



Masonry and Concrete Sealers labeled “For Professional Use Only”

Purpose

The purpose of this notice is to clarify that masonry and concrete sealers that are labeled “for professional use only” are excluded from the PaintCare program. Manufacturers of these products are not required to register with PaintCare and they are not required to collect and remit the Assessment (“PaintCare Fee”) in states with active paint stewardship programs operated by PaintCare.

Background

In order to assist companies with determining what products are architectural coatings subject to the PaintCare Fee and what products are not, PaintCare developed a definition of architectural paint detailing what factors should be taken into consideration when making these determinations. In addition, the definition lists examples of PaintCare products and examples of non-PaintCare products (products that should not be assessed the fee). PaintCare relies on individual manufacturers to determine which, if any, of their products are part of the program. In some cases, PaintCare helps with this determination based on individual calls with manufacturers. In the case of products used as sealers for masonry and concrete —based on inquiries from many industry representatives and manufacturers of these products — it has come to our attention that manufacturers of these sealers desire clarification on whether their products are considered architectural coatings for the purposes of active and future state PaintCare programs.

In order to ensure that all manufacturers are on a level playing field and the PaintCare Fee is placed on all products subject to the assessment, PaintCare herein clarifies that masonry and concrete sealers labeled for professional use are not considered PaintCare products and the PaintCare Fee is not required to be assessed and remitted by manufacturers of these products. Excluding these products from the definition of architectural coatings is based on the following:

- Originally PaintCare’s definition excluded products that are both (1) Industrial Maintenance Coatings and (2) labeled “for professional use only.” [Other acceptable phrases are (a) for industrial use only, (b) not for residential use, and (c) not intended for residential use].
- The definition of an IM coating varies somewhat from one state to another and from one regulatory air district to another. Generally, determining if a coating meets the criteria for IM is based on the manufacturers recommended use for the product and whether it meets any one of

certain criteria (simply put these criteria are: regular exposure to heat, chemicals, moisture, or abrasion). Masonry sealers are intended to act as waterproofing agents and are applied where water exposure is anticipated. Thus as a category they can generally be considered by manufacturers to be IM coatings and therefore meet the first criteria.

- Some manufacturers label these products for professional use. Others do not label them for professional use. There is no prohibition on a manufacturer from labeling a product for professional use. Therefore if a manufacturer chooses to change the product label on a product that they consider IM in order to also comply with the second criteria above (in the first bullet), they may do so in order to have these products excluded from the PaintCare program. The manufacturer may change their regular container label or use an additional sticker.
- If PaintCare finds that manufacturers start to change their labels on other products that are clearly not for professional use or industrial maintenance coatings (e.g. house paint), the professional use labeling will not exclude such products.
- An important purpose of the paint stewardship programs is to collect and recycle unused paint, stains, and coatings that are normally managed through government-sponsored household hazardous waste (HHW) programs. Sealers for masonry and concrete are not known to be a problem at HHW programs.

Conclusion

Concrete and masonry sealers that are IM coatings and labeled for professional use using one of the phrases indicated above are categorically exempt from PaintCare.

More Information

For more information about the PaintCare program and the responsibilities of manufacturers, please visit PaintCare.org or contact:

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