TITLE 326 AIR POLLUTION CONTROL BOARD

SECOND NOTICE OF COMMENT PERIOD
LSA Document #07-351

DEVELOPMENT OF NEW RULES CONCERNING EMISSIONS OF VOLATILE ORGANIC COMPOUNDS FROM CONSUMER AND COMMERCIAL PRODUCTS

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for a new rule at 326 IAC 8-15 concerning emissions of volatile organic compounds from consumer and commercial products in Indiana. By this notice, IDEM is soliciting public comment on the draft rule language. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: June 27, 2007, Indiana Register (DIN: 20070627-IR-326070351FNA).

CITATIONS AFFECTED: 326 IAC 8-15.

AUTHORITY: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING
Basic Purpose and Background

In the April 30, 2004, Federal Register (69 FR 23858), the U.S. EPA designated 23 counties as nonattainment for the 8-hour ozone standard of 0.085 parts per million (ppm). While the majority of Indiana has attained the current 8-hour ozone standard, it is prudent for Indiana to consider implementing additional cost-effective measures to reduce emissions that contribute to the formation of ozone. The reasons for considering additional reductions include the narrow margin between Indiana's current air quality and the current standard of 0.085 ppm, a number of Indiana counties do not meet the new 8-hour ozone standard of 0.075 ppm that the U.S. EPA issued on March 12, 2008, and the concerns expressed by other states that emissions from Indiana are contributing to their inability to attain the standard (the Clean Air Act provides a legal mechanism for those states to require Indiana to reduce Indiana's potential contribution to nonattainment in other states).

In an effort to assist neighboring states in the development of SIPs to comply with the federal requirements, the Lake Michigan Air Directors Consortium (LADCO) has been working with its member states to identify and recommend regional controls that would help states bring areas back into attainment for the 8-hour ozone standard. The LADCO states include Illinois, Indiana, Michigan, Ohio, and Wisconsin. The LADCO states have discussed applying certain VOC control measures to all counties in the region in order to provide a general benefit to all ozone and fine particle nonattainment areas. LADCO has evaluated potential reductions from various regulatory options that could be adopted on a multistate basis in the region. Based on discussions with other LADCO states and information provided by LADCO, IDEM proposes to develop a consumer and commercial products rule for Indiana as part of a regional effort to control ozone. This rule is part of a larger group of VOC control rules that have been agreed to by the LADCO states to address regional ozone and fine particle nonattainment. Other VOC control rules include automobile refinishing, architectural and industrial maintenance coatings, organic solvent degreasing, and stage I vapor recovery.

Consumer and commercial products are those items sold to retail customers for personal, household, or automotive use along with products marketed by wholesale distributors for use in commercial or institutional settings, such as beauty shops, schools, and hospitals. VOC emissions from these products are the result of evaporation of propellant and organic solvents during use. Consumer and commercial products include personal care products, household, automotive products, adhesives, and sealants, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) related insecticides, coatings (except coatings for architectural and industrial maintenance), and other miscellaneous products.

The U.S. EPA published the federal consumer and commercial products rule on September 11, 1998 (40 CFR Part 59, Subpart C) under the authority of Section 183(e) of the Clean Air Act. The federal rule limits the VOC content of 24 consumer product categories representing 47% of the consumer and commercial products inventory nationwide and requires all regulated products manufactured after December 10, 1998, to meet VOC content limits.

The Ozone Transport Commission (OTC) was created under the Clean Air Act and is responsible for advising the U.S. EPA on transport issues, with development and implementation of regional solutions to the ground-level ozone problem in the Northeast and Mid-Atlantic regions. It includes 12 states from Virginia to Maine and the District of Columbia. Since over half of the U.S. consumer and commercial products inventory is unregulated by

the federal rule, the OTC formed a workgroup to consider a model rule to reduce VOC emissions in consumer and commercial products. The OTC's final model rule for consumer and commercial products regulates approximately 80 consumer and commercial product categories and includes technologically feasible VOC content limits that are more stringent than the federal consumer and commercial products rule. The emission reductions for the OTC model rule are estimated to be 14.2% of the total product inventory beyond the reduction from the federal consumer and commercial products rule. The OTC model rule includes regulatory flexibility provisions for innovative products and alternative control plans.

To date, nine of the 13 member states have an effective rule including Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia. The other four member states are in the process of considering or adopting the OTC model rule. The LADCO states have committed to adopt the OTC model rule. Michigan and Ohio have adopted state versions of the OTC model rule, and Illinois has a state rule moving towards final adoption.

VOC emissions reductions can be obtained through product reformulation to obtain a lower VOC content. The product reformulation options vary with each product category and can involve: (1) replacing VOC solvents with a water-based reformulation; (2) replacing VOC solvents with acetone or another exempt solvent; (3) increasing the solids content of the product; (4) formulating a non-VOC propellant; or (5) changing the valve, container, or delivery system to reduce VOC content. The regulatory approach for reducing emissions is to establish VOC content limits for specific consumer and commercial products that manufacturers are required to meet either through reformulating products or substitution with compliant products.

The U.S. EPA is expected to propose amendments to the consumer and commercial product rules in 2008 with final rules expected in early 2009. These rules will most likely be based on the OTC model rule. At this time, U.S. EPA has not published the proposed amendments to the national consumer and commercial products rules.

In this rulemaking, Indiana is proposing to add a consumer and commercial products rule to the Article 8 VOC rules. The proposed rule is primarily based on the OTC model rule dated September 13, 2006. This rulemaking will contribute to the LADCO states' regional control efforts for VOC and will assist counties in reaching attainment or maintaining compliance for the newly revised 8-hour ozone standard. Upon completion, this rule will be submitted to the U.S. EPA for approval into the SIP and, along with other regional and state measures, will aid air pollution control efforts in Indiana.

IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed under Federal Law

The following element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is "not imposed under federal law" (NIFL element or elements).

The following information is provided with each NIFL element:

(1) The environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana and examples in which federal law is inadequate to provide this protection for Indiana.

(2) The estimated fiscal impact and expected benefits of the NIFL element, based on the extent to which the NIFL element exceeds the requirements of federal law.

(3) The availability for public inspection of all materials relied on by IDEM in the development of the NIFL element including, if applicable, health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data.

NIFL Element A: The draft rule regulates additional categories of consumer and commercial products and establishes more stringent VOC limits than the current consumer and commercial products federal rule (40 CFR Part 59, Subpart C).

(1) The application of certain VOC control measures to all consumer and commercial products in Indiana will provide a general benefit to nonattainment areas. This rule is part of a larger group of VOC control rules that have been agreed to by the LADCO states to address regional ozone nonattainment.

(2) The fiscal impact of compliance is estimated to be approximately $800 per ton for the OTC Model Rule emission limits. However, because many of the large consumer and commercial products producers already have experience with reformulating to the OTC limits, the cost of compliance in Indiana will likely be less than $800 per ton.

(3) LADCO evaluated potential reductions from various regulatory options that could be adopted on a multistate basis in the region. The information used for the evaluation is presented in a white paper on Consumer and Commercial Products at:

http://www.ladco.org/Regional_Air_Quality.html

Potential Fiscal Impact

The OTC model rule estimates a 14.2% reduction in VOC emissions beyond the federal consumer and commercial products rule at an estimated cost of $800 per ton controlled. However, costs are expected to be lower than $800 per ton. Many of the large consumer and commercial products producers already have experience with reformulating to the OTC limits. Additionally, multiple states have adopted the OTC model rule,

and therefore compliance costs are spread over a larger portion of sales.

Small Business Assistance Information

IDEM established a compliance and technical assistance (CTAP) program under IC 13-28-3. The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with IC 13-28-3 and IC 13-28-5, there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at:

www.in.gov/idem/4108.htm

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Alison Surface
IDEM Compliance and Technical Assistance Program
OPPTA - MC60-04
100 North Senate Avenue
W041
Indianapolis, IN 46204-2251
(317) 232-8172
ctap@idem.in.gov

The Small Business Assistance Program Ombudsman is:

Megan Tretter
IDEM Small Business Assistance Program Ombudsman
MC50-01 - IGCN 1307
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 234-3386
mtretter@idem.in.gov

Public Participation and Workgroup Information

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Amy Smith, Rules Development Section, Office of Air Quality at (317) 233-8628 or (800) 451-6021 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from June 27, 2007, through July 27, 2007, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received comments from the following parties by the comment period deadline:

Automotive Specialty Products Alliance (ASPA)
Consumer Specialty Products Association (CSPA)
Cosmetic, Toiletry, and Fragrance Association (CTFA)

Following is a summary of the comments received and IDEM's responses thereto:

Comments: The Automotive Specialty Products Alliance (ASPA) strongly supports Alternative #2, that IDEM defer action in light of EPA's pending revisions to the National Consumer Products Rule. ASPA supports this action by the EPA because the promulgation of a uniform national regulation will ensure that interstate commerce is not impaired by the promulgation of different (and potentially conflicting) state-specific regulations. ASPA strongly urges IDEM to suspend any future action to develop a proposed regulation and pursue Alternative #2 and work with the EPA in developing revisions to the National Consumer Products Rule. (ASPA)

The Consumer Specialty Products Association (CSPA) urges IDEM to pursue Alternative #2 and join other states in working with the EPA in developing revisions to the National Consumer Products Rule. (CSPA)

The Cosmetic, Toiletry, and Fragrance Association (CTFA) asks that IDEM suspend its intended regulatory action on Consumer and Commercial Products in deference to the EPA rulemaking that is currently underway. Avoiding an additional state rulemaking proceeding would substantially simplify compliance and enforcement, reduce the costs of regulation, and dispel any chance of unintended but significant differences between the regulations. (CTFA)

Response: The U.S. EPA has not yet published the proposed amendments to the National Consumer Products Rule. The May 30, 2007, memorandum issued by Mr. Stephen Page, director of the U.S. EPA's Office of Air Quality Planning and Standards, to U.S. EPA Regional Offices and all states preparing ozone State Implementation Plans stated that the U.S. EPA was planning to propose the revised consumer products regulations in either August or September of 2007 followed by promulgation as a final rule in December 2007, with new limits to take effect on January 1, 2009. IDEM did not proceed with this rulemaking in 2007 due to the expectation that the revised federal rules would be promulgated. However, to date, the U.S. EPA has not published their proposed revisions, and IDEM is now moving forward with this rulemaking. When the U.S. EPA publishes their proposed amendments to the federal rule, IDEM will update the rulemaking or final rule as necessary to ensure consistency with the federal regulations.

Comments: If IDEM pursues Alternative #1 (adoption of the OTC model rule), ASPA emphasizes the importance of promulgating uniform regulations for consumer products throughout the Midwest Region. ASPA supports the recently revised OTC model rule because it promotes uniform state regulations across the country. The VOC limits set forth in the OTC model rule may pose a significant challenge for small and medium sized companies that manufacture and market their products on a regional (as opposed to a nationwide) basis and thus, are not subject to the California (or OTC-based) VOC limits. However, ASPA supports the promulgation of uniform regulations because it is vitally important that interstate commerce is not impaired by the promulgation of different state regulations in the Midwest, Northeast, and Mid-Atlantic Regions. (ASPA)

If IDEM elects to pursue Alternative #1 and initiates the rulemaking process to adopt provisions of the recently revised OTC model rule, CSPA is on record as supporting the OTC model rule. CSPA has supported regulations based on the OTC Model Rule in nine Mid-Atlantic and Northeast States, Michigan, and the District of Columbia. CSPA strongly believes that it is critically important that Indiana and other Midwest States promulgate uniform regulatory requirements for consumer products to improve air quality without imposing unnecessary impediments to interstate commerce. (CSPA)

Response: IDEM understands the importance of consistency for a rulemaking that affects consumer and commercial products producers nationwide. IDEM is proposing to move forward and adopt the a rule that is substantively based on the OTC model rule (Alternative #1).

Comment: Indiana would have to commit a proportionate amount of personnel and resources if they elect to initiate a new state-specific regulatory program. However, IDEM's staff and resource commitment would be greatly reduced if IDEM relies upon the revised and soon-to-be-proposed National Consumer Products Rule. (CSPA)

Response: IDEM is proposing to adopt a rule based on the OTC model rule dated September 13, 2006. The U.S. EPA's revisions to the National Consumer and Commercial Products Rule are expected to be similar to the requirements in the OTC model rule. IDEM does not expect any significant increase in staff or resource commitment in order to implement the proposed consumer and commercial products rule.

Comment: CSPA believes that IDEM's assessment of the potential fiscal impact of the adopting the OTC model rule underestimates the significant costs to manufacturers, retailers and consumers. CSPA believes that the cost assessments do not take into account the administrative burdens of the regulations on manufacturers and retailers which may be passed on in some cases to consumers. However, in assessing the costs of complying with a regulation in Indiana, since many consumer products have been reformulated to meet the stringent California standards, much of the costs have already been absorbed by manufacturers who market their products on a nationwide basis. But, there are a significant number of Indiana-based or regional companies that make products that are not subject to California's (or other states') VOC limits. Thus, these companies will incur substantial costs to reformulate their products to meet either the EPA's soon-to-be-proposed revised National Rule or the OTC model rule. CSPA urges IDEM to more accurately calculate the fiscal impact on these small businesses. (CSPA)

Response: IDEM acknowledges that companies whose products are not distributed nationwide may have higher compliance costs than companies that currently sell products in states with the proposed OTC model rule emission limits. However, these regional companies will also be subject to any revisions that the U.S. EPA makes to the National Consumer and Commercial Products rule. This rulemaking will bring these companies into compliance before the federal rule is revised therefore reducing future compliance costs.

Comment: If IDEM adopts the OTC model rule, IDEM should set January 1, 2009 as the compliance date for the new VOC limits and related administrative and enforcement provisions. Additionally, a January 1, 2009 compliance date for all product categories would be consistent with the effective date in the revised OTC model rule. (ASPA) and (CSPA)

Reformulation of consumer products regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Indiana Pesticide Registration Law requires approval by both EPA and the Office of Indiana State Chemist. The additional level of federal and state regulatory review required for a change in product formulation is burdensome. The OTC model rule provides an explicit one year extension for complying with applicable VOC limits. CSPA strongly urges IDEM to provide this reasonable and necessary provision in any future regulatory action. (CSPA)

Response: IDEM will not complete this rulemaking by the OTC model rule compliance date of January 1, 2009. Therefore, IDEM is proposing to set the effective date as July 1, 2010 in order to give affected sources in Indiana additional time for compliance.

IDEM will grant a one year extension from the date of compliance for those consumer products that are regulated under FIFRA.

Comment: CSPA believes that IDEM incorrectly calculates the emission reductions credits that states may include in SIP revisions. IDEM appears to rely on the LADCO Interim White Paper on Consumer Products dated March 10, 2006, and/or the LADCO document entitled "Identification and Evaluation of Candidate Control Measures, Phase II Final Report," dated June 2006. Since the issuance of the EPA's Page Memo on May 20, 2007, the conclusions present in both of these LADCO documents are now erroneous and irrelevant. CSPA urges

IDEM to use the correct amount of emission reductions credits that may be claimed from reliance on the soon-to-be-proposed EPA revised National Rule. (CSPA)

Response: IDEM acknowledges that the emission reductions credits in the LADCO documents are no longer relevant after the publication of the U.S. EPA's May 30, 2007, memorandum from Mr. Stephen D. Page, Director of the Office of Air Quality Planning and Standards. IDEM has made the necessary corrections.

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Mailed comments should be addressed to:

#07-351(APCB) Consumer and Commercial Products
Amy Smith Mail Code 61-50
c/o Administrative Assistant
Rules Development Section
Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204

Hand delivered comments will be accepted by the receptionist on duty at the tenth floor reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Development Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by February 20, 2009.

Additional information regarding this action may be obtained from Amy Smith, Rules Development Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. 326 IAC 8-15 IS ADDED TO READ AS FOLLOWS:

Rule 15. Standards for Consumer and Commercial Products

326 IAC 8-15-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 1. This rule applies to any person who:
(1) sells;
(2) supplies;
(3) offers for sale; or
(4) manufactures;
consumer products, on or after July 1, 2010, for use in Indiana.

(Air Pollution Control Board; 326 IAC 8-15-1)

326 IAC 8-15-2 Definitions

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-11-2-158; IC 13-12; IC 15-16-4

Sec. 2. The following definitions apply throughout this rule:
(1) "ACP" means alternative control plan.
(2) "ACP agreement" means the document that:
(A) includes the conditions and requirements of the ACP; and
(B) allows manufacturers to sell ACP products in Indiana in accordance with section 6 of this rule.

(3) "ACP product" means any consumer product subject to the VOC content limits specified in section 3(a) of this rule, except those products that have been exempted under section 4 or 5 of this rule.
(4) "Adhesive" means any product that is used to bond one (1) surface to another by attachment. The term does not include the following:
(A) Products used on humans and animals.
(B) Adhesive tape.
(C) Contact paper.
(D) Wallpaper.
(E) Shelf liners.
(F) Any other product with an adhesive incorporated onto or in an inert substrate.
(G) Units of product, less packaging, that consist of more than one (1) gallon that meet the definition for contact adhesive.
(H) Units of product, less packaging, that:
(i) weigh more than one (1) pound and consist of more than sixteen (16) fluid ounces; and
(ii) meet the definition of either construction, panel, and floor covering adhesive or general purpose adhesive.
This limitation does not apply to aerosol adhesives.
(5) "Adhesive remover" means the following:
(A) A product designed to remove adhesive from either a specific substrate or a variety of substrates.
(B) The term includes the following:
(i) Floor or wall covering adhesive remover.
(ii) Gasket or thread locking adhesive remover.
(iii) General purpose adhesive remover.
(iv) Specialty adhesive remover.
(C) The term does not include products that remove adhesive intended exclusively for use on humans or animals.
(D) For the purpose of this definition, "adhesive" means a substance used to bond one (1) or more materials and includes, but is not limited to, the following:
(i) Caulks.
(ii) Sealants.
(iii) Glues.
(iv) Similar substances used for the purpose of forming a bond.
(6) "Aerosol adhesive" means an aerosol product in which the spray mechanism is permanently housed in a nonrefillable can designed for hand-held application without the need for ancillary hoses or spray equipment. The term includes the following:
(A) Special purpose spray adhesives.
(B) Mist spray adhesives.
(C) Web spray adhesives.
(7) "Aerosol cooking spray" means any aerosol product designed either to reduce sticking on cooking and baking surfaces or to be applied on food, or both.
(8) "Aerosol product" means a pressurized spray system that dispenses product ingredients by means of a:
(A) propellant contained in a product or a product's container; or
(B) mechanically induced force.
The term does not include pump spray.
(9) "Agricultural use" means the following:
(A) The use of any pesticide or method or device for the control of pests in connection with the commercial production, storage, or processing of any animal or plant crop.
(B) The term does not include the sale or use of pesticides in properly labeled packages or containers that are intended for:
(i) home use;
(ii) use in structural pest control;
(iii) industrial use; or
(iv) institutional use.
(C) For the purposes of this definition only, the following apply:
(i) "Home use" means use in a household or its immediate environment.
(ii) "Industrial use" means use:
(AA) for or in a manufacturing, mining, or chemical process; or
(BB) in the operation of factories, processing plants, and similar sites.
(iii) "Institutional use" means use within the lines of, or on the property necessary for the operation

of, buildings, such as the following:
(AA) Hospitals.
(BB) Schools.
(CC) Libraries.
(DD) Auditoriums.
(EE) Office complexes.
(iv) "Structural pest control" means a use requiring a license under IC 15-16-4.
(10) "Air freshener" means the following:
(A) Any consumer product designed for the purpose of masking odors or freshening, cleaning, scenting, or deodorizing the air, including, but not limited to, the following:
(i) Sprays.
(ii) Wicks.
(iii) Powders.
(iv) Crystals.
(B) To determine whether a product is an air freshener, all verbal and visual representation regarding product use on the label or packaging and in the product's literature and advertising may be considered. The presence of, and representations about, a product's fragrance and ability to deodorize (resulting from surface application) shall not constitute a claim of air freshening.
(C) The term includes spray disinfectants and other products that are expressly represented for use as air fresheners, except institutional and industrial disinfectants when offered for sale through institutional and industrial channels of distribution.
(D) The term does not include the following:
(i) Products that are used on the human body.
(ii) Products that function primarily as cleaning products as indicated on a product label.
(iii) Toilet or urinal care products.
(iv) Disinfectant products claiming to deodorize by killing germs on surfaces.
(v) Institutional or industrial disinfectants when offered for sale solely through institutional or industrial channels of distribution.
(11) "All other carbon-containing compounds" means all other compounds that:
(A) contain at least one (1) carbon atom; and
(B) are not a Table B compound or an LVP-VOC.
(12) "All other forms" means all consumer product forms for which no form-specific VOC standard is specified. Unless otherwise specified by the applicable VOC standard in section 3(a) of this rule, the term includes, but is not limited to, the following:
(A) Solids.
(B) Liquids.
(C) Wicks.
(D) Powders.
(E) Crystals.
(F) Cloth or paper wipes (towelettes).
(13) "Alternative control plan" or "ACP" means any emissions averaging program approved by the department under section 6 of this rule.
(14) "Antimicrobial hand or body cleaner or soap" means a cleaner or soap that is designed to reduce the level of microorganisms on the skin through germicidal activity. The term:
(A) includes, but is not limited to:
(i) antimicrobial hand or body washes or cleaners, or both;
(ii) food handler hand washes;
(iii) health care personnel hand washes;
(iv) preoperative skin preparations; and
(v) surgical scrubs; and
(B) does not include:
(i) prescription drug products;
(ii) antiperspirants;
(iii) astringents or toner;
(iv) deodorant;
(v) facial cleaner or soap;
(vi) general use hand or body cleaner or soap;
(vii) hand dishwashing detergent (including antimicrobial);
(viii) heavy-duty hand cleaner or soap;
(ix) medicated astringent or medicated toner; and
(x) rubbing alcohol.

(15) "Antiperspirant" means any product that is intended by the manufacturer to be used to reduce perspiration in the human axilla by at least twenty percent (20%) in at least fifty percent (50%) of a target population. The term includes, but is not limited to, the following:
(A) Aerosols.
(B) Roll-ons.
(C) Sticks.
(D) Pumps.
(E) Pads.
(F) Creams.
(G) Squeeze bottles.
(16) "Antistatic product" means a product that is labeled to eliminate, prevent, or inhibit the accumulation of static electricity. The term does not include the following products:
(A) Electronic cleaner.
(B) Floor polish or wax.
(C) Floor coating.
(D) Aerosol coating product.
(E) Architectural coating.
(17) "Architectural coating" means a coating applied to the following:
(A) Stationary structures and their appurtenances.
(B) Mobile homes.
(C) Pavements.
(D) Curbs.
(18) "ASTM" means the American Society for Testing Materials.
(19) "Astringent or toner" means any product not regulated as a drug by the United States Food and Drug Administration (FDA) that is applied to the skin for the purpose of cleaning or tightening pores. The term:
(A) includes:
(i) clarifiers; and
(ii) substrate-impregnated products; and
(B) does not include:
(i) hand, face, or body cleaner or soap product;
(ii) medicated astringent;
(iii) medicated toner;
(iv) cold cream;
(v) lotion; and
(vi) antiperspirant.
(20) "Automobile headliner adhesive" means an aerosol adhesive designed to bond together layers in motor vehicle headliners.
(21) "Automotive brake cleaner" means a cleaning product designed to remove the following from motor vehicle brake mechanisms:
(A) Oil.
(B) Grease.
(C) Brake fluid.
(D) Brake pad material.
(E) Dirt.
(22) "Automotive engine compartment adhesive" means an aerosol adhesive designed for use in motor vehicle under-the-hood applications that require oil and plasticizer resistance and high shear strength at temperatures of two hundred (200) degrees Fahrenheit through two hundred seventy-five (275) degrees Fahrenheit.
(23) "Automotive hard paste wax" means an automotive wax or polish that:
(A) is designed to protect and improve the appearance of automotive paint surfaces;
(B) is a solid at room temperature; and
(C) contains zero percent (0%) water by formulation.
(24) "Automotive instant detailer" means a product designed for use in a pump spray that is:
(A) applied to the painted surface of automobiles; and
(B) wiped off prior to the product being allowed to dry.
(25) "Automotive rubbing or polishing compound" means a product designed primarily to remove, from the painted surfaces of motor vehicles without leaving a protective barrier, the following:
(A) Oxidation.
(B) Old paint.
(C) Scratches or swirl marks.

(D) Other defects.

(26) "Automotive wax, polish, sealant, or glaze" means a product designed to seal out moisture, increase gloss, or otherwise enhance a motor vehicle's painted surfaces. The term:

(A) includes, but is not limited to, products designed for:

(i) use in auto body repair shops;

(ii) use in "drive-through" car washes; and

(iii) the general public; and

(B) does not include:

(i) automotive rubbing or polishing compounds;

(ii) automotive wash and wax products;

(iii) surfactant-containing car wash products; and

(iv) products designed for use on unpainted surfaces, including, but not limited to:

(AA) bare metal;

(BB) chrome;

(CC) glass; and

(DD) plastic.

(27) "Automotive windshield washer fluid" means any liquid designed for use in a motor vehicle windshield washer system either:

(A) as an antifreeze; or

(B) for the purpose of:

(i) cleaning;

(ii) washing; or

(iii) wetting;

the windshield.

The term does not include fluids placed by the manufacturer in a new vehicle.

(28) "Bathroom and tile cleaner" means a product designed to clean tile or surfaces in bathrooms. The term does not include products designed primarily to clean the following:

(A) Toilet bowls.

(B) Toilet tanks.

(C) Urinals.

(29) "Bug and tar remover" means a product labeled to remove either or both of the following from painted motor vehicle surfaces without causing damage to the finish:

(A) Biological-type residues, such as the following:

(i) Insect carcasses.

(ii) Tree sap.

(B) Road grime, such as the following:

(i) Road tar.

(ii) Roadway paint markings.

(iii) Asphalt.

(30) "CARB" means the California Air Resources Board.

(31) "Carburetor or fuel-injection air intake cleaners" means a product designed to remove fuel deposits, dirt, or other contaminants from the following:

(A) A carburetor.

(B) A choke.

(C) The throttle body of a fuel-injection system.

(D) Associated linkages.

The term does not include products designed exclusively to be introduced directly into the fuel lines or fuel storage tank prior to introduction into the carburetor or fuel injectors.

(32) "Carpet and upholstery cleaner" means the following:

(A) A cleaning product designed for the purpose of eliminating dirt and stains on the following:

(i) Rugs.

(ii) Carpeting.

(iii) The interior of motor vehicles.

(iv) Household furniture.

(v) Objects upholstered or covered with fabrics, such as the following:

(AA) Wool.

(BB) Cotton.

(CC) Nylon.

(DD) Other synthetic fabrics.

(B) The term includes, but is not limited to, products that make fabric protectant claims.

(C) The term does not include the following:

(i) General purpose cleaners.
(ii) Spot removers.
(iii) Vinyl or leather cleaners.
(iv) Dry cleaning fluids.
(v) Products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.

(33) "Charcoal lighter material" means any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition. The term does not include any of the following:
(A) Electrical starters and probes.
(B) Metallic cylinders using paper tinder.
(C) Natural gas.
(D) Propane.
(E) Fat wood.

(34) "Colorant" means any pigment or coloring material used in a consumer product:
(A) for an aesthetic effect; or
(B) to dramatize an ingredient.

(35) "Construction, panel, and floor covering adhesive" means any one-component adhesive that is designed exclusively for the installation, remodeling, maintenance, or repair of the following:
(A) Structural and building components, including the following:
(i) Beams.
(ii) Trusses.
(iii) Studs.
(iv) Paneling, including, but not limited to, the following:
(AA) Dry wall or dry wall laminates.
(BB) Fiberglass reinforced plastic (FRP).
(CC) Plywood.
(DD) Particle board.
(EE) Insulation board.
(FF) Predecorated hardboard or tile board.
(v) Ceiling and acoustical tile.
(vi) Molding.
(vii) Fixtures.
(viii) Countertops.
(ix) Countertop laminates.
(x) Cove bases.
(xi) Wall bases.
(xii) Flooring or subflooring.
(B) Floor or wall coverings, including the following:
(i) Wood or simulated wood covering.
(ii) Carpet.
(iii) Carpet pad or cushion.
(iv) Vinyl-backed carpet.
(v) Flexible flooring material.
(vi) Nonresilient flooring material.
(vii) Mirror tiles and other types of tiles.
(viii) Artificial grass.

The term does not include floor seam sealer.

(36) "Consumer" means any person who purchases or acquires any consumer product for the following uses:
(A) Personal.
(B) Family.
(C) Household.
(D) Institutional.

The term does not include persons acquiring a consumer product for resale.

(37) "Consumer product" means the following:
(A) A chemically formulated product used by household and institutional consumers, including, but not limited to, the following:
(i) Detergents.
(ii) Cleaning compounds.
(iii) Polishes.

(iv) Floor finishes.
(v) Cosmetics.
(vi) Personal care products.
(vii) Home, lawn, and garden products.
(viii) Disinfectants.
(ix) Sanitizers.
(x) Aerosol paints.
(xi) Automotive specialty products.
(xii) Aerosol adhesives, including aerosol adhesives for the following uses:
(AA) Consumer.
(BB) Industrial.
(CC) Commercial.
(B) The term does not include the following:
(i) Paint products.
(ii) Furniture coating.
(iii) Architectural coatings.
(38) "Contact adhesive" means the following:
(A) An adhesive that:
(i) is designed for application to both surfaces to be bonded together;
(ii) is allowed to dry before the two (2) surfaces are placed in contact with each other;
(iii) forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other; and
(iv) does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces.
(B) The term does not include the following:
(i) Rubber cements that are primarily intended for use on paper substrates.
(ii) Vulcanizing fluids that are designed and labeled for tire repair only.
(39) "Contact adhesive-general purpose" means any contact adhesive that is not a contact adhesive-special purpose.
(40) "Contact adhesive-special purpose" means a contact adhesive that is used:
(A) to bond:
(i) melamine-covered board;
(ii) unprimed metal;
(iii) unsupported vinyl;
(iv) Teflon;
(v) ultrahigh molecular weight polyethylene;
(vi) rubber; and
(vii) high pressure laminate or wood veneer, one-sixteenth (1/16) inch or less in thickness;
to any porous or nonporous surface, and is sold in units of product, less packaging, that contain more than eight (8) fluid ounces; or
(B) in automotive applications that are:
(i) automotive under the hood applications requiring heat, oil, or gasoline resistance; or
(ii) body side molding, automotive weather strip, or decorative trim.
(41) "Container or packaging" means the part or parts of the consumer or institutional product that serve only to:
(A) contain;
(B) enclose;
(C) incorporate;
(D) deliver;
(E) dispense;
(F) wrap; or
(G) store;
the chemically formulated substance or mixture of substances that is solely responsible for accomplishing the purposes that the product was designed or intended. The term includes any article onto or into which the principal display panel and other accompanying literature or graphics are incorporated, etched, printed, or attached.
(42) "Crawling bug insecticide" means the following:
(A) Any insecticide product that is designed for use against ants, cockroaches, or other household crawling arthropods, including, but not limited to:
(i) mites;

(ii) silverfish; or
(iii) spiders.
(B) The term does not include products designed to be used exclusively on humans or animals, or any house dust mite product.
(C) For purposes of this definition only, the following apply:
(i) "House dust mite product" means a product whose label, packaging, or accompanying literature states that the product is suitable for use against house dust mites, but does not indicate that the product is suitable for use against ants, cockroaches, or other household crawling arthropods.
(ii) "House dust mite" means mites that:
(AA) feed primarily on skin cells shed in the home by humans and pets; and
(BB) belong to the:
(aa) phylum Arthropoda;
(bb) subphylum Chelicerata;
(cc) class Arachnida;
(dd) subclass Acari;
(ee) order Astigmata; and
(ff) family Pyroglyphidae.
(43) "Date code" means the day, month, and year on which the consumer product was manufactured, filled, or packaged, or a code indicating such a date.
(44) "Deodorant" means the following:
(A) For products manufactured before July 1, 2010, any product including, but not limited to:
(i) aerosols;
(ii) roll-ons;
(iii) sticks;
(iv) pumps;
(v) pads;
(vi) creams; and
(vii) squeeze bottles;
that is intended by the manufacturer to be used to minimize odor in the human axilla by retarding the growth of bacteria that cause the decomposition of perspiration.
(B) For products manufactured on or after July 1, 2010, any product including, but not limited to:
(i) aerosol;
(ii) roll-ons;
(iii) sticks;
(iv) pumps;
(v) pads;
(vi) creams; and
(vii) squeeze bottles;
that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that the product can be used on or applied to the human axilla to provide a scent or minimize odor, or both.
(C) A deodorant body spray product that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that it can be used on or applied to the human axilla is a deodorant.
(45) "Deodorant body spray" means the following:
(A) For products manufactured before July 1, 2010, a personal fragrance product with twenty percent (20%) or less fragrance.
(B) For products manufactured on or after July 1, 2010, a personal fragrance product with twenty percent (20%) or less fragrance that is designed for application all over the human body to provide a scent.
(C) A deodorant body spray product that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that it can be used on or applied to the human axilla is a deodorant.
(46) "Device" means any instrument or contrivance (other than a firearm) that is designed for:
(A) trapping;
(B) destroying;
(C) repelling; or
(D) mitigating;
any pest or any other form of plant or animal life (other than man and other than a bacterium, a virus, or another microorganism on or in a living man or other living animals). The term does not include equipment used for the application of pesticides when sold separately therefrom.

(47) "Disinfectant" means the following:
(A) Any product:
(i) intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects; and
(ii) whose label is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136, et seq.).
(B) The term does not include any of the following:
(i) Products designed solely for use on human or animals.
(ii) Products designed for agricultural use.
(iii) Products designed solely for use in:
(AA) swimming pools;
(BB) therapeutic tubs; or
(CC) hot tubs.
(iv) Products that, as indicated on the principal display panel or label, are designed primarily for use as:
(AA) bathroom and tile cleaners;
(BB) glass cleaners;
(CC) general purpose cleaners;
(DD) toilet bowl cleaners; or
(EE) metal polishes.
(48) "Distributor" means any person to whom a consumer product is sold or supplied for the purposes of resale or distribution in commerce. The term does not include the following:
(A) Manufacturers.
(B) Retailers.
(C) Consumers.
(49) "Double phase aerosol air freshener" means an aerosol air freshener with the liquid contents in two (2) or more distinct phases that requires the product container be shaken before use to mix the phases, producing an emulsion.
(50) "Dry cleaning fluid" means the following:
(A) Any nonaqueous liquid product designed and labeled exclusively for use on:
(i) fabrics that are labeled "for dry clean only", such as clothing or drapery; or
(ii) "S-coded" fabrics, that for the purpose of this definition, means an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee.
(B) The term includes, but is not limited to, those products used by commercial dry cleaners and commercial businesses that clean fabrics, such as draperies, at the customer's residence or workplace.
(C) The term does not include:
(i) spot remover; or
(ii) carpet and upholstery cleaner.
(51) "Dusting aid" means a product designed to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone based coating. The term does not include a pressurized gas duster.
(52) "Electrical cleaner" means the following:
(A) A product labeled to remove heavy soils, such as grease, grime, or oil, from electrical equipment, including, but not limited to, the following:
(i) Electric motors.
(ii) Armatures.
(iii) Relays.
(iv) Electric panels.
(v) Generators.
(B) The term does not include the following:
(i) General purpose cleaners.
(ii) General purpose degreasers.
(iii) Dusting aids.
(iv) Electronic cleaners.
(v) Energized electrical cleaners.
(vi) Pressurized gas dusters.
(vii) Engine degreasers.
(viii) Antistatic products.
(ix) Products designed to clean the casings or housings of electrical equipment.

(53) "Electronic cleaner" means the following:
(A) A product labeled for the removal of dirt, moisture, dust, flux, or oxides from the internal components of electronic or precision equipment, such as circuit boards, and the internal components of electronic devices, including, but not limited to, the following:
(i) Radios.
(ii) Compact disc (CD) players.
(iii) Digital video disc (DVD) players.
(iv) Computers.
(B) The term does not include the following products:
(i) General purpose cleaners.
(ii) General purpose degreasers.
(iii) Dusting aids.
(iv) Pressurized gas dusters.
(v) Engine degreasers.
(vi) Electrical cleaners.
(vii) Energized electrical cleaners.
(viii) Antistatic products.
(ix) Products designed to clean the casings or housings of electronic equipment.
(54) "Energized electrical cleaner" means a product that meets the following criteria:
(A) The product is labeled to clean or degrease, or both, electrical equipment where cleaning or degreasing, or both, is accomplished when:
(i) electrical current exists; or
(ii) there is a residual electrical potential from a component, such as a capacitor.
(B) The product label clearly displays the statements: "Energized Equipment use only. Not to be used for motorized vehicle maintenance, or their parts.".
The term does not include electronic cleaners.
(55) "Engine degreaser" means a cleaning product designed to remove:
(A) grease;
(B) grime;
(C) oil; and
(D) other contaminants;
from the external surfaces of engines and other mechanical parts.
(56) "Existing product" means any:
(A) formulation of the same product category and form:
(i) sold;
(ii) supplied;
(iii) manufactured; or
(iv) offered for sale;
in Indiana prior to July 1, 2010; or
(B) subsequently introduced identical formulation.
(57) "Fabric protectant" means a product designed to be applied to fabric substrates to protect the surface from soiling from dirt and other impurities or to reduce absorption of liquid into the fabric's fibers. The term does not include the following:
(A) Waterproofers.
(B) Products designed for use solely on:
(i) leather; or
(ii) fabrics that are labeled "for dry clean only" and sold in containers of ten (10) fluid ounces or less.
(58) "Fabric refresher" means the following:
(A) A product labeled to neutralize or eliminate odors on the following:
(i) Nonlaundered fabric, including, but not limited to, the following:
(AA) Soft household surfaces.
(BB) Rugs.
(CC) Carpeting.
(DD) Draperies.
(EE) Bedding.
(FF) Automotive interiors.
(GG) Footwear.
(HH) Athletic equipment.
(II) Clothing.
(ii) Household furniture or objects upholstered or covered with fabrics, including, but not limited to,

the following:
(AA) Wool.
(BB) Cotton.
(CC) Nylon.
(B) The term does not include the following:
(i) Antistatic products.
(ii) Carpet and upholstery cleaners.
(iii) Footwear or leather care products.
(iv) Spot removers.
(v) Disinfectants.
(vi) Products labeled for application to both fabric and human skin.
(vii) Soft household surface sanitizers. For the purposes of this definition only, "soft household surface sanitizer" means a product labeled to neutralize or eliminate odors on surfaces listed in clause (A) whose label is registered as a sanitizer under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 et seq.).

(59) "Facial cleaner or soap" means a cleaner or soap designed primarily to clean the face. The term:
(A) includes, but is not limited to:
(i) facial cleansing creams;
(ii) semisolids;
(iii) liquids;
(iv) lotions; and
(v) substrate-impregnated forms; and
(B) does not include:
(i) prescription drug products;
(ii) antimicrobial hand or body cleaner or soap;
(iii) astringent or toner;
(iv) general use hand or body cleaner or soap;
(v) medicated astringent or medicated toner; and
(vi) rubbing alcohol.

(60) "Fat wood" means pieces of wood kindling with high naturally occurring levels of sap or resin that enhance ignition of the kindling. The term does not include any kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood based products.

(61) "Flea and tick insecticide" means any insecticide product that is designed for use against:
(A) fleas;
(B) ticks;
(C) their larvae; or
(D) their eggs.

The term does not include products that are designed to be used exclusively on humans or animals and their bedding.

(62) "Flexible flooring material" means the following:
(A) Asphalt.
(B) Cork.
(C) Linoleum.
(D) No-wax.
(E) Rubber.
(F) Seamless vinyl flooring.
(G) Vinyl composite flooring.

(63) "Flexible vinyl" means a nonrigid polyvinyl chloride plastic with at least five percent (5%), by weight, of plasticizer content. A plasticizer is a material, such as a high boiling point organic solvent, that is incorporated into a plastic to increase its flexibility, workability, or distensibility, and may be determined using ASTM Method E260-91*, or from product formulation data.

(64) "Flexible vinyl adhesive" means an aerosol adhesive designed to bond flexible vinyl to substrates.

(65) "Floor coating" means an opaque coating that is labeled and designed for application to flooring that may be subject to foot traffic, including, but not limited to, the following:
(A) Decks.
(B) Porches.
(C) Steps.
(D) Other horizontal surfaces.

(66) "Floor or wall covering adhesive remover" means a product designed or labeled to remove floor or wall coverings and associated adhesive from the underlying substrate.

(67) "Floor polish or wax" means a wax, polish, or any other product designed to polish, protect, or

enhance floor surfaces by leaving a protective coating that is designed to be periodically replenished. The term does not include the following:

(A) Spray buff products.
(B) Products designed solely for the purpose of cleaning floors.
(C) Floor finish strippers.
(D) Products designed for unfinished wood floors.
(E) Coatings subject to architectural coatings regulations.

(68) "Floor seam sealer" means any product designed and labeled exclusively for bonding, fusing, or sealing (coating) seams between adjoining rolls of installed flexible sheet flooring.

(69) "Floor wax stripper" means a product designed to remove natural or synthetic floor polishes or waxes:

(A) through breakdown of the polish or wax polymers; or
(B) by dissolving or emulsifying the polish or wax.

The term does not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion.

(70) "Flying bug insecticide" means the following:

(A) Any insecticide product that is designed for use against flying insects or other flying arthropods, including, but not limited to, the following:

(i) Flies.
(ii) Mosquitoes.
(iii) Moths.
(iv) Gnats.

(B) The term does not include the following:

(i) Wasp and hornet insecticide.
(ii) Products that are designed to be used exclusively on humans or animals.
(iii) Any moth-proofing product. For purposes of this definition only, "moth-proofing product" means a product whose label, packaging, or accompanying literature indicates that the product is designed to protect fabrics from damage by moths but does not indicate that the product is suitable for use against flying insects or other flying arthropods.

(71) "Footwear or leather care product" means the following:

(A) Any product designed or labeled to be applied to footwear or to other leather articles or components, to:

(i) maintain;
(ii) enhance;
(iii) clean;
(iv) protect; or
(v) modify;

the appearance, durability, fit, or flexibility of the footwear or leather article or component. Footwear includes both leather and nonleather foot apparel.

(B) The term does not include the following:

(i) Fabric protectants.
(ii) General purpose adhesives.
(iii) Contact adhesives.
(iv) Vinyl, fabric, leather, or polycarbonate coatings.
(v) Rubber and vinyl protectants.
(vi) Fabric refreshers.
(vii) Products solely for deodorizing.
(viii) Sealant products with adhesive properties used to create external protective layers greater than two (2) millimeters thick.

(72) "Fragrance" means a substance or complex mixture of:

(A) aroma chemicals;
(B) natural essential oils; and
(C) other functional components;

with a combined vapor pressure not in excess of two (2) millimeters of mercury (mm Hg) at twenty (20) degrees Celsius, the sole purpose of which is to impart an odor or scent or to counteract a malodor.

(73) "Furniture coating" means any paint designed for application to room furnishings, including, but not limited to, the following:

(A) Cabinets (kitchen, bath, and vanity).
(B) Tables.
(C) Chairs.
(D) Beds.

(E) Sofas.

(74) "Furniture maintenance product" means a wax, polish, conditioner, or any other product designed for the purpose of polishing, protecting, or enhancing finished wood surfaces other than floors. The term does not include the following:

(A) Dusting aids.

(B) Wood cleaners.

(C) Products designed solely for the purpose of cleaning.

(D) Products designed to leave a permanent finish, such as the following:

(i) Stains.

(ii) Sanding sealers.

(iii) Lacquers.

(75) "Gasket or thread locking adhesive remover" means a product designed or labeled to remove gaskets or thread locking adhesives. The term includes products labeled for dual use as a paint stripper and gasket remover or thread locking adhesive remover.

(76) "Gel" means a colloid in which the disperse phase has combined with the continuous phase to produce a semisolid material, such as jelly.

(77) "General purpose adhesive" means any nonaerosol adhesive designed for use on a variety of substrates. The term does not include the following:

(A) Contact adhesives.

(B) Construction, panel, and floor covering adhesives.

(C) Adhesives designed exclusively for application on one (1) specific category of substrates that are composed of similar materials, including, but not limited to, different types of the following:

(i) Metals.

(ii) Paper products.

(iii) Ceramics.

(iv) Plastics.

(v) Rubbers.

(vi) Vinyls.

(D) Adhesives designed exclusively for use on one (1) specific category of articles, such as articles that may be composed of different materials but perform a specific function, including, but not limited to, the following:

(i) Gaskets.

(ii) Automotive trim.

(iii) Weather stripping.

(iv) Carpets.

(78) "General purpose adhesive remover" means a product designed or labeled to remove cyanoacrylate adhesives and nonreactive adhesives or residue from a variety of substrates. The term includes, but is not limited to, products that remove the following:

(A) Thermoplastic adhesives.

(B) Pressure sensitive adhesives.

(C) Dextrine or starch based adhesives.

(D) Casein glues.

(E) Rubber or latex based adhesives.

(F) Stickers.

(G) Decals.

(H) Stencils.

The term does not include floor or wall covering adhesive remover.

(79) "General purpose cleaner" means a product designed for general all-purpose cleaning, in contrast to cleaning products designed to clean specific substrates in certain situations. The term includes products designed for general floor cleaning, kitchen or countertop cleaning, and cleaners designed to be used on a variety of hard surfaces. The term does not include general purpose degreasers and electronic cleaners.

(80) "General purpose degreaser" means the following:

(A) Any product labeled to remove or dissolve grease, grime, oil, and other oil based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts.

(B) The term does not include the following:

(i) Engine degreasers.

(ii) General purpose cleaners.

(iii) Adhesive removers.

(iv) Electronic cleaners.

(v) Electrical cleaners.

(vi) Energized electrical cleaners.
(vii) Metal polish or cleansers.
(viii) Products used exclusively in solvent cleaning tanks or related equipment, including, but not limited to, the following:
(AA) Cold cleaners.
(BB) Vapor degreasers.
(CC) Conveyorized degreasers.
(DD) Film cleaning machines.
(EE) Products designed to clean miscellaneous metallic parts by immersion in a container.
(ix) Products that are:
(AA) sold exclusively to establishments that manufacture or construct goods or commodities; and
(BB) labeled "not for retail sale".

(81) "General use hand or body cleaner or soap" means a cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils. The term:
(A) includes, but is not limited to:
(i) hand or body washes;
(ii) dual-purpose shampoo and body cleaners;
(iii) shower or bath gels; and
(iv) moisturizing cleaners or soaps; and
(B) does not include:
(i) prescription drug products;
(ii) antimicrobial hand or body cleaner or soap;
(iii) astringent or toner;
(iv) facial cleaner or soap;
(v) hand dishwashing detergent (including antimicrobial);
(vi) heavy-duty hand cleaner or soap;
(vii) medicated astringent or medicated toner; and
(viii) rubbing alcohol.

(82) "Glass cleaner" means a cleaning product designed primarily for cleaning surfaces made of glass. The term does not include products designed solely for the purpose of cleaning optical materials used in the following:
(A) Eyeglasses.
(B) Photographic equipment.
(C) Scientific equipment.
(D) Photocopying machines.

(83) "Graffiti remover" means the following:
(A) A product labeled to remove, from a variety of noncloth or nonfabric substrates, the following:
(i) Spray paint.
(ii) Ink.
(iii) Marker.
(iv) Crayon.
(v) Lipstick.
(vi) Nail polish.
(vii) Shoe polish.
(B) The term does not include the following:
(i) Paint remover or stripper.
(ii) Nail polish remover.
(iii) Spot remover.
(C) Products labeled for dual use as both a paint stripper and graffiti remover are considered graffiti removers.

(84) "Hair mousse" means a hairstyling foam designed to:
(A) facilitate styling of a coiffure; and
(B) provide limited holding power.

(85) "Hair shine" means any product designed for the primary purpose of creating a shine when applied to the hair. The term includes, but is not limited to, dual-use products designed primarily to impart a sheen to the hair. The term does not include the following:
(A) Hair sprays.
(B) Hair mousses.
(C) Hairstyling products.
(D) Hairstyling gels.
(E) Products whose primary purpose is to condition or hold the hair.

(86) "Hair spray" means the following:
(A) For products manufactured before July 1, 2010, a consumer product designed primarily for the purpose of dispensing droplets of a resin on and into a hair coiffure that will impart sufficient rigidity to the coiffure to establish or retain the style for a period of time.
(B) For products manufactured on or after July 1, 2010, a consumer product that is:
(i) applied to styled hair; and
(ii) designed or labeled to provide sufficient rigidity to hold, retain, or finish, or both, the style of the hair for a period of time.
(C) The term includes the following:
(i) Aerosol hair sprays.
(ii) Pump hair sprays.
(iii) Spray waxes.
(iv) Products that are both a styling and a finishing product.
(v) Color, glitter, or sparkle hair sprays that make finishing claims.
(D) The term does not include spray products that are intended to aid in styling but do not provide finishing of a hairstyle.
(E) For purposes of this definition, the following apply:
(i) "Finish" or "finishing" means the maintaining or holding, or both, of previously styled hair for a period of time.
(ii) "Styling" means forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.
(87) "Hairstyling gel" means a consumer product manufactured before July 1, 2010, that is:
(A) a high viscosity, often gelatinous, product that contains a resin; and
(B) designed for the application to hair to aid in styling and sculpting of the hair coiffure.
(88) "Hairstyling product" means the following:
(A) A consumer product manufactured on or after July 1, 2010, that is designed or labeled for application to wet, damp, or dry hair to aid in:
(i) defining;
(ii) shaping;
(iii) lifting;
(iv) styling; or
(v) sculpting;
the hair.
(B) The term includes, but is not limited to, the following:
(i) Products that aid in styling but do not provide finishing of a hairstyle, including, but not limited to, the following:
(AA) Hair balm.
(BB) Clay.
(CC) Cream.
(DD) Creme.
(EE) Curl straightener.
(FF) Gel.
(GG) Liquid.
(HH) Lotion.
(II) Paste.
(JJ) Pomade.
(KK) Putty.
(LL) Root lifter.
(MM) Serum.
(NN) Spray gel.
(OO) Stick.
(PP) Temporary hair straightener.
(QQ) Wax.
(RR) Spray products.
(ii) Detanglers or conditioners, or both, and leave-in volumizers that make styling claims.
(C) The term does not include the following:
(i) Hair mousses.
(ii) Hair shines.
(iii) Hair sprays.
(iv) Shampoos or conditioners, or both, that are rinsed from the hair prior to styling.
(D) For purposes of this definition, the following apply:

(i) "Finish" or "finishing" means the maintaining or holding, or both, of previously styled hair for a period of time.
(ii) "Styling" means forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.

(89) "Heavy-duty hand cleaner or soap" means the following:
(A) A product designed to clean or remove from the hand with or without the use of water difficult dirt and soils, including, but not limited to, the following:
(i) Oil.
(ii) Grease.
(iii) Grime.
(iv) Tar.
(v) Shellac.
(vi) Putty.
(vii) Printer's ink.
(viii) Paint.
(ix) Graphite.
(x) Cement.
(xi) Carbon.
(xii) Asphalt.
(xiii) Adhesives.
(B) The term does not include the following:
(i) Prescription drug products.
(ii) Antimicrobial hand or body cleaner or soap.
(iii) Astringent or toner.
(iv) Facial cleaner or soap.
(v) General use hand or body cleaner or soap.
(vi) Medicated astringent or medicated toner.
(vii) Rubbing alcohol.

(90) "Herbicide" means a pesticide product designed to kill or retard a plant's growth. The term does not include products that are:
(A) for agricultural use; or
(B) restricted materials that require a permit for use and possession.

(91) "High volatility organic compound" or "HVOC" means any volatile organic compound that exerts a vapor pressure greater than eighty (80) millimeters of mercury (mm Hg) when measured at twenty (20) degrees Celsius.

(92) "Household product" means any consumer product that is primarily designed to be used inside or outside of living quarters or residences that are occupied or intended for occupation by individuals, including the immediate surroundings.

(93) "Indiana sales" means the sales (net pounds of product, less packaging and container, per year) in Indiana for either:
(A) the calendar year immediately prior to the year that the registration is due; or
(B) if that data is not available, any consecutive twelve (12) month period commencing not earlier than two (2) years prior to the due date of the registration.

If direct sales data for Indiana is not available, sales may be estimated by prorating national or regional sales data by population.

(94) "Insecticide" means a pesticide product that is designed for use against insects or other arthropods. The term does not include products that are:
(A) for agricultural use;
(B) for a use that requires a structural pest control license under IC 15-16-4; or
(C) restricted materials that require a permit for use and possession.

(95) "Insecticide fogger" means any insecticide product designed to release all or most of its content, as a fog or mist, into indoor areas during a single application.

(96) "Institutional product", "industrial and institutional product", or "I & I product" means the following:
(A) A consumer product that is designed for use in the maintenance or operation of an establishment that:
(i) manufactures, transports, or sells goods or commodities or provides services for profit; or
(ii) is engaged in the nonprofit promotion of a particular public, educational, or charitable cause.
(B) The term does not include household products and products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

(C) For purposes of this definition, "establishments" includes, but is not limited to, the following:
(i) Government agencies.
(ii) Factories.
(iii) Schools.
(iv) Hospitals.
(v) Sanitariums.
(vi) Prisons.
(vii) Restaurants.
(viii) Hotels.
(ix) Stores.
(x) Automobile service and parts centers.
(xi) Health clubs.
(xii) Theaters.
(xiii) Transportation companies.

(97) "Label" means any written, printed, or graphic matter:
(A) affixed to;
(B) applied to;
(C) attached to;
(D) blown into;
(E) formed into;
(F) molded into;
(G) embossed on; or
(H) appearing upon;
any consumer product or consumer product package for purposes of branding, identifying, or giving information with respect to the product or to the contents of the package.

(98) "Laminate repair or edgebanding adhesive" means an aerosol adhesive designed for the following:
(A) The touchup or repair of items laminated with high pressure laminates, for example, lifted edges, delaminates, etc. For purposes of this definition, "high pressure laminate" means sheet materials that consist of paper, fabric, or other core material that have been laminated at:
(i) temperatures exceeding two hundred sixty-five (265) degrees Fahrenheit; and
(ii) pressures between one thousand (1,000) and one thousand four hundred (1,400) psi.
(B) The touchup, repair, or attachment of edgebanding materials, including, but not limited to, the following:
(i) Other laminates.
(ii) Synthetic marble.
(iii) Veneers.
(iv) Wood molding.
(v) Decorative metals.

(99) "Laundry prewash" means a product that:
(A) is designed for application to a fabric prior to laundering; and
(B) supplements and contributes to the effectiveness of laundry detergents or provides specialized performance, or both.

(100) "Laundry starch product" means a product that is designed for application to a fabric, either during or after laundering, to impart and prolong a crisp, fresh look and may also act to help ease ironing of the fabric. The term includes, but is not limited to, fabric finish, sizing, and starch.

(101) "Lawn and garden insecticide" means an insecticide product labeled primarily to be used in household lawn and garden areas to protect plants from insects or other arthropods. Notwithstanding the requirements of section 7(d) of this rule, aerosol lawn and garden insecticides may claim to kill insects or other arthropods.

(102) "Liquid" means a substance or mixture of substances that is capable of a visually detectable flow as determined under ASTM D-4359-90(2000)e1*. The term does not include powders or other materials that are composed entirely of solid particles.

(103) "Lubricant" means the following:
(A) A product designed to:
(i) reduce friction, heat, noise, or wear between moving parts; or
(ii) loosen rusted or immovable parts or mechanisms.
(B) The term does not include the following:
(i) Automotive power steering fluids.
(ii) Products for use inside power generating motors, engines, and turbines and their associated power-transfer gearboxes.

(iii) Two (2) cycle oils or other products designed to be added to fuels.
(iv) Products for use on the human body or animals.
(v) Products that are:
(AA) sold exclusively to establishments that manufacture or construct goods or commodities; and
(BB) labeled "not for retail sale".

(104) "LVP-VOC" means a chemical compound or mixture that contains at least one (1) carbon atom and meets one (1) of the following:
(A) Has a vapor pressure less than one-tenth (0.1) millimeter of mercury (mm Hg) at twenty (20) degrees Celsius, as determined by CARB Method 310*.
(B) Is a chemical compound with more than twelve (12) carbon atoms, or a chemical mixture comprised solely of compounds with more than twelve (12) carbon atoms as verified by formulation data, and the vapor pressure and boiling point are unknown.
(C) Is a chemical compound with a boiling point greater than two hundred sixteen (216) degrees Celsius, as determined by CARB Method 310*.
(D) Is the weight percent of a chemical mixture that boils above two hundred sixteen (216) degrees Celsius, as determined by CARB Method 310*.
For purposes of this definition, "chemical compound" means a molecule of definite chemical formula and isomeric structure, and "chemical mixture" means a substrate comprised of two (2) or more chemical compounds.

(105) "Manufacturer" means any person who:
(A) imports;
(B) manufactures;
(C) assembles;
(D) produces;
(E) packages;
(F) repackages; or
(G) relabels;
a consumer product.

(106) "Medicated astringent or medicated toner" means any product regulated as a drug by the FDA that is applied to the skin for the purpose of cleaning or tightening pores. The term:
(A) includes, but is not limited to:
(i) clarifiers; and
(ii) substrate-impregnated products; and
(B) does not include:
(i) hand, face, or body cleaners or soap products;
(ii) astringents or toners;
(iii) cold creams;
(iv) lotions;
(v) antiperspirants; and
(vi) products that must be purchased with a doctor's prescription.

(107) "Medium volatility organic compound" or "MVOC" means any volatile organic compound that exerts a vapor pressure greater than two (2) millimeters of mercury (mm Hg) and less than or equal to eighty (80) mm Hg when measured at twenty (20) degrees Celsius.

(108) "Metal polish or cleanser" means any product designed primarily to improve the appearance of finished metal, metallic, or metallized surfaces by physical or chemical action. For purposes of this definition, "improve the appearance" means to remove or reduce stains, impurities, or oxidation from surfaces or to make surfaces smooth and shiny. The term:
(A) includes, but is not limited to, metal polishes used on:
(i) brass;
(ii) silver;
(iii) chrome;
(iv) copper;
(v) stainless steel; and
(vi) other ornamental metals; and
(B) does not include:
(i) automotive waxes, polishes, sealants, or glazes;
(ii) wheel cleaners;
(iii) paint removers or strippers;
(iv) products designed and labeled exclusively for automotive and marine detailing; or
(v) products designed for use in degreasing tanks.

(109) "Mist spray adhesive" means any aerosol that:

(A) is not a special purpose spray adhesive; and
(B) delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.
(110) "Mounting adhesive" means an aerosol adhesive designed to permanently mount:
(A) photographs;
(B) artwork; and
(C) any other drawn or printed media;
to a backing (paper, board, cloth, etc.) without causing discoloration to the artwork.
(111) "Multipurpose dry lubricant" means any lubricant that is:
(A) designed and labeled to provide lubricity by depositing a thin film of:
(i) graphite;
(ii) molybdenum disulfide (moly);
(iii) polytetrafluoroethylene; or
(iv) closely related fluoropolymer (Teflon) on surfaces; and
(B) designed for general purpose lubrication or for use in a wide variety of applications.
(112) "Multipurpose lubricant" means any lubricant designed for general purpose lubrication or for use in a wide variety of applications. The term does not include the following:
(A) Multipurpose dry lubricants.
(B) Penetrants.
(C) Silicone based multipurpose lubricants.
(113) "Multipurpose solvent" means the following:
(A) Any organic liquid designed to be used for a variety of purposes, including cleaning or degreasing of a variety of substrates, or thinning, dispersing, or dissolving other organic materials.
(B) The term includes solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific, or other laboratories.
(C) The term does not include the following:
(i) Solvents used in the following:
(AA) Cold cleaners.
(BB) Vapor degreasers.
(CC) Conveyorized degreasers.
(DD) Film cleaning machines.
(ii) Solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment.
(114) "Nail polish" means any clear or colored coating designed for application to the fingernails or toenails, including, but not limited to, the following:
(A) Lacquers.
(B) Enamels.
(C) Acrylics.
(D) Base coats.
(E) Top coats.
(115) "Nail polish remover" means a product designed to remove nail polish and coatings from fingernails or toenails.
(116) "Nonaerosol product" means any consumer product that is not dispensed by a pressurized spray system.
(117) "Noncarbon containing compound" means any compound that does not contain any carbon atoms.
(118) "Nonresilient flooring" means flooring of a mineral content that is not flexible, including, but not limited to, the following:
(A) Terrazzo.
(B) Marble.
(C) Slate.
(D) Granite.
(E) Brick.
(F) Stone.
(G) Ceramic tile.
(H) Concrete.
(119) "Nonselective terrestrial herbicide" means a terrestrial herbicide product that is toxic to plants without regard to species.
(120) "Oven cleaner" means any cleaning product designed to clean and remove dried food deposits from oven walls.
(121) "Paint" means any pigmented liquid, liquefiable, or mastic composition designed for application

to a substrate in a thin layer that is:
(A) converted to an opaque solid film after application; and
(B) used for protection, decoration, or identification or to serve some functional purpose, such as the:
(i) filling or concealing of surface irregularities; or
(ii) modification of light and heat radiation characteristics.
(122) "Paint remover or stripper" means any product designed to strip or remove paints or other related coatings, by chemical action, from a substrate without markedly affecting the substrate. The term does not include the following:
(A) Multipurpose solvents.
(B) Paint brush cleaners.
(C) Products designed and labeled exclusively graffiti removers.
(D) Hand cleaner products that claim to remove paints and other related coatings from skin.
(123) "Penetrant" means a lubricant designed and labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. The term does not include multipurpose lubricants that claim to have penetrating qualities but are not labeled primarily to loosen bonded parts.
(124) "Person" has the meaning set forth in IC 13-11-2-158.
(125) "Personal fragrance product" means any product that is applied to the human body or clothing for the primary purpose of adding a scent or masking a malodor, including cologne, perfume, after-shave, and toilet water. The term does not include the following:
(A) Deodorant.
(B) Medicated products designed primarily to alleviate fungal or bacterial growth on feet or other areas of the body.
(C) Mouthwashes, breath fresheners, and deodorizers.
(D) Lotions, moisturizers, powders, or other skin care products used primarily to alleviate skin conditions, such as dryness and irritations.
(E) Products designed exclusively for use on human genitalia.
(F) Soaps, shampoos, and products primarily used to clean the human body.
(G) Fragrance products designed to be used exclusively on nonhuman animals.
(126) "Pesticide" means any substance or mixture of substances labeled, designed, or intended for use:
(A) in preventing, destroying, repelling, or mitigating any pest; or
(B) as a defoliant, desiccant, or plant regulator.
The term does not include any substance, mixture of substances, or device that the U.S. EPA does not consider to be a pesticide.
(127) "Polyolefin adhesive" means an aerosol adhesive designed to bond polyolefins to substrates.
(128) "Polystyrene foam adhesive" means an aerosol adhesive designed to bond polystyrene foam to substrates.
(129) "Pressurized gas duster" means a pressurized product labeled to remove dust from a surface solely by means of mass air or gas flow, including the following surfaces:
(A) Photographs.
(B) Photographic film negatives.
(C) Computer keyboards.
(D) Other types of surfaces that cannot be cleaned with solvents.
The term does not include dusting aids.
(130) "Principal display panel or panels" means the part or parts of a label that are so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display or purchase. Whenever a principal display panel appears more than once, all requirements pertaining to the principal display panel shall pertain to all the principal display panels.
(131) "Product brand name" means the name of the product exactly as it appears on the principal display panel of the product.
(132) "Product category" means the applicable category that best describes the product as listed in this section and section 3(a) of this rule.
(133) "Product form" means, for the purpose of complying with section 7 of this rule only, the applicable form that most accurately describes the product's dispensing form as follows:
A = Aerosol Product
S = Solid
P = Pump Spray
L = Liquid
SS = Semisolid
O = Other

(134) "Product line" means a group of products of identical form and function belonging to the same product category or categories.
(135) "Propellant" means a liquefied or compressed gas that is used in whole or in part, such as a cosolvent, to expel a liquid or any other material from the same self-pressurized container or from a separate container.
(136) "Pump spray" means a packaging system in which the product ingredients within the container are:
(A) not under pressure; and
(B) expelled only while a pumping action is applied to:
(i) a button;
(ii) a trigger; or
(iii) another actuator.
(137) "Responsible ACP party" means the company, firm, or establishment that is listed on the ACP product's label. If the label lists two (2) or more companies, firms, or establishments, the responsible ACP party is the party that the ACP product was "manufactured for" or "distributed by", as noted on the label.
(138) "Responsible party" means the company, firm, or establishment that is listed on the product's label. If the label lists two (2) companies, firms, or establishments, the responsible party is the party that the product was "manufactured for" or "distributed by", as noted on the label.
(139) "Restricted materials" means pesticides established as restricted materials under applicable IC 15-16-4.
(140) "Retailer" means any person who sells, supplies, or offers consumer products for sale directly to consumers.
(141) "Retail outlet" means any establishment where consumer products are sold, supplied, or offered for sale directly to consumers.
(142) "Roll-on product" means any antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the affected area.
(143) "Rubber and vinyl protectant" means the following:
(A) Any product designed to protect, preserve, or renew vinyl, rubber, and plastic on the following:
(i) Vehicles.
(ii) Tires.
(iii) Luggage.
(iv) Furniture.
(v) Household products, such as the following:
(AA) Vinyl covers.
(BB) Clothing.
(CC) Accessories.
(B) The term does not include the following:
(i) Products designed primarily to clean the wheel rim, such as aluminum or magnesium wheel cleaners.
(ii) Tire cleaners that do not leave an appearance enhancing or protective substance on the tire.
(144) "Rubbing alcohol" means any product:
(A) containing isopropyl alcohol (also called isopropanol) or denatured ethanol; and
(B) labeled for topical use, usually to:
(i) decrease germs in minor cuts and scrapes; and
(ii) relieve minor muscle aches, as a rubefacient, and for massage.
(145) "Sealant and caulking compound" means the following:
(A) Any product with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between two (2) surfaces.
(B) The term does not include the following:
(i) Roof cements and roof sealants.
(ii) Insulating foams.
(iii) Removable caulking compounds. For purposes of this definition only, "removable caulking compounds" means a compound that temporarily seals windows or doors for three (3) to six (6) month time intervals
(iv) Clear, paintable, or water resistant caulking compounds. For purposes of this definition, "clear, paintable, or water resistant caulking compounds" means a compound:
(AA) that contains no appreciable level of opaque fillers or pigments;
(BB) transmits most or all visible light through the caulk when cured;
(CC) is paintable; and
(DD) is immediately resistant to precipitation upon application.

(v) Floor seam sealers.
(vi) Products designed exclusively for automotive uses.
(vii) Sealers that are applied as continuous coatings.
(viii) Units of product, less packaging, that weigh more than one (1) pound and consist of more than sixteen (16) fluid ounces.

(146) "Semisolid" means a product that, at room temperature, will not pour but will spread or deform easily including, but not limited to, the following:
(A) Gels.
(B) Pastes.
(C) Greases.

(147) "Shaving cream" means an aerosol product that dispenses a foam lather intended to be used with a blade or cartridge razor, or other wet-shaving system, in the removal of facial or other bodily hair. The term does not include shaving gel.

(148) "Shaving gel" means an aerosol product that dispenses a post-foaming semisolid designed to be used with a blade, cartridge razor, or other shaving system in the removal of facial or other bodily hair. The term does not include shaving cream.

(149) "Silicone based multipurpose lubricant" means any lubricant that is designed and labeled:
(A) to provide lubricity primarily through the use of silicone compounds, including, but not limited to, polydimethylsiloxane; and
(B) for general purpose lubrication or for use in a wide variety of applications.

The term does not include products designed and labeled exclusively to release manufactured products from molds.

(150) "Single phase aerosol air freshener" means an aerosol air freshener:
(A) with the liquid contents in a single homogeneous phase; and
(B) that does not require that the product container be shaken before use.

(151) "Solid" means a substance or mixture of substances that, either whole or subdivided, such as the particles comprising a powder, is not capable of visually detectable flow as determined under ASTM D-4359-90(2000)e1*.

(152) "Special purpose spray adhesive" means an aerosol adhesive that meets any of the following definitions:
(A) Mounting adhesive.
(B) Flexible vinyl adhesive.
(C) Polystyrene foam adhesive.
(D) Automobile headliner adhesive.
(E) Polyolefin adhesive.
(F) Laminate repair or edgebanding adhesive.
(G) Automotive engine compartment adhesive.

(153) "Specialty adhesive remover" means a product designed to remove reactive adhesives from a variety of substrates. Reactive adhesives include adhesives that require a hardener or catalyst in order for the bond to occur including, but not limited to, the following:
(A) Epoxies.
(B) Urethanes.
(C) Silicones.

The term does not include gasket or thread locking adhesive remover.

(154) "Spot remover" means the following:
(A) Any product labeled to clean localized areas or remove localized spots or stains on cloth or fabric, such as:
(i) drapes;
(ii) carpets;
(iii) upholstery; and
(iv) clothing;
that does not require subsequent laundering to achieve stain removal.
(B) The term does not include the following:
(i) Dry cleaning fluid.
(ii) Laundry prewash.
(iii) Multipurpose solvent.

(155) "Spray buff product" means a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.

(156) "Stick product" means any antiperspirant or deodorant that:
(A) contains active ingredients in a solid matrix form; and
(B) dispenses the active ingredients by frictional action on the affected area.

(157) "Structural waterproof adhesive" means an adhesive:
(A) whose bond lines are resistant to conditions of continuous immersion in fresh or salt water; and
(B) that conforms with Federal Specification MMM-A-181D (Type 1, Grade A)*.
(158) "Table B compound" means any carbon-containing compound listed as an exception to the definition of VOC identified by the CARB in Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 8.5, Section 94508*.
(159) "Terrestrial" means to live on or grow from land.
(160) "Tire sealant and inflation" means any pressurized product that is designed to temporarily inflate and seal a leaking tire.
(161) "Toilet or urinal care product" means the following:
(A) Any product designed or labeled to clean, deodorize, or clean and deodorize toilet bowls, toilet tanks, or urinals. Toilet bowls, toilet tanks, or urinals include, but are not limited to, the following:
(i) Toilets or urinals connected to permanent plumbing in buildings and other structures.
(ii) Portable toilets or urinals placed at temporary or remote locations.
(iii) Toilets or urinals in vehicles, such as the following:
(AA) Buses.
(BB) Recreational motor homes.
(CC) Boats.
(DD) Ships.
(EE) Aircraft.
(B) The term does not include the following:
(i) Bathroom and tile cleaner.
(ii) General purpose cleaner.
(162) "Type A propellant" means a compressed gas, such as carbon dioxide (CO_2), nitrogen (N_2), or nitrous oxide (N_2O), or compressed air that is used as a propellant and is either incorporated with the product or contained in a separate chamber within the product's packaging.
(163) "Type B propellant" means any halocarbon that is used as a propellant including the following:
(A) Chlorofluorocarbons (CFCs).
(B) Hydrochlorofluorocarbons (HCFCs).
(C) Hydrofluorocarbons (HFCs).
(164) "Type C propellant" means any propellant that is not a Type A or Type B propellant, including the following:
(A) Propane.
(B) Isobutane.
(C) n-butane.
(D) Dimethyl ether (also known as dimethyl oxide).
(165) "Undercoating" means any aerosol product designed to impart a protective, nonpaint layer to the undercarriage, trunk interior, or firewall of motor vehicles to prevent the formation of rust or to deaden sound. The term includes, but is not limited to, rubberized, mastic, or asphaltic products.
(166) "Usage directions" means the text or graphics on the product's principal display panel, label, or accompanying literature that describes to the end user how and in what quantity the product is to be used.
(167) "Vinyl, fabric, leather, or polycarbonate coating" means a coating designed and labeled exclusively to coat vinyl, fabric, leather, or polycarbonate substrates.
(168) "VOC content" means, except for charcoal lighter products, the total weight of VOC in a product expressed as a percentage of the product weight (exclusive of the container or packaging), as determined under section 9 of this rule.
(169) "Volatile organic compound" or "VOC" has the meaning set forth in 326 IAC 1-2-90.
(170) "Wasp and hornet insecticide" means any insecticide product that is designed for use against:
(A) wasps;
(B) hornets;
(C) yellow jackets; or
(D) bees;
by allowing the user to spray from a distance a directed stream or burst at the intended insects or their hiding place.
(171) "Waterproofer" means a product designed and labeled exclusively to repel water from fabric or leather substrates. The term does not include fabric protectants.
(172) "Wax" means a material or synthetic thermoplastic substance generally of high molecular weight hydrocarbons or high molecular weight esters of fatty acids or alcohols, except glycerol and high polymers (plastics). The term includes, but is not limited to, the following:
(A) Substances derived from the secretions of plants and animals, such as carnuba wax and

beeswax.
(B) Substances of a mineral origin, such as ozocerite and paraffin.
(C) Synthetic polymers, such as polyethylene.
(173) "Web spray adhesive" means any aerosol adhesive that is not a mist spray or special purpose spray adhesive.
(174) "Wood cleaner" means the following:
(A) A product labeled to clean wooden materials, including, but not limited to, the following:
(i) Decking.
(ii) Fences.
(iii) Flooring.
(iv) Logs.
(v) Cabinetry.
(vi) Furniture.
(B) The term does not include the following:
(i) Dusting aids.
(ii) General purpose cleaners.
(iii) Furniture maintenance products.
(iv) Floor wax strippers.
(v) Floor polishes or waxes.
(vi) Products designed and labeled exclusively to preserve or color wood.
(175) "Wood floor wax" means wax based products for use solely on wood floors.

***These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

(Air Pollution Control Board; 326 IAC 8-15-2)

326 IAC 8-15-3 Standards

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 3. (a) Except as provided in sections 4 through 6 of this rule, no person shall sell, supply, offer for sale, or manufacture for sale in Indiana any consumer product manufactured on or after July 1, 2010, that contains VOCs in excess of the VOC content limits specified in the following table of standards:

Product Category	VOC Standard (percent VOC by weight)
Adhesives:	
Aerosol mist spray	65
Aerosol web spray	55
Special purpose spray adhesives:	
Mounting, automotive engine compartment, and flexible vinyl	70
Polystyrene foam and automotive headliner	65
Polyolefin and laminate repair or edgebanding	60
Construction, panel, and floor	15
Contact	80
Contact general purpose	55
Contact special purpose	80
General purpose	10
Structural waterproof	15
Adhesive removers:	
Floor or wall covering	5
Gasket or thread locking	50
General purpose	20
Specialty	70
Air fresheners:	

Single phase aerosol	30
Double phase aerosol	25
Liquids or pump sprays	18
Solids or semisolids	3
Antiperspirants:	
Aerosol	40 HVOC 10 MVOC
Nonaerosol	0 HVOC 0 MVOC
Antistatic product, nonaerosol	11
Automotive brake cleaners	45
Automotive rubbing or polishing compound	17
Automotive wax, polish, sealant, or glaze:	
Hard paste waxes	45
Instant detailers	3
All other forms	15
Automotive windshield washer fluids	35
Bathroom and tile cleaners:	
Aerosol	7
All other forms	5
Bug and tar remover	40
Carburetor or fuel injection air intake cleaners	45
Carpet and upholstery cleaners:	
Aerosols	7
Nonaerosol (dilutables)	0.1
Nonaerosol (ready-to-use)	3.0
Charcoal lighter material [1]	
Cooking spray, aerosols	18
Deodorants:	
Aerosol	0 HVOC 10 MVOC
Nonaerosol	0 HVOC 0 MVOC
Dusting aids:	
Aerosols	25
All other forms	7
Electrical cleaner	45
Electronic cleaner	75
Engine degreasers:	
Aerosol	35
Nonaerosol	5
Fabric protectants	60
Fabric refresher:	
Aerosol	15
Nonaerosol	6
Floor polishes or waxes:	
Products for flexible flooring materials	7
Products for nonresilient flooring	10
Wood floor wax	90
Floor wax strippers, nonaerosol [2]	
Footwear or leather care products:	
Aerosol	75
Solid	55
Other forms	15

Furniture maintenance products:	
Aerosol	**17**
All other forms except solid or paste	**7**
General purpose cleaners:	
Aerosol	**10**
Nonaerosol	**4**
General purpose degreasers:	
Aerosol	**50**
Nonaerosol	**4**
Glass cleaners:	
Aerosols	**12**
Nonaerosol	**4**
Graffiti remover:	
Aerosol	**50**
Nonaerosol	**30**
Hair mousses	**6**
Hair shines	**55**
Hair sprays	**55**
Hairstyling gels	**6**
Hairstyling products:	
Aerosol and pump sprays	**6**
All other forms	**2**
Heavy-duty hand cleaner or soap	**8**
Insecticides:	
Crawling bug (aerosol)	**15**
Crawling bug (all other forms)	**20**
Flea and tick	**25**
Flying bug (aerosol)	**25**
Flying bug (all other forms)	**35**
Foggers	**45**
Lawn and garden (nonaerosol)	**3**
Lawn and garden (all other forms)	**20**
Wasp and hornet	**40**
Laundry prewash:	
Aerosol or solids	**22**
All other forms	**5**
Laundry starch products	**5**
Metal polish or cleaners	**30**
Multipurpose lubricant (excluding solid or semisolid products)	**50**
Nail polish remover	**75**
Nonselective terrestrial herbicide, nonaerosol	**3**
Oven cleaners:	
Aerosol or pump sprays	**8**
Liquids	**5**
Paint removers or strippers	**50**
Penetrants	**50**
Rubber and vinyl protectants:	
Aerosol	**10**
Nonaerosol	**3**
Sealants and caulking compounds	**4**
Shaving creams	**5**
Shaving gels	**7**
Silicone based multipurpose lubricants (excluding solid or semisolid products)	**60**
Spot removers:	
Aerosol	**25**

Nonaerosol	**8**
Tire sealants and inflators	**20**
Toilet or urinal care:	
Aerosol	**10**
Nonaerosol	**3**
Undercoatings, aerosol	**40**
Wood cleaner:	
Aerosol	**17**
Nonaerosol	**4**

[1] See subsection (f) regarding charcoal lighter material standards.

[2] See subsection (h) regarding floor wax strippers.

(b) No person shall:
(1) sell;
(2) supply;
(3) offer for sale; or
(4) manufacture for sale;
in Indiana any antiperspirant or deodorant that contains any compound that has been identified by the CARB in Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 7, Section 93000* as a toxic air contaminant.

(c) Products that are diluted prior to use shall satisfy the following requirements:
(1) For consumer products for which the label, packaging, or accompanying literature specifically states that the product should be diluted with water or non-VOC solvent prior to use, the VOC content limits specified in subsection (a) shall apply to the product only after the minimum recommended dilution has taken place. For purposes of this rule, minimum recommended dilution shall not include recommendations for incidental use of a concentrated product to deal with limited special applications such as hard-to-remove soils or stains.
(2) For consumer products for which the label, packaging, or accompanying literature states that the product should be diluted with any VOC solvent prior to use, the limits specified in subsection (a) shall apply to the product only after the maximum recommended dilution has taken place.

(d) The following provisions apply to the sell-through of products:
(1) Notwithstanding the provisions of subsections (a) and (g), a consumer product manufactured prior to the effective date of this rule, July 1, 2010, may be sold, supplied, or offered for sale after the effective date of this rule, July 1, 2010.
(2) Subdivision (1) does not apply to any consumer product that does not display on the product container or package the date on which the product was manufactured, or a code indicating the date, in accordance with section 6(a) of this rule.

(e) For consumer products subject to this rule that are registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. Section 136, et seq.), the effective date of the VOC standards specified in subsection (a) is July 1, 2011.

(f) The following requirements apply to all charcoal lighter materials:
(1) No person shall sell, supply, or offer for sale after July 1, 2010, any charcoal lighter material product unless at the time of the transaction the manufacturer can demonstrate that the product has been issued a currently effective certification by one (1) of the following:
(A) The CARB under the Consumer Products provisions under Subchapter 8.5, Article 2, Section 94509(h), of Title 17 of the California Code of Regulations*. The certification remains in effect for Indiana for as long as the CARB certification remains in effect.
(B) A certification by an air pollution control agency of another state and the U.S. EPA. The certification must be current at the time of the transaction.
(2) Upon request by the department, a manufacturer claiming certification in accordance with subdivision (1) shall submit to the department a copy of the certification decision, that is, the Executive Order, including all conditions established by CARB applicable to the certification.

(g) The following requirements apply to aerosol adhesives:
(1) The VOC standards for aerosol adhesives apply to all uses of aerosol adhesives including consumer, industrial, and commercial uses. Except as otherwise provided in sections 4 and 5 of this rule, no person shall sell, supply, offer for sale, use, or manufacture for sale in Indiana any aerosol adhesive that, at the time of sale, use, or manufacture, contains VOCs in excess of the VOC limits specified in subsection (a).
(2) In order to qualify as a special purpose spray adhesive, the product must meet one (1) or more of the definitions in section 2 of this rule, but if the product label indicates that the product is suitable for use on any substrate or application not listed in one (1) of the definitions for special purpose spray adhesive, then the product shall be classified as either a web spray adhesive or a mist spray adhesive. If a product:
(A) meets more than one (1) of the definitions in section 2 of this rule for a special purpose spray adhesive; and
(B) is not classified as a web spray adhesive or mist spray adhesive;
then the VOC content limit for the product shall be the lowest applicable VOC content limit specified in subsection (a).
(3) Effective, July 1, 2010, no person shall sell, supply, offer for sale, or manufacture for use in Indiana any aerosol adhesive that contains any of the following compounds:
(A) Methylene chloride.
(B) Perchloroethylene.
(C) Trichloroethylene.
(4) All aerosol adhesives must comply with the labeling requirements specified in section 6 of this rule.

(h) The following requirements apply to floor wax strippers:
(1) The label of each nonaerosol floor wax stripper must specify a dilution ratio for light or medium buildup of polish that results in an as-used VOC concentration of three percent (3%) by weight or less.
(2) If a nonaerosol floor wax stripper is also intended to be used for removal of heavy buildup of polish, the label of that floor wax stripper must specify a dilution ratio for heavy buildup of polish that results in an as-used VOC concentration of twelve percent (12%) by weight or less.
(3) The terms "light buildup", "medium buildup", or "heavy buildup" are not specifically required as long as comparable terminology is used.

(i) The following requirements apply to products containing ozone depleting compounds:
(1) For any consumer product subject to subsection (a), no person shall sell, supply, offer for sale, or manufacture for sale in Indiana any consumer product that contains any of the following ozone depleting compounds:
(A) Trichlorofluoromethane (CFC-11).
(B) Dichlorodifluoromethane (CFC-12).
(C) 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113).
(D) 1-chloro-1,1-difluoro-2-chloro-2,2-difluoroethane (CFC-114).
(E) Chloropentafluoroethane (CFC-115).
(F) Bromochlorodifluoromethane (Halon 1211).
(G) Bromotrifluoromethane (Halon 1301).
(H) Dibromotetrafluoroethane (Halon 2402).
(I) Chlorodifluoromethane (HCFC-22).
(J) 2,2-dichloro-1,1,1-trifluoroethane (HCFC-123).
(K) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124).
(L) 1,1-dichloro-1-fluoroethane (HCFC-141b).
(M) 1-chloro-1,1-difluoroethane (HCFC-142b).
(N) 1,1,1-trichloroethane.
(O) Carbon tetrachloride.
(2) The requirements in subdivision (1) shall not apply to any existing product formulation that:
(A) complies with the VOC content limits listed in subsection (a); or
(B) is reformulated to meet the VOC content limits in subsection (a) provided the ozone depleting compound content of the reformulated product does not increase.
(3) The requirements of subdivision (1) shall not apply to any ozone depleting compounds that may be present as impurities in a consumer product in an amount equal to or less than one-hundredth of one percent (0.01%) by weight of the product.

(j) The following requirements apply to adhesive removers, contact adhesives, electrical cleaners, electronic cleaners, footwear or leather care products, general purpose degreasers, and graffiti removers:
(1) Except as provided in subdivisions (2) and (4), effective July 1, 2010, no person shall sell, supply, offer for sale, or manufacture for use in Indiana any contact adhesive, electronic cleaner, footwear or leather care product, or general purpose degreaser that contains any of the following compounds:
(A) Methylene chloride.
(B) Perchloroethylene.
(C) Trichloroethylene.
(2) Products manufactured before July 1, 2010, may be sold, supplied, or offered for sale until July 1, 2013, so long as the product container or package displays the date on which the product was manufactured, or a code indicating the date, in accordance with section 6(a) of this rule.
(3) Any person who sells or supplies a consumer product identified in subdivision (1) must notify the purchaser of the product in writing that the sell-through period for that product will end on July 1, 2013, if both of the following conditions are met:
(A) The product is sold or supplied to a distributor or retailer.
(B) The product is sold or supplied on or after June 30, 2012.
(4) The requirements of subdivisions (1) and (3) shall not apply to any contact adhesive, electronic cleaner, footwear or leather care product, or general purpose degreaser containing methylene chloride, perchloroethylene, or trichloroethylene that is present as an impurity in a combined amount equal to or less than one-hundredth of one percent (0.01%) by weight.

(k) The following requirements apply to solid air fresheners and toilet or urinal care products:
(1) Notwithstanding subdivision (2), effective July 1, 2010, no person shall:
(A) sell;
(B) supply;
(C) offer for sale; or
(D) manufacture for use;
in Indiana any solid air fresheners or toilet or urinal care products that contain para-dichlorobenzene.
(2) Solid air fresheners and toilet or urinal care products that:
(A) contain para-dichlorbenzene; and
(B) were manufactured before July 1, 2010;
may be sold, supplied, or offered for sale until July 1, 2011, so long as the product container or package displays the date on which the product was manufactured, or a code indicating such date, in accordance with section 6(a) of this rule.
(3) Notification for products sold during the sell-through period. Any person who sells or supplies any solid air fresheners or toilet or urinal care product that contains para-dichlorobenzene must notify the purchaser of the product in writing that the sell-through period for the product will end on July 1, 2011, if both of the following conditions are met:
(A) The product is sold or supplied to a distributor or retailer.
(B) The product is sold or supplied on or after December 30, 2010.

***These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

(Air Pollution Control Board; 326 IAC 8-15-3)

326 IAC 8-15-4 Exemptions

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 4. (a) This rule shall not apply to any consumer product manufactured in Indiana for shipment and use outside of Indiana.

(b) This rule shall not apply to a manufacturer or distributor who sells, supplies, or offers for sale in Indiana a consumer product that does not comply with the VOC standards specified in section 3(a) of this

rule, as long as the manufacturer or distributor can demonstrate both that the:
(1) consumer product is intended for shipment and use outside of Indiana; and
(2) manufacturer or distributor has taken reasonable prudent precautions to assure that the consumer product is not distributed in Indiana.

(c) Subsection (b) does not apply to consumer products that are sold, supplied, or offered for sale by any person to retail outlets in Indiana.

(d) The MVOC content standards specified in section 3(a) of this rule for antiperspirants or deodorants shall not apply to ethanol.

(e) The VOC limits specified in section 3(a) of this rule shall not apply to the following:
(1) Fragrances up to a combined level of two percent (2%) by weight contained in any consumer product and shall not apply to colorants up to a combined level of two percent (2%) by weight contained in any antiperspirant or deodorant.
(2) Antiperspirants or deodorants, for those VOCs that contain more than ten (10) carbon atoms per molecule and for which the vapor pressure is unknown, or that have a vapor pressure of two (2) mm Hg or less at twenty (20) degrees Celsius.
(3) Any LVP-VOC.
(4) Air fresheners that are comprised entirely of fragrance, less compounds not defined as VOCs under section 2 of this rule or exempted under subdivision (3).
(5) Insecticides containing at least ninety-eight percent (98%) para-dichlorobenzne.
(6) Adhesives sold in containers of one (1) fluid ounce or less.
(7) Bait station insecticides. For purposes of this subsection, "bait station insecticides" means containers enclosing an insecticidal bait that is not more than five-tenths (0.5) ounce by weight, where the bait is:
(A) designed to be ingested by insects; and
(B) composed of solid material feeding stimulants with less than five percent (5%) active ingredients.

(f) The requirements of section 6(a) of this rule shall not apply to consumer products registered under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136, et seq.)*.

***This document is incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

(Air Pollution Control Board; 326 IAC 8-15-4)

326 IAC 8-15-5 Innovative products exemption

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 5. (a) A consumer product is exempt from the VOC limit requirements of section 3(a) of this rule if the manufacturer has been granted an innovative product exemption by one (1) of the following:
(1) The CARB under the Innovative Products provisions in:
(A) Subchapter 8.5, Article 2, Section 94511 of Title 17 of the California Code of Regulations; or
(B) Subchapter 8.5, Article 1, Section 94503.5 of Title 17 of the California Code of Regulations.
(2) The air pollution control agency of another state that has adopted a consumer and commercial product rule with an innovative products exemption provision substantially equivalent to the OTC "Model Rule for Consumer Products*", September 13, 2006.

(b) An innovative products exemption in accordance with subsection (a) shall be valid for use in Indiana when all of the following requirements are met:
(1) The innovative product exemption is still in effect and has not expired.
(2) The manufacturer claiming an innovative products exemption in accordance with subsection (a)(1)

shall do the following:

(A) Submit to the department a copy of the CARB innovative product exemption decision, that is, the Executive Order, including all conditions established by CARB applicable to the exemption.

(B) Maintain all information specified in the innovative product exemption approving an innovative product application for a minimum of three (3) years after the expiration of the exemption.

(C) Make all records available to the department or the U.S. EPA upon request.

(3) The manufacturer claiming an innovative products exemption in accordance with subsection (a)(2) shall certify to the department the following:

(A) The product (including its form) for which the innovative products exemption is being used to comply with this rule satisfies the following requirements:

(i) The product belongs to a chemically formulated consumer product category that is subject to a VOC content limit in section 3(a) of this rule.

(ii) The VOC content limit promulgated for this product by the air pollution control agency that issued the innovative products exemption is equal to or more stringent than the most stringent applicable VOC content limit specified in section 3(a) of this rule.

(B) The manufacturer must demonstrate to the department by clear and convincing evidence that, due to some characteristic of the product formulation, design, delivery systems, or other fact, the use of the product will result in less VOC emissions compared to either the VOC emissions from a representative chemically formulated consumer product that complies with the VOC content limits in section 3(a) of this rule, or as compared to the calculated VOC emissions from a noncomplying representative product, if the product has been reformulated to comply with the VOC limits specified in section 3(a) of this rule.

(C) Prior to relying on an innovative products exemption for compliance, the manufacturer must submit to the department the following information:

(i) A statement that, for a specified chemically formulated consumer product that it manufactures, the manufacturer intends to comply with this section under an innovative products exemption rather than meet the applicable VOC content limits in section 3(a) of this rule.

(ii) The brand name of the consumer product, and the specific chemically formulated consumer product category in section 3(a) of this rule that the product belongs to, including its forms (if applicable).

(iii) A copy of the following:

(AA) The documents setting forth the innovative products exemption.

(BB) The issuing state's air pollution control agency's approval.

(CC) The issuing state's air pollution control agency's conditions of approval.

(DD) The demonstration of clause (B).

(EE) Any documents from the issuing state's air pollution control agency that subsequently modifies or terminates its conditions of approval.

(FF) Documentation demonstrating compliance with the innovative products exemption.

(iv) A statement that the innovative products exemption and the product or products for which the innovative products exemption is being used conform with the requirements of clauses (A) and (B) and this clause.

(c) If the VOC limits specified in section 3(a) of this rule are lowered for a product category through any subsequent rulemaking, all innovative product exemptions granted for products in the product category shall have no force and effect as of the effective date of the modified VOC standard. This subsection shall not apply to those innovative products that have VOC emissions less than the applicable lowered VOC limit and for which a written notification of the product's emissions status versus the lowered VOC limit has been submitted to and approved by the department at least sixty (60) days before the effective date of the limits.

(d) If the consumer product for which an exemption has been granted no longer meets the criteria for an innovative product exemption, the department may revoke the exemption as necessary.

***These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

(Air Pollution Control Board; 326 IAC 8-15-5)

326 IAC 8-15-6 Alternative control plan

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 6. (a) The purpose of this section is to provide an alternative method to comply with the limits in section 3(a) of this rule by allowing responsible ACP parties the option of voluntarily entering into separate ACPs for consumer products as specified in this section. Only responsible ACP parties for consumer products may enter into an ACP.

(b) Any manufacturer of consumer products shall be exempt from the VOC limit requirements of section 3(a) of this rule if they have been granted an ACP agreement by one (1) of the following:
(1) The CARB under the provisions in Subchapter 8.5, Article 4, Sections 9450-94555, of Title 17 of the California Code of Regulations.
(2) The air pollution control agency of another state that has adopted a consumer and commercial product rule with ACP provisions substantially equivalent to the OTC "Model Rule for Consumer Products"*, September 13, 2006.

(c) An ACP agreement in accordance with subsection (b) shall be valid for use in Indiana when all of the following requirements are met:
(1) The ACP agreement is in effect and has not expired.
(2) The responsible ACP party claiming an exemption in accordance with subsection (b)(1) shall do the following:
(A) Submit to the department the following:
(i) A copy of the CARB ACP decision, that is, the Executive Order, including all conditions established by CARB applicable to the exemption.
(ii) A statement that all ACP products within the ACP agreement are subject to the VOC limits in section 3(a) of this rule.
(B) Maintain all information specified in the ACP agreement approving an ACP exemption for a minimum of three (3) years after the expiration of the ACP.
(C) Make all records available to the department or the U.S. EPA upon request.
(3) The responsible ACP party claiming an exemption in accordance with subsection (b)(2) shall certify to the department the following:
(A) The product (including its form) for which ACP agreement exemption is being used to comply with this rule satisfies the following requirements:
(i) The product belongs to a chemically formulated consumer product category that is subject to a VOC content limit in section 3(a) of this rule.
(ii) The VOC content limit promulgated for this product by the air pollution control agency that issued the ACP agreement is equal to or more stringent than the most stringent applicable VOC content limit specified in section 3(a) of this rule.
(B) Prior to relying on an ACP agreement for compliance, the responsible ACP party must submit to the department the following information:
(i) A statement that, for a specified chemically formulated consumer product that it manufactures, the manufacturer intends to comply with this section under an ACP agreement rather than meet the applicable VOC content limits in section 3(a) of this rule.
(ii) The brand name of the consumer product, and the specific chemically formulated consumer product category in section 3(a) of this rule that the product belongs to, including its forms (if applicable).
(iii) A copy of the following:
(AA) The documents setting forth the ACP agreement.
(BB) The issuing state's air pollution control agency's approval.
(CC) The issuing state's air pollution control agency's conditions of approval.
(DD) Any documents from the issuing state's air pollution control agency that subsequently modifies or terminates its conditions of approval.
(EE) Documentation demonstrating compliance with the ACP agreement.
(iv) A statement that the ACP agreement and the product or products for which the ACP agreement is being used conform with the requirements of clause (A) and this clause.

(d) The responsible ACP party shall notify the department, in writing, of any change not later than

fifteen (15) working days from the date that a change occurs in an ACP product's:
(1) name;
(2) formulation;
(3) form;
(4) function;
(5) applicable product category or categories;
(6) VOC content;
(7) LVP content;
(8) date codes; or
(9) recommended product usage directions.

(e) If the VOC limits specified in section 3(a) of this rule are lowered for a product category through any subsequent rulemaking, all ACP agreements granted for products in the product category shall have no force and effect as of the effective date of the modified VOC standard. This subsection shall not apply to those ACP agreements that have VOC emissions less than the applicable lowered VOC limit and for which a written notification of the product's emissions status versus the lowered VOC limit has been submitted to and approved by the department at least sixty (60) days before the effective dates of the limits.

(f) The responsible ACP party shall notify the department, in writing, upon learning that a requirement of subsection (c) is no longer satisfied.

(g) If the ACP agreement does not meet the requirements of subsection (c), the department may revoke the exemption as necessary.

(Air Pollution Control Board; 326 IAC 8-15-6)

326 IAC 8-15-7 Administrative requirements

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 7. (a) Each manufacturer of a consumer product subject to this rule shall clearly display on each consumer product container or package, the day, month, and year that the product was manufactured, or a code indicating the date according to the following requirements:
(1) A manufacturer who uses the following code to indicate the date of manufacture shall not be subject to the requirements of subsection (b) if the code is represented separately from other codes on the product container so that it is easily recognizable:

YY DDD = year year day day day

Where:	**YY**	**=**	**two (2) digits representing the year in which the product was manufactured; and**
	DDD	**=**	**three (3) digits representing the day of the year on which the product was manufactured, with 001 representing the first day of the year, 002 representing the second day of the year, and so forth, that is, the Julian date.**

(2) The date or code shall be displayed on each consumer product container or package not later than January 1, 2010.
(3) The date or code information shall be located on the container or inside the cover or cap so that it is readily observable or obtainable without irreversibly disassembling any part of the container or packaging. For the purpose of this subdivision, information may be displayed on the bottom of a container as long as it is clearly legible without removing any product packaging.
(4) The requirements of this subsection shall not apply to product containing no VOCs or containing VOCs at one-tenth percent (0.10%) by weight or less.

(b) Additional product dating requirements are as follows:
(1) If a manufacturer uses a code indicating the date of manufacture, for any consumer product subject to this rule, an explanation of the date portion of the code shall be filed with the department

not later than January 1, 2010.
(2) If a manufacturer changes any code indicating the date of manufacture for any product subject to subdivision (1), an explanation of the modified code shall be submitted to the department before any products displaying the modified code are sold, supplied, or offered for sale in Indiana.
(3) No person shall:
(A) erase;
(B) alter;
(C) deface;
(D) otherwise remove; or
(E) make illegible;
any date or code indicating the date of manufacture from any regulated product container without the express authorization of the manufacturer.
(4) Date code explanations for codes indicating the date of manufacture:
(A) are public information; and
(B) may not be claimed as confidential.

(c) Additional labeling requirements for aerosol adhesives, adhesive removers, electronic cleaner, electrical cleaner, energized electrical cleaner, and contact adhesives are as follows:
(1) In addition to the requirements specified in this section and section 7 of this rule, both the manufacturer and responsible party for each aerosol adhesive, adhesive remover, electronic cleaner, electrical cleaner, energized electrical cleaner, and contact adhesive product subject to this rule shall ensure that all products clearly display the following information on each product container that is manufactured on or after July 1, 2010:
(A) The product category as specified in section 3(a) of this rule or an abbreviation of the category.
(B) The applicable VOC standard for the product as specified in section 3(a) of this rule, except for energized electrical cleaner, expressed as a percentage by weight, unless the product is included in an ACP approved by the department in accordance with section 5 of this rule, and the product exceeds the applicable VOC content limit.
(C) If the product is included in an approved ACP and the product exceeds the applicable VOC content limits in section 3(a) of this rule, the product shall be labeled with the term "ACP" or "ACP product".
(D) If the product is classified as a special purpose spray adhesive, the applicable substrate or application, or both, or an abbreviation of the substrate or application that qualifies the product as special purpose.
(E) If the manufacturer or responsible party uses an abbreviation as allowed by clause (D), an explanation of the abbreviation must be filed with the department before the abbreviation is used.
(2) The information required by subsection (a) shall be displayed on the product container such that it is readily observable without removing or disassembling any portion of the product container or packaging. For the purposes of this rule, information may be displayed on the bottom of a container as long as it is clearly legible without removing any product packaging.
(3) No person shall:
(A) remove;
(B) alter;
(C) conceal; or
(D) deface;
the information required in subdivision (1) prior to final sale of the product.

(d) The following most restrictive limits apply:
(1) For products manufactured before July 1, 2010, and FIFRA registered insecticides manufactured before July 1, 2011, the following apply:
(A) Notwithstanding the definition of product category, as defined in section 2 of this rule, if anywhere on the principal display panel of any consumer product any representation is made that the product may be used as, or is suitable for use as, a consumer product for which a lower VOC content limit is specified in section 3(a) of this rule, then the lowest VOC limit shall apply.
(B) This requirement does not apply to general purpose cleaners, antiperspirant or deodorant products, and insecticide foggers.
(2) For products manufactured on or after July 1, 2010, and FIFRA registered insecticides manufactured on or after July 1, 2011, the following apply:
(A) Notwithstanding the definition of product category, as defined in section 2 of this rule, if anywhere on the container or packaging of any consumer product, or on any sticker or label affixed

thereto, any representation is made that the product may be used as, or is suitable for use as, a consumer product for which a lower VOC content limit is specified in section 3(a) of this rule, then the lowest VOC limit shall apply.
(B) This requirement does not apply to general purpose cleaners, antiperspirant or deodorant products, and insecticide foggers.

(Air Pollution Control Board; 326 IAC 8-15-7)

326 IAC 8-15-8 Record keeping and reporting requirements

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 8. (a) The department may require any responsible party to report information, within ninety (90) days written notice, for any consumer product or products the department may specify, including, but not limited to, all or part of the following information:
(1) The name, address, and telephone number of the responsible party and the name and telephone number of the responsible party's designated contact person.
(2) Any claim of confidentiality made under 326 IAC 17.1.
(3) The product brand name for each consumer product and the product label.
(4) The product category to which the consumer product belongs.
(5) The applicable product form or forms listed separately.
(6) An identification of each product brand name and form as a "Household Product" or "I & I Product", or both.
(7) Separate Indiana sales in pounds per year, to the nearest pound, and the method used to calculate Indiana sales for each product form.
(8) For information submitted by multiple companies, an identification of each company that is submitting relevant data, separate from that submitted by the responsible party. All information from all companies shall be submitted within ninety (90) days written notice from the department.
(9) For each product brand name and form, the net percent by weight of the total product, less container and packaging, comprised of the following, rounded to the nearest one-tenth percent (0.1%):
(A) Total of Table B compounds.
(B) Total of LVP-VOCs that are not fragrances.
(C) Total of all other carbon containing compounds that are not fragrances.
(D) Total of all noncarbon containing compounds.
(E) Total of fragrance.
(F) For products containing greater than two percent (2%), by weight, fragrance:
(i) the percent of fragrance that is LVP-VOCs; and
(ii) the percent of fragrance that is all other carbon containing compounds.
(G) Total of para-dichlorobenzene.
(10) For each product brand name and form, the identity, including the specific chemical name and associated Chemical Abstract Services (CAS) number, of the following:
(A) Each Table B compound.
(B) Each LVP-VOC that is not a fragrance.
(11) If applicable, the weight percent comprised of propellant for each product.
(12) If applicable, an identification of the type of propellant (Type A, Type B, Type C, or a blend of the different types).

(b) If the responsible party does not have or does not provide the information requested, the department may require the reporting of this information by the person that has the information, including, but not limited to, any of, the following:
(1) The formulator.
(2) The manufacturer.
(3) The supplier.
(4) The parent company.
(5) The private labeler.
(6) The distributor.
(7) The repackager.

(c) The following special reporting requirements apply to consumer products subject to this rule that contain perchloroethylene or methylene chloride:

(1) For each consumer product that contains perchloroethylene or methylene chloride, the responsible party shall report the following information for products sold in Indiana upon request of the department within ninety (90) days written notice:

(A) The product brand name and a copy of the product label with legible usage instructions.

(B) The product category to which the consumer product belongs.

(C) The applicable product form or forms (listed separately).

(D) For each product form listed, the total sales in Indiana during the calendar year, to the nearest pound (exclusive of the container and packaging), and the method used for calculating the Indiana sales.

(E) The weight percent, to the nearest one-tenth percent (0.10%), of perchloroethylene and methylene chloride in the consumer product.

(2) For purposes of this subsection, "contains perchloroethylene or methylene chloride" means the product contains one percent (1.0%) or more by weight (exclusive of the container or packaging) of either perchloroethylene or methylene chloride.

(d) Persons subject to this rule shall do the following:

(1) Maintain all records for a minimum of three (3) years.

(2) Make records available to the department and U.S. EPA upon request.

(e) Any person supplying information under this rule may request that the information be kept confidential as trade secret information, and the department will evaluate the claim in accordance with 326 IAC 17.1.

(Air Pollution Control Board; 326 IAC 8-15-8)

326 IAC 8-15-9 Test methods

Authority: IC 13-14-8; IC 13-17-3-4
Affected: IC 13-12

Sec. 8. (a) Testing to determine compliance with the VOC content limits specified in section 3(a) of this rule shall be performed using either of the following:

(1) CARB Method 310*, "Determination of Volatile Organic Compounds in Consumer Products".

(2) An alternative method that is shown to accurately determine the concentration of VOCs in a product. The alternative method must first be approved in writing by the department and U.S. EPA.

(b) Compliance with the VOC content limits specified in section 3(a) of this rule may be demonstrated through calculation of the VOC content of a consumer product from records of the amounts of constituents used to make the product (excluding packaging), under the following criteria:

(1) Compliance determinations based on these records may not be used unless the manufacturer of a consumer product keeps accurate records for each day of production of the amount and chemical composition of the individual product constituents. A manufacturer subject to this rule shall do the following:

(A) Maintain all records for a minimum of three (3) years.

(B) Make records available to the department and U.S. EPA upon request.

(2) For purposes of this section, the VOC content of a product shall be calculated according to the following equation:

$$\text{VOC Content} = \frac{B - C}{A} \times 100$$

Where:
A = Total net weight of a unit of product (excluding any packaging).
B = Total weight of all VOCs, per unit.
C = Total weight of VOCs exempted, per unit.

(3) If product records appear to demonstrate compliance with the VOC limits, but these records are contradicted by product testing performed using CARB Method 310*, the results of CARB Method

310*:
(A) shall take precedence over the product records; and
(B) may be used to establish a violation of the requirements of the VOC content limits in section 3(a) of this rule.

(c) Testing to determine whether a product is a liquid or a solid shall be performed using ASTM D 4359-90(2000)e1*.

(d) Testing to determine distillation points of petroleum distillate based charcoal lighter materials shall be performed using ASTM D 86-04b (2004)*.

(e) No person shall create, alter, falsify, or otherwise modify records in such a way that the records do not accurately reflect:
(1) the constituents used to manufacture a product;
(2) the chemical composition of the individual product; and
(3) any other test, processes, or records used in connection with product manufacture.

***These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

(Air Pollution Control Board; 326 IAC 8-15-9)

Notice of Public Hearing

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