



Pool, Floor & Roof Coatings Labeled “For Professional Use Only”

Purpose

The purpose of this notice is to clarify that the following three categories of products are excluded from the PaintCare program when they are labeled for professional use: (1) Swimming Pool Paints, (2) Wood Floor Sealers and (3) Elastomeric and Other Non-Asphalt Roof Coatings. 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 for states with the PaintCare program, 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 primarily by professional floor finishers, swimming pool contractors and roofers —based on inquiries from industry representatives and manufacturers of these products — it has come to our attention that manufacturers of these products desire clarification on whether or not they 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 swimming pool paints, wood floor sealers and finishes, and roof coatings, if 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].

- 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.
- Roof coatings containing asphalt (as well as tar or bitumen) are excluded from the PaintCare program regardless of their labeling. This notice clarifies that other non-asphalt roof coatings are excluded only when they are labeled for professional use.
- 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. Wood floor sealers and finishes, pool paints and roof coatings, labeled for professional use are not known to be a problem at HHW programs.

Conclusion

Wood floor sealers and finishes, pool paints and roof coatings that are labeled for professional use using one of the phrases indicated above are categorically exempt from PaintCare. PaintCare reserves the right to change this policy. If PaintCare finds that manufacturers change their labels for the sole purpose of evading the assessment and/or on house paint or other products that are clearly not for professional use, the professional use labeling will not exclude such products.

More Information

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

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