

ILLINOIS POLLUTION CONTROL BOARD  
March 15, 2012

IN THE MATTER OF: )  
)  
AMENDMENTS TO 35 ILL. ADM. CODE ) R12-8  
PART 223: STANDARDS AND ) (Rulemaking - Air)  
LIMITATIONS FOR ORGANIC MATERIAL )  
EMISSIONS FOR AREA SOURCES )

Proposed Rule. Second Notice.

OPINION AND ORDER OF THE BOARD (by T.A. Holbrook):

The Board today proposes amendments to Part 223 of its air pollution regulations for second-notice review by the Joint Committee on Administrative Rules (JCAR). The Illinois Environmental Protection Agency (Agency) initiated this proceeding by filing a rulemaking proposal on July 13, 2011. The Agency sought to reduce emissions of volatile organic material (VOM) from various consumer and commercial products and aerosol coatings.

In an order dated January 5, 2012, the Board submitted proposed amendments to first-notice publication in the *Illinois Register*. See 36 Ill. Reg. 727 (Jan. 20, 2012). During the statutory 45-day comment period (see 5 ILCS 100/5-40(b) (2010)), the Board received no comment on its proposed amendments. Today, the Board submits its first-notice proposal without substantive amendment to second-notice review by JCAR (see 5 ILCS 100/5-40(c) (2010)).

In the opinion below, the Board first provides the procedural background of this rulemaking before briefly summarizing its first-notice opinion and order. After discussing issues of technical feasibility and economic reasonableness, the Board concludes to submit the proposed amendments to second-notice review by JCAR. Finally, the Board's order sets forth the proposed amendments.

**PROCEDURAL BACKGROUND**

On July 13, 2011, the Agency filed a proposal to amend Part 223 of the Board's air pollution regulations. Accompanying the proposal were documents including a Statement of Reasons (SR) and a Technical Support Document (TSD). The TSD listed as references two documents: the first an "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" (ISOR) by the California Air Resources Board (CARB) released May 7, 2004; and the second the Agency's own "Illinois Ozone Emissions Inventory for 2008." The Agency also submitted as a source it had relied upon in drafting its proposal the "Final Draft of the Model Rule for Consumer Products" prepared by the

Ozone Transport Commission (OTC)<sup>1</sup> and dated September 13, 2006. The Agency's proposal also included a motion for waiver of specified copy requirements.

In an order dated August 4, 2011, the Board accepted the Agency's proposal for hearing and granted the Agency's motion for waiver of copy requirements. Also on August 4, 2011, the hearing officer issued an order scheduling a first hearing in Springfield on October 6, 2011, with a deadline of September 22, 2011 to pre-file testimony; and a second hearing in Chicago on November 17, 2011, with a deadline of November 3, 2011, to pre-file testimony.

As required by Section 27(b) of the Act (415 ILCS 5/27(b) (2010)) the Board requested in a letter dated August 4, 2011, that the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study of the Agency's rulemaking proposal. The Board asked DCEO to determine by September 15, 2011, whether it would perform such a study. On September 28, 2011, the Board received a response from DCEO. In a letter dated September 20, 2011, DCEO Director Warren Ribley stated that, "[a]t this time, the Department is unable to undertake such an economic impact study. Therefore, I must respectfully decline your request."

On September 22, 2011, the Agency pre-filed testimony by Mr. Rory Davis (Davis Test.). On September 26, 2011, Consumer Specialty Products Association (CSPA) pre-filed testimony by Mr. Joseph T. Yost.

The first hearing took place as scheduled on October 6, 2011, in Springfield, and the Board received the transcript (Tr.1) on October 11, 2011. During the first hearing, the hearing officer admitted into the record a single exhibit, the pre-filed testimony of Mr. Davis. Tr.1 at 8.

The second hearing took place as scheduled on November 17, 2011, in Chicago, and the Board received the transcript (Tr.2) on November 18, 2011. During the second hearing, the hearing officer admitted into the record two exhibits: a list of sources potentially affected by the Agency proposal (*see* Tr.1 at 12-13); and the pre-filed testimony of Mr. Yost. Tr.2 at 5, 7. In an order dated November 17, 2011, the hearing officer set a deadline of December 14, 2011, to file post-hearing comments.

On December 14, 2011, the Board received post-hearing comments from the following entities: CSPA (PC 1); Chicago Aerosol, Bridgeview Facility (Chicago Aerosol) (PC 2); the Agency (PC 3); and Claire Manufacturing Company (Claire) (PC 4).

On January 5, 2012, the Board adopted its first-notice opinion and order (Board Opinion). *See* 36 Ill. Reg. 727 (Jan. 20. 2012).

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<sup>1</sup> The Ozone Transport Commission includes the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia, and the District of Columbia. TSD at 8.

## **FIRST-NOTICE OPINION AND ORDER**

In proceeding to first notice on January 5, 2012, the Board adopted a 50-page opinion followed by a 34-page order. In post-hearing comments, CSPA, Chicago Aerosol, and Claire had recommended that the Board amend Section 223.211 of the Agency's original proposal by deleting a restriction on the category of General Purpose Degreasers. *See* PC 1, PC 2, PC 4; *see also* Amendments to 35 Ill. Adm. Code Part 223: Standards and Limitations for Organic Material Emissions for Area Sources, R12-8, slip op. at 47-49 (summarizing testimony and comments). Stressing the participants' stated interest in adopting regulations consistent with those in other jurisdictions, the Board declined to delete this restriction and submitted it to first-notice publication with the restriction originally proposed by the Agency. *Id.* at 49, 83.

Since adopting its first-notice opinion and order, the Board has not received a public comment on that proposal. In adopting its second-notice opinion proposal today, the Board does not substantively amend its first-notice proposal. Accordingly, substantial portions of the Board's first-notice opinion, including the review of the record and conclusions on various issues, support the Board's conclusion below to proceed to second notice. Accordingly, the Board has not duplicated various sections of its first-notice opinion and instead refers readers to that opinion with regard to various issues.

Specifically, the Board's first-notice opinion and order summarized the Agency's original rulemaking proposal and CSPA's testimony. Board Opinion at 3-5. The Board then provided a description of the product categories affected by the proposal. *Id.* at 6-22. Next, the Board addressed the estimated VOM emissions from those product categories and the emission reductions projected to result from adoption of the proposal. *Id.* at 22-27. The Board then summarized the record on the issue technical feasibility. *Id.* at 27-34. The opinion then considered the cost-effectiveness and economic reasonableness of the proposed amendments. *Id.* at 34-40. The Board then provided a section-by-section summary of the record in support of its first-notice proposal. *Id.* at 40-50.

The full text of the first notice opinion and order is available under this docket number R12-8 from the Clerk's Office On-Line, or COOL, through the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

## **ECONOMIC REASONABLENESS AND TECHNICAL FEASIBILITY**

### **Board Request for DCEO Economic Impact Study**

As required by Section 27(b) of the Act (415 ILCS 5/27(b) (2010)) the Board requested in a letter dated August 4, 2011, that DCEO conduct an economic impact study of the Agency's rulemaking proposal. The Board requested that DCEO determine no later than September 15, 2011, whether to conduct such a study. On September 28, 2011, the Board received a response from DCEO. In a letter dated September 20, 2011, DCEO Director Warren Ribley stated that, "[a]t this time, the Department is unable to undertake such an economic impact study. Therefore, I must respectfully decline your request." During the second hearing, the hearing officer noted the Board's request and DCEO's response. Tr.2 at 24-25. Although the hearing

officer afforded those present an opportunity to testify regarding the request and response, no participant offered testimony. *See id.*

### **Economic Reasonableness**

In its Statement of Reasons, the Agency argued that its proposed rules are economically reasonable. SR at 5. The Agency supported its claim by stating that California, the OTC states, Indiana, Michigan, and Ohio have adopted these limits. TSD at 8, 13, 14. Because of this widespread adoption, the Agency claimed that many products sold in Illinois already comply with the proposed VOM content limits. TSD at 13; SR at 5. The Agency attributed this to the formulation and manufacturing of single products for national sales. TSD at 13; *see* SR at 5; Tr.1 at 11-12.

As additional support for its claim of economic reasonableness, the Agency relied on research conducted by CARB on the estimated impact of recent amendments to California's rules on affected businesses. SR at 5; *see* TSD at 15 (Table 3: Estimated Total Costs to Businesses Annually); *see also* ISOR at I-21 - I-23, VIII-174 - VII-206. The Agency noted CARB's 2004 estimate "that the proposed limits would cost between \$4,020 and \$4,680 per ton of VOM reduced." SR at 6, citing TSD at 17; *see* ISOR at VIII-193 (Table VIII-6: Comparison of Cost-Effectiveness for ARB Consumer Product Regulations/Measures (adjusted to 2003 dollars)). Because these amendments have taken effect, the Agency claims that "a significant portion of business impact to manufacturers of the affected products may have already been realized in Illinois." SR at 6; TSD at 15; *see* Davis Test. at 3. The Agency's analysis of economic effects projected a total statewide cost of \$1,600,000 attributable to changing the formulation or packaging of various products. The Agency again suggested that manufacturers may already have performed these changes and incurred these costs.

In proceeding to first notice, the Board stated that the record did not persuasively dispute the Agency's position that the proposed amendments are economically reasonable. The Board found that this position is supported by the adoption of similar regulations in other jurisdictions and the availability of compliant products there. The Board also found that CARB's analysis lends general support to the Agency's claim. Since proceeding to first notice, no addition to the record has disputed this finding. Consequently, the Board finds that the second-notice proposal below is economically reasonable.

### **Technical Feasibility**

The Agency's Technical Support Document stated that its proposal is technically feasible because "the proposed emission limits are already in place in California, the OTC states," and also in Indiana, Michigan, and Ohio. TSD at 8, 13, 14. The Agency elaborated that, because of adoption of the proposed limits in these jurisdictions accounting for nearly half of the U.S. population, "compliant products in all categories are widely available. . . ." TSD at 13; *see* SR at 5; Davis Test. at 3. The Agency claimed that many products sold in Illinois comply with the proposed VOM limits because manufacturers formulate and manufacture a single product in order to sell it on a national basis. TSD at 13; *see* SR at 5. As further support for its claim of

feasibility, the Agency relied on technical support prepared by CARB for recent amendments to California's rules. SR at 5; *see* ISOR at III-12 - III-13, VI-58 - VI-142.

In proceeding to first notice, the Board stated that the record does not persuasively challenge the Agency's position that its proposal is technically feasible. The Board found that adoption of similar regulations in other jurisdictions and the availability of compliant products there lend support to this position. The Board also found that CARB's analysis lends general support to the Agency's claim. Since proceeding to first notice, no addition to the record has disputed this finding. Consequently, the Board finds that the second-notice proposal below is technically feasible.

### **CONCLUSION**

The Board today concludes to submit its first-notice proposal without significant substantive amendments for second notice review by JCAR. In its order below, the Board directs the Clerk to submit the proposed amendments to Part 223 of its air pollution rules to JCAR.

### **ORDER**

The Board directs the Clerk to submit the following proposed amendments to the Board's regulations to JCAR for second-notice review. Proposed additions are underlined, and proposed deletions appear stricken.

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	
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223.220	Requirements for Charcoal Lighter Material
223.230	Exemptions
223.240	Innovative Product Exemption
223.245	Alternative Compliance Plans
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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. 8224, effective June 8, 2009; amended in R09-19 at 35 Ill. Reg. 18846, effective October 25, 2011; amended in R12-08 at 36 Ill Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: CONSUMER AND COMMERCIAL PRODUCTS

### **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 36 Ill. Reg. \_\_\_\_\_, 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 which 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 that 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 an "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 that 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 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 the effective date in Section 223.205 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 does 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” or “HVOC” 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 this definition, 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 that 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”, paint brush 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), that 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 compound” 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 that dispenses a post-foaming semisolid designed to be used with a blade, cartridge razor, or other shaving system in the removal of facial or other 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 edgebanding 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 that 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 CO<sub>2</sub>, N<sub>2</sub>, N<sub>2</sub>O, 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 at Section 223.120, expressed to the nearest 0.001 pound CH<sub>2</sub> 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 at 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 carnuba 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 36 Ill. Reg. \_\_\_\_\_, 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 the date specified below ~~July 1, 2009~~ that contains VOMs in excess of the limits specified in this subsection:

<del>Affected Product</del>	<del>% VOM by Weight</del>	
Affected Product	<u>July 1, 2009</u> <u>% VOM</u> <u>by Weight</u>	<u>July 1, 2012</u> <u>% VOM</u> <u>by Weight</u>
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) <u>Adhesives – Spray</u>		
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	
3)		Adhesives – Construction, Panel and Floor Contact	15	
4)		<u>Adhesives – Contact</u>		
	A)	<u>General Purpose</u>		<u>55</u>
	B)	<u>Special Purpose</u>		<u>80</u>
<del>53</del> )		Adhesives – General Purpose	10	
<del>64</del> )		Adhesives – Structural Waterproof	15	
<del>75</del> )		Air Fresheners		
	A)	Single-Phase Aerosol	30	
	B)	Double Phase Aerosol	25	
	C)	Liquids / Pump Sprays	18	
	D)	Solids / Gel	3	
<del>86</del> )		Antiperspirants		
	A)	Aerosol	40 HVOM 10 <u>MVOM</u> HVOM	
	B)	Non-Aerosol	0 <u>HVOM</u> MVOM 0 MVOM	
9)		<u>Anti-static Product, Non-Aerosol</u>		<u>11</u>
<del>107</del> )		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
<u>1340)</u>	Automotive Windshield Washer Fluids	35
<u>1444)</u>	Bathroom and Tile Cleaners	
	A) Aerosol	7
	B) All Other Forms	5
<u>1542)</u>	Bug and Tar Remover	40
<u>1643)</u>	Carburetor or Fuel-Injection Air Intake Cleaners	45
<u>1744)</u>	Carpet and Upholstery Cleaners	
	A) Aerosol	7
	B) Non-Aerosol (Dilutables)	0.1
	C) Non-Aerosol (Ready-to-Use)	3.0
<u>1845)</u>	Charcoal Lighter Material	see Section 223.220
<u>1946)</u>	Cooking Spray – Aerosol	18
<u>2047)</u>	Deodorants	
	A) Aerosol	0 HVOM 10 <u>MVOM</u> <del>HVOM</del>
	B) Non-Aerosol	0 <u>HVOM</u> <u>MVOM</u> 0 MVOM
<u>2148)</u>	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>		
A)	<u>Aerosol</u>		<u>15</u>
B)	<u>Non-Aerosol</u>		<u>6</u>
<u>2721)</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>		
A)	<u>Aerosol</u>		<u>75</u>
B)	<u>Solid</u>		<u>55</u>
C)	<u>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> <del>Glass Cleaner</del>		
A)	<u>Aerosol</u>		<u>50</u>
B)	<u>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>		
A)	<u>Aerosol and Pump Sprays</u>		<u>6</u>
B)	<u>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	
<u>5243</u> )	Sealants and Caulking Compounds	4	
<u>5344</u> )	Shaving Creams	5	
<u>54</u> )	<u>Shaving Gel</u>		<u>7</u>
<u>5545</u> )	Silicone-Based Multi-Purpose Lubricants (Excluding Solid or Semi-Solid Products)	60	
<u>5646</u> )	Spot Removers		
A)	Aerosol	25	
B)	Non-Aerosol	8	
<u>5747</u> )	Tire Sealants and Inflators	20	
<u>5848</u> )	Undercoatings – Aerosols	40	
<u>59</u> )	<u>Wood Cleaner</u>		
A)	<u>Aerosol</u>		<u>17</u>
B)	<u>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 in this subsection (b) ~~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 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 223.207 Products Registered under FIFRA**

For those consumer products that are registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 USC 136 through 136y), incorporated by reference in Section 223.120, the effective date of the VOM standards will be one year after the effective date specified in Section 223.205 ~~July 1, 2010~~.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 223.208 Requirements for Aerosol Adhesives**

- a) As specified in California Code Section 41712(h)(2), incorporated by reference in Section 223.120, the standards for aerosol adhesives apply to all uses of aerosol adhesives, including consumer, industrial, and commercial uses. Except as otherwise provided in Sections 223.207, 223.230, 223.240, and 223.245, no person shall sell, supply, offer for sale, use or manufacture for sale in Illinois any aerosol adhesive that, at the time of sale, use, or manufacture, contains VOMs in excess of the specified standard.
- b) Special Purpose Spray Adhesive.
  - 1) In order to qualify as a Special Purpose Spray Adhesive the product must meet one or more of the definitions for Special Purpose Spray Adhesive

specified in Section 223.203, but if the product label indicates that the product is suitable for use on any substrate or application not listed in one of the definitions for Special Purpose Spray Adhesive, then the product shall be classified as either a Web Spray Adhesive or a Mist Spray Adhesive.

- 2) If a product meets more than one of the definitions specified in Section 223.203 for Special Purpose Spray Adhesive and is not classified as a Web Spray Adhesive or Mist Spray Adhesive under Section 223.203, then the VOC limit for the product shall be the lowest applicable VOM limit specified in Section 223.205(a).
- c) Effective July 1, 2009, no person shall sell, supply, offer for sale, or manufacture for use in Illinois any aerosol adhesive that contains any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene. These requirements do not apply to any Aerosol Adhesive 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.
- d) All aerosol adhesives must comply with the labeling requirements specified in Section 223.265.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, 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) No person shall sell, supply, offer for sale, or manufacture for use in Illinois any Adhesive Removers, Contact Adhesives, Electrical Cleaners, Electronic Cleaners, Footwear or Leather Care Products, General Purpose Degreasers, or Graffiti Removers manufactured on or after July 1, 2012 that contain any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene

- b) Impurities

The requirements of subsection (a) do not apply to any Adhesive Removers, Contact Adhesives, Electrical Cleaners, Electronic Cleaners, Footwear or Leather Care Products, General Purpose Degreasers, or 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 36 Ill. Reg. \_\_\_\_\_, 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 a unit of retail sale or for use by the consumer.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 15, 2012, by a vote of 5-0.



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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board