



## ADVISORY NOTICE

**Rule 1113:** Section (f) Paragraphs (1), (2)(A), (2)(B), and (2)(C)

**Original Review:** September 2010

**Revised Date:** March 2018

**Subject:** Clarification on the Bundling of Small Containers

**Issue:**

The South Coast Air Quality Management District has been made aware of misinterpretations of the exemptions for architectural coatings sold in one liter containers or less. Staff has found multiple examples of one liter containers bundled into four packs and marketed as 'contractor packs' as well as 20 one liter containers sold inside a 5 gallon bucket. Staff addressed this rule circumvention in the June 3, 2011 rule amendment.

**Current Rule Language:**

Rule 1113 section (f)(1) states that, "...the provisions of the Table of Standards 1 and paragraph (c)(1) of this rule shall not apply to architectural coatings in containers having capacities of one liter (1.057 quart) or less, but shall apply to..." **Please refer Rule 1113 sections (f)(1) A-F for specific guidelines and sunset dates for the small container exemption on particular coating categories.**

Rule 1113 section (f)(2) states that, "...the small container exemption only applies if the following conditions are met:

- (A) The manufacturer reports the sales in the Rule 314 Annual Quantity and Emissions Report. The loss of this exemption due to the failure of the manufacturer to submit the Rule 314 Annual Quantity and Emissions Report shall apply only to the manufacturer.
- (B) The coating containers of the same specific coating category listed in the Table of Standards 1, **are not bundled together to be sold as a unit that exceeds one liter (1.057 quarts)**, or eight fluid ounces for coatings under subparagraph (f)(1)(D) as of January 1, 2019, or eight fluid ounces for coatings under subparagraph (f)(1)(F) as of January 1, 2020, excluding containers packed together for shipping to a retail outlet.
- (C) **The label or any other product literature does not suggest combining multiple containers so that the combination exceeds one liter (1.057 quarts)** or eight fluid ounces under (f)(1)(D) as of January 1, 2019, or eight fluid ounces for coatings under subparagraph (f)(1)(F) as of January 1, 2020.

**Analysis:**

Coating containers shall not be bundled together to be sold as a unit that exceeds one liter (1.057 quart), and shall not be labeled to suggest combining multiple containers so that the combination exceeds one liter (1.057 quarts).

**Conclusion:**

This anti-bundling provision took effect July 1, 2011 and all sell through periods have expired.

Comments or questions regarding Rule 1113 should be directed to [areasources@aqmd.gov](mailto:areasources@aqmd.gov) or call the Area Source team at 909-396-2390.