

*** DRAFT – NOT FOR FILING ***

3745-113-01 **Definitions for architectural and industrial maintenance (AIM) coatings.**

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see ~~the last~~ paragraph (B) of this rule titled “~~Incorporation by reference-~~Referenced materials.”]

(A) Except as otherwise provided in this rule, the definitions in rule 3745-15-01 of the Administrative Code shall apply to this chapter.

- (1) "Adhesive" means any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.
- (2) "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.
- (3) "AIM" means architectural and industrial maintenance.
- (4) "Antenna coating" means a coating labeled and formulated exclusively for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals.
- (5) "Anti-fouling coating" means a coating labeled and formulated for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms. To qualify as an antifouling coating, the coating must be registered with both USEPA under the Federal Insecticide, Fungicide and Rodenticide Act contained in 7 USC 136 to 136y and with Ohio EPA.
- (6) "Appurtenance" means any accessory to a stationary structure coated at the site of installation, whether installed or detached, including but no limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools; lampposts; partitions pipes and piping systems; rain gutters and downspouts; stairways; fixed ladders; catwalks and fire escapes; and window screens.
- (7) "Architectural coating" means a coating to be applied to stationary structures or ~~the~~their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and

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automobiles, ~~and~~ as well as adhesives are not considered architectural coatings for the purposes of this rule.

- (8) "Bitumens" means black or brown materials including, but not limited to, asphalt, tar, pitch, and asphaltite 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.
- (9) "Bituminous roof coating" means a coating which incorporates bitumens that is labeled and formulated exclusively for roofing for the primary purpose of preventing water penetration.
- (10) "Bituminous roof primer" means a primer which incorporates bitumens that is labeled and formulated exclusively for roofing and intended for the purpose of preparing a weathered or aged surface or improving the adhesion of subsequent surfacing components.
- (11) "Bond breaker" means a coating labeled and 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.
- (12) "Calcimine recoaters" means a flat solvent borne ~~coatings~~ coating formulated and recommended specifically for recoating calcimine-painted ceilings and other calcimine-painted substrates.
- (13) "Clear brushing lacquers" means clear wood finishes, excluding clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without chemical reaction and to provide a solid, protective film, which are intended exclusively for application by brush and which are labeled as specified in ~~paragraph (A)(5) of~~ rule 3745-113-04 of the Administrative Code.
- (14) "Clear wood coatings" means clear and semi-transparent coatings, including lacquers and varnishes, applied to wood substrates to provide a transparent or translucent solid film.
- (15) "Coating" means a material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealers, and stains.
- (16) "Colorant" means a concentrated pigment dispersion in water, solvent, and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color.

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- (17) "Concrete curing compound" means a coating labeled and formulated for application to freshly poured concrete to ~~retard the evaporation of water~~perform one or more of the following functions:
- (a) Retard the evaporation of water.
 - (b) Harden or dustproof the surface of freshly poured concrete.
- (18) "Concrete surface retarder" means a mixture of retarding ingredients such as extender pigments, primary pigments, resin, and solvent that interact chemically with the cement to prevent hardening on the surface where the retarder is applied, allowing the retarded mix of cement and sand at the surface to be washed away to create an exposed aggregate finish.
- (19) "Conjugated oil varnish" means a clear or semi-transparent wood coating, labeled as such, excluding lacquers or shellacs, based on a natural occurring conjugated vegetable oil (Tung oil) and modified with other natural or synthetic resins; a minimum of fifty per cent of the resin solids consisting of conjugated oil. Supplied as a single component product, conjugated oil varnishes penetrate and seal the wood. Film formation is due to polymerization of the oil. These varnishes may contain small amounts of pigment to control the final gloss or sheen.
- (20) "Conversion varnish" means a clear acid-curing coating with an alkyd or other resin blended with amino resins and supplied as a single component or two-component product. Conversion varnishes produce a hard, durable, clear finish designed for professional application to wood flooring. Film formation is the result of an acid-catalyzed condensation reaction, affecting a transesterification at the reactive ethers of the amino resins.
- (21) "Dry fog coating" means a coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.
- (22) "Exempt compound" means a compound identified as exempt under the definition of VOC. Exempt compounds content of a coating shall be determined by USEPA Method 24, [ASTM D3960-05](#) or SCAQMD Method 303-91.
- (23) "Faux finishing coating" means a coating labeled and formulated as a stain or a glaze to create artistic effects including, but not limited to, dirt, old age, smoke damage, and simulated marble and wood grain.
- (24) "Fire-resistive coating" means an opaque coating labeled and formulated to protect the structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials. The fire-resistive category includes sprayed fire resistive materials and intumescent fire resistive coatings that are

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[used to bring structural materials](#), that has been fire tested and rated by a testing agency and approved by building code officials for use in bringing assemblies of structural materials into compliance with federal, state, and local building code requirements. The fire-resistive coating and the testing agency must be approved by building code officials. The fire-resistive coating shall be tested in accordance with ASTM E119-05a.

- (25) "Fire-retardant coating" means a coating labeled and formulated to retard ignition and flame spread, that has been fire tested and rated by a testing agency approved by building code officials for use in bringing building and construction materials into compliance with federal, state, and local building code requirements. The fire-retardant coating and the testing agency must be approved by building code officials. The fire-retardant coating shall be tested in accordance with ASTM E84-05e1.
- (26) "Flat coating" means a coating that is not defined under any other definition in this rule and that registers gloss less than fifteen on an eighty-five-degree meter or less than five on a sixty-degree meter according to ASTM D523-89 (1999).
- (27) "Floor coating" means an opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, and other horizontal surfaces, which may be subjected to foot traffic.
- (28) "Flow coating" means a coating labeled and formulated exclusively for use by electric power companies or their subcontractors to maintain the protective coating systems present on utility transformer units.
- (29) "Form-release compound" means a coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.
- (30) "Graphic arts coating or sign paint" means a coating labeled and formulated for hand-application by artists using brush or roller techniques to indoor and outdoor signs (excluding structural components) and murals including letter enamels, poster colors, copy blockers, and bulletin enamels.
- (31) "High-temperature coating" means a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above two hundred and four degrees Celsius (four hundred degrees Fahrenheit).
- (32) "Impacted immersion coating" means a high performance maintenance coating formulated and recommended for application to steel structures subject to immersion in turbulent, debris-laden water. These coatings are specifically resistant to high-energy impact damage by floating ice or debris.

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- (33) “Industrial maintenance coating” means a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for application to substrates, [including floors](#), exposed to one or more of the following extreme environmental conditions listed below and labeled as specified in ~~paragraph (A)(4) of~~ rule 3745-113-04 of the Administrative Code:
- (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 one hundred twenty-one degrees Celsius (two hundred and fifty degrees Fahrenheit)~~;~~.
 - (d) Repeated (frequent) heavy abrasion, including mechanical wear and repeated (frequent) scrubbing with industrial solvents, cleansers, or scouring agents~~;~~
~~or~~.
 - (e) Exterior exposure of metal structures and structural components.
- (34) “Lacquer” means a clear or opaque wood coating, including clear lacquer sanding sealers, formulated with cellulosic or synthetic resins to dry by evaporation without chemical reaction and to provide a solid, protective film.
- (35) “Low-solids coating” means a coating containing 0.12 kilogram or less of solids per liter (one pound or less of solids per gallon) of coating material [as recommended for application by the manufacturer](#).
- (36) “Magnesite cement coating” means a coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.
- (37) "Manufacturer's maximum recommendation" means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.
- (38) “Mastic texture coating” means a coating labeled and formulated to cover holes and minor cracks and to conceal surface irregularities, and is applied in a single coat of at least ten mils (0.010 inch) dry film thickness.

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- (39) “Metallic pigmented coating” means a coating containing at least forty-eight grams of elemental metallic pigment per liter of coating as applied (0.4 pounds per gallon), when tested in accordance with SCAQMD Method 318-95.
- (40) “Multi-color coating” means a coating that is packaged in a single container and that is labeled and formulated to exhibit~~exhibits~~ more than one color when applied in a single coat.
- (41) “Non-flat coating” means a coating that is not defined under any other definition in this rule and that registers a gloss of fifteen or greater on an eighty-five-degree meter and five or greater on a sixty-degree meter according to ASTM ~~D-523-89~~ D523-89 (1999).
- (42) “Non-flat-high-gloss coating” means a non-flat coating that registers a gloss of seventy or ~~above~~ greater on a sixty-degree meter according to ASTM D523-89 (1999).
- (43) “Nonindustrial use”~~use~~ means any use of architectural coatings except 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 and railroads~~;~~.
 - (c) Facilities used in mining activities, including petroleum extraction~~;~~ and.
 - (d) Utilities infrastructure, including power generation and distribution, and water treatment and distribution systems.
- (44) "Nuclear coating" means a protective coating formulated and recommended to seal porous surfaces such as steel (or concrete) that otherwise would be subject to intrusions by radioactive materials. These coatings must be resistant to long-term (service life) cumulative radiation exposure [ASTM Method D 4082-89], relatively easy to decontaminate, and resistant to various chemicals to which the coatings are likely to be exposed [ASTM Method D 3912-80].
- (45) "Ohio EPA " means Ohio environmental protection agency.
- (46) “Post-consumer coating” means a finished coating that would have been disposed of in a landfill, having completed its usefulness to a consumer, and does not include manufacturing wastes.
- (47) “Pre-treatment wash primer” means a primer that contains a minimum of ~~0.5%~~ 0.5 per cent acid, by weight, when tested in accordance with ASTM D1613-03,

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that is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats.

- (48) “Primer” means a coating labeled and formulated for application to a substrate to provide a firm bind between the substrate and subsequent coats.
- (49) “Quick-dry enamel” means a non-flat coating that is labeled as specified in ~~paragraph (A)(8) of~~ rule 3745-113-04 of the Administrative Code and that is formulated to have the following characteristics:
- (a) Is capable of being applied directly from the container under normal conditions with ambient temperatures between sixteen and twenty-seven degrees Celsius (sixty and eighty-degrees Fahrenheit);
 - (b) When tested in accordance with ASTM D1640-03, sets to touch in two hours or less, is tack free in four hours or less, and dries hard in eight hours or less by the mechanical test method; and has a dried film gloss of seventy or above on a sixty-degree meter.
- (50) “Quick-dry primer, sealer and undercoater” means a primer, sealer, or undercoater that is dry to the touch in thirty minutes and can be re-coated in two hours when tested in accordance with ASTM D1640-03.
- (51) “Recycled coating” means an architectural coating formulated such that ~~not less than fifty per cent of the total weight consists of secondary and post consumer coating, with not less than ten per cent of the total weight consisting of post consumer coating.~~ it contains a minimum of fifty per cent by volume post-consumer coating, with a maximum of fifty per cent by volume secondary industrial materials or virgin materials.
- (52) “~~Residence~~Residential” means areas where people reside or lodge, including, but not limited to, single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels, and hotels.
- (53) “Roof coating” means a non-bituminous coating labeled and formulated ~~exclusively~~ for application to roofs for the primary purpose of preventing water - penetration, ~~of the substrate by water or~~ reflecting ~~heat and~~ ultraviolet light, or reflecting solar radiation. Metallic pigmented roof coatings, which qualify as metallic pigmented coatings, shall not be considered in this category, but shall be considered to be in the metallic pigmented coatings category.
- (54) “Rust preventive coating” means a coating formulated exclusively for nonindustrial use to prevent the corrosion of metal surfaces and labeled as specified in ~~paragraph (A)(6) of~~ rule 3745-113-04 of the Administrative Code.

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- (55) “Sanding sealer” means a clear or semi-transparent wood coating labeled and formulated for application to bare wood to seal the wood and to provide a coat that can be abraded to create a smooth surface for subsequent applications of coatings. A sanding sealer that also meets the definition of a lacquer is not included in this category, but it is included in the lacquer category.
- (56) "SCAQMD" means the south coast air quality management district in California.
- (57) “Sealer” means a coating labeled and formulated for application to a substrate for one or more of the following purposes: to prevent subsequent coatings from being absorbed by the substrate, or to prevent harm to subsequent coatings by materials in the substrate.
- (58) “Secondary coating (rework)” means a fragment of a finished coating or a finished coating from a manufacturing process that has converted resources into a commodity of real economic value, but does not include excess virgin resources of the manufacturing process.
- (59) “Shellac” means a clear or opaque coating formulated solely with the resinous secretions of the lac beetle (*Lacifer lacca*), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.
- (60) “Shop application” means an 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 repairing process (for example, original equipment manufacturing coatings).
- (61) “Solicit” means to require for use or to specify, by written or oral contract.
- (62) “Specialty primer, sealer, and undercoater” means a coating labeled as specified in ~~paragraph (A)(7) of~~ rule 3745-113-04 of the Administrative Code and that is formulated for application to a substrate to seal fire, smoke or water damage; to condition excessively chalky surfaces; to seal in efflorescence; or to block stains. An excessively chalky surface is one that is defined as having a chalk rating of four or less as determined by ASTM D4214-98.
- (63) “Stain” means a clear, semi-transparent, or opaque coating labeled and formulated to change the color of a surface, but not conceal the grain pattern or texture.
- (64) “Swimming pool coating” means a coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals.

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- (65) "Swimming pool repair and maintenance coating"-means a rubber-based coating labeled and formulated to be used over existing rubber-based coatings for the repair and maintenance of swimming pools.
- (66) "Temperature-indicator safety coating" means a coating labeled and formulated as a color-changing indicator coating for the purpose of monitoring the temperature and safety of the substrate, underlying piping, or underlying equipment, and for application to substrates exposed continuously or intermittently to temperatures above two hundred and four degrees Celsius (four hundred degrees Fahrenheit).
- (67) "Thermoplastic rubber coating and mastics" means a coating or mastic formulated and recommended for application to roofing or other structural surfaces and that incorporates no less than forty per cent by weight of thermoplastic rubbers in the total resin solids and may also contain other ingredients including, but not limited to, fillers, pigments and modifying resins.
- (68) "Tint base" means an architectural coating to which colorant is added after packaging in sale units to produce a desired color.
- (69) "Traffic marking coating" means a coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces including, but not limited to, curbs, berets, driveways, parking lots, sidewalks, and airport runways.
- (70) "Undercoater" means a coating labeled and formulated to provide a smooth surface for subsequent coatings.
- (71) "USEPA" means United States environmental protection agency.
- (72) "Varnish" means a clear or semi-transparent wood coating, excluding lacquers and shellacs, formulated to dry by chemical reaction. Varnishes may contain small amounts of pigment to color a surface, or to control the final sheen or gloss of the finish.
- (73) "VOC" or "volatile organic compound" means an organic compound which participates in atmospheric photochemical reactions; that is, an organic compound other than those which the administrator of the US EPA designates in 40 CFR 51.100 (relating to definitions) as having negligible photochemical reactivity.
- (74) "Waterproofing sealer" means a coating labeled and formulated for application to a porous substrate for the primary purpose of preventing the penetration of water.

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

(76) “Wood preservative” means a coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered with both USEPA under the Federal Insecticide, Fungicide, and Rodenticide Act contained in 7 USC 136 to 136y and with Ohio EPA.

(B) ~~Incorporation by~~ Referenced Materials. ~~This chapter includes references to certain matter or materials. The text of the incorporated materials is not included in the regulations contained in this chapter. The materials are hereby made a part of the regulations in this chapter. For materials subject to change, only the specific version specified in the regulation are incorporated. Material is incorporated as it exists on the effective date of this rule. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not incorporated unless and until this rule has been amended to specify the new dates.~~ This chapter includes references to certain matter or materials. The text of the referenced materials is not included in the rules contained in this chapter. Information on the availability of the referenced materials as well as the date of, and/or the particular edition or version of the material is included in this rule. For materials subject to change, only the specific versions specified in this rule are referenced. Material is referenced as it exists on the effective date of this rule. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not applicable unless and until this rule has been amended to specify the new dates.

(1) Availability. The ~~materials incorporated by~~ referenced materials are available as follows:

(a) "American Society for Testing Materials" (ASTM). Information and copies of documents may be obtained by writing to: "ASTM International, 100 Bar Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19426-2959." These documents are also available for purchase at www.astm.org. ASTM documents are also available for inspection and ~~copying~~ use at most public libraries and "The State Library of Ohio."

(b) Code of Federal Regulations. Information and copies may be obtained by writing to: "Superintendent of Documents, Attention: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954." The full text of the CFR is also available in electronic format at ~~www.access.gpo.gov/nara/cfr/~~ www.ecfr.gov. The CFR compilations are also available for inspection and ~~copying~~ use at most public libraries and "The State Library of Ohio."

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- (c) Federal Insecticide, Fungicide, and Rodenticide Act. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954." The full text of the Act as amended in 1998 is also available in electronic format at - <http://www4.law.cornell.edu/uscode/www.epa.gov/oar/caa/title1.html>. A copy of the Act is also available for inspection and [copying use](#) at most public libraries and "The State Library of Ohio."
- (d) "South Coast Air Quality Management District (SCAQMD)". Information and copies of documents may be obtained by writing to: "South Coast AQMD, Public Records Coordinator/Public Records Unit, 21865 Copley Dr., Diamond Bar, CA, 91765." These documents are also available at <http://www.aqmd.gov>. SCAQMD documents are also available for inspection and [copying use](#) at most public libraries and "The State Library of Ohio."

(2) ~~Incorporated~~ [Referenced](#) materials

- (a) 40 CFR 59, Subpart D, Appendix A; "Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings;" 63 FR 48877, Sept. 11, 1998; 63 FR 55175, Oct. 14, 1998; 63 FR 32103, June 15, 1999; 64 FR 35002, June 30, 1999.
- (b) ASTM ~~D523-89(1999)~~ [D523-89](#); "Standard Test Method for Specular Gloss;" approved May 10, 1999.
- (c) ASTM D1613-03; "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products;" approved October 1, 2003.
- (d) ASTM D1640-03; "Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature;" approved December 1, 2003.
- (e) ASTM D3912-95 ~~(2001)~~; "Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants;" approved January 1, 2001.
- (f) [ASTM D3960-05; "Standard Practice for Determining Volatile Organic Compound \(VOC\) Content of Paints and Related Coatings;" approved July 1, 2005.](#)
- (~~f~~)(g) [ASTM D4082-02](#); "Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants;" approved January 10, 2002.

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- ~~(g)~~(h) ASTM D4214-98; "Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films;" approved August 10, 1998.
- ~~(h)~~(i) ASTM E119-05a; "Standard Test Methods for Fire Tests of Building Construction and Materials;" approved November 1, 2005.
- ~~(i)~~(j) ASTM E84-05e1; "Standard Test Method for Surface Burning Characteristics of Building Materials;" approved February 1, 2005.
- ~~(j)~~(k) Federal Insecticide, Fungicide, and Rodenticide Act; as contained in 7 USC 136 to 136y; "Environmental Pesticide Control;" published January 19, 2004 in Supplement III of the 2000 Edition of the United States Code.
- ~~(k)~~(l) SCAQMD Method 303-91; "Determination of Exempt Compounds;" approved June 1, 1991, revised February, 1993.
- ~~(l)~~(m) SCAQMD Method ~~304-91(1996)~~304-91; "Determination of Volatile Organic Compounds (VOC) in Various Materials;" approved June 1, 1991, revised February, 1993, revised February, 1996.
- ~~(m)~~(n) SCAQMD Method 318-95; "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction;" approved July, 1996.
- ~~(n)~~(o) USEPA Method 24; contained in 40 CFR Part 60, Appendix A; "Determination of volatile matter content, water content, density, volume solids, and weight solids of surface coatings;" as published in the July 1, - ~~2006~~2012 Code of Federal Regulations.