



# American Coatings ASSOCIATION<sup>SM</sup>

June 7, 2024

Mr. Richard Beckstead  
Principal Air Quality Specialist  
Clark County Department of Environment & Sustainability  
Division of Air Quality  
4701 W. Russell Road, Suite 200  
Las Vegas, NV 89118

**RE: Clark County Department of Environment & Sustainability Proposed Architectural and Industrial Maintenance (AIM) Coatings Rule (Section 130); ACA Comments**

Dear Mr. Beckstead:

The American Coatings Association (ACA) submits the following comments to the Clark County Department of Environment & Sustainability (DES) regarding its proposed AIM Coatings Rule (Section 130). 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 Clark County DES throughout the rulemaking process.

## **Compliance Date**

ACA urges Clark County DES to adopt a compliance date of at least one year from the date of adoption of the final AIM coatings rule. The proposal does not contain a clear compliance or effective date. As a general matter, ACA members require sufficient lead time to adjust formulations and supply chain processes in order to ensure compliance with new VOC limits, labeling, and reporting requirements. Additionally, manufacturers will need sufficient time to properly communicate these changes to their distributors and retail customers to ensure compliance with new standards. One year from the date of adoption of a final rule will allow the coatings industry sufficient time to adjust production, labeling, and distribution networks to efficiently and effectively implement the new rule requirements. As such, ACA strongly urges the department to adopt a compliance date of one year from the date of adoption of the final rule.

## **Error in Definition of Wood Coatings**

There is a minor error in the definition of “Wood Coatings” in Section 130.3. The second part of the definition should be titled, “Opaque Coatings.”

## **Error in Section 130.4.1(d)**

As currently written, Section 130.4.1(d) exempts the applicable list of coatings from having any VOC limits. After reviewing the OTC Phase II Model Rule for AIM, ACA believes the intent was to exempt this list of coatings from the provision relating to the most restrictive VOC content limit that applies when a coating is

recommended for use in one or more coatings category (see 3.2.2. of the OTC Model Rule). ACA encourages Clark County DES to review and clarify the intent of this provision.

### **Sell-through Provision**

ACA requests that Clark County DES extend the sell-through provision in section 130.5.1 of the proposed AIM rule to three years after the effective date of the final rule. This timeframe is consistent with the OTC Model Rule and other AIM rules in neighboring jurisdictions (e.g., California, Utah, Colorado). In addition, most architectural coatings have expiry periods of several years. A three-year sell-through period would provide additional time for manufacturers, distributors, and retailers to cycle through their inventory, reduce waste, and make the necessary changes to their production networks.

### **VOC Limits for Stains**

The proposed VOC limits in Table 1 of Section 130.4 are aligned with the OTC Phase II Model Rule for AIM except for stains. ACA previously commented on this inconsistency and still does not understand the reasoning behind separating stains into two categories (exterior/dual and interior) with two different VOC limits. ACA encourages Clark County DES to fully align with OTC Phase II Model Rule for AIM, which has one category for stains with a VOC content limit of 250 g/L. This consistency in regulations will simplify the logistics of product restrictions for manufacturers and distributors.

Thank you for your consideration of our 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\*\**