

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM.)
CODE PART 223 STANDARDS AND)
LIMITATIONS FOR ORGANIC)
MATERIAL EMISSIONS FOR AREA)
SOURCES)
)

12-8
RH-
(Rulemaking - Air)

RECEIVED
CLERK'S OFFICE
JUL 13 2011
STATE OF ILLINOIS
Pollution Control Board

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 11. Document relied upon, *Final Draft of the Model Rule for Consumer Products*, Ozone Transport Commission, September 13, 2006.
 12. Certificate of Service

13. Disk in Microsoft WORD containing Agency's Analysis of Economic and Budgetary Effects ECONOMICBUDGET-223.doc), First Notice Form for New Part 223 (FIRSTNOTICE-223.doc) and Proposed New Part 223 (RULE-223.doc)

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ORIGINAL

NOTICE

TO:

John Therriault, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

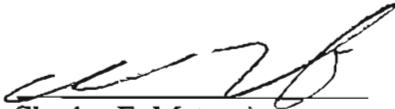
Matthew J. Dunn, Chief
Environmental
Enforcement/Asbestos
Litigation Division
Illinois Attorney General's Office
69 West Washington Street, 18th
Floor
Chicago, IL 60602

Mitchell Cohen
Chief Legal Counsel
Illinois Dept. of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the REGULATORY PROPOSAL FOR AMENDMENTS TO 35 ILL. ADM. CODE PART 223 STANDARDS AND LIMITATIONS FOR ORGANIC MATERIAL EMISSIONS FOR AREA SOURCES 35 ILL. ADM. CODE PART 223 and APPEARANCE of the Illinois Environmental Protection Agency a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By:



Charles E. Matoesian
Assistant Counsel
Division of Legal Counsel

DATED: July 12, 2011
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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ORIGINAL

APPEARANCE

The undersigned, as one of its attorneys, hereby enters an Appearance on behalf of the Illinois Environmental Protection Agency.

Respectively Submitted,
ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Charles E. Matoesian
Assistant Counsel
Division of Legal Counsel

DATED: July 12, 2011
P.O. Box 19276
Springfield, Illinois 62794-9276
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ORIGINAL

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY PROPOSAL OF
REGULATIONS

The Illinois Environmental Protection Agency moves that the Illinois Pollution Control Board adopt the attached regulations.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: Lisa Bonnett
Lisa Bonnett
Interim Director

DATED: July 12, 2011

P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-3397

**Agency Analysis of Economic and
Budgetary Effects of Proposed Rulemaking**

Agency: Illinois Pollution Control Board

Part/Title: **Standards and Limitations for Organic Material Emissions for Area Sources
(35 Ill. Adm. Code Part 223)**

Illinois Register Citation: _____

Please attempt to provide as dollar-specific responses as possible and feel free to add any relevant explanation.

1. Anticipated effect on State expenditures and revenues.
 - (a) Current cost to the agency for this program/activity. ~\$50,300 per year
 - (b) If this rulemaking will result in an increase or decrease in cost, specify the fiscal year in which this change will first occur and the dollar amount of the effect.
N/A
 - (c) Indicate the funding source, including Fund and appropriation lines, for this program/activity. N/A
 - (d) If an increase or decrease in the costs of another State agency is anticipated, specify the fiscal year in which this change will first occur and the estimated dollar amount of the effect. N/A
 - (e) Will this rulemaking have any effect on State revenues or expenditures not already indicated above? No
2. Economic effect on persons affected by the rulemaking:
 - (a) Indicate the economic effect and specify the persons affected:
Positive ___ Negative X No effect ___
Persons affected: See list of potentially affected sources in TSD.
Dollar amount per person: _____
Total statewide cost: \$1,600,000
 - (b) If an economic effect is predicted, please briefly describe how the effect will occur.

Affected stakeholders may incur additional cost in reformulating or repackaging various products. It is anticipated that in many cases these

changes will not be necessary. The above total statewide cost is the high end of the potential costs.

- (c) Will the rulemaking have an indirect effect that may result in increased administrative costs? Will there be any change in requirements such as filing, documentation, reporting or completion of forms?

The rulemaking will have a negligible effect that will not result in increased administrative costs. Additional categories of products and VOC limits for those products added due to the rulemaking will be handled under current administrative procedures and personnel associated with the current Part 223.

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MOTION FOR WAIVER OF COPY REQUIREMENTS

The Proponent, the Illinois Environmental Protection Agency ("Illinois EPA"), by its attorney, and pursuant to 35 Ill. Adm. Code 101.500, 102.110, 102.200, and 102.402, respectfully moves that the Illinois Pollution Control Board ("Board") waive the requirement that the Illinois EPA submit the original and nine copies of the regulatory proposal including all documents relied upon, and waive the requirement that the Illinois EPA provide copies of certain documents relied upon. In support of its Motion, Illinois EPA states as follows:

1. Section 102.200 of the Board's procedural rules requires that the original and nine copies of each regulatory proposal be filed with the Clerk. 35 Ill. Adm. Code Section 102.200. Section 27(a) of the Environmental Protection Act also requires that the Illinois EPA provide information supporting a regulatory proposal. 415 ILCS 5/27(a).

2. The Illinois EPA directly relied upon several documents when drafting the regulatory proposal, and incorporated by reference certain documents as well. The documents relied upon are as follows:

- a. California Air Resources Board, *Initial Statement of Reasons for the Proposed Amendments to the California Aerosol Coating Products, Antiperspirants and Deodorants, and Consumer Products Regulations, Test Method 310, and Airborne Toxic Control Measure for Para-Dichlorobenzene Solid Air Fresheners and Toilet/Urinal Care Products*, May 7, 2004.

b) Illinois Environmental Protection Agency, *Illinois Ozone Emission Inventory for 2008*, August 2010.

3. There is also a document relied upon, *Final Draft of the Model Rule for Consumer Products*, Ozone Transport Commission, September 13, 2006.

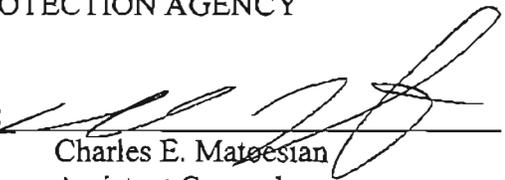
4. This entire regulatory proposal, including the documents listed above, is several hundred pages. Given the length of the proposal and the resources required to provide nine copies, Illinois EPA requests that the Board waive the normal copy requirements and allow Illinois EPA to file the original and four complete copies of the documents.

5. The Illinois EPA further asks that the production of these documents listed above to the Attorney General and Illinois Department of Natural Resources ("IDNR"), be waived.

WHEREFORE, the Illinois EPA moves that the Board waive the requirement that the Illinois EPA provide copies of the documents listed; and waive the requirement that the Illinois EPA provide an original and nine copies of the remaining documents in its proposal, allowing the Illinois EPA to provide the original and four copies.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 

Charles E. Mateesian
Assistant Counsel
Division of Legal Counsel

DATED: July 12, 2011

1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

(217) 782-5544

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128
RII-
(Rulemaking - Air)

ORIGINAL

STATEMENT OF REASONS

I. INTRODUCTION

The Illinois Environmental Protection Agency ("Illinois EPA") hereby submits this Statement of Reasons to the Illinois Pollution Control Board ("Board") pursuant to Sections 27 and 28 of the Environmental Protection Act ("Act")(415 ILCS 5/27 and 28) and 35 Ill. Adm. Code 102.202(b), in support of the attached amendments to 35 Ill. Adm. Code 223, Standards and Limitations for Organic Material Emissions for Area Sources ("Part 223"). These amendments are proposed to reduce volatile organic material ("VOM") emissions from various consumer products and aerosol coatings. The proposed rule also makes a minor change to the Architectural and Industrial Maintenance ("AIM") rule to simplify compliance. If adopted, the proposed rule will take effect on July 1, 2012.

II. STATEMENT OF FACTS

Ozone is not emitted directly by most sources. Rather, ozone precursors such as VOM, oxides of nitrogen ("NOx") and carbon monoxide ("CO") are emitted and in the presence of direct sunlight and high ambient temperatures react to form ozone. *Technical Support*

Document for Revisions to Title 35 Part 223: Control of Volatile Organic Material Emissions from Consumer and Commercial Products AQPSTR-11-03 (“TSD”) at 7. Ozone formation is thus most active during the summer months because of the direct sunlight and high ambient temperatures. Id. As a powerful oxidant, ozone reacts readily with a wide range of substances. Id. In humans, ozone acts as an irritant to the respiratory system and may damage lung and other tissues. Id. This damage can lead to impaired breathing and reduced immunity to disease for people in good health. Id. These effects may be even more severe for young children, the elderly, and people with preexisting respiratory diseases such as asthma, bronchitis, or emphysema. Id. Ozone oxidation also damages plant tissue, reducing the yield of some crops, and can damage certain other materials such as rubber. Id.

Part 223 reduces VOM emissions by putting limits on the VOM contents of numerous consumer products. As defined by the United States Environmental Protection Agency (“USEPA”) in federal rules, a consumer product is any household or institutional product (including paints, coatings, and solvents), or substance, or article (including any container or packaging) held by any person, the use, consumption, storage, disposal, destruction, or decomposition of which may result in the release of volatile organic compounds (40 CFR § 59.202). Id. at 9. The USEPA uses the term volatile organic compound (“VOC”), while the Illinois EPA uses the term VOM. The terms are interchangeable.

Consumer products are often used in small quantities, but by numerous people. The aggregate emissions thus become troublesome. Together, these items emit about 9.98% of the total anthropogenic VOM emissions from sources in Illinois. Id.

Part 223 was created in R08-17, published on June 19, 2009. In that rulemaking, the Illinois EPA sought to regulate numerous consumer products based upon model rules of the Ozone Transport Commission (“OTC”). The limits proposed in Part 223 were consistent with those in the 2006 OTC Model Rule for Consumer Products that were in turn based on the consumer product VOM limits in the California’s Midterm Measures II rules and the 2004 amendments to those rules. (TSD, 5). However, when creating Part 223, the Board felt that a number of categories should be excluded as the Illinois EPA did not provide adequate technical support for those limits. Id. The categories excluded at that time were those that had been proposed by California in its 2004 Amendments and incorporated into the 2006 OTC Model Rule. Id. In the present rulemaking, Illinois EPA is proposing amendments that would reinstate these categories in Part 223 as originally proposed, excepting the previously proposed limits for toilet/urinal care products and solid/gel room air fresheners. Id.

III. PURPOSE AND EFFECT OF THE PROPOSAL

In this rulemaking, the Illinois EPA is proposing amendments that would include the category of sources in Part 223 that were previously proposed, excepting the previously proposed limits for toilet/urinal care products and solid/gel room air freshener. Id. These proposed amendments to Part 223 include limits in percent VOM by weight for adhesive removers, contact adhesives, non-aerosol antistatic products, electrical cleaners, electronic cleaners, engine degreasers, fabric refreshers, footwear or leather care products, graffiti removers, hair styling products, shaving gels, and wood cleaners. Id. at 9. VOM emissions from consumer products are generally estimated on the basis of VOM

content of the products, the average use of these products by people in a given region, and the population in that region. Id. at 11.

The Illinois EPA has estimated emissions for the affected categories by using the research conducted by the California Air Resources Board (“CARB”) in its 2004 Initial Statement of Reasons (“ISOR”) and adjusting it for the population of Illinois. Id. at 11. Control of these additional source categories are estimated to bring VOM reductions of approximately one ton per day in Illinois. Id. at 18. Indeed, some of these reductions have already taken place due to nationwide compliance by many of the larger manufacturers of these products with the California or OTC rules. Id. at 18.

The amendments also make a minor change to Section 223.305, to simplify compliance. Some sellers of AIM products were taking packets of coatings, each of which were individually below the minimum volume for compliance, and bundling them together to sell in groups. The rationale is that the packets are individually compliant, so the product being sold is compliant. For instance, four quart packages might be sold as a bundle rather than a one gallon packet. Thus, the sale is for four products, not one. The amendments change the rule so that the volume for sale purposes is the entire package, not the individual ones.

IV. GEOGRAPHIC REGIONS AND SOURCES AFFECTED

The geographic region subject to the proposed regulations for VOM emitting sources is the entire State of Illinois. Manufacturers prefer statewide, or even regionwide, standards so as to keep the number of product lines to a minimum. There are numerous manufacturing facilities which produce VOM emitting products and still more

retail operations which sell VOM emitting products. VOM emitting products are used by virtually every household in the state.

V. TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS

The Illinois EPA believes that these amendments are technically feasible and economically reasonable. It is the position of the Illinois EPA that further regulation of these source categories is an integral part of its state implementation plan (“SIP”) for achieving and maintaining the National Ambient Air Quality Standards (“NAAQS”) in Illinois. The technology for controlling VOM emissions from consumer products and aerosol products is largely available or being developed. To measure the impact of the regulations, the Illinois EPA has estimated emissions for the affected categories by using the research conducted by CARB in its 2004 ISOR and adjusting it for the population of Illinois. *Id.* at 11. The Illinois EPA has relied upon technical support prepared by CARB in its rulemaking for the 2004 amendments. *Id.* at 15. The 2004 ISOR for the CARB rulemaking has been provided as a document relied upon in the technical support document. *Id.* at 20.

Many of these affected products have been already reformulated and are in use in California, and the OTC states. *Id.* at 13. Indeed, a significant portion of the products in the affected categories may already be available in Illinois in formulations compliant with the proposed limits. *Id.* at 14. This is due to national and regional manufacturers of these products making a one-time change to the products in order to be compliant with the most stringent rules in the country and selling the same product nationally. *Id.* at 13.

Table 3 of the TSD lists the estimated impacts of the proposed regulation to affected businesses, including annualized non-recurring cost and annual recurring costs,

by affected product categories. Id. at 15. These cost estimates are based upon surveys and research conducted by CARB in 2001 before the proposed limits were effective in the aforementioned regions. Id. This would indicate that a significant portion of business impact to manufacturers of the affected products may have already been realized in Illinois. Id.

Table 4 of the TSD lists the estimated per-unit cost increase based on the annualized non-recurring costs and annual recurring costs in Table 2 of the TSD. Id. at 16. Again, much of this cost to Illinois consumers may already have occurred as many of the products are available nationwide. Id. at 16. In its 2004 ISOR, CARB estimated that the proposed limits would cost between \$4,020 and \$4,680 per ton of VOM reduced. Id. at 17. Illinois EPA considers this to be an overestimate of the cost per ton of VOM reduced in Illinois from the proposed rules because a significant part of these costs have already been realized in Illinois and nationwide. Id. Thus, as compliant products have already been developed for several areas of the country, the Illinois EPA believes this proposal to be economically reasonable and technically feasible.

VI. COMMUNICATION WITH INTERESTED PARTIES

These regulations are being proposed after the interested parties have had an opportunity to review the proposal and discuss any issues with Illinois EPA.

VII. THE ILLINOIS EPA'S PROPOSAL

The following is a Section-by-Section summary of the Illinois EPA's Proposal.

35. Ill. Adm. Code 223

Subpart B: Consumer and Commercial Products

Section 223.201 **Applicability**

The Applicability Section explains that Subpart B shall apply to any person who sells, supplies, offers for sale, or manufactures consumer products for use in Illinois, except as provided in Section 223.230, below (exemptions) and states that January 1, 2009 is the effective date unless otherwise specified.

Section 223.203 **Definitions for Subpart B**

Several definitions have been added or amended.

Section 223.205 **Standards**

The Standards Section holds that except as provided in Section 223.207 (products registered under the Federal Insecticide Fungicide and Rodenticide Act), Section 223.230 (exemptions), Section 223.240 (innovative product exemption), or Section 223.245 (alternative control plans), no person shall sell, supply, offer for sale, or manufacture for sale in Illinois any consumer product manufactured on or after January 1, 2009, which contains VOM in excess of the limits specified in the Standards Section. Several new categories have been added. These are listed as having an effective date of July 1, 2012. The section also notes that no person shall sell, supply, offer for sale, or manufacture for sale in Illinois, on or after January 1, 2009, any antiperspirant or deodorant that contains any compound listed under Subsection B.

Section 223.211 **Requirements for Adhesive Removers, Aerosol Adhesives, Contact Adhesives, Electrical Cleaners, Electronic Cleaners, Footwear or Leather Care Products, General Purpose Degreasers, and Graffiti Removers**

This Section states that effective July 1, 2012, no person shall sell, supply, offer for sale, or manufacture for use in Illinois any Adhesive Removers, Aerosol Adhesives, Contact

Adhesives, Electrical Cleaners, Electronic Cleaners, Footwear or Leather Care Products, General Purpose Degreasers, and Graffiti Removers that contain any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene. The requirements of Section 223.211(a) do not apply to any of the aforementioned categories if methylene chloride, perchloroethylene, or trichloroethylene is present as an impurity in a combined amount equal to or less than 0.01% by weight.

Subpart C: Architectural and Industrial Maintenance Coatings

Section 223.305 Applicability

Amends Section 223.305(c) to prevent sellers of AIM coatings from grouping small packets of coatings together to sell as one product and thus avoid the volume limits in the rule. Adds the following language to subsection (c), “For the purposes of this subsection the volume of architectural coating in a container shall be considered the total volume of coating that is packaged as unit of retail sale or for use by the consumer,” thus preventing sellers from evading compliance.

VIII. CONCLUSION

The Agency proposes amendments to 35 Ill. Adm. Code 223 to reduce emissions of VOM from various consumer products, architectural and industrial maintenance products and aerosol emissions.

WHEREFORE, for the reasons stated above, the Illinois EPA hereby submits this regulatory proposal and requests the Board adopt these amendments to Part 223 for the State of Illinois.

Respectfully submitted,
ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 

Charles E. Matoesian
Assistant Counsel
Division of Legal Counsel

DATED: July 12, 2011

1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: STANDARDS AND LIMITATIONS FOR ORGANIC MATERIAL EMISSIONS FOR AREA SOURCES
- 2) Code Citation: 35 Illinois Administrative Code Part 223
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
223.201	Amended
223.203	Amended
223.205	Amended
223.211	New
223.305	Amended
- 4) Statutory Authority:
415 ILCS 5/10, 27, 39 and 39.5
- 5) A Complete Description of the Subjects and Issues Involved:
Updates Part 223 to reflect the addition of several consumer products to the existing list. Also clarified the definition of a package under the Architectural and Industrial Maintenance Coatings Subpart.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:
 - a. California Air Resources Board, *Initial Statement of Reasons for the Proposed Amendments to the California Aerosol Coating Products, Antiperspirants and Deodorants, and Consumer Products Regulations, Test Method 310, and Airborne Toxic Control Measure for Para-Dichlorobenzene Solid Air Fresheners and Toilet/Urinal Care Products*, May 7, 2004.
 - b) Illinois Environmental Protection Agency, *Illinois Ozone Emission Inventory for 2008*, August 2010.
 - c) *Final Draft of the Model Rule for Consumer Products*, Ozone Transport Commission, September 13, 2006.

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 7) Will this proposed rule replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? ____ Yes X No
- 9) Does this proposed rule contain incorporations by reference? No
- 10) Are there any other proposed rule(s) pending on this Part? No
- 11) Statement of Statewide Policy Objectives:

These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comments on this proposal for a period of forty-five (45) days after the date of publication in the Illinois Register. Comments should reference Docket R11- and be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

And

Charles E. Matoesian
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-5544

- 13) Initial Regulatory Flexibility Analysis:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small businesses, small municipalities, or not for-profit corporations that sell consumer products will be affected by the proposed amendments.
 - B) Reporting, bookkeeping or other procedures required for compliance: NO
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized:
January, 2011
- 15) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25]
No

The full text of the Proposed Rule(s) begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 223
STANDARDS AND LIMITATIONS FOR ORGANIC MATERIAL EMISSIONS FOR AREA
SOURCES

SUBPART A: GENERAL PROVISIONS

Section	
223.100	Severability
223.105	Abbreviations and Acronyms
223.120	Incorporations by Reference

SUBPART B: CONSUMER AND COMMERCIAL PRODUCTS

Section	
223.200	Purpose
223.201	Applicability
223.203	Definitions for Subpart B
223.205	Standards
223.206	Diluted Products
223.207	Products Registered under FIFRA
223.208	Requirements for Aerosol Adhesives
223.209	Requirements for Floor Wax Strippers
223.210	Products Containing Ozone-Depleting Compounds
<u>223.211</u>	<u>Requirements for Adhesive Removers, Aerosol Adhesives, Contact Adhesives, Electrical Cleaners, Electronic Cleaners, Footwear or Leather Care Products, General Purpose Degreasers, and Graffiti Removers</u>
223.220	Requirements for Charcoal Lighter Material
223.230	Exemptions
223.240	Innovative Product Exemption
223.245	Alternative Compliance Plans
223.250	Product Dating
223.255	Additional Product Dating Requirements
223.260	Most Restrictive Limit
223.265	Additional Labeling Requirements for Aerosol Adhesives, Adhesive Removers, Electronic Cleaners, Electrical Cleaners, Energized Electrical Cleaners, and Contact Adhesives

- 223.270 Reporting Requirements
- 223.275 Special Recordkeeping Requirements for Consumer Products that Contain Perchloroethylene or Methylene Chloride
- 223.280 Calculating Illinois Sales
- 223.285 Test Methods

SUBPART C: ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS

- Section
- 223.300 Purpose
- 223.305 Applicability
- 223.307 Definitions for Subpart C
- 223.310 Standards
- 223.320 Container Labeling Requirements
- 223.330 Reporting Requirements
- 223.340 Compliance Provisions and Test Methods
- 223.350 Alternative Test Methods
- 223.360 Methacrylate Traffic Coating Markings
- 223.370 Test Methods

AUTHORITY: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28].

SOURCE: Adopted in R08-17 at 33 Ill. Reg. 25, effective June 8, 2009; amended in _____ at _____, effective _____.

Section 223.201 Applicability

Except as provided in Section 223.230, unless another date is specified, this Subpart shall apply to any person who sells, supplies, offers for sale, or manufactures consumer products on or after July 1, 2009, for use in Illinois.

(Source: Amended at _____, effective _____).

Section 223.203 Definitions for Subpart B

The definitions contained in this Section apply only to the provisions of this Subpart. Unless otherwise defined in this Section, the definitions of terms used in this Subpart shall have the meanings specified for those terms in 35 Ill. Adm. Code 211.

“Adhesive” means any product that is used to bond one surface to another by attachment. This does not include products used on humans and animals, adhesive tape, contact paper, wallpaper, shelf liners, or any other product with an adhesive incorporated onto or in an inert substrate. For “Contact Adhesive”, adhesive does not include units of product, less packaging, that consist of more than one gallon. For “Construction, Panel, and Floor Covering Adhesive”, and “General Purpose Adhesive”, “Adhesive” does not include units of product, less packaging, that weigh more than one pound and consist of more than 16 fluid ounces. This limitation does not apply to aerosol adhesives.

“Adhesive Remover” means a product designed to remove adhesive from either a specific substrate or a variety of substrates. “Adhesive Remover” does not include products that remove adhesives intended exclusively for use on humans or animals.

For the purpose of this definition and the “Adhesive Remover” subcategories listed in this definition, the term “Adhesive” shall mean a substance used to bond one or more materials. Adhesive includes, but is not limited to, caulks, sealants, glues, or similar substances used for the purpose of forming a bond.

“Floor and Wall Covering Adhesive Remover” means a product designed or labeled to remove floor or wall coverings and associated adhesive from the underlying substrate.

“Gasket or Thread Locking Adhesive Remover” means a product designed or labeled to remove gaskets or thread locking adhesives. Products labeled for dual use as a paint stripper and gasket remover and/or thread locking adhesive remover are considered “Gasket or Thread Locking Adhesive Remover”.

“General Purpose Adhesive Remover” means a product designed or labeled to remove cyanoacrylate adhesives as well as non-reactive adhesives or residue from a variety of substrates. “General Purpose Adhesive Remover” includes, but is not limited to, the following: products that remove thermoplastic adhesives, pressure sensitive adhesives, dextrine or starchbased adhesives, casein glues, rubber or latex-based adhesives, and products that remove stickers, decals, stencils, or similar materials. “General Purpose Adhesive Remover” does not include “Floor or Wall Covering Adhesive Remover”.

“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. Examples of reactive adhesives include, but are not limited to epoxies, urethanes, and silicones. “Specialty Adhesive Remover” does not include “Gasket or Thread Locking Adhesive Remover”.

“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. This does not include “special purpose spray adhesives”, “mist spray adhesives” and “web spray adhesives.”

“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.

“Aerosol Product” means a pressurized spray system that dispenses product ingredients by means of a propellant contained in a product or a product's container, or by means of a mechanically induced force. “Aerosol Product” does not include “Pump Spray”.

“Agricultural Use” means 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. This does not include the sale or use of pesticides in properly labeled packages or containers that are intended for home use, use in structural pest control, or industrial or institutional use. For the purposes of this definition only:

“Home Use” means use in a household or its immediate environment;

“Structural Pest Control” means a use requiring a license under the Structural Pest Control Act [225 ILCS 235];

“Industrial Use” means use for or in a manufacturing, mining, or chemical process or use in the operation of factories, processing plants, and similar sites; or

“Institutional Use” means use within the lines of, or on property necessary for the operation of, buildings such as hospitals, schools, libraries, auditoriums, and office complexes.

“Air Freshener” means any consumer product including, but not limited to, sprays, wicks, powders, and crystals, designed for the purpose of masking odors, or freshening, cleaning, scenting, or deodorizing the air. “Air Freshener” does not include products that are used on the human body, products that function primarily as cleaning products as indicated on a product label, “Toilet/Urinal Care Products”, disinfectant products claiming to deodorize by killing germs on surfaces, or institutional and industrial disinfectants when offered for sale solely through institutional and industrial channels of distribution. “Air Freshener” does include 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. To determine whether a product is an air freshener, all verbal and visual

representations 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.

“All Other Carbon-containing Compounds” means all other compounds that contain at least one carbon atom and are not listed under Section 223.205(a) or are a “LVP-VOM.”

“All Other Forms” means all consumer product forms for that no form-specific VOM standard is specified. Unless specified otherwise by the applicable VOM standard, “All Other Forms” include, but is not limited to, solids, liquids, wicks, powders, crystals, and cloth or paper wipes (towelettes).

“Alternative Control Plan” or “ACP” means any emissions averaging program approved by the Agency pursuant to the provisions of this Subpart.

“Antimicrobial Hand or Body Cleaner or Soap” means a cleaner or soap which is designed to reduce the level of microorganisms on the skin through germicidal activity. This includes, but is not limited to, antimicrobial hand or body washes/cleaners, foodhandler hand washes, healthcare personnel hand washes, pre-operative skin preparations and surgical scrubs. “Antimicrobial Hand or Body Cleaner or Soap” does not include prescription drug products, antiperspirants, “Astringent/Toner”, deodorant, “Facial Cleaner or Soap”, “General-use Hand or Body Cleaner or Soap”, “Hand Dishwashing Detergent” (including antimicrobial), “Heavy-duty Hand Cleaner or Soap”, “Medicated Astringent/Medicated Toner”, or “Rubbing Alcohol”.

“Antiperspirant” means any product, including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that is intended by the manufacturer to be used to reduce perspiration in the human axilla by at least 20 percent in at least 50 percent of a target population.

“Anti-Static Product” means a product that is labeled to eliminate, prevent, or inhibit the accumulation of static electricity. “Anti-Static Product” does not include “Electronic Cleaner”, “Floor Polish or Wax”, “Floor Coating”, and products that meet the definition of “Aerosol Coating Product” or “Architectural Coating”.

“Appurtenance” means any accessory to a stationary structure coated at the site of installation, whether installed or detached, including, but not limited to, bathroom and kitchen fixtures, cabinets, concrete forms, doors, elevators, fences, hand railings, heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools, lampposts, partitions, pipes and piping systems, rain gutters and

downspouts, stairways, fixed ladders, catwalks and fire escapes, and window screens.

“Architectural Coating” means a coating to be applied to stationary structures or the appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are not considered “Architectural Coatings” for the purposes of this Subpart.

“Astringent/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. This category also includes clarifiers and substrate-impregnated products. This category does not include any hand, face, or body cleaner or soap product, “Medicated Astringent/Medicated Toner”, cold cream, lotion, or antiperspirant.

“Automotive Brake Cleaner” means a cleaning product designed to remove oil, grease, brake fluid, brake pad material or dirt from motor vehicle brake mechanisms.

“Automotive Hard Paste Wax” means an automotive wax or polish that is designed to protect and improve the appearance of automotive paint surfaces, and is a solid at room temperature, and contains 0% water by formulation.

“Automotive Instant Detailer” means a product designed for use in a pump spray that is applied to the painted surface of automobiles and wiped off prior to the product being allowed to dry.

“Automotive Rubbing or Polishing Compound” means a product designed primarily to remove oxidation, old paint, scratches or swirl marks, and other defects from the painted surfaces of motor vehicles without leaving a protective barrier.

“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. This includes, but is not limited to, products designed for use in autobody repair shops and drive-through car washes, as well as products designed for the general public. The term does not include “Automotive Rubbing or Polishing Compounds”, automotive wash and wax products, surfactant-containing car wash products, and products designed for use on unpainted surfaces such as bare metal, chrome, glass, or plastic.

“Automotive Windshield Washer Fluid” means any liquid designed for use in a motor vehicle windshield washer system either as an antifreeze or for the purpose of cleaning, washing, or wetting the windshield. This does not include fluids placed by the manufacturer in a new vehicle.

“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 toilet bowls, toilet tanks or urinals.

“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: biological-type residues such as insect carcasses, tree sap and road grime such as road tar, roadway paint markings, and asphalt.

“Carburetor or Fuel-Injection Air Intake Cleaners” means a product designed to remove fuel deposits, dirt, or other contaminants from a carburetor, choke, throttle body of a fuel-injection system, or associated linkages, excluding products designed exclusively to be introduced directly into the fuel lines or fuel storage tank prior to introduction into the carburetor or fuel injectors.

“Carpet and Upholstery Cleaner” means a cleaning product designed for the purpose of eliminating dirt and stains on rugs, carpeting, and the interior of motor vehicles and/or on household furniture or objects upholstered or covered with fabrics such as wool, cotton, nylon or other synthetic fabrics. This includes, but is not limited to, products that make fabric protectant claims. The term does not include “General Purpose Cleaners”, “Spot Removers”, vinyl or leather cleaners, dry cleaning fluids, or products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.

“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: electrical starters and probes, metallic cylinders using paper tinder, natural gas, propane, and fat wood.

“Colorant” means any pigment or coloring material used in a consumer product for an aesthetic effect or to dramatize an ingredient.

“Construction, Panel, and Floor Covering Adhesive” means any one-component adhesive that is designed exclusively for the installation, remodeling, maintenance, or repair of structural and building components that include, but are not limited to, beams, trusses, studs, paneling (including, but not limited to, drywall or drywall laminates, fiberglass reinforced plastic (FRP), plywood, particle board, insulation board, pre-decorated hardboard or tileboard), ceiling and acoustical tile, molding, fixtures, countertops or countertop laminates, cove or wall bases, flooring or subflooring, or floor or wall coverings (including, but not limited to, wood or simulated wood covering, carpet, carpet pad or cushion, vinyl-backed carpet, flexible flooring material, nonresilient flooring material, mirror tiles and other types of tiles, and artificial grass). The term does not include “Floor Seam Sealer”.

“Consumer” means any person who purchases or acquires any consumer product for personal, family, household, or institutional use. Persons acquiring a consumer product for resale are not “consumers” for that product.

“Consumer Product” means a chemically formulated product used by household and institutional consumers including, but not limited to, detergents, cleaning compounds, polishes, floor finishes, cosmetics, personal care products, home lawn and garden products, disinfectants, sanitizers, aerosol paints, and automotive specialty products. “Consumer Product” does not include other paint products, furniture coatings, or architectural coatings. As used in this Subpart, “Consumer Product” shall also refer to “Aerosol Adhesive”, including “Aerosol Adhesive” used for consumer, industrial or commercial uses.

“Contact Adhesive” means an adhesive that is designed for application to both surfaces to be bonded together, and is allowed to dry before the two surfaces are placed in contact with each other, and forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other, and 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. The term does not include rubber cements that are primarily intended for use on paper substrates. “Contact Adhesive” also does not include vulcanizing fluids that are designed and labeled for tire repair only.

“Contact Adhesive - General Purpose” means any contact adhesive that is not a “Contact Adhesive - Special Purpose”.

“Contact Adhesive - Special Purpose” means a contact adhesive that is used to bond melamine-covered board, unprimed metal, unsupported vinyl, Teflon, ultra-high molecular weight polyethylene, rubber, or high pressure laminate or wood veneer 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 fluid ounces, or is used in automotive applications that are either automotive under the hood applications requiring heat, oil or gasoline resistance or body-side molding, automotive weatherstrip or decorative trim.

“Container/Packaging” means the part or parts of the consumer or institutional product that serve only to contain, enclose, incorporate, deliver, dispense, wrap or store the chemically formulated substance or mixture of substances that is solely responsible for accomplishing the purposes for which the product was designed or intended. This includes any article onto or into which the principal display panel and other accompanying literature or graphics are incorporated, etched, printed or attached.

“Crawling Bug Insecticide” means any insecticide product that is designed for use against ants, cockroaches, or other household crawling arthropods, including, but not limited to, mites, silverfish or spiders, excluding products designed to be used exclusively on humans or animals, or any house dust mite product. For the purposes of this definition only:

“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.

“House dust mite” means mites that feed primarily on skin cells shed in the home by humans and pets and which belong to the phylum Arthropoda, the subphylum Chelicerata, the class Arachnida, the subclass Acari, the order Astigmata, and the family Pyroglyphidae.

“Date-Code” means the day, month and year on which the consumer product was manufactured, filled, or packaged, or a code indicating that date.

“Deodorant” means:

For products manufactured before July 1, 2009: any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and 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.

For products manufactured on or after July 1, 2009: any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles; that indicates or depicts on the container or packaging, or on any sticker or label affixed to the container or packaging, that the product can be used on or applied to the human axilla to provide a scent and/or minimize odor. A “Deodorant Body Spray” product that indicates or depicts on the container or packaging, or on any sticker or label affixed to the container or packaging to the container or packaging that it can be used on or applied to the human axilla, is a “Deodorant”.

“Deodorant Body Spray” means:

For products manufactured before July 1, 2009: a “Personal Fragrance Product” with 20 percent or less fragrance.

For products manufactured on or after July 1, 2009: a “Personal Fragrance Product” with 20 percent or less fragrance that is designed for application all over the human body to provide a scent. A “Deodorant Body Spray” product that indicates or depicts on the container or packaging, or on any sticker or label affixed to the container or packaging, that it can be used on or applied to the human axilla, is a “Deodorant”

“Device” means any instrument or contrivance (other than a firearm) designed for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacterium, virus, or another microorganism on or in living man or other living animals), but not including equipment used for the application of pesticides when sold separately from the device.

“Disinfectant” means any product intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects and whose label is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 USC 136 et seq.). “Disinfectant” does not include any of the following products designed solely for use on humans or animals, products designed for agricultural use, products designed solely for use in swimming pools, therapeutic tubs, or hot tubs, products that, as indicated on the principal display panel or label, are designed primarily for use as bathroom and tile cleaners, glass cleaners, general purpose cleaners, toilet bowl cleaners, or metal polishes.

“Double Phase Aerosol Air Freshener” means an aerosol air freshener with the liquid contents in two or more distinct phases that require the product container to be shaken before use to mix the phases, producing an emulsion.

“Dry Cleaning Fluid” means any non-aqueous liquid product designed and labeled exclusively for use on fabrics that are labeled “dry clean only”, such as clothing or drapery or “S-coded” fabrics. This 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 work place. The term does not include “Spot Remover” or “Carpet and Upholstery Cleaner”. For the purposes of this definition, “S-coded fabric” means an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee.

“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 “Pressurized Gas Duster”.

“Electrical Cleaner” means a product labeled to remove heavy soils such as grease, grime, or oil from electrical equipment, including, but not limited to, electric motors,

armatures, relays, electric panels, or generators. The term does not include “General Purpose Cleaner”, “General Purpose Degreaser”, “Dusting Aid”, “Electronic Cleaner”, “Energized Electrical Cleaner”, “Pressurized Gas Duster”, “Engine Degreaser”, “Anti-Static Product”, or products designed to clean the casings or housings of electrical equipment.

“Electronic Cleaner” means 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, radios, compact disc (CD) players, digital video disc (DVD) players, and computers. “Electronic Cleaner” does not include “General Purpose Cleaner”, “General Purpose Degreaser”, “Dusting Aid”, “Pressurized Gas Duster”, “Engine Degreaser”, “Electrical Cleaner”, “Energized Electrical Cleaner”, “Anti-Static Product”, or products designed to clean the casings or housings of electronic equipment.

“Energized Electrical Cleaner” means a product that meets both of the following criteria:

The product is labeled to clean and/or degrease electrical equipment, where cleaning and/or degreasing is accomplished when electrical current exists, or when there is a residual electrical potential from a component, such as a capacitor.

The product label clearly displays the statements: “Energized equipment use only. Not to be used for motorized vehicle maintenance, or their parts.”

This does not include “Electronic Cleaner”.

“Engine Degreaser” means a cleaning product designed to remove grease, grime, oil and other contaminants from the external surfaces of engines and other mechanical parts.

“Existing Product” means any formulation of the same product category and form sold, supplied, manufactured, or offered for sale in Illinois prior to July 1, 2009, or any subsequently introduced identical formulation.

“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 waterproofers, products designed for use solely on leather, or products designed for use solely on fabrics labeled “dry clean only” and sold in containers of 10 fluid ounces or less.

“Fabric Refresher” means a product labeled to neutralize or eliminate odors on non-laundered fabric including, but not limited to, soft household surfaces, rugs, carpeting, draperies, bedding, automotive interiors, footwear, athletic equipment, or clothing or on

household furniture or objects upholstered or covered with fabrics such as, but not limited to, wool, cotton, or nylon. "Fabric Refresher" does not include "Anti-static Product", "Carpet and Upholstery Cleaner", "Soft Household Surface Sanitizers", "Footwear or Leather Care Product", "Spot Remover", or "Disinfectant", or products labeled for application to both fabric and human skin.

For the purposes of this definition only, "Soft Household Surface Sanitizer" means a product labeled to neutralize or eliminate odors on the listed surfaces above whose label is registered as a sanitizer under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 USC 136 et seq.).

"Facial Cleaner or Soap" means a cleaner or soap designed primarily to clean the face including, but not limited to, facial cleansing creams, semisolids, liquids, lotions, and substrate-impregnated forms. The term does not include prescription drug products, "Antimicrobial Hand or Body Cleaner or Soap", "Astringent/Toner", "General-use Hand or Body Cleaner or Soap", "Medicated Astringent/Medicated Toner", or "Rubbing Alcohol."

"Fat Wood" means pieces of wood kindling with high naturally-occurring levels of sap or resin that enhance ignition of the kindling, excluding any kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood-based products.

"Faux Finishing Coating" means a coating labeled and formulated as a stain or a glaze to create artistic effects including, but not limited to, dirt, old age, smoke damage, and simulated marble and wood grain.

"Flea and Tick Insecticide" means any insecticide product that is designed for use against fleas, ticks, their larvae, or their eggs. The term does not include products that are designed to be used exclusively on humans or animals and their bedding.

"Flexible Flooring Material" means asphalt, cork, linoleum, no-wax, rubber, seamless vinyl and vinyl composite flooring.

"Floor Coating" means an opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, and other horizontal surfaces that may be subjected to foot traffic.

"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 "Spray Buff Products", products designed solely for the purpose of cleaning floors, floor finish strippers, products

designed for unfinished wood floors, and coatings subject to architectural coatings regulations.

“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.

“Floor Wax Stripper” means a product designed to remove natural or synthetic floor polishes or waxes through breakdown of the polish or wax polymers, or by dissolving or emulsifying the polish or wax. This does not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion.

“Flying Bug Insecticide” means any insecticide product that is designed for use against flying insects or other flying arthropods, including but not limited to flies, mosquitoes, moths, or gnats. The term does not include “Wasp and Hornet Insecticide”, products that are designed to be used exclusively on humans or animals, or 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.

“Footwear or Leather Care Product” means any product designed or labeled to be applied to footwear or to other leather articles/components to maintain, enhance, clean, protect, or modify the appearance, durability, fit, or flexibility of the footwear or leather article/component. Footwear includes both leather and non-leather foot apparel.

“Footwear or Leather Care Product” does not include “Fabric Protectant”, “General Purpose Adhesive”, “Contact Adhesive”, “Vinyl/Fabric/Leather/Polycarbonate Coating”, “Rubber and Vinyl Protectant”, “Fabric Refresher”, products solely for deodorizing, or sealant products with adhesive properties used to create external protective layers greater than two millimeters thick.

“Fragrance” means a substance or complex mixture of aroma chemicals, natural essential oils, and other functional components with a combined vapor pressure not in excess of two mm of Hg at 20°C, the sole purpose of which is to impart an odor or scent, or to counteract a malodor.

“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 “Dusting Aids”, “Wood Cleaners”, products designed solely for the purpose of cleaning, and products designed to leave a permanent finish such as stains, sanding sealers and lacquers.

“Furniture Coating” means any paint designed for application to room furnishings including, but not limited to, cabinets (kitchen, bath and vanity), tables, chairs, beds, and sofas.

“Gel” means a colloid in which the disperse phase has combined with the continuous phase to produce a semisolid material, such as jelly.

“General Purpose Adhesive” means any non-aerosol adhesive designed for use on a variety of substrates. The term does not include contact adhesives, construction, panel, and floor covering adhesives, adhesives designed exclusively for application on one specific category of substrates (i.e., substrates that are composed of similar materials, such as different types of metals, paper products, ceramics, plastics, rubbers, or vinyls), or adhesives designed exclusively for use on one specific category of articles (i.e., articles that may be composed of different materials but perform a specific function, such as gaskets, automotive trim, weather-stripping, or carpets).

“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. This includes products designed for general floor cleaning, kitchen or countertop cleaning, and cleaners designed to be used on a variety of hard surfaces, and do not include “General Purpose Degreasers” and “Electronic Cleaners”.

“General Purpose Degreaser” means 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. This does not include “Engine Degreaser”, “General Purpose Cleaner”, “Adhesive Remover”, “Electronic Cleaner”, “Electrical Cleaner”, “Energized Electrical Cleaner”, “Metal Polish/Cleanser”, products used exclusively in “Solvent Cleaning Tanks or Related Equipment”, or products that are sold exclusively to establishments that manufacture or construct goods or commodities, and labeled “not for retail sale”.

“Solvent Cleaning Tanks or Related Equipment” includes, but is not limited to, cold cleaners, vapor degreasers, conveyorized degreasers, film cleaning machines, or products designed to clean miscellaneous metallic parts by immersion in a container.

“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, including, but not limited to, hand or body washes, dual-purpose shampoo-body cleaners, shower or bath gels, and moisturizing cleaners or soaps. The term does not include prescription drug products, “Antimicrobial Hand or Body Cleaner or Soap”, “Astringent/Toner”,

“Facial Cleaner or Soap”, “Hand Dishwashing Detergent” (including antimicrobial), “Heavy-duty Hand Cleaner or Soap”, “Medicated Astringent/Medicated Toner”, or “Rubbing Alcohol.”

“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 eyeglasses, photographic equipment, scientific equipment and photocopying machines.

“Graffiti Remover” means a product labeled to remove spray paint, ink, marker, crayon, lipstick, nail polish, or shoe polish from a variety of non-cloth or nonfabric substrates. The term does not include “Paint Remover or Stripper”, “Nail Polish Remover”, or “Spot Remover”. Products labeled for dual use as both a paint stripper and graffiti remover are considered “Graffiti Removers.”

“Hair Mousse” means a hairstyling foam designed to facilitate styling of a coiffure and provide limited holding power.

“Hair Shine” means any product designed for the primary purpose of creating a shine when applied to the hair. This includes, but is not limited to, dual-use products designed primarily to impart a sheen to the hair. The term does not include “Hair Spray”, “Hair Mousse”, “Hair Styling Product”, “Hair Styling Gel”, or products whose primary purpose is to condition or hold the hair.

“Hair Spray” means:

For products manufactured before July 1, 2009: 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.

For products manufactured on or after July 1, 2009: a consumer product that is applied to styled hair and is designed or labeled to provide sufficient rigidity to hold, retain and/or finish the style of the hair for a period of time. This includes aerosol hair sprays, pump hair sprays, spray waxes; color, glitter, or sparkle hairsprays that make finishing claims; and products that are both a styling and finishing product. This does not include spray products that are intended to aid in styling but do not provide finishing of a hairstyle. For the purposes of this Subpart, “finish” or “finishing” means the maintaining and/or holding of previously styled hair for a period of time. For the purposes of this Subpart, “styling” means forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.

“Hair Styling Gel” means a consumer product manufactured before July 1, 2009 that is a high viscosity, often gelatinous, product that contains a resin and is designed for application to hair to aid in styling and sculpting of the hair coiffure.

“Hair Styling Product” means a consumer product manufactured on or after July 1, 2009 that is designed or labeled for application to wet, damp or dry hair to aid in defining, shaping, lifting, styling and/or sculpting of the hair. This includes, but is not limited to, hair balm, clay, cream, creme, curl straightener, gel, liquid, lotion, paste, pomade, putty, root lifter, serum, spray gel, stick, temporary hair straightener, wax, spray products that aid in styling but do not provide finishing of a hairstyle, and leave-in volumizers, detanglers and/or conditioners that make styling claims. This does not include “Hair Mousse”, “Hair Shine”, “Hair Spray”, or shampoos and/or conditioners that are rinsed from the hair prior to styling. For the purposes of this Subpart, “finish” or “finishing” means the maintaining and/or holding of previously styled hair for a period of time. For the purposes of this Subpart, “styling” means forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.

“Heavy-Duty Hand Cleaner or Soap” means a product designed to clean or remove difficult dirt and soils such as oil, grease, grime, tar, shellac, putty, printer’s ink, paint, graphite, cement, carbon, asphalt, or adhesives from the hand with or without the use of water. The term does not include prescription drug products, “Antimicrobial Hand or Body Cleaner or Soap”, “Astringent/Toner”, “Facial Cleaner or Soap”, “General-use Hand or Body Cleaner or Soap”, “Medicated Astringent/Medicated Toner” or “Rubbing Alcohol.”

“Herbicide” means a pesticide product designed to kill or retard a plant’s growth, but excludes products that are for agricultural use, or restricted materials that require a permit for use and possession.

“High Volatility Organic Material” or “HVOM” or “High Volatility Organic Compound” means any volatile organic material or volatile organic compound that exerts a vapor pressure greater than 80 millimeters of Mercury (mm Hg) when measured at 20°C.

“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.

“Illinois Sales” means the sales (net pounds of product, less packaging and container, per year) in Illinois for either the calendar year immediately prior to the year that the registration is due or, if that data is not available, any consecutive 12 month period commencing no earlier than two years prior to the due date of the registration. If direct

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

“Industrial Use” means use for or in a manufacturing, mining, or chemical process or use in the operation of factories, processing plants, and similar sites.

“Insecticide” means a pesticide product that is designed for use against insects or other arthropods, but excluding products that are for agricultural use or for a use that requires a structural pest control license under the Structural Pest Control Act [225 ILCS 235], or restricted materials that require a permit for use and possession.

“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.

“Institutional Product” or “Industrial and Institutional (I&I) Product” means a consumer product that is designed for use in the maintenance or operation of an establishment that manufactures, transports, or sells goods or commodities, or provides services for profit, or is engaged in the nonprofit promotion of a particular public, educational, or charitable cause. “Establishments” include, but are not limited to, government agencies, factories, schools, hospitals, sanitariums, prisons, restaurants, hotels, stores, automobile service and parts centers, health clubs, theaters, or transportation companies. This 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.

“Label” means any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed into, molded into, embossed on, or 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.

“Lacquer” means a clear or opaque wood coating, including clear lacquer sanding sealers, formulated with cellulosic or synthetic resins to dry by evaporation without chemical reaction and to provide a solid, protective film.

“Laundry Prewash” means a product that is designed for application to a fabric prior to laundering and that supplements and contributes to the effectiveness of laundry detergents and/or provides specialized performance.

“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. This includes, but is not limited to, fabric finish, sizing, and starch.

“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 223.260, aerosol “Lawn and Garden Insecticides” may claim to kill insects or other arthropods.

“Liquid” means a substance or mixture of substances that is capable of a visually detectable flow as determined under ASTM D-4359-90, incorporated by reference in Section 223.120, or an equivalent method approved by the California Air Resources Board. This does not include powders or other materials that are composed entirely of solid particles.

“Lubricant” means a product designed to reduce friction, heat, noise, or wear between moving parts, or to loosen rusted or immovable parts or mechanisms. This does not include automotive power steering fluids; products for use inside power generating motors, engines, and turbines, and their associated power-transfer gearboxes; two cycle oils or other products designed to be added to fuels; products for use on the human body or animals; or products that are sold exclusively to establishments that manufacture or construct goods or commodities, and labeled “not for retail sale.”

“LVP Content” means the total weight, in pounds, of LVP compounds in an ACP product multiplied by 100 and divided by the product's total net weight (in pounds, excluding container and packaging), expressed to the nearest 0.1.

“LVP-VOM” or “LVP-VOC” means a chemical material or mixture or compound that contains at least one carbon atom and meets one of the following:

Has a vapor pressure less than 0.1 mm Hg at 20°C, as determined by CARB Method 310, incorporated by reference in Section 223.120; or

Is a chemical material or compound with more than 12 carbon atoms, or a chemical mixture comprised solely of material or a compound with more than 12 carbon atoms as verified by formulation data, and the vapor pressure and boiling point are unknown; or

Is a chemical material or compound with a boiling point greater than 216°C, as determined by CARB Method 310, incorporated by reference in Section 223.120; or

Is the weight percent of a chemical mixture that boils above 216°C, as determined by CARB Method 310, incorporated by reference in Section 223.120.

For the purposes of the definition of LVP-VOM, chemical material or compound means a molecule of definite chemical formula and isomeric structure, and chemical mixture means a substrate comprised of two or more chemical materials or compounds.

“Medicated Astringent /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. This includes, but is not limited to, clarifiers and substrate-impregnated products. The term does not include hand, face, or body cleaner or soap products, “Astringent/Toner”, cold cream, lotion, antiperspirants, or products that must be purchased with a doctor’s prescription.

“Medium Volatility Organic Material” or “MVOM” or “Medium Volatility Organic Compound or “MVOC” means any volatile organic material or volatile organic compound that exerts a vapor pressure greater than two mm Hg and less than or equal to 80 mm Hg when measured at 20°C.

“Metal Polish /Cleanser” means any product designed primarily to improve the appearance of finished metal; or metallic; or metallized surfaces by physical or chemical action. To “improve the appearance” means to remove or reduce stains, impurities, or oxidation from surfaces or to make surfaces smooth and shiny. This includes, but is not limited to, metal polishes used on brass, silver, chrome, copper, stainless steel and other ornamental metals. The term does not include “Automotive Wax, Polish, Sealant or Glaze”, wheel cleaner, “Paint Remover or Stripper”, products designed and labeled exclusively for automotive and marine detailing, or products designed for use in degreasing tanks.

“Mist Spray Adhesive” means any aerosol which is not a special purpose spray adhesive and that 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.

“Multi-Purpose Dry Lubricant” means any lubricant designed and labeled to provide lubricity by depositing a thin film of graphite, molybdenum disulfide (moly), or polytetrafluoroethylene or closely related fluoropolymer (Teflon) on surfaces, and designed for general purpose lubrication or for use in a wide variety of applications.

“Multi-Purpose Lubricant” means any lubricant designed for general purpose lubrication, or for use in a wide variety of applications. The term does not include “Multi-purpose Dry Lubricants”, “Penetrants”, or “Silicone-based Multi-purpose Lubricants.”

“Multi-Purpose Solvent” means 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. This includes solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories. This does not include solvents used in cold cleaners, vapor degreasers, conveyORIZED degreasers or film cleaning machines, or solvents that are incorporated into, or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

“Nail Polish” means any clear or colored coating designed for application to the fingernails or toenails, including but not limited to lacquers, enamels, acrylics, base coats and top coats.

“Nail Polish Remover” means a product designed to remove nail polish and coatings from fingernails or toenails.

“Non-Aerosol Product” means any consumer product that is not dispensed by a pressurized spray system.

“Non-Carbon Containing Compound” means any compound that does not contain any carbon atoms.

“Nonresilient Flooring” means flooring of a mineral content that is not flexible. This includes terrazzo, marble, slate, granite, brick, stone, ceramic tile and concrete.

“Non-Selective Terrestrial Herbicide” means a terrestrial herbicide product that is toxic to plants without regard to species.

“Oven Cleaner” means any cleaning product designed to clean and to remove dried food deposits from oven walls.

“Paint” means any pigmented liquid, or liquefiable or mastic composition designed for application to a substrate in a thin layer that is converted to an opaque solid film after application and is used for protection, decoration or identification, or to serve some functional purpose such as the filling or concealing of surface irregularities or the modification of light and heat radiation characteristics.

“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. This does not include “Multi-purpose Solvents”, paintbrush cleaners, products designed and labeled exclusively as “Graffiti Removers”, and hand cleaner products that claim to remove paints and other related coatings from skin.

“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 “Multi-purpose Lubricants” that claim to have penetrating qualities, but are not labeled primarily to loosen bonded parts.

“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, aftershave, and toilet water. This does not include “Deodorant”; medicated products designed primarily to alleviate fungal or bacterial growth on feet or other areas of the body; mouthwashes and breath fresheners and deodorizers; lotions, moisturizers, powders or other skin care products used primarily to alleviate skin conditions such as dryness and irritations; products designed exclusively for use on human genitalia; soaps, shampoos, and products primarily used to clean the human body; and fragrance products designed to be used exclusively on non-human animals.

“Pesticide” means and includes any substance or mixture of substances labeled, designed, or intended for use in preventing, destroying, repelling or mitigating any pest, or any substance or mixture of substances labeled, designed, or intended for use as a defoliant, desiccant, or plant regulator, provided that the term “Pesticide” will not include any substance, mixture of substances, or device the United States Environmental Protection Agency does not consider to be a pesticide.

“Photograph Coating” means a coating designed and labeled exclusively to be applied to finished photographs to allow corrective retouching, protection of the image or changes in gloss level, or to cover fingerprints.

“Pressurized Gas Duster” means a pressurized product labeled to remove dust from a surface solely by means of mass air or gas flow, including surfaces such as photographs, photographic film negatives, computer keyboards, and other types of surfaces that cannot be cleaned with solvents. This does not include “Dusting Aid”.

“Principal Display Panel or Panels” means that part, or those 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 such “Principal Display Panels.”

“Product Brand Name” means the name of the product exactly as it appears on the principal display panel of the product.

“Product Category” means the applicable category, defined in this Section and limited in Section 223.205(a), which best describes the product.

“Product Form” for the purpose of complying with Section 223.270 only, means 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

“Product Line” means a group of products of identical form and function belonging to the same product category or categories.

“Pump Spray” means a packaging system in which the product ingredients within the container are not under pressure and in which the product is expelled only while a pumping action is applied to a button, trigger or other actuator.

“Responsible ACP Party” means the company, firm or establishment listed on the ACP product's label. If the label lists two or more companies, firms, or establishments, the “Responsible ACP Party” is the party the ACP product was “manufactured for” or “distributed by”, as noted on the label.

“Restricted Materials” means pesticides established as restricted materials under applicable Illinois statutes or regulations.

“Roll-On Product” means any antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the affected area.

“Rubber and Vinyl Protectant” means any product designed to protect, preserve or renew vinyl, rubber, and plastic on vehicles, tires, luggage, furniture, and household products such as vinyl covers, clothing, and accessories. This does not include products primarily designed to clean the wheel rim, such as aluminum or magnesium wheel cleaners, and tire cleaners that do not leave an appearance-enhancing or protective substance on the tire.

“Rubbing Alcohol” means any product containing isopropyl alcohol (also called isopropanol) or denatured ethanol and labeled for topical use, usually to decrease germs in minor cuts and scrapes, to relieve minor muscle aches, as a rubefacient, and for massage.

“Rust Preventive Coating” means a coating formulated exclusively for nonindustrial use to prevent the corrosion of metal surfaces and labeled as specified in Section 223.320(f).

“Sanding Sealer” means a clear or semi-transparent wood coating labeled and formulated for application to bare wood to seal the wood and to provide a coat that can be abraded to create a smooth surface for subsequent applications of coatings. A “Sanding Sealer” that also meets the definition of a “Lacquer” is not included in this category, but it is included in the “Lacquer” category.

“Sealant and Caulking Compound” means any product with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between two surfaces. This does not include roof cements and roof sealants, insulating foams, removable caulking compounds, Clear/paintable/water resistant caulking compounds, floor seam sealers, products designed exclusively for automotive uses, or sealers that are applied as continuous coatings. The term also does not include units of product, less packaging, that weigh more than one pound and consist of more than 16 fluid ounces.

For the purposes of this definition only, “removable caulking compounds” means a compound that temporarily seals windows or doors for three to six month time intervals. “Clear/paintable/water resistant caulking compound” means a compound that contains no appreciable level of opaque fillers or pigments; transmits most or all visible light through the caulk when cured; is paintable; and is immediately resistant to precipitation upon application.

“Semisolid” means a product that, at room temperature, will not pour, but will spread or deform easily, including but not limited to gels, pastes, and greases.

“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 body hair. The term does not include “Shaving Gel”.

“Shaving Gel” means an aerosol product which 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 body hair. This does not include “Shaving Cream”.

“Silicone-Based Multi-Purpose Lubricant” means any lubricant designed and labeled to provide lubricity primarily through the use of silicone compounds including, but not limited to, polydimethylsiloxane, and designed and labeled 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.

“Single Phase Aerosol Air Freshener” means an aerosol air freshener with the liquid contents in a single homogeneous phase and that does not require that the product container be shaken before use.

“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 D4359-90, incorporated by reference in Section 223.120, or an equivalent method approved by the California Air Resources Board.

“Special Purpose Spray Adhesive” means an aerosol adhesive that meets any of the following definitions:

“Mounting Adhesive” means an aerosol adhesive designed to permanently mount photographs, artwork, and any other drawn or printed media to a backing (paper, board, cloth, etc.) without causing discoloration to the artwork.

“Flexible Vinyl Adhesive” means an aerosol adhesive designed to bond flexible vinyl to substrates. Flexible vinyl means a nonrigid polyvinyl chloride plastic with at least five percent, by weight, of plasticizer content. A plasticizer is a material, such as a high boiling point organic solvent, that is incorporated into a plastic to increase its flexibility, workability, or distensibility, and may be determined using ASTM E260-96, incorporated by reference in Section 223.120, or from product formulation data or an equivalent method approved by the CARB.

“Polystyrene Foam Adhesive” means an aerosol adhesive designed to bond polystyrene foam to substrates.

“Automobile Headliner Adhesive” means an aerosol adhesive designed to bond together layers in motor vehicle headliners.

“Polyolefin Adhesive” means an aerosol adhesive designed to bond polyolefins to substrates.

“Laminate Repair/Edgebanding Adhesive” means an aerosol adhesive designed for:

The touch-up or repair of items laminated with high pressure laminates (e.g., lifted edges, delaminates, etc.); or

The touch-up, repair, or attachment of edgbanding materials, including but not limited to other laminates, synthetic marble, veneers, wood molding, and decorative metals.

For the purposes of this definition “high pressure laminate” means sheet materials that consist of paper, fabric, or other core material that have been laminated at temperatures exceeding 265° F, and at pressures between 1,000 and 1,400 psi.

“Automotive Engine Compartment Adhesive” means an aerosol adhesive designed for use in motor vehicle under-the-hood applications which require oil and plasticizer resistance, as well as high shear strength, at temperatures of 200 to 275° F.

“Spot Remover” means any product labeled to clean localized areas, or remove localized spots or stains on cloth or fabric such as drapes, carpets, upholstery, and clothing, that does not require subsequent laundering to achieve stain removal. This does not include “Dry Cleaning Fluid”, “Laundry Prewash”, or “Multi-Purpose Solvent.”

“Spray Buff Product” means a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.

“Stick Product” means any antiperspirant or deodorant that contains active ingredients in a solid matrix form, and that dispenses the active ingredients by frictional action on the affected area.

“Structural Waterproof Adhesive” means an adhesive whose bond lines are resistant to conditions of continuous immersion in fresh or salt water and that conforms with Federal Specification MMM-A-181D (Type 1, Grade A), incorporated by reference in Section 223.120, and MIL-A-4605 (Type A, Grade A and Grade C), per the Federal Consumer Products Regulation (40 CFR 59, subpart C), incorporated by reference in Section 223.120.

“Terrestrial” means to live on or grow from land.

“Tire Sealant and Inflation” means any pressurized product that is designed to temporarily inflate and seal a leaking tire.

“Toilet/Urinal Care Product” means any product designed or labeled to clean and/or to deodorize toilet bowls, toilet tanks, or urinals. Toilet bowls, toilet tanks, or urinals include, but are not limited to, toilets or urinals connected to permanent plumbing in buildings and other structures, portable toilets or urinals placed at temporary or remote

locations, and toilets or urinals in vehicles such as buses, recreational motor homes, boats, ships, and aircraft. This does not include “Bathroom and Tile Cleaner” or “General Purpose Cleaner.”

“Type A Propellant” means a compressed gas, such as CO₂, N₂, N₂O, 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.

“Type B Propellant” means any halocarbon that is used as a propellant including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs).

“Type C Propellant” means any propellant that is not a Type A or Type B propellant, including propane, isobutane, n-butane, and dimethyl ether (also known as dimethyl oxide).

“Undercoating” means any aerosol product designed to impart a protective, non-paint layer to the undercarriage, trunk interior, and/or firewall of motor vehicles to prevent the formation of rust or to deaden sound. This includes, but is not limited to, rubberized, mastic, or asphaltic products.

“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.

“Vinyl/Fabric/Leather/Polycarbonate Coating” means a coating designed and labeled exclusively to coat vinyl, fabric, leather, or polycarbonate substrates.

“VOM Content” means, for purposes of this Subpart, except for charcoal lighter products, the total weight of VOM in a product expressed as a percentage of the product weight (exclusive of the container or packaging), as determined pursuant to Section 223.285(a) and (b).

For charcoal lighter material products only,

$$VOC\ Content = \frac{(Certified\ Emissions\ x\ 100)}{Certified\ Use\ Rate}$$

Certified Emissions = The emissions level for products approved by the Agency under Section 223.220, as determined pursuant to South Coast Air Quality Management District Rule 1174,

Ignition Method Compliance Certification Protocol (February 27, 1991), incorporated by reference in Section 223.120, expressed to the nearest 0.001 pound CH₂ per start.

Certified Use Rate = The usage level for products approved by the Agency under Section 223.220, as determined pursuant to South Coast Air Quality Management District Rule 1174, Ignition Method Compliance Certification Protocol (February 27, 1991), incorporated by reference in Section 223.120, expressed to the nearest 0.001 pound certified product used per start.

For purposes of Subpart C of this Part, "VOM Content" means the weight of VOM per volume of coating, calculated according to the procedures specified in Section 223.340(a).

"Wasp and Hornet Insecticide" means any insecticide product that is designed for use against wasps, hornets, yellow jackets or bees by allowing the user to spray from a distance a directed stream or burst at the intended insects, or their hiding place.

"Waterproofer" means a product designed and labeled exclusively to repel water from fabric or leather substrates, excluding "Fabric Protectants".

"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). This includes, but is not limited to, substances derived from the secretions of plants and animals such as caruba wax and beeswax, substances of a mineral origin such as ozocerite and paraffin, and synthetic polymers such as polyethylene.

"Web Spray Adhesive" means any aerosol adhesive that is not a mist spray or special purpose spray adhesive.

"Wood Cleaner" means a product labeled to clean wooden materials, including but not limited to decking, fences, flooring, logs, cabinetry, and furniture. The term does not include "Dusting Aid", "General Purpose Cleaner", "Furniture Maintenance Product", "Floor Wax Stripper", "Floor Polish or Wax", or products designed and labeled exclusively to preserve or color wood.

"Wood Floor Wax" means wax-based products for use solely on wood floors.

(Source: Amended at _____, effective _____).

Section 223.205 Standards

- a) Except as provided in Section 223.207, 223.230, 223.240, or 223.245, no person shall sell, supply, offer for sale, or manufacture for sale in Illinois any consumer product manufactured on or after ~~July 1, 2009~~ the date specified below that contains VOMs in excess of the limits specified in this subsection:

Affected Product	July 1, 2009 % VOM by Weight	July 1, 2012 % VOM by Weight
1) <u>Adhesive Removers</u>		
A) <u>Floor or Wall Covering</u>		<u>5</u>
B) <u>Gasket or Thread Locking</u>		<u>50</u>
C) <u>General Purpose</u>		<u>20</u>
D) <u>Specialty</u>		<u>70</u>
2+) Adhesives – Spray		
A) Mist Spray	65	
B) Web Spray	55	
C) Special Purpose Spray Adhesives		
i) Mounting, Automotive Engine Compartment, and Flexible Vinyl	70	
ii) Polystyrene Foam and Automotive Headliner	65	
iii) Polyolefin and Laminate Repair/Edgebanding	60	

<u>32)</u>	Adhesives – Construction, Panel and Floor Contact	15	
<u>4)</u>	<u>Adhesives – Contact</u>		
	<u>A) General Purpose</u>		<u>55</u>
	<u>B) Special Purpose</u>		<u>80</u>
<u>53)</u>	Adhesives – General Purpose	10	
<u>64)</u>	Adhesives – Structural Waterproof	15	
<u>75)</u>	Air Fresheners		
	A) Single-Phase Aerosol	30	
	B) Double Phase Aerosol	25	
	C) Liquids / Pump Sprays	18	
	D) Solids / Gel	3	
<u>86)</u>	Antiperspirants		
	A) Aerosol	40 HVOM 10 MVOM	
	B) Non-Aerosol	0 HVOM 0 MVOM	
<u>9)</u>	<u>Anti-static Product, Non-Aerosol</u>		<u>11</u>
<u>107)</u>	Automotive Brake Cleaners	45	
<u>118)</u>	Automotive Rubbing or Polishing Compound	17	
<u>129)</u>	Automotive Wax, Polish, Sealant, or Glaze		
	A) Hard Paste Waxes	45	
	B) Instant Detailers	3	
	C) All Other Forms	15	

13 10) Automotive Windshield Washer Fluids	35	
14 11) Bathroom and Tile Cleaners		
A) Aerosol	7	
B) All Other Forms	5	
15 12) Bug and Tar Remover	40	
16 13) Carburetor or Fuel-Injection Air Intake Cleaners	45	
17 14) Carpet and Upholstery Cleaners		
A) Aerosol	7	
B) Non-Aerosol (Dilutables)	0.1	
C) Non-Aerosol (Ready-to-Use)	3.0	
18 15) Charcoal Lighter Material	see Section 223.220	
19 16) Cooking Spray – Aerosol	18	
20 17) Deodorants		
A) Aerosol	0 HVOM 10 MVOM	
B) Non-Aerosol	0 HVOM 0 MVOM	
21 18) Dusting Aids		
A) Aerosol	25	
B) All Other Forms	7	
<u>22)</u> <u>Electrical Cleaner</u>		<u>45</u>
<u>23)</u> <u>Electronic Cleaner</u>		<u>75</u>

<u>2419)</u> Engine Degreasers		
A) Aerosol	35	
B) Non-Aerosol	5	
<u>2520)</u> Fabric Protectants	60	
<u>26)</u> <u>Fabric Refresher</u>		
<u>A) Aerosol</u>		<u>15</u>
<u>B) Non-Aerosol</u>		<u>6</u>
<u>2724)</u> Floor Polishes / Waxes		
A) Products for Flexible Flooring Materials	7	
B) Products for Nonresilient Flooring	10	
C) Wood Floor Wax	90	
<u>2822)</u> Floor Wax Strippers	see Section 223.209	
<u>29)</u> <u>Footwear or Leather Care Products</u>		
<u>A) Aerosol</u>		<u>75</u>
<u>B) Solid</u>		<u>55</u>
<u>C) Other Forms</u>		<u>15</u>
<u>3023)</u> Furniture Maintenance Products		
A) Aerosol	17	
B) All Other Forms Except Solid or Paste	7	
<u>3124)</u> General Purpose Cleaners		
A) Aerosol	10	
B) Non-Aerosol	4	

<u>3225)</u> General Purpose Degreasers		
A) Aerosol	50	
B) Non-Aerosol	4	
<u>3326)</u> Glass Cleaners		
A) Aerosol	12	
B) Non-Aerosol	4	
<u>34)</u> <u>Graffiti Remover</u>		
<u>A) Aerosol</u>		<u>50</u>
<u>B) Non-Aerosol</u>		<u>30</u>
<u>3527)</u> Hair Mousses	6	
<u>3628)</u> Hairshines	55	
<u>3729)</u> Hairsprays	55	
<u>3830)</u> Hair Styling Gels	6	
<u>39)</u> <u>Hair Styling Products</u>		
<u>A) Aerosol and Pump Sprays</u>		<u>6</u>
<u>B) All Other Forms</u>		<u>2</u>
<u>4034)</u> Heavy Duty Hand Cleaner or Soap	8	
<u>4132)</u> Insecticides		
A) Crawling Bug (Aerosol)	15	
B) Crawling Bug (All Other Forms)	20	
C) Flea and Tick	25	

D)	Flying Bug (Aerosol)	25
E)	Flying Bug (All Other Forms)	35
F)	Foggers	45
G)	Lawn and Garden (Aerosol)	20
H)	Lawn and Garden (All Other Forms)	3
I)	Wasp and Hornet	40
<u>4233</u>)	Laundry Prewash	
A)	Aerosols / Solids	22
B)	All Other Forms	5
<u>4334</u>)	Laundry Starch Products	5
<u>4435</u>)	Metal Polishes / Cleansers	30
<u>4536</u>)	Multi-Purpose Lubricant (Excluding Solid or Semi-Solid Products)	50
<u>4637</u>)	Nail Polish Removers	75
<u>4738</u>)	Non-Selective Terrestrial Herbicide - Non-Aerosol	3
<u>4839</u>)	Oven Cleaners	
A)	Aerosols / Pump Sprays	8
B)	Liquids	5
<u>4940</u>)	Paint Removers or Strippers	50
<u>5041</u>)	Penetrants	50
<u>5142</u>)	Rubber and Vinyl Protectants	
A)	Aerosol	10

B) Non-Aerosol	3	
5243) Sealants and Caulking Compounds	4	
5344) Shaving Creams	5	
<u>54) Shaving Gel</u>		<u>7</u>
5545) Silicone-Based Multi-Purpose Lubricants (Excluding Solid or Semi-Solid Products)	60	
5646) Spot Removers		
A) Aerosol	25	
B) Non-Aerosol	8	
5747) Tire Sealants and Inflators	20	
5848) Undercoatings – Aerosols	40	
<u>59) Wood Cleaner</u>		
<u>A) Aerosol</u>		<u>17</u>
<u>B) Non-Aerosol</u>		<u>4</u>
b) No person shall sell, supply, offer for sale, or manufacture for sale in Illinois, on or after July 1, 2009, any antiperspirant or deodorant that contains any compound listed below:		
Benzene		
Ethylene Dibromide		
Ethylene Dichloride		
Hexavalent Chromium		
Asbestos		
Cadmium (metallic cadmium and cadmium compounds)		

Carbon Tetrachloride

Trichloroethylene

Chloroform

Vinyl Chloride

Inorganic Arsenic

Nickel (metallic nickel and inorganic nickel compounds)

Perchloroethylene

Formaldehyde

1,3-Butadiene

Inorganic Lead

Dibenzo-p-dioxins and dibenzofurans chlorinated in the 2,3,7 and 8 positions and containing 4,5,6 or 7 chlorine atoms

(Source: Amended at _____, effective _____).

Section 223.211 Requirements for Adhesive Removers, Aerosol Adhesives, Contact Adhesives, Electrical Cleaners, Electronic Cleaners, Footwear or Leather Care Products, General Purpose Degreasers, and Graffiti Removers

a. Effective July 1, 2012, no person shall sell, supply, offer for sale, or manufacture for use in Illinois any Adhesive Removers, Aerosol Adhesives, Contact Adhesives, Electrical Cleaners, Electronic Cleaners, Footwear or Leather Care Products, General Purpose Degreasers, and Graffiti Removers that contain any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene

b. Impurities

The requirements of Section 211(a) do not apply to any Adhesive Removers, Aerosol Adhesives, Contact Adhesives, Electrical Cleaners, Electronic Cleaners,

Footwear or Leather Care Products, General Purpose Degreasers, and Graffiti Removers containing methylene chloride, perchloroethylene, or trichloroethylene that is present as an impurity in a combined amount equal to or less than 0.01% by weight.

(Source: Added at _____, effective _____).

SUBPART C: ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS

Section 223.305 Applicability

This Subpart is applicable to any person who supplies, sells, offers for sale, or manufactures any architectural coating for use within the State of Illinois, as well as any person who applies or solicits the application of any architectural coating within Illinois. This Subpart does not apply to:

- a) Any architectural coating that is sold or manufactured for use outside of the State of Illinois or for shipment to other manufacturers for reformulation or repackaging.
- b) Any aerosol coating product.
- c) Any architectural coating that is sold in a container with a volume of one liter (1.057 quart) or less. For the purposes of this subsection the volume of architectural coating in a container shall be considered the total volume of coating that is packaged as unit of retail sale or for use by the consumer.

(Source: Amended at _____, effective _____).

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

JUL 13 2011

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM.)
CODE PART 223 STANDARDS AND)
LIMITATIONS FOR ORGANIC)
MATERIAL EMISSIONS FOR AREA)
SOURCES)
)

12-8
RH-
(Rulemaking - Air)

ORIGINAL

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached REGULATORY PROPOSAL FOR AMENDMENTS TO 35 ILL. ADM. CODE PART 223 STANDARDS AND LIMITATIONS FOR ORGANIC MATERIAL EMISSIONS FOR AREA SOURCES 35 ILL. ADM. CODE PART 223 and APPEARANCE of the Illinois Environmental Protection Agency upon the persons to whom it is directed, by placing it in envelopes addressed to:

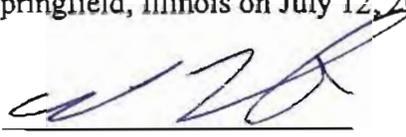
TO:

John Therriault, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

Matthew J. Dunn, Chief
Environmental
Enforcement/Asbestos
Litigation Division
Illinois Attorney General's Office
69 West Washington Street, 18th
Floor
Chicago, IL 60602

Mitchell Cohen
Chief Legal Counsel
Illinois Dept. of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

and mailing same by First Class Mail from Springfield, Illinois on July 12, 2011 with sufficient postage affixed.

A handwritten signature in blue ink, appearing to be "W. J. A.", written over a horizontal line.

SUBSCRIBED AND SWORN TO BEFORE ME

this 12th day of July, 2011

A handwritten signature in blue ink that reads "Dawn A. Hollis".

Notary Public

