



End of Small Manufacturer Exemption for Architectural and Industrial Maintenance Coatings

Who is affected by this change?

Any facility that manufactures Architectural and Industrial Maintenance (AIMs) Coatings using the Small Manufacturer Exemption (SME) granted by the State of New York is affected.

What has occurred?

The state of New York adopted new rules for architectural coatings that will become effective January 1, 2007. The rule change eliminates the SME that had allowed for the manufacture of coatings with higher Volatile Organic Compound (VOC) content than normally allowed. New Jersey has provisions to honor exemptions such as New York's SME and has done so while the SME provision existed. With New York's elimination of this exemption, SME will no longer apply in New Jersey.

The elimination of SME applies to the *manufacture* of new coatings on or after January 1, 2007 both in New Jersey and New York. However, the states differ in how they regulate the *sale* of coatings made prior to January 1, 2007 under a valid SME.

In New York, any coatings made under an SME must be sold by May 15, 2007.

In New Jersey, there is no time limit by which coatings made under an SME may be sold. However, all such AIMs coatings must carry on their label the date of manufacture or date code as required by N.J.A.C. 7:27-23.5(a).

Any manufacturer that would falsely label coatings is reminded of the potential for criminal prosecution as highlighted in our previous advisory found here:

<http://www.state.nj.us/dep/enforcement/advisories/2006-12.pdf>

What is DEP doing?

Effective January 1, 2007, New Jersey will no longer recognize SMEs approved by the State of New York.

What should I do?

If you manufactured AIMs coatings under an SME authorized by New York state, cease such manufacture by January 1, 2007. Verify that all AIMs coatings at your facility are properly labeled and do not exceed the limits for VOCs as specified at N.J.A.C. 7:27-23 et seq. Contact your local solid waste facility to determine the proper means for disposal of waste coatings.

COMPLIANCE ADVISORY

Who should I contact with questions?

Air Compliance & Enforcement (856) 614-3603

Air Environmental Regulation (609) 984-1950

Where can I get more information?

The following web sites can be accessed for additional information regarding this advisory:

For further information a copy of NYDEC's Emergency Adoption Part 205 can be found at:
<http://www.dec.state.ny.us/website/dar>

A complete list of NYDEC Air pollution rules can be found at:
<http://www.dec.state.ny.us/website/regs/part205.html>

New Jersey Department of Environmental Protection Air pollution rules can be found at:
<http://www.nj.gov/dep/aqm/rules.html>

Visit the following Web site for general information:

Contact NJDEP: <http://www.nj.gov/cgi-bin/dep/contactdep.pl>

Please note this advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the number listed above.