

Appendix A

Architectural Paint Products for Purposes of the Assessment

Architectural paint is defined under the OR legislation as:

Interior and exterior architectural coatings sold in containers of five gallons or less.

Architectural paint does not include:

Industrial, original equipment or specialty coatings.

In order to distinguish between what is an architectural coating for the purpose of the assessment and what coatings should not be assessed the fee, we are using the definitions and terminology from the U.S. Environmental Protection Agency's Architectural and Industrial Maintenance National Regulation (AIM Rule). In order to determine on which products the fee is assessed, and on which products the fee is not assessed, a company should start with the type of coating – if architectural, the fee should be assessed, regardless of the user. If not architectural, but could be sold for architectural purposes (consumer/contractor use) a company should use the following as guidance for whether or not the fee is assessed.

Architectural Coatings

Architectural coating means a coating recommended for field application to stationary structures and their appurtenances, to portable buildings, to pavements, or to curbs. This definition excludes adhesives and coatings recommended by the manufacturer or importer solely for shop applications or solely for application to non-stationary structures, such as airplanes, ships, boats, and railcars.

These coatings would be covered under the Program, and all would be assessed the fee.

Industrial Maintenance Coatings

Industrial maintenance coating means a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats formulated and recommended for application to substrates exposed to one or more of the following extreme environmental conditions in an industrial, commercial, or institutional setting:

- (1) Immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposure of interior surfaces to moisture condensation;
- (2) Acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions;
- (3) Repeated exposure to temperatures above 120 °C (250 °F);

- (4) Repeated (frequent) heavy abrasion, including mechanical wear and repeated (frequent) scrubbing with industrial solvents, cleansers, or scouring agents; or
- (5) Exterior exposure of metal structures and structural components.

One of the primary ways the AIM Rule distinguishes industrial maintenance coatings from other architectural coatings is the manufacturer's recommendation for restricted usage. In fact, industrial maintenance coatings must be labeled under the rules as:

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

Thus, if the coating is not intended for use and labeled as an industrial maintenance coating, it should be deemed a covered architectural coating and the fee should be assessed, unless a company can clearly document that the coating was not sold for architectural use.

Original Equipment Coatings

Shop application means that a coating is applied to a product or a component of a product in a factory, shop, or other structure as part of a manufacturing, production, finishing or repairing process (e.g., original equipment manufacturing coatings).

Since OEM (shop application) coatings may be intended but not labeled for industrial or professional use, and may be sold in containers of 5 gallons or less, if a company can clearly document that the coating was sold exclusively for OEM use, the fee should not be assessed. However, if this coating can be sold to a consumer or contractor for other than shop application and/or the use can not be distinguished via the method of sale, the fee should be assessed.

Specialty Coatings

Lastly, in order to distinguish between Specialty or Special Purpose Coatings, we have used the definition from the Federated Society of Coating Technology's Coatings Encyclopedic (since the AIM Rule does not have a definition), which states that these coatings include aerosols, arts and crafts, and automotive refinish coatings. These products should be easier to distinguish, however, as they are clearly called out as non-assessed products on the attached list. The fee should not be assessed for these coatings.

Assessed Products (maximum container size of 5 gallons):

- Interior and Exterior Paints: Latex, acrylic, water-based, alkyd, oil-based, enamel (all types of finishes and sheens, including textured coatings)
- Deck coatings and floor paints (including elastomeric)
- Waterproofing concrete/masonry/wood sealers and repellents (not-tar-based or bitumen-based)
- Melamine, metal and rust preventative
- Stains and Shellacs
- Stain Blocking Primers
- Swimming Pool Paints (single component)
- Varnishes and urethanes (single component)
- Lacquers, Lacquer Sanding Sealers, and Lacquer Stains
- Wood Coatings (containing no pesticides)

Non-Assessed Products (regardless of container size):

- Industrial Maintenance Coatings
- OEM and Industrial surface coating (shop application) paints and finishes
- Aerosol Paints
- Automotive Paints
- Marine Paints
- Craft Paints
- Caulking Compounds, epoxies, glues or adhesives
- Colorants and tints
- Resins
- Paint Thinners, mineral spirits or solvents
- Paint Additives
- Pesticide containing products
- Roof patch or repair
- Tar-based or bitumen based products
- 2-Component Coatings
- Deck Cleaners