TITLE 326 AIR POLLUTION CONTROL BOARD

Proposed Rule
LSA Document #07-351

DIGEST

Adds 326 IAC 8-15 concerning emissions of volatile organic compounds from consumer and commercial products in Indiana. Effective 30 days after filing with the Publisher.

HISTORY

First Notice of Comment Period: June 27, 2007, Indiana Register (DIN: 20070627-IR-326070351FNA).
Second Notice of Comment Period: January 21, 2009, Indiana Register (DIN: 20090121-IR-326070351SNA).
Notice of Public Hearing: January 21, 2009, Indiana Register (DIN: 20090121-IR-326070351PHA).
Change in Notice of Public Hearing: February 3, 2010, Indiana Register (DIN: 20100203-IR-326070351CHA).
Change in Notice of Public Hearing: April 28, 2010, Indiana Register (DIN: 20100428-IR-326070351CHA).
Date of First Hearing: June 2, 2010.
Fiscal Impact Statement: June 30, 2010, Indiana Register (DIN: 20100630-IR-326070351FIA).

PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4 until the board has conducted a third comment period that is at least 21 days long.

Because this proposed rule is not substantively different from the draft rule published on January 21, 2009, at 20090121-IR-326070351SNA, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

IDEM requested public comment from January 1, 2009, through February 20, 2009, on IDEM's draft rule language. IDEM received comments from the following parties:

Alliance of Automobile Manufacturers (AAM)
Consumer Specialty Products Association (CSPA)
Improving Kids' Environment (IKE)
Personal Care Products Council (PCPC)
SchiffHardin, LLP (SH)

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

Comment: Improving Kids' Environment, Inc. (IKE) is fully supportive of IDEM's proposal to adopt this rule, which has been identified by the Lake Michigan States as one of a package of rules that will address regional emissions of ozone precursors. These numerous and ubiquitous products, which include personal care, household, automotive and many other items, emit volatile organic compounds (VOC) that contribute to regional ozone formation. Many of these chemicals are also toxic and may have adverse impacts on public health. With a number of Indiana counties measuring air quality in excess of the federal ozone standard and given that Indiana's emissions contribute to air quality in downwind states, all reasonable measures should be taken to reduce Indiana's VOC emissions.

The rule is a great example of pollution prevention, because it restricts the VOC content of the products themselves rather than controlling the emissions afterwards. Implementation and compliance assurance is therefore straightforward for manufacturers, retailers and regulators. IKE supports IDEM's use of the Ozone Transport Commission (OTC) model rule, which other states are using as well. This kind of program must be uniform throughout the country, given the regional and national nature of the markets for these products.

IKE agrees that IDEM should move forward with this rule now. When and if U.S. EPA undertakes amendments to the current federal rule (which are likely to be consistent with the OTC rule in any event), the Indiana Air Pollution Control Board can consider any appropriate changes.

IKE has two questions about the draft rule:

1) What percentage of VOC inventory do these products represent and what is the VOC reduction impact expected to be once this rule is implemented?

2) The notice says that the draft rule is "primarily based on the OTC model rule." What are the specific differences? (IKE)

Response: IDEM recognizes the importance of addressing the ozone issue from a regional perspective. This rulemaking, in conjunction with the rulemakings conducted by the other LADCO states, will assist in controlling VOCs in order to ensure compliance with U.S. EPA's newly issued 8-hour ozone standard and the proposed revised standard currently under consideration.

When U.S. EPA amends the existing federal consumer and commercial products (CCP) rule (40 CFR Part 59, Subpart C), IDEM will amend the state CCP rule, if necessary. However, to date, U.S. EPA has not published their proposed revisions to the federal consumer and commercial products rule.

Regarding IKE's questions about this rulemaking:

1) What percentage of VOC inventory do these products represent and what is the VOC reduction impact expected to be once this rule is implemented?

The federal CCP rule limits the VOC content of 24 product categories, or approximately 48 percent of the CCPs inventory nationwide. U.S. EPA estimates that VOC emissions from those 24 product categories are reduced by 20 percent. Since over half the inventory is unregulated by the federal rule, the OTC developed the model rule to regulate additional CCP categories and have more stringent VOC content limits than the federal rule. The emission reductions for the OTC model rule are estimated to be 14.2 percent of the total consumer product inventory beyond the national rule reduction. Indiana estimates an incremental emissions reduction of 3,154 tons per year of VOC beyond the reductions achieved from the federal rule.

2) The notice says that the draft rule is "primarily based on the OTC model rule." What are the specific differences?

The majority of changes to the OTC model rule were formatting changes in order to comply with Indiana's requirements for administrative rules. Additionally, IDEM did not include the following provisions from the OTC model rule: the variance provision (section 8); individual state approval of the Alternative Control Plan (ACP) or the innovative products exemption; optional state-specific certification procedures for charcoal lighter materials; the VOC content limits for toilet and urinal care products; and the ban on para-dichlorobenzene (PDCB) in solid air fresheners and toilet or urinal care products.

The OTC model rule variance provision was unnecessary because Indiana's variance procedures are statutorily prescribed and apply to all rules adopted by the Air Pollution Control Board. Indiana's statutory variance provisions can be found in the Indiana Code §13-14-8-8. The model rule's language regarding individual state approval of the ACP or innovative products exemption and state-specific certification procedures for charcoal lighter materials were not included because Indiana determined that it is not necessary to require the department to make these determinations. The draft rule language may allow a consumer product to be exempt from the Indiana CCP rule if it has been granted an innovative product exemption or an ACP by the California Air Resources Board or any air pollution control agency of another state that has adopted a CCP rule substantially equivalent to the OTC model rule (326 IAC 8-15-5 Innovative products exemption and 326 IAC 8-15-6 Alternative control plan). Finally, the VOC content limit for toilet and urinal care products, and the ban on (PDCB), has not been included in Indiana's CCP rule in order to ensure that Indiana's CCP rule is consistent with surrounding states. Neither Ohio or Illinois included the ban of PDCB in solid air fresheners and toilet or urinal care products, and both removed the VOC content limits for toilet and urinal care products.

Comment: The Consumer Specialty Products Association (CSPA) is a voluntary, non-profit national trade association representing approximately 250 companies engaged in the manufacture, formulation, distribution, and sale of products for household, institutional, commercial and industrial use. CSPA member companies manufacture and market more than two-thirds of the broad product categories covered by IDEM's proposed regulation and the OTC's Model Rule. CSPA understands IDEM's need to expeditiously promulgate enforceable regulations to achieve additional reductions in VOC emissions. As a practical matter, eight states' OTC-based final regulations establish January 1, 2009, as the effective date for new VOC standards. Since CSPA member companies already have taken necessary actions to reformulate their products to comply with the January 2009 deadline in these other states, CSPA supports IDEM's proposal to establish July 1, 2010, as the effective date for Indiana's new VOC limits and related regulatory requirements. (CSPA)

Response: IDEM had to complete a fiscal impact analysis for this rulemaking as required under Indiana Code, § 4-22-2-28(c) and (e), which added additional time to the rulemaking schedule, and made IDEM's original proposed implementation date of January 1, 2010 impractical. Therefore, IDEM has amended the implementation date to January 1, 2011.

Comment: CSPA supports the promulgation of the 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. Moreover, adoption of uniform regional regulations is a practical necessity for small businesses since they generally lack the staff resources to ensure that the companies products comply with a patchwork of different (and potentially conflicting) state-specific requirements. Therefore, CSPA supports IDEM's proposal to join other states' environmental agencies in developing uniform regulatory requirements for consumer products based upon the OTC model rule. Uniform state regulations will improve air quality without imposing unnecessary impediments to interstate commerce. (CSPA)

Comment: The Personal Care Products Council (PCPC) is the national trade association representing the personal care products industry, representing approximately 600 members involved in the manufacture and distribution of cosmetics, toiletries, and fragrances in Indiana and throughout the United States. Many of these companies are based in Indiana and/or have significant facilities in the State.

While we have supported efforts by U.S. EPA and environmental authorities in several states to reduce

emissions from consumer products as part of their efforts to improve air quality, it is of critical importance that implementing regulations ensure that feasibility of continuing to sell such products across state lines while maintaining consistent quality and safety. In pursuit of this goal, we have worked cooperatively with U.S. EPA, the California Air Resources Board (CARB), the OTC and the growing number of jurisdictions that have taken action to adopt the OTC model rule to ensure the greatest degree of consistency possible among the many jurisdictions.

We commend IDEM on substantially adhering to the revised OTC model rule in this revision. The PCPC worked closely with the OTC on the adoption of both its original regulation and the 2006 updated version. Our support for these efforts stems from the critical need of our members to have state regulations that are both technologically and commercially feasible for compliance and that permit the sale of uniform products across state lines, and we are gratified to note that IDEM appears to have followed the OTC model rule closely. (PCPC)

Response: IDEM understands the importance of consistency for a rulemaking that affects CCPs that are sold nationwide. Ensuring that Indiana's VOC CCP rules are consistent with other LADCO and OTC states has been an important consideration for the department when drafting the rule language.

Comment: The Alliance of Automobile Manufacturers (Alliance) is a coalition of eleven car and light-duty truck manufacturers. Several Alliance members have automobile and light-duty truck assembly plants with surface coating operations as well as other types of facilities that are located in Indiana.

In 1998, U.S. EPA issued a final list of categories of products to be regulated under the Clean Air Act, Section 183(e). The list included consumer products, for which U.S. EPA issued a national rule, as well as auto and light-duty truck assembly coatings. U.S. EPA issued a final Control Techniques Guidelines (CTG) document in October 2008 that specifically addresses VOC emissions from auto and light-duty truck assembly coatings. In addition to primer-surfacer topcoat, and electrodeposition coatings, the final Auto CTG contained VOC limits for glass bonding primer; adhesives; cavity waxes; auto original equipment manufacturing (OEM) sealers/sealants and caulks; deadners *[sic]*; gasket/sealing material; underbody and trunk interior coatings; weatherstrip adhesives; and lubricating waxes and compounds. The Auto CTG also addressed cleaning material used at auto and light-duty truck surface coating and assembly plants.

Our understanding is that the IDEM proposed rule is intended to be analogous to the 1998 U.S. EPA national rule establishing VOC content limits for CCPs and, like U.S. EPA's rule, is intended to apply only to retail products sold to customers for personal and household use and other products distributed by wholesalers for use in some commercial and institutional settings.

We further understand that the VOC content limits contained in the proposal are not intended to apply to products used at auto and light-duty truck surface coating and assembly facilities or other OEM facilities operated by Alliance members and which would be covered by the 2008 Auto CTG or other federal Section 183(e) rules or CTGs. The Alliance supports this approach and recommends that IDEM issue a final rule clearly stating that the VOC limits for CCPs do not apply to materials covered by the Auto CTG or to products regulated under other national rules or CTGs issued under the Clean Air Act, Section 183(e). (AAM)

Response: An "industrial or institutional 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..." (326 IAC 8-15-2(96))

The rule does not include products subject to the Auto CTG which are incorporated into or used exclusively in the manufacture or construction of goods or commodities at the facility. Also exempt from this rule are those products used directly in the manufacturing process that do not actually become part of the finished product but are nonetheless essential to the manufacturing process. For example, cleaning, degreasing, and lubricating products may be exempt from the definition of "consumer products" if the manufacturing process is the only use for these products.

Products used at a manufacturing facility that do meet the definition of "consumer products" subject to this rule include products that are used in general cleaning or maintenance of the manufacturing facility. Such products are often similar to commonly available household products and are used to perform tasks (such as cleaning and waxing) that are similar to those performed by a household consumer. Examples of these products include air fresheners, floor waxes, general purpose cleaners, and insecticides.

Comment: The Department's proposed VOC standards impose very stringent and technologically challenging limitations on the formulation of consumer products. Thus, it is reasonably foreseeable that some manufacturers (most likely small businesses) will experience difficulty complying with the regulatory standards for particular product categories.

CSPA recognizes the fact that the Department's general air quality regulation contains definitions and provisions that provide the framework for all other sections of the IDEM's air quality regulations. For example, the general definition of the pivotal term "volatile organic compound," as set forth at 326 IAC 1-2-90, applies to the Department's proposed CCP rule and to other sections of the Indiana Administrative Code that deal with air

quality issues.

However, despite our best efforts, CSPA could not identify a similar general provision for considering requests for variances. If there is such a provision, the IDEM should remove any potential confusion by providing an explicit cross-reference to the general variance provision in the final consumer products regulation. In the alternative, if the IDEM's comprehensive air quality regulation contains no such general variance provision, the Departments's final regulation should incorporate the narrowly-tailored variance provision contained in the OTC model rule.

As a threshold matter, variances are intended to provide temporary regulatory relief for compliance with an applicable VOC limit. As a practical matter, the entire framework for the Department's proposed regulation is premised on OTC's comprehensive model rule. Therefore, it is both reasonable and appropriate for IDEM to provide this necessary procedural mechanism (based on the OTC model rule) for companies to request a variance. This revision will ensure that IDEM's final regulation is consistent with the OTC model rule and the final regulations promulgated by 12 states.

To ensure greater consistency with the OTC model rule and the final OTC-based regulations promulgated by other states, the Department should amend the current language of Section 3(a) to include an explicit reference to the variance provision. By including the explicit reference to the variance section (either a new section or the existing section of the Department's general regulation), IDEM's final regulation will be more consistent with the OTC model rule and other states' OTC-based regulations. (CSPA)

Comment: The proposed regulation neglects to incorporate the OTC model rule's provision for variances. IDEM should add the language from section 8 of the OTC model rule permitting variances, or alternatively, a truncated version of this language, such as:

> "Consumer products which have been granted a variance by the CARB under the provision of 17 CCR 94514 shall be exempt from the VOC content limits in section 3(a) for the period of time that the variance remains in effect. Any person claiming a variance on this basis must submit to IDEM a copy of the variance decision, including all conditions applicable to the variance, by the date that the product is first marketed in Indiana." (PCPC)

Response: Indiana's general variance provisions for environmental rules and standards are found in the Indiana Code § 13-14-8-8. This section applies to all air quality rules contained in Title 326 of the Indiana Administrative Code. Any requests for a variance from 326 IAC 8-15 should be made in accordance with the provisions of Indiana Code § 13-14-8-8. IDEM declines to include specific variance provisions for each individual air quality rule in Title 326.

Comment: First, CSPA strongly supports the Department's proposal to provide an express exclusion from the labeling requirements (326 IAC 8-15-7) for products regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). It is well-settled law that states cannot impose "any requirements for labeling or packaging in addition to or different from those required under FIFRA." While state agencies like IDEM have ample authority to promulgate regulations to protect public health and the environment in Indiana, the U.S. Supreme court has held that states my not adopt requirements that would cause a FIRFA-regulated company to modify a federally approved label. Thus, IDEM's proposed action is consistent with every state's final OTC-based consumer products regulation.

However, as currently drafted, Section 4(f) cites an incorrect section of IDEM's proposed regulation. IDEM should make the following technical correction:

> 326 IAC 8-15-4 Exemptions
>
> (f) The requirements of section ~~6(a)~~ **7(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)

As currently drafted, IDEM's Alternative Control Plan provision is set forth at Section 6, while the various administrative requirements (including the mandatory labeling requirements) are contained in Section 7. This revision will ensure the accuracy and internal consistency of the Department's final regulation. (CSPA)

Response: IDEM amended the language at 326 IAC 8-15-4(g) to correct the error in the draft rule language published in the Second Notice of Comment Period.

Comment: The definition of "hairstyling product" deviates from the OTC model rule definition with respect to detanglers/conditioners/volumizers. The OTC model rule definition includes "leave-in volumizers, detanglers, and/or conditioners that make styling claims." By contrast, the definition in the current proposal includes "detanglers or conditioners, or both and leave-in volumizers that make styling claims." The definition should track the OTC definition verbatim, else risk sweeping in standard detanglers and conditioners that are not "leave-in." (PCPA)

Response: IDEM amended the definition for "hairstyling product" at 326 IAC 8-15-2(88) to clarify that the term refers to "leave-in detanglers, conditioners, or volumizers that make styling claims."

Comment: Section 9(a) of the Draft Rule, states that "testing to determine compliance with the VOC content limits specified in section 3(a) of this rule shall be performed using [certain methods]" but fails to specifically identify the regulated entity which would be responsible for compliance with those testing requirements. This provision should be revised to state that it is the responsibility of the manufacturer or the responsible party to

conduct testing to determine the VOC content of a given consumer product. (SH)

Response: IDEM amended the draft rule language in section 9(a) to clarify that the manufacturer or responsible party is responsible to conduct testing to determine the VOC content of a CCP that is subject to the rule.

Comment: In order to clarify that the definition of "manufacturer" does not encompass a retailer who, for example boxes an existing consumer product (without altering the label) for shipment to its customer, we request that definitions be added to Section 2 of the draft rule for the terms "package" and "repackage." The definitions should state that those terms refer to the placement or replacement of a consumer product in an individual receptacle that holds the product for sale or distribution. *C.f.*, 40 C.F.R. § 59.401 (Definitions, National VOC Emission Standards for Architectural Coatings) (SH)

Response: IDEM reviewed the definitions in the VOC CCP rules of the OTC states', Illinois, Ohio, and Michigan. The definition of "manufacturer" in Indiana's draft rule is consistent with the definition used in those states' CCP rules. Additionally, these states do not include a definition for "package" or "repackage". The Code of Federal Regulations citation that references is for the national rule for architectural coatings and not the federal rule for CCPs. IDEM has not amended the draft rule language to include the requested definitions.

Throughout this rulemaking, IDEM has closely adhered to the rule language in the OTC model rule to ensure that Indiana's CCP rule is consistent with other states' rules. Ensuring that regulations such as this one--that affects commerce at both a national and regional level--is consistent with other states is a priority. After reviewing other states' effective CCP rules, IDEM believes that it would be inconsistent to limit the definition of manufacturer as requested.

*Comment***:** Unlike a manufacturer, a business that is engaged only in the retail sale of consumer products is frequently not in a position to know whether a given product actually comports with all applicable content limits. With that in mind, several states that have adopted VOC emission standards for consumer products have included an exemption for retailers who make "good faith efforts" to comply with those requirements. For example, Maryland regulations provide that a retailer who sells a consumer product that exceeds applicable VOC content limits will not be in violation of Maryland regulations if the retailer can demonstrate that, when the retailer purchased the product from the supplier, the retailer made "reasonable good faith efforts" to assure that the product met applicable content-related requirements. Maryland regulations list several types of documentation which may constitute evidence of a retailer's "good faith efforts". Delaware and New Jersey have also incorporated similar provisions into their consumer product regulations. The draft rule should be revised to provide an exemption for retailers who have made good faith efforts to comply with applicable standards. (SH)

Response: IDEM agrees that a business engaged only in the retail sale of CCPs subject to this rule is primarily reliant on the representations made by a manufacturer or responsible party that a CCP is compliant. After reviewing the exemption rule language that Delaware, Maryland, and New Jersey provide for retailers that have made "reasonable good faith efforts" to assure that the product met the applicable VOC content-related requirements, IDEM has amended the draft rule language at 326 IAC 8-15-4(d) to include an exemption for retailers. This exemption is applicable only to retailers which can demonstrate to the department that they made a "reasonable good faith effort" to assure that the product, at the time of purchase, met the applicable VOC content limit requirements.

Comment: The proposed rule requires that an explanation of the date code be submitted to IDEM by January 1, 2010, six months prior to the rule's effective date. Although this provision is loosely based on the OTC model rule, we note that a number of other jurisdictions have revised their rules to require such explanations only upon the request of the agency, and ask that Indiana do the same. Furnishing date code explanations only on request would minimize the regulatory burden on companies, while accomplishing the same goal. (PCPC)

Response: IDEM has amended the date to January 1, 2011. The draft rule language at 326 IAC 8-15-7(b) requires manufacturers to submit an explanation of the date portion of the code to the department no later than January 1, 2011. This requirement is pulled directly from the OTC model rule's section 6(b), administrative requirements. After reviewing other jurisdictions VOC CCP rules, it appears that a majority of states follow the OTC model rule requirements that are embodied in IDEM's draft rule language. Therefore, to ensure consistency with the OTC model rule language, IDEM will require manufacturers to submit explanations of their date codes to the department.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On June 2, 2010, the Air Pollution Control Board (board) conducted the first public hearing/board meeting concerning the development of a new rule at 326 IAC 8-15. No comments were made at the first hearing.

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:

http://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
MC 60-04 IGCS W041
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 232-8172 or (800) 988-7901
ctap@idem.in.gov

The Small Business Assistance Program Ombudsman is:
Brad Baughn
IDEM Small Business Assistance Program Ombudsman
MC 50-01 IGCN 1307
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 234-3386
bbaughn@idem.in.gov

326 IAC 8-15

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 January 1, 2011, 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 January 1, 2011, 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 January 1, 2011, 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 January 1, 2011, a personal fragrance product with twenty percent (20%) or less fragrance.

(B) For products manufactured on or after January 1, 2011, 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 January 1, 2011; 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, which may be determined using ASTM Method E260-91*, or from product formulation data. 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.

(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 January 1, 2011, 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 January 1, 2011, 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 January 1, 2011, 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 January 1, 2011, 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) Leave-in detanglers, conditioners, or 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 carnauba 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 January 1, 2011, 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**
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, January 1, 2011, may be sold, supplied, or offered for sale after the effective date of this rule, January 1, 2011.
(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 January 1, 2012.

(f) The following requirements apply to all charcoal lighter materials:
(1) No person shall sell, supply, or offer for sale after January 1, 2011, 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, January 1, 2011, 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 January 1, 2011, 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 January 1, 2011, may be sold, supplied, or offered for sale until January 1, 2014, 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 January 1, 2014, 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 31, 2013.
(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.

***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 8-15-3)

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) A retailer who sells, offers for sale, or holds for sale in Indiana a consumer product that violates the VOC content limits specified in section 3(a) of this rule will not be in violation of this rule if the retailer:
(1) upon determining that a noncomplying product was purchased, immediately discontinues sale of the consumer product in Indiana; and
(2) demonstrates to the satisfaction of the department that the purchase was made with reasonable good faith efforts to assure that the product met the applicable requirements of this rule. Good faith efforts may be demonstrated by the following:
(A) Written communication between the retailer and the manufacturers and distributors that the retailer will accept only consumer products for sale in Indiana that comply with this rule.
(B) Written agreements between the retailer and the manufacturers and distributors in which the manufacturers and distributors commit to supply to the retailer only consumer products that comply with this rule.
(C) The retailer's use of invoices, purchase orders, and other contractual and billing documents that specify that the retailer will only accept consumer products that comply with this rule.

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

(f) 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.

(g) The requirements of section 7(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.).

(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.

(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 alternative control plan (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, 2011.
(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 no later than January 1, 2011.
(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 January 1, 2011:
(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 January 1, 2011, and FIFRA registered insecticides manufactured before January 1, 2012, 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 January 1, 2011, and FIFRA registered insecticides manufactured on or after January 1, 2012, 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 by either the manufacturer or responsible party 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 or responsible party 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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