



# AmericanCoatings

ASSOCIATION<sup>SM</sup>

September 13, 2024

Mr. Christopher Bradley  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765

**RE: South Coast Air Quality Management District Proposed Amended Rule 1151 – Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations; ACA Comments**

Dear Mr. Bradley:

The American Coatings Association (ACA) submits the following comments to the South Coast Air Quality Management District (SCAQMD) regarding Proposed Amended Rule 1151 – Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations. ACA is a voluntary, nonprofit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals. ACA serves as an advocate and ally for members on legislative, regulatory, and judicial issues, and provides forums for the advancement and promotion of the industry through educational and professional development services. ACA appreciates the opportunity to comment and looks forward to working with SCAQMD throughout the rulemaking process.

**VOC Limits for Color Coatings, Metallic Color Coatings, and Tinted Mid-Coats**

Some coatings manufacturers have expressed concerns with the proposed Phase II VOC limit of 250 g/L for color coatings, metallic color coatings, and tinted mid-coats. These concerns stem from technical and color matching challenges associated with reformulation of these products. In addition, some coatings manufacturers anticipate that the development of tinted mid-coats using waterborne technology will be very challenging. Due to these outstanding issues, ACA encourages the District to consider increasing the Phase II VOC limits for color coatings, metallic color coatings, and tinted mid-coats to 420 g/L. This VOC limit is consistent with the current VOC limits in effect for these products.

If SCAQMD decides to move forward with the Phase II VOC limit of 250 g/L for color coatings, metallic color coatings, and tinted mid-coats, then ACA requests that the District include an effective date of 1/1/2031 for these three categories. It will be very difficult for industry to complete the amount of work needed to reformulate with respect to color matching, the number of toners required, scale-up, color retrieval system updates, and launch logistics within SCAQMD's proposed timeline of 1/1/2030. A 1/1/2031 timeframe will give industry an additional year to develop, formulate, and test its products to ensure the availability of effective coatings as well as compliance with the new rule requirements. An additional year also aligns with SCAQMD's federal ozone requirements to record VOC emissions reductions prior to 2032.

## **VOC Limit for Gloss Clear Coatings**

SCAQMD's proposed Phase II VOC limit for gloss clear coatings is 250 g/L. This VOC limit will be particularly challenging due to the technological methods of addressing the lower limit. Industry is not aware of current or foreseeable technology that has demonstrated the ability to replicate OEM appearance with refinish coatings, along with required drying speed. ACA encourages the District to consider increasing the Phase II VOC limits for gloss clear coatings to 420 g/L. This VOC limit is consistent with the VOC limit for these product types in the EU.

## **Group II Exempt Compound Language**

ACA encourages SCAQMD to consider increasing the threshold in paragraph (f)(8) to 0.1 percent by weight. Of particular concern for industry is the Group II Exempt Compounds in subparagraph (f)(8)(A) and the use of volatile methyl siloxanes (VMS). The use of VMS has been allowed in other coatings rules in the District, including amended Rule 1168. The limited use of VMS is common in the ceramic coatings market, including DIY and specialty detailing services for car enthusiasts. As such, ACA supports a threshold of 0.1 percent by weight instead of 0.01 percent by weight in paragraph (f)(8). This small threshold increase would be helpful for the impurity levels of certain VMS that are unavoidable with other silicone chemistries that are not Group II Exempt.

## **Provisions for Reducers/Thinners**

ACA requests that SCAQMD remove all provisions and requirements related to reducers/thinners. ACA believes that the underlying reason for including specific requirements for reducers/thinners is due to enforcement issues within the District. The issue is not with the products themselves.

In addition, it's important to note that the VOC content of reducers/thinners is already regulated through the VOC limits of the other coatings categories. It is redundant to have both PW-MIR limits for reducers/thinners and VOC limits on the ready-to-spray mixtures that use the same reducers/thinners. It also adds unnecessary constraints to an already limited formulation toolbox for coatings manufacturers. Consequently, ACA encourages SCAQMD to remove all provisions and requirements for reducers/thinners from Rule 1151.

## **Reporting Requirements**

The new QER reporting requirements outlined in paragraph (h)(4) will be burdensome for coatings manufacturers. In particular, the requirement for multi-component coatings in subparagraph (h)(4)(H) will be impossible for coatings manufacturers to report. It will require manufacturers to collect ready-to-spray data from every automotive refinish shop and customer that they sold automotive coating components to within SCAQMD for the reporting timeframe. These shops and customers mix the ready-to-spray coatings to color match a substantial number of different colors as is needed to match the color on other parts of automobiles and mobile equipment. The sheer amount of data that will be collected, collated, and formatted for the QER is untenable. With that said, the information from each individual shop or customer is available to SCAQMD during facility inspections. When an individual shop or customer is asked to produce this information during an inspection, it is much less data than what would be required to be aggregated for the QER. ACA urges SCAQMD to remove subparagraph (h)(4)(H). If the District proceeds with the reporting requirement in subparagraph (h)(4)(H), industry needs additional detail and specificity.

In addition, subparagraph (h)(4)(F) will require manufacturers to report annual volumes sold into the District, including products sold through distribution centers located within or outside the District. Many third-party distributors are reluctant to share details around sales to customers that are not under a rebate program or contract with the coatings manufacturer, as the distributors may view this non-contractual or rebated business as theirs to manage on their own. Coatings manufacturers may be forced to update distribution agreements to specify that distributors must comply with this new data requirement or risk being deauthorized as a distributor. However, there are some warehouse distributors that supply small jobbers with no contracts, who may not have formal agreements in place to fall back on in the event a jobber resisted providing the sales information. This requirement places the compliance burden on coatings manufacturers, but the data that the District wants reported is actually held by other parties in the distribution chain. ACA encourages SCAQMD to remove subparagraph (h)(4)(F).

### **Definitions**

Paragraph (c)(5) defines Automotive Coating as “any Coating used or recommended for use in Motor Vehicles, Mobile Equipment, or Associated Parts and Components in refinishing, service, maintenance, repair, restoration, or modification, except metal plating activities.” However, section (c) does not define or clarify the differences between refinishing, repair, and/or restoration. Repair and/or refinishing may also be considered processes that restore a vehicle’s appearance back to its original condition. ACA encourages SCAQMD to clarify the terms “refinishing,” “repair,” and “restoration.”

### **Epoxy Primer Category**

Section (c)(14) of the revised preliminary draft rule language states that an epoxy primer must be labeled and formulated for vehicle restoration and that restoration is the process of restoring a vehicle’s appearance back to its original condition. ACA requests that SCAQMD provide rationale for creating the epoxy primer category and its limitation of use to restoration.

In addition, ACA is seeking clarification on whether epoxy primers can be used for other purposes outside of restoration. There is also a concern that the rule language indicates manufacturers may only sell epoxy primers to those who will use the primer in restoration processes. Please clarify if the sales of epoxy primers for non-restoration use is prohibited. If allowed, please provide additional detail regarding the expected language for the labels and product literature.

### **Definitions of Matte-Clear Coating and Gloss Clear Coating**

The definition of matte-clear coating in paragraph (c)(20) should be defined differently to accommodate clear coatings that have a mid-range value for gloss units and more closely align with how gloss is measured for these types of coatings. ACA suggests the following revised definitions for matte-clear coatings and gloss clear coatings:

**MATTE-CLEAR COATING** means any Automotive Coating that is formulated with materials that do not impart color and is specifically labeled and formulated for application over a Color Coating or a previous layer of a Matte-Clear Coating, that registers a gloss of less than ~~40~~ 85 units on a 60-degree meter, according to ASTM Test Method D523.

**GLOSS CLEAR COATING** means any Automotive Coating that is formulated with materials that do not impart color and is specifically labeled and formulated for application over a Color Coating or

Clear Coating, which registers a gloss of ~~40~~ 85 units or greater on a 60-~~unit~~ degree meter, according to ASTM Test Method D523.

ACA recommends that the gloss cutoff be changed from 40 to 85 units at a 60-degree angle.

### **Alternative VOC Limit for Color Coatings & Package Size**

ACA encourages SCAQMD to increase the package size to 1 quart (32 fluid ounces) for color coatings and metallic color coatings utilizing the alternative VOC limit provisions in paragraph (d)(3). Current shop usage of small volume ready-to-spray coatings exceed 8 ounces. Industry is also seeking clarification on whether this packing size alternative is for the automotive coating component or for the ready-to-spray mixture.

### **Labeling Requirements for Coatings Manufacturers**

ACA encourages SCAQMD to consider either removing the labeling requirements in subparagraphs (h)(2)(A)-(B) or revising the labeling exemption in paragraph (k)(5) to one year from the date of rule adoption for Phase I products. U.S. EPA's National Rule does not require this information to be on the product label. Industry will be utilizing its current inventory that complies with both U.S. EPA's National Rule and SCAQMD's proposed Phase I requirements. It will be burdensome for industry to relabel its products with the additional information in subparagraphs (h)(2)(A)-(B). Over-stickering also adds unnecessary time, labor, and cost to the supply chain. In addition, if manufacturers are including the information in subparagraphs (h)(2)(A)-(B) on its current National Rule product labels, the categories may not align exactly with those defined in Rule 1151 and would likely create confusion for enforcement.

In lieu of the labeling requirements in subparagraphs (h)(2)(A)-(B), coatings manufacturers are able to provide this information on their VOC compliance wallcharts. These resources are available on the internet and would be as accessible to the District as the information on the actual product label.

### **Errors in Preliminary Staff Report – Table 2-12**

ACA noticed several errors in Table 2-12 in the preliminary draft staff report. The values for several categories are incorrect or misrepresented in the "National Rule Limits (g/L)" column. ACA encourages SCAQMD to review and correct Table 2-12 in the staff report for accuracy and clarity.

### **Conclusion**

Thank you for your consideration of ACA's comments. Please do not hesitate to contact me if you have any questions or require additional clarification.

Sincerely,



Rhett Cash  
Counsel, Government Affairs

*\*\*Submitted via email\*\**