coating, with not less than 10% of the total weight consisting of post-consumer coating.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(ax))

Env-A 4202.51 “Residential use” means use in an area where people reside, dwell, or lodge, including but not limited to single- and multiple-family dwellings, condominiums, mobile homes, manufactured housing, apartment complexes, motels, and hotels.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(ay))

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Env-A 4202.52 “Roof coating” means a non-bituminous coating formulated and labeled exclusively for application to roofs for the purpose of preventing penetration of the substrate by water, reflecting heat and ultraviolet radiation, or both.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(az))

Env-A 4202.53 “Rust preventative coating” means a coating formulated for non-industrial use to prevent the corrosion of metal surfaces.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(ba))

Env-A 4202.54 “Sanding sealer” means a clear or semi-transparent wood coating formulated and labeled for application to bare wood to seal the wood and to provide a coat that can be sanded to create a smooth surface for subsequent applications of coatings.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(bb))

Env-A 4202.55 “Sealer” means a coating formulated for application to a substrate to prevent subsequent coatings from being absorbed by the substrate or to prevent harm to subsequent coatings by materials in the substrate.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(bc))

Env-A 4202.56 “Secondary coating” means any coating or fragment of coating that results as a by-product from a manufacturing process which has converted resources into a commodity. The term does not include excess virgin resources not used in the manufacturing process.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(bd))

Env-A 4202.57 “Shellac” means a clear or opaque coating comprised solely of the resinous secretions of the lac beetle (Laccifier lacca), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01 (be))

Env-A 4202.58 “Shop application” means the 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 repair process.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(bf))

Env-A 4202.59 “Solicit” means to require for use or to specify the use of by written or oral contract.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(bg))

Env-A 4202.60 “Specialty primer, sealer, or undercoater” means a coating that is formulated and labeled for application to a substrate to seal fire, smoke, or water damage, to block stains, or to condition excessively chalky surfaces, meaning those surfaces that have a chalk rating of 4 or less as determined by its manufacturer or producer using ASTM test method D4214-98.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(bh))

Env-A 4202.61 “Stain” means a clear, semi-transparent, or opaque coating formulated and labeled to change the color of a surface, but not conceal the surface’s grain pattern or texture.

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Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(bi))

Env-A 4202.62 “Supplier” means a manufacturer of, distributor of, or retail outlet for AIM coatings. The term does not include any centralized supply facility on a military installation that provides AIM coatings for use only on that installation.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(bj))

Env-A 4202.63 “Swimming pool coating” means a coating formulated and labeled to coat the interior of swimming pools and to resist swimming pool chemicals.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(bk))

Env-A 4202.64 “Swimming pool repair and maintenance coating” means a rubber-based coating formulated and labeled to be used over existing rubber-based coatings for the repair and maintenance of swimming pools.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(bl))

Env-A 4202.65 “Temperature-indicator safety coating” means a coating formulated and labeled as a color-changing indicator that is:

(a) Used to monitor the temperature and safety of a substrate, underlying piping, or underlying equipment; and

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

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(bm))

Env-A 4202.66 “Thermoplastic rubber coating and mastic” means a coating or mastic formulated and labeled for application to roofing or other structural surfaces that incorporates no less than 40 percent by weight of thermoplastic rubbers in total resin solids and might also contain other ingredients, including but not limited to fillers, pigments, and modifying resins.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(bn))

Env-A 4202.67 “Thinning recommendation” means:

(a) For coatings manufactured before January 1, 2007, the manufacturer’s thinning instructions either on the container label, in literature describing the product, or on the manufacturer’s website; and

(b) For coatings manufactured on or after January 1, 2007, the manufacturer’s thinning instructions on the coating container’s label or lid.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(bo))

Env-A 4202.68 “Tint base” means an architectural coating intended to be sold after a colorant is added to an individual sale unit to produce a desired color.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(bp))

Env-A 4202.69 “Traffic marking coating” means a coating formulated for marking lanes and symbols on streets, highways, and other surfaces associated therewith, including but not limited to curbs, berms, driveways,

sidewalks, airport runways, and parking lots.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(bq))

Env-A 4202.70 “Undercoater” means a coating formulated and labeled to provide a smooth surface for subsequent coatings.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(br))

Env-A 4202.71 “Varnish” means a clear or semi-transparent wood coating, excluding lacquers and shellacs, formulated to dry, by chemical reaction, on exposure to air. Varnishes can contain small amounts of pigment to color a surface or to control the final sheen or gloss of the finish.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(bs))

Env-A 4202.72 “Volatile organic compound (VOC)” means “volatile organic compound (VOC)” as defined in Env-A 100.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(bt))

Env-A 4202.73 “VOC content” means the weight of VOCs in grams per volume of coating in liters, calculated in accordance with Env-A 4206.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(bu))

Env-A 4202.74 “VOC content limit” means the maximum allowable VOC content established for a coating category.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(bv))

Env-A 4202.75 “Waterproofing concrete/masonry sealer” means a clear or pigmented film-forming coating that is formulated and labeled for sealing concrete and masonry to provide resistance against water, alkalis, acids, ultraviolet light, and staining.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(bw))

Env-A 4202.76 “Waterproofing sealer” means a coating formulated and labeled for application to a porous substrate for the primary purpose of preventing the penetration of water.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(bx))

Env-A 4202.77 “Wood preservative coating” means a coating registered under the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. §§136 et seq., that is formulated and labeled to protect exposed wood from decay or insect attack.

Source. #8695, eff 7-27-06, ss by #10736, eff 1-1-15 (formerly Env-A 4202.01(by))

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PART Env-A 4203 STANDARDS

Env-A 4203.01 VOC Content Limits.

(a) Except as provided in Env-A 4201.02(b) and Env-A 4201.03, the limits in table 4203-1 in (b), below, shall apply to any AIM coating that any person:

- (1) Manufactures, blends, or repackages for sale within New Hampshire;
- (2) Supplies, sells, or offers for sale within New Hampshire; or
- (3) Solicits for application or applies within New Hampshire.

(b) The VOC content limits that apply to any coating that is subject to (a), above, shall be as set forth in table 4203-1, below:

Table 4203-1: VOC Content Limits for AIM Coatings

Coating Category	VOC Content Limit
Flat Coatings	100
Non-Flat Coatings	150
Non-Flat – High Gloss Coatings	250
Specialty Coatings	
Antenna Coatings	530
Antifouling Coatings	400
Bituminous Roof Coatings	300
Bituminous Roof Primers	350
Bond Breakers	350
Calcimine Recoaters	475
Clear Wood Coatings	
Clear Brushing Lacquers	680
Lacquers (including lacquer sanding sealers)	550
Sanding Sealers (other than lacquer sealers)	350
Varnishes	350
Conversion Varnishes	725
Concrete Curing Compounds	350
Concrete Surface Retarders	780
Dry Fog Coatings	400
Faux Finishing Coatings	350
Fire-Resistive Coatings	350
Fire-Retardant Coatings	
Clear	650
Opaque	350
Floor Coatings	250
Flow Coatings	420
Form-Release Compounds	250
Graphic Arts Coatings, including Sign Paint	500
High-Temperature Coatings	420
Industrial Maintenance Coatings	340
Impacted Immersion Coatings	780
Low Solids Coatings	See (c), below
Magnesite Cement Coatings	450
Mastic Texture Coatings	300
Metallic Pigmented Coatings	500

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Coating Category	VOC Content Limit
Multi-Color Coatings	250
Nuclear Coatings	450
Pre-Treatment Wash Primers	420
Primers, Sealers, and Undercoaters	200
Quick-Dry Enamels	250
Quick-Dry Primers, Sealers, and Undercoaters	200
Recycled Coatings	250
Roof Coatings	250
Rust Preventative Coatings	400
Shellacs	
Clear	730
Opaque	550
Specialty Primers, Sealers, and Undercoaters	350
Stains	250
Swimming Pool Coatings	340
Swimming Pool Repair and Maintenance Coatings	340
Temperature-Indicator Safety Coatings	550
Thermoplastic Rubber Coatings and Mastic	550
Traffic Marking Coatings	150
Waterproofing Sealer	250
Waterproofing Concrete/Masonry Sealer	400
Wood Preservatives	350

(c) The VOC content limit for low solids coatings shall be 120 grams of VOC per liter of coating, including water and exempt compounds.

(d) To determine the applicable coating category in table 4203-1, above, the following shall apply:

(1) Metallic pigmented roof coatings that meet the definition of metallic pigmented coatings shall be considered metallic pigmented coatings, which are allowed 500 grams VOC per liter coating, thinned to the manufacturer's maximum specifications, not roof coatings, which are allowed only 250 grams VOC per liter coating, thinned to the manufacturer's maximum specifications; and

(2) A sanding sealer that meets the definition of a lacquer shall be considered a lacquer, which is allowed 550 grams VOC per liter coating, thinned to the manufacturer's maximum specifications, not a sanding sealer, which is allowed only 350 grams VOC per liter coating, thinned to the manufacturer's maximum specifications.

Source. #8695, eff 7-27-06; ss by #10736, eff 1-1-15

Env-A 4203.02 Most Restrictive VOC Content Limit.

(a) Subject to (b), below, if any representation is made anywhere on the container of an AIM coating, 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 the manufacturer's behalf that indicates that the coating meets the definition of or is recommended for use for more than one of the coating categories listed in table 4203-1, above, then the most restrictive applicable VOC content limit shall apply.

(b) If an AIM coating is represented as any of the following, then the VOC content limit for that use shall apply:

- (1) Antenna coating;
- (2) Antifouling coating;
- (3) Bituminous roof primer;

- (4) Calcimine recoater;
- (5) Fire-retardant coating;
- (6) Flow coating;
- (7) High-temperature coating;
- (8) Impacted immersion coating;
- (9) Industrial maintenance coating;
- (10) Lacquer coating (including lacquer sanding sealer);
- (11) Low-solids coating;
- (12) Metallic pigmented coating;
- (13) Nuclear coating;
- (14) Pretreatment wash primer;
- (15) Shellac;
- (16) Specialty primer, sealer, and undercoater;
- (17) Temperature-indicator safety coating;
- (18) Thermoplastic rubber coatings and mastic; and
- (19) Wood preservative coating.

Source. #8695, eff 7-27-06; ss by #10736, eff 1-1-15

Env-A 4203.03 Painting Practices.

- (a) The following containers shall be closed when not in use:
 - (1) Those containers used in the direct application of an AIM coating by pouring, siphoning, brushing, rolling, padding, ragging, or other means; and
 - (2) Those containers of VOC-containing materials used for thinning and cleanup.
- (b) AIM coating containers shall include, but are not limited to, drums, buckets, cans, pails, or trays.

Source. #8695, eff 7-27-06; ss by #10736, eff 1-1-15

Env-A 4203.04 Thinning. No person shall apply or solicit the application of any AIM coating that has been thinned to the extent that it exceeds the manufacturer's thinning recommendation or the applicable VOC content limit specified in Env-A 4203.01(b), table 4203-1.

Source. #8695, eff 7-27-06; ss by #10736, eff 1-1-15

Env-A 4203.05 Rust Preventative Coatings. No person shall apply or solicit the application of any rust preventative coating for industrial use unless the coating complies with the industrial maintenance coating VOC content limit specified in Env-A 4203.01(b), table 4203-1.

Source. #8695, eff 7-27-06; ss by #10736, eff 1-1-15

Env-A 4203.06 Coatings Not Listed in Table 4203-1. For any AIM coating that does not meet any of the definitions for the specialty coatings categories listed in Env-A 4203.01(b), table 4203-1, the VOC content limit shall be determined by:

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- (a) Classifying the coating as a flat coating or a non-flat coating based on its gloss; and
- (b) Applying the corresponding flat or non-flat coating limit.

Source. #8695, eff 7-27-06; ss by #10736, eff 1-1-15

Env-A 4203.07 Lacquers. Notwithstanding Env-A 4203.01, any person or facility may add up to 10 percent by volume of VOC to a 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, provided that the coating contains acetone and no more than 550 grams of VOC per liter of coating, less water and exempt compounds, prior to the addition of VOC.

Source. #8695, eff 7-27-06; ss by #10736, eff 1-1-15

PART Env-A 4204 CONTAINER LABELING REQUIREMENTS

Env-A 4204.01 Container Labeling Requirements. Each manufacturer of any AIM coating subject to this chapter shall display the information listed in Env-A 4204.02 through Env-A 4204.05 on the coating container or container label in which the coating is sold or distributed.

Source. #8695, eff 7-27-06; ss by #10736, eff 1-1-15

Env-A 4204.02 Date Code.

(a) The manufacturer shall include the date an AIM coating was manufactured, or a date code representing the date, on the label, lid, or bottom of the container.

(b) If the manufacturer uses a date code for any AIM coating, the manufacturer shall file an explanation of each code with the department at least 30 days prior to making the product available in the state of New Hampshire for the first time.

Source. #8695, eff 7-27-06; ss by #10736, eff 1-1-15

Env-A 4204.03 Thinning Recommendations.

(a) Except for thinning of AIM coatings with water, the manufacturer's recommendation regarding thinning of the coating shall be indicated on the label or lid of the container.

(b) If thinning of the AIM coating prior to use is not necessary, the manufacturer's recommendation shall specify that the coating is to be applied without thinning.

Source. #8695, eff 7-27-06; ss by #10736, eff 1-1-15

Env-A 4204.04 VOC Content. Each container of any AIM coating subject to this chapter shall display one or more of the following:

(a) The VOC content limit for the applicable coating category from Env-A 4203.01(b), table 4203-1;

(b) The VOC content of the coating as supplied in grams of VOC per liter of coating, calculated in accordance with Env-A 4206; or

(c) The VOC content of the coating as applied in grams of VOC per liter of coating, when thinned according to the manufacturer's recommendations, calculated in accordance with Env-A 4206.

Source. #8695, eff 7-27-06; ss by #10736, eff 1-1-15

Env-A 4204.05 Specific Labeling Requirements. In addition to the requirements specified in Env-A 4204.02, Env-A 4204.03, and Env-A 4204.04, each manufacturer of the following products subject to this chapter shall prominently display on the label or lid of the container in which the coating is sold or distributed the following descriptions:

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- (a) For industrial maintenance coatings, one or more of the following:
 - (1) “For industrial use only”;
 - (2) “For professional use only”;
 - (3) “Not for residential use”; or
 - (4) “Not intended for residential use”;
- (b) For clear brushing lacquers, the words “Clear brushing lacquer”, “For brush application only” and “This product may not be thinned or sprayed”;
- (c) For rust preventative coatings, the words “For metal substrates only”;
- (d) For specialty primers, sealers, and undercoaters, one or more of the following descriptions, as applicable:
 - (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”;
- (e) For quick-dry enamels, the words “Quick-dry” and the dry hard time; and
- (f) For non-flat high-gloss coatings, the words “High gloss”.

Source. #8695, eff 7-27-06; ss by #10736, eff 1-1-15

PART Env-A 4205 RECORDKEEPING AND REPORTING REQUIREMENTS

Env-A 4205.01 Record Retention Requirements. The manufacturer of an AIM coating that is subject to a VOC content limit in table 4203-1 shall keep records demonstrating compliance with those limits for a period of at least 5 years from the date of manufacture of said coating.

Source. #8695, eff 7-27-06; ss by #10736, eff 1-1-15

Env-A 4205.02 Information Required. The records specified in Env-A 4205.01 shall include the following information for each product:

- (a) The product name as shown on the product label and sales literature;
- (b) The product’s identifying number, if applicable;
- (c) The VOC content as determined in accordance with Env-A 4206;
- (d) The chemical abstract service (CAS) number of each VOC constituent in the product;
- (e) The date of each VOC content determination; and
- (f) The coating category and applicable VOC limit as specified in table 4203-1.

Source. #8695, eff 7-27-06; ss by #10736, eff 1-1-15

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Env-A 4205.03 Response to Department Requests.

(a) During an investigation or for an inspection by the department, a manufacturer shall provide the following information upon written request from the department:

- (1) The name and mailing address of the manufacturer;
- (2) The name, address, and daytime telephone number of a contact person;
- (3) The name of the AIM coating as it appears on the label and the coating category in table 4203-1 under which it is regulated;
- (4) Whether the coating is marketed for interior or exterior use, or both;
- (5) The number of gallons of coating sold in New Hampshire during the specified time period in containers greater than 1 liter;
- (6) The number of gallons of coating sold in New Hampshire during the specified time period in containers of 1 liter or less;
- (7) The VOC content calculated pursuant to Env-A 4206 and the VOC content limit from Env-A 4203.01(b), table 4203-1, in grams per liter;
- (8) The VOC content calculated pursuant to Env-A 4206 and the VOC content limit from Env-A 4203.01(b), table 4203-1, in grams per liter after recommended thinning;
- (9) The name and CAS number of each VOC in the coating; and
- (10) The name and CAS number of each exempt compound in the coating.

(b) The information shall be provided within a time period that reflects the volume and availability of the records requested and is agreed upon by the department and the manufacturer.

Source. #8695, eff 7-27-06; ss by #10736, eff 1-1-15

PART Env-A 4206 COMPLIANCE; TEST METHODS

Env-A 4206.01 Calculation of VOC Content.

(a) To determine compliance with Env-A 4203.01, the VOC content of an AIM coating shall be determined using the procedures specified in (d) and (e), below.

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

(c) For the calculations specified in (d) and (e), below, the following shall apply:

- (1) “ W_s ” means total weight of volatiles, in grams;
- (2) “ W_w ” means weight of water, in grams;
- (3) “ W_{ec} ” means weight of exempt compounds, in grams;
- (4) “ V_m ” means volume of coating, in liters;
- (5) “ V_w ” means volume of water, in liters; and
- (6) “ V_{ec} ” means volume of exempt compounds, in liters.

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(d) Except as specified in (e), below, the VOC content shall be calculated after thinning to the manufacturer's maximum recommendation by subtracting the weight of water and weight of exempt compounds from the weight of VOCs and dividing that result by the result of subtracting the volume of water and volume of exempt compounds from the volume of coating, as in the formula below:

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

(e) For low solids coatings, the VOC content shall be calculated after thinning to the manufacturer's maximum recommendation by subtracting the weight of water and weight of exempt compounds from the weight of volatiles and dividing the result by the volume of coating, as in the formula below:

$$\text{VOC Content (low solids)} = (W_s - W_w - W_{ec}) / V_m$$

Source. #8695, eff 7-27-06; ss by #10736, eff 1-1-15

Env-A 4206.02 Test Methods.

(a) To determine the physical properties of an AIM coating in order to perform the calculations in Env-A 4206.01, the manufacturer shall:

- (1) Use EPA Method 24 as described in 40 CFR 60, Appendix A, available as noted in Appendix B;
- (2) Use South Coast Air Quality Management District (SCAQMD) method 304-91, available as noted in Appendix B; or
- (3) Provide specific formulation data.

(b) The manufacturer shall determine the exempt compounds content using SCAQMD method 303-91, revised in February 1993, available as noted in Appendix B.

(c) If there are any inconsistencies between the results of Method 24 and any other means for determining VOC content, the Method 24 result shall be used.

(d) The manufacturer shall use the following test methods:

- (1) ASTM test method E84-04, available as noted in Appendix B, to determine the flame spread index of a fire-retardant coating;
- (2) ASTM test method E119-00a, available as noted in Appendix B, to determine the fire-resistance rating of a fire-resistive coating;
- (3) ASTM test method D523-89, available as noted in Appendix B, to determine the gloss of a coating;
- (4) SCAQMD method 318-95, available as noted in Appendix B, to determine the metallic content of a coating;
- (5) ASTM test method D1613-03, available as noted in Appendix B, to determine the acid content of a coating;
- (6) ASTM test method D1640-03, available as noted in Appendix B, to determine the set-to-touch, dry-hard, dry-to-touch, and dry-to-recoat times of a coating;
- (7) The Mechanical Test Method of ASTM test method D1640-03, available as noted in Appendix B, to determine the tack free time of a quick-dry enamel coating;
- (8) ASTM test method D4214-07, available as noted in Appendix B, to determine the chalkiness of a surface;

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(9) Bay Area Air Quality Management District (BAAQMD) method 43, available as noted in Appendix B, to analyze exempt compounds that are cyclic, branched, or linear, completely methylated siloxanes;

(10) BAAQMD method 41, available as noted in Appendix B, to analyze the exempt compound parachlorobenzotrifluoride; and

(11) 40 CFR 59, Subpart D, Appendix A, available as noted in Appendix B, to determine the VOC content of methacrylate multi-component coatings used as traffic marking coatings.

Source. #8695, eff 7-27-06; ss by #10736, eff 1-1-15

APPENDIX A: STATE STATUTES/LAWS IMPLEMENTED

Rule Section(s)	State Statutes/Laws Implemented
Env-A 4200	RSA 125-C:6, II & XVII; RSA 485:16-c; 2004, 175:1

APPENDIX B: INCORPORATION BY REFERENCE INFORMATION

Rule	Title (Date)	Source
Env-A 4206.02(a)(1)	EPA Method 24 as described in 40 CFR 60, Appendix A	Download at no charge from: http://www.gpo.gov/fdsys/pkg/CFR-2010-title40-vol7/pdf/CFR-2010-title40-vol7-part60-appA-id14.pdf
Env-A 4206.02(d)(1)	ASTM E84-04	ASTM International 100 Barr Harbor Drive, PO Box C700 West Conshohocken, PA, 19428-2959 Purchase for \$57.60 at: http://www.astm.org/DATABASE.CART/HISTORICAL/E84-04.htm
Env-A 4206.02(d)(2)	ASTM E119-00a	Purchase for \$70 at: http://www.astm.org/mobile/standards/historical/E119-00A.htm
Env-A 4206.02(d)(3)	ASTM D523-89 (1999)	Purchase for \$50.40 at: http://www.astm.org/DATABASE.CART/HISTORICAL/D523-89R99.htm
Env-A 4206.02(d)(5)	ASTM D1613-03	Purchase for \$44.40 at: http://www.astm.org/DATABASE.CART/HISTORICAL/D1613-03.htm
Env-A 4206.02(d)(6) & (7)	ASTM D1640-03	Purchase for \$37 at: http://www.astm.org/Standards/D1640.htm
Env-A 4206.02(d)(8)	ASTM D4214-07	Purchase for \$42 at: http://www.astm.org/Standards/D4214.htm
Env-A 4206.02(a)(2)	South Coast Air Quality Management District (SCAQMD) Method 304-91	South Coast Air Quality Management District 21865 Copley Drive Diamond Bar, CA 91765
Env-A 4206.02(b)	SCAQMD Method 303-91, revised in February 1993	Download at no charge from: http://aqmd.gov/rules/reg/reg11/r1174.pdf
Env-A 4206.02(d)(4)	SCAQMD Method 318-95	

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Rule	Title (Date)	Source
Env-A 4206.02(d)(9)	BAAQMD Method 43	Bay Area Air Quality Management District 939 Ellis St. San Francisco, CA 94109 Download at no charge from: http://www.baaqmd.gov/Records/MOP.aspx or directly at: http://www.baaqmd.gov/~media/Files/Records/MOP/vol%203/MOP-43.ashx?la=en
Env-A 4206.02(d)(10)	BAAQMD Method 41	http://www.baaqmd.gov/~media/Files/Records/MOP/vol%203/MOP-41.ashx?la=en
Env-A 4206.02(d)(11)	40 CFR 59, Subpart D, Appendix A	Download at no charge from: http://www.gpo.gov/fdsys/granule/CFR-2000-title40-vol5/CFR-2000-title40-vol5-part59-subpartD-appA/content-detail.html