

## **HOW TO COMPLY WITH AQMD RULE 1144 IN 2010**

The South Coast Air Quality Management District (AQMD) approved the first Phase of Rule 1144 in March, 2009. It takes effect January 1, 2010. The full text of the Rule is found at: <http://www.aqmd.gov/rules/reg/reg11/r1144.pdf>.

NOTE: throughout this document the term "Phase 2" is used. This refers to the revisions to Rule 1144, including test methods, dates, regulated products, labeling requirements, and recordkeeping and reporting requirements currently in negotiation between industry, ILMA, and AQMD. The anticipated date for Phase 2 to be approved is late spring 2010, with full implementation tentatively scheduled for Jan 1, 2012.

### **WHO IS AFFECTED?**

- Any compounder/blender, distributor, or manufacturer who sells or uses metalworking fluids (MWF) and rust protectants (RP) in the AQMD area. This is the Greater Los Angeles basin, and the exact boundaries can be found at <http://www.aqmd.gov/aqmd/cities.html> and <http://www.aqmd.gov/map/MapAQMD1.pdf>.

### **WHAT IS REGULATED?**

**In this document, the general term "regulated product" is used to refer to two classes of regulated products:**

- Metalworking fluids (for now defined as "vanishing films"; this will change in Phase 2) with a flash point below 200°F
  - Essentially, this eliminates the use of solvent, Stoddard solvent, kerosene, solvent 140, mineral spirits, odorless mineral spirits, etc. in MWF
  - MWF with a flash point of 200°F or greater is exempt until Phase 2 is approved and implemented
- Rust Protectants
  - All RPs are regulated
  - VOC limit is 300 grams per liter (g/l) as per EPA Method 24
    - When Phase 2 is approved, possibly in late Spring 2010, there will be a new test method in Rule 1144 that will likely yield much lower VOC numbers than EPA Method 24
    - ILMA is asking AQMD to use discretion in enforcing Rule 1144 on RP until the new test method is approved

### **HOW DO I COMPLY?**

- **PRODUCT**
  - January 1, 2010
    - Use and sale of regulated product made after 1/1/10 is prohibited
  - January 1 to June 30, 2010; the "Sell Through" period
    - Customers may use regulated product purchased before 1/1/10
    - Customer may use regulated material purchased after 1/1/10 so long as it was manufactured before 1/1/10
    - Compounder/blenders and distributors may sell regulated product made before 1/1/10
  - July 1, 2010 onward
    - Use and sale of any regulated product, no matter what the date of sale or manufacture, is prohibited
  - At any time, a compounder/blender or distributor may manufacture or sell regulated product for use outside the AQMD district

(over)

- **PRODUCT LABELS**

- Starting in 2010, each container of regulated product must be marked with a date of manufacture
  - If you use a code instead of the actual date, the “key” must be provided in writing to the AQMD
- For 2010, VOC data is NOT required on the label. This will almost certainly change when Phase 2 is implemented.

- **DISTRIBUTOR NOTIFICATION**

- All distributors must be notified in writing by their suppliers about the restrictions on use and sale contained in Rule 1144
  - If a distributor illegally sells regulated product inside the AQMD District, and they were not properly notified by the supplier, the supplier is legally liable

**NOTES:**

- Section (i) of the Rule has a number of limited exemptions and deadline postponements; check to see if this affects you or your customer
- It will save you and your customer a great deal of time and stress if the flash point and/or VOC content (as appropriate) is listed on the MSDS or product data sheet
- If you have questions for the AQMD, wish to provide AQMD with a date code key, or want to be on the mailing list for future workshops and information on Rule 1144, the contact person is:

Mike Morris  
[mmorris@aqmd.gov](mailto:mmorris@aqmd.gov)  
(909) 396-3282

AQMD operates Tuesday-Friday (closed Mondays)