

ARTICLE 8. VOLATILE ORGANIC COMPOUND RULES
Rule 15. Standards for Consumer and Commercial Products

326 IAC 8-15-2 Definitions

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

Affected: IC 13-11-2-158; IC 13-12; IC 15-16-4

Sec. 2. The following definitions apply throughout this rule:

(1) "ACP" means alternative control plan.

(2) "ACP agreement" means the document that:

(A) includes the conditions and requirements of the ACP; and

(B) allows manufacturers to sell ACP products in Indiana in accordance with section 6 of this rule.

(3) "ACP product" means any consumer product subject to the VOC content limits specified in section 3(a) of this rule, except those products that have been exempted under section 4 or 5 of this rule.

(4) "Adhesive" means any product that is used to bond one (1) surface to another by attachment. The term does not include the following:

(A) Products used on humans and animals.

(B) Adhesive tape.

(C) Contact paper.

(D) Wallpaper.

(E) Shelf liners.

(F) Any other product with an adhesive incorporated onto or in an inert substrate.

(G) Units of product, less packaging, that consist of more than one (1) gallon that meet the definition for contact adhesive.

(H) Units of product, less packaging, that:

(i) weigh more than one (1) pound and consist of more than sixteen (16) fluid ounces; and

(ii) meet the definition of either construction, panel, and floor covering adhesive or general purpose adhesive.

This limitation does not apply to aerosol adhesives.

(5) "Adhesive remover" means the following:

(A) A product designed to remove adhesive from either a specific substrate or a variety of substrates.

(B) The term includes the following:

(i) Floor or wall covering adhesive remover.

(ii) Gasket or thread locking adhesive remover.

(iii) General purpose adhesive remover.

(iv) Specialty adhesive remover.

(C) The term does not include products that remove adhesive intended exclusively for use on humans or animals.

(D) For the purpose of this definition, "adhesive" means a substance used to bond one (1) or more materials and includes, but is not limited to, the following:

(i) Caulks.

(ii) Sealants.

(iii) Glues.

(iv) Similar substances used for the purpose of forming a bond.

(6) "Aerosol adhesive" means an aerosol product in which the spray mechanism is permanently housed in a nonrefillable can designed for hand-held application without the need for ancillary hoses or spray equipment. The term includes the following:

(A) Special purpose spray adhesives.

(B) Mist spray adhesives.

(C) Web spray adhesives.

(7) "Aerosol cooking spray" means any aerosol product designed either to reduce sticking on cooking and baking surfaces or to be applied on food, or both.

- (8) "Aerosol product" means a pressurized spray system that dispenses product ingredients by means of a:
- (A) propellant contained in a product or a product's container; or
 - (B) mechanically induced force.
- The term does not include pump spray.
- (9) "Agricultural use" means the following:
- (A) The use of any pesticide or method or device for the control of pests in connection with the commercial production, storage, or processing of any animal or plant crop.
 - (B) The term does not include the sale or use of pesticides in properly labeled packages or containers that are intended for:
 - (i) home use;
 - (ii) use in structural pest control;
 - (iii) industrial use; or
 - (iv) institutional use.
 - (C) For the purposes of this definition only, the following apply:
 - (i) "Home use" means use in a household or its immediate environment.
 - (ii) "Industrial use" means use:
 - (AA) for or in a manufacturing, mining, or chemical process; or
 - (BB) in the operation of factories, processing plants, and similar sites.
 - (iii) "Institutional use" means use within the lines of, or on the property necessary for the operation of, buildings, such as the following:
 - (AA) Hospitals.
 - (BB) Schools.
 - (CC) Libraries.
 - (DD) Auditoriums.
 - (EE) Office complexes.
 - (iv) "Structural pest control" means a use requiring a license under IC 15-16-4.
- (10) "Air freshener" means the following:
- (A) Any consumer product designed for the purpose of masking odors or freshening, cleaning, scenting, or deodorizing the air, including, but not limited to, the following:
 - (i) Sprays.
 - (ii) Wicks.
 - (iii) Powders.
 - (iv) Crystals.
 - (B) To determine whether a product is an air freshener, all verbal and visual representation regarding product use on the label or packaging and in the product's literature and advertising may be considered. The presence of, and representations about, a product's fragrance and ability to deodorize (resulting from surface application) shall not constitute a claim of air freshening.
 - (C) The term includes spray disinfectants and other products that are expressly represented for use as air fresheners, except institutional and industrial disinfectants when offered for sale through institutional and industrial channels of distribution.
 - (D) The term does not include the following:
 - (i) Products that are used on the human body.
 - (ii) Products that function primarily as cleaning products as indicated on a product label.
 - (iii) Toilet or urinal care products.
 - (iv) Disinfectant products claiming to deodorize by killing germs on surfaces.
 - (v) Institutional or industrial disinfectants when offered for sale solely through institutional or industrial channels of distribution.
- (11) "All other carbon-containing compounds" means all other compounds that:
- (A) contain at least one (1) carbon atom; and
 - (B) are not a Table B compound or an LVP-VOC.
- (12) "All other forms" means all consumer product forms for which no form-specific VOC standard is specified. Unless otherwise specified by the applicable VOC standard in section 3(a) of this rule, the term includes, but is not limited to, the following:

- (A) Solids.
- (B) Liquids.
- (C) Wicks.
- (D) Powders.
- (E) Crystals.
- (F) Cloth or paper wipes (towelettes).

(13) "Alternative control plan" or "ACP" means any emissions averaging program approved by the department under section 6 of this rule.

(14) "Antimicrobial hand or body cleaner or soap" means a cleaner or soap that is designed to reduce the level of microorganisms on the skin through germicidal activity. The term:

- (A) includes, but is not limited to:
 - (i) antimicrobial hand or body washes or cleaners, or both;
 - (ii) food handler hand washes;
 - (iii) health care personnel hand washes;
 - (iv) preoperative skin preparations; and
 - (v) surgical scrubs; and
- (B) does not include:
 - (i) prescription drug products;
 - (ii) antiperspirants;
 - (iii) astringents or toner;
 - (iv) deodorant;
 - (v) facial cleaner or soap;
 - (vi) general use hand or body cleaner or soap;
 - (vii) hand dishwashing detergent (including antimicrobial);
 - (viii) heavy-duty hand cleaner or soap;
 - (ix) medicated astringent or medicated toner; and
 - (x) rubbing alcohol.

(15) "Antiperspirant" means any product that is intended by the manufacturer to be used to reduce perspiration in the human axilla by at least twenty percent (20%) in at least fifty percent (50%) of a target population. The term includes, but is not limited to, the following:

- (A) Aerosols.
- (B) Roll-ons.
- (C) Sticks.
- (D) Pumps.
- (E) Pads.
- (F) Creams.
- (G) Squeeze bottles.

(16) "Antistatic product" means a product that is labeled to eliminate, prevent, or inhibit the accumulation of static electricity. The term does not include the following products:

- (A) Electronic cleaner.
- (B) Floor polish or wax.
- (C) Floor coating.
- (D) Aerosol coating product.
- (E) Architectural coating.

(17) "Architectural coating" means a coating applied to the following:

- (A) Stationary structures and their appurtenances.
- (B) Mobile homes.
- (C) Pavements.
- (D) Curbs.

(18) "ASTM" means the American Society for Testing and Materials.

(19) "Astringent or toner" means any product not regulated as a drug by the United States Food and Drug Administration (FDA) that is applied to the skin for the purpose of cleaning or tightening pores. The term:

- (A) includes:
 - (i) clarifiers; and
 - (ii) substrate-impregnated products; and

(B) does not include:

- (i) hand, face, or body cleaner or soap product;
- (ii) medicated astringent;
- (iii) medicated toner;
- (iv) cold cream;
- (v) lotion; and
- (vi) antiperspirant.

(20) "Automobile headliner adhesive" means an aerosol adhesive designed to bond together layers in motor vehicle headliners.

(21) "Automotive brake cleaner" means a cleaning product designed to remove the following from motor vehicle brake mechanisms:

- (A) Oil.
- (B) Grease.
- (C) Brake fluid.
- (D) Brake pad material.
- (E) Dirt.

(22) "Automotive engine compartment adhesive" means an aerosol adhesive designed for use in motor vehicle under-the-hood applications that require oil and plasticizer resistance and high shear strength at temperatures of two hundred (200) degrees Fahrenheit through two hundred seventy-five (275) degrees Fahrenheit.

(23) "Automotive hard paste wax" means an automotive wax or polish that:

- (A) is designed to protect and improve the appearance of automotive paint surfaces;
- (B) is a solid at room temperature; and
- (C) contains zero percent (0%) water by formulation.

(24) "Automotive instant detailer" means a product designed for use in a pump spray that is:

- (A) applied to the painted surface of automobiles; and
- (B) wiped off prior to the product being allowed to dry.

(25) "Automotive rubbing or polishing compound" means a product designed primarily to remove, from the painted surfaces of motor vehicles without leaving a protective barrier, the following:

- (A) Oxidation.
- (B) Old paint.
- (C) Scratches or swirl marks.
- (D) Other defects.

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

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

- (i) use in auto body repair shops;
- (ii) use in "drive-through" car washes; and
- (iii) the general public; and

(B) does not include:

- (i) automotive rubbing or polishing compounds;
- (ii) automotive wash and wax products;
- (iii) surfactant-containing car wash products; and
- (iv) products designed for use on unpainted surfaces, including, but not limited to:
 - (AA) bare metal;
 - (BB) chrome;
 - (CC) glass; and
 - (DD) plastic.

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

- (A) as an antifreeze; or
- (B) for the purpose of:
 - (i) cleaning;
 - (ii) washing; or
 - (iii) wetting;

the windshield.

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

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

- (A) Toilet bowls.
- (B) Toilet tanks.
- (C) Urinals.

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

- (A) Biological-type residues, such as the following:
 - (i) Insect carcasses.
 - (ii) Tree sap.
- (B) Road grime, such as the following:
 - (i) Road tar.
 - (ii) Roadway paint markings.
 - (iii) Asphalt.

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

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

- (A) A carburetor.
- (B) A choke.
- (C) The throttle body of a fuel-injection system.
- (D) Associated linkages.

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

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

- (A) A cleaning product designed for the purpose of eliminating dirt and stains on the following:
 - (i) Rugs.
 - (ii) Carpeting.
 - (iii) The interior of motor vehicles.
 - (iv) Household furniture.
 - (v) Objects upholstered or covered with fabrics, such as the following:
 - (AA) Wool.
 - (BB) Cotton.
 - (CC) Nylon.
 - (DD) Other synthetic fabrics.
- (B) The term includes, but is not limited to, products that make fabric protectant claims.
- (C) The term does not include the following:
 - (i) General purpose cleaners.
 - (ii) Spot removers.
 - (iii) Vinyl or leather cleaners.
 - (iv) Dry cleaning fluids.
 - (v) Products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.

(33) "Charcoal lighter material" means any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition. The term does not include any of the following:

- (A) Electrical starters and probes.
- (B) Metallic cylinders using paper tinder.
- (C) Natural gas.
- (D) Propane.
- (E) Fat wood.

(34) "Colorant" means any pigment or coloring material used in a consumer product:

- (A) for an aesthetic effect; or
- (B) to dramatize an ingredient.

(35) "Construction, panel, and floor covering adhesive" means any one-component adhesive that is designed exclusively for the installation, remodeling, maintenance, or repair of the following:

(A) Structural and building components, including the following:

- (i) Beams.
- (ii) Trusses.
- (iii) Studs.
- (iv) Paneling, including, but not limited to, the following:
 - (AA) Dry wall or dry wall laminates.
 - (BB) Fiberglass reinforced plastic (FRP).
 - (CC) Plywood.
 - (DD) Particle board.
 - (EE) Insulation board.
 - (FF) Predecorated hardboard or tile board.
- (v) Ceiling and acoustical tile.
- (vi) Molding.
- (vii) Fixtures.
- (viii) Countertops.
- (ix) Countertop laminates.
- (x) Cove bases.
- (xi) Wall bases.
- (xii) Flooring or subflooring.

(B) Floor or wall coverings, including the following:

- (i) Wood or simulated wood covering.
- (ii) Carpet.
- (iii) Carpet pad or cushion.
- (iv) Vinyl-backed carpet.
- (v) Flexible flooring material.
- (vi) Nonresilient flooring material.
- (vii) Mirror tiles and other types of tiles.
- (viii) Artificial grass.

The term does not include floor seam sealer.

(36) "Consumer" means any person who purchases or acquires any consumer product for the following uses:

- (A) Personal.
- (B) Family.
- (C) Household.
- (D) Institutional.

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

(37) "Consumer product" means the following:

(A) A chemically formulated product used by household and institutional consumers, including, but not limited to, the following:

- (i) Detergents.
- (ii) Cleaning compounds.
- (iii) Polishes.
- (iv) Floor finishes.
- (v) Cosmetics.
- (vi) Personal care products.
- (vii) Home, lawn, and garden products.
- (viii) Disinfectants.
- (ix) Sanitizers.
- (x) Aerosol paints.
- (xi) Automotive specialty products.
- (xii) Aerosol adhesives, including aerosol adhesives for the following uses:
 - (AA) Consumer.
 - (BB) Industrial.
 - (CC) Commercial.

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

(C) For purposes of this definition only, the following apply:

(i) "House dust mite product" means a product whose label, packaging, or accompanying literature states that the product is suitable for use against house dust mites, but does not indicate that the product is suitable for use against ants, cockroaches, or other household crawling arthropods.

(ii) "House dust mite" means mites that:

(AA) feed primarily on skin cells shed in the home by humans and pets; and
(BB) belong to the:

(aa) phylum Arthropoda;

(bb) subphylum Chelicerata;

(cc) class Arachnida;

(dd) subclass Acari;

(ee) order Astigmata; and

(ff) family Pyroglyphidae.

(43) "Date code" means the day, month, and year on which the consumer product was manufactured, filled, or packaged, or a code indicating such a date.

(44) "Deodorant" means the following:

(A) For products manufactured before June 1, 2011, any product including, but not limited to:

(i) aerosols;

(ii) roll-ons;

(iii) sticks;

(iv) pumps;

(v) pads;

(vi) creams; and

(vii) squeeze bottles;

that is intended by the manufacturer to be used to minimize odor in the human axilla by retarding the growth of bacteria that cause the decomposition of perspiration.

(B) For products manufactured on or after June 1, 2011, any product including, but not limited to:

(i) aerosol;

(ii) roll-ons;

(iii) sticks;

(iv) pumps;

(v) pads;

(vi) creams; and

(vii) squeeze bottles;

that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that the product can be used on or applied to the human axilla to provide a scent or minimize odor, or both.

(C) A deodorant body spray product that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that it can be used on or applied to the human axilla is a deodorant.

(45) "Deodorant body spray" means the following:

(A) For products manufactured before June 1, 2011, a personal fragrance product with twenty percent (20%) or less fragrance.

(B) For products manufactured on or after June 1, 2011, a personal fragrance product with twenty percent (20%) or less fragrance that is designed for application all over the human body to provide a scent.

(C) A deodorant body spray product that indicates or depicts on the container or packaging, or on any sticker or label affixed thereto, that it can be used on or applied to the human axilla is a deodorant.

(46) "Device" means any instrument or contrivance (other than a firearm) that is designed for:

(A) trapping;

(B) destroying;

(C) repelling; or

(D) mitigating;

any pest or any other form of plant or animal life (other than man and other than a bacterium, a virus, or another microorganism on or in a living man or other living animals). The term does not include equipment used for the application of pesticides when sold separately therefrom.

(47) "Disinfectant" means the following:

(A) Any product:

- (i) intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects; and
- (ii) whose label is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136, et seq.).

(B) The term does not include any of the following:

- (i) Products designed solely for use on human or animals.
- (ii) Products designed for agricultural use.
- (iii) Products designed solely for use in:
 - (AA) swimming pools;
 - (BB) therapeutic tubs; or
 - (CC) hot tubs.
- (iv) Products that, as indicated on the principal display panel or label, are designed primarily for use as:
 - (AA) bathroom and tile cleaners;
 - (BB) glass cleaners;
 - (CC) general purpose cleaners;
 - (DD) toilet bowl cleaners; or
 - (EE) metal polishes.

(48) "Distributor" means any person to whom a consumer product is sold or supplied for the purposes of resale or distribution in commerce. The term does not include the following:

- (A) Manufacturers.
- (B) Retailers.
- (C) Consumers.

(49) "Double phase aerosol air freshener" means an aerosol air freshener with the liquid contents in two (2) or more distinct phases that requires the product container be shaken before use to mix the phases, producing an emulsion.

(50) "Dry cleaning fluid" means the following:

(A) Any nonaqueous liquid product designed and labeled exclusively for use on:

- (i) fabrics that are labeled "for dry clean only", such as clothing or drapery; or
- (ii) "S-coded" fabrics, that for the purpose of this definition, means an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee.

(B) The term includes, but is not limited to, those products used by commercial dry cleaners and commercial businesses that clean fabrics, such as draperies, at the customer's residence or workplace.

(C) The term does not include:

- (i) spot remover; or
- (ii) carpet and upholstery cleaner.

(51) "Dusting aid" means a product designed to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone based coating. The term does not include a pressurized gas duster.

(52) "Electrical cleaner" means the following:

(A) A product labeled to remove heavy soils, such as grease, grime, or oil, from electrical equipment, including, but not limited to, the following:

- (i) Electric motors.
- (ii) Armatures.
- (iii) Relays.
- (iv) Electric panels.
- (v) Generators.

(B) The term does not include the following:

- (i) General purpose cleaners.

- (ii) General purpose degreasers.
 - (iii) Dusting aids.
 - (iv) Electronic cleaners.
 - (v) Energized electrical cleaners.
 - (vi) Pressurized gas dusters.
 - (vii) Engine degreasers.
 - (viii) Antistatic products.
 - (ix) Products designed to clean the casings or housings of electrical equipment.
- (53) "Electronic cleaner" means the following:
- (A) A product labeled for the removal of dirt, moisture, dust, flux, or oxides from the internal components of electronic or precision equipment, such as circuit boards, and the internal components of electronic devices, including, but not limited to, the following:
 - (i) Radios.
 - (ii) Compact disc (CD) players.
 - (iii) Digital video disc (DVD) players.
 - (iv) Computers.
 - (B) The term does not include the following products:
 - (i) General purpose cleaners.
 - (ii) General purpose degreasers.
 - (iii) Dusting aids.
 - (iv) Pressurized gas dusters.
 - (v) Engine degreasers.
 - (vi) Electrical cleaners.
 - (vii) Energized electrical cleaners.
 - (viii) Antistatic products.
 - (ix) Products designed to clean the casings or housings of electronic equipment.
- (54) "Energized electrical cleaner" means a product that meets the following criteria:
- (A) The product is labeled to clean or degrease, or both, electrical equipment where cleaning or degreasing, or both, is accomplished when:
 - (i) electrical current exists; or
 - (ii) there is a residual electrical potential from a component, such as a capacitor.
 - (B) The product label clearly displays the statements: "Energized Equipment use only. Not to be used for motorized vehicle maintenance, or their parts.".
- The term does not include electronic cleaners.
- (55) "Engine degreaser" means a cleaning product designed to remove:
- (A) grease;
 - (B) grime;
 - (C) oil; and
 - (D) other contaminants;
- from the external surfaces of engines and other mechanical parts.
- (56) "Existing product" means any:
- (A) formulation of the same product category and form:
 - (i) sold;
 - (ii) supplied;
 - (iii) manufactured; or
 - (iv) offered for sale;
 in Indiana prior to June 1, 2011; or
 - (B) subsequently introduced identical formulation.
- (57) "Fabric protectant" means a product designed to be applied to fabric substrates to protect the surface from soiling from dirt and other impurities or to reduce absorption of liquid into the fabric's fibers. The term does not include the following:
- (A) Waterproofers.
 - (B) Products designed for use solely on:
 - (i) leather; or
 - (ii) fabrics that are labeled "for dry clean only" and sold in containers of ten (10) fluid ounces or less.

(58) "Fabric refresher" means the following:

(A) A product labeled to neutralize or eliminate odors on the following:

(i) Nonlaundered fabric, including, but not limited to, the following:

(AA) Soft household surfaces.

(BB) Rugs.

(CC) Carpeting.

(DD) Draperies.

(EE) Bedding.

(FF) Automotive interiors.

(GG) Footwear.

(HH) Athletic equipment.

(II) Clothing.

(ii) Household furniture or objects upholstered or covered with fabrics, including, but not limited to, the following:

(AA) Wool.

(BB) Cotton.

(CC) Nylon.

(B) The term does not include the following:

(i) Antistatic products.

(ii) Carpet and upholstery cleaners.

(iii) Footwear or leather care products.

(iv) Spot removers.

(v) Disinfectants.

(vi) Products labeled for application to both fabric and human skin.

(vii) Soft household surface sanitizers. For the purposes of this definition only, "soft household surface sanitizer" means a product labeled to neutralize or eliminate odors on surfaces listed in clause (A) whose label is registered as a sanitizer under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 et seq.).

(59) "Facial cleaner or soap" means a cleaner or soap designed primarily to clean the face. The term:

(A) includes, but is not limited to:

(i) facial cleansing creams;

(ii) semisolids;

(iii) liquids;

(iv) lotions; and

(v) substrate-impregnated forms; and

(B) does not include:

(i) prescription drug products;

(ii) antimicrobial hand or body cleaner or soap;

(iii) astringent or toner;

(iv) general use hand or body cleaner or soap;

(v) medicated astringent or medicated toner; and

(vi) rubbing alcohol.

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

(61) "Flea and tick insecticide" means any insecticide product that is designed for use against:

(A) fleas;

(B) ticks;

(C) their larvae; or

(D) their eggs.

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

(62) "Flexible flooring material" means the following:

(A) Asphalt.

(B) Cork.

(C) Linoleum.

- (D) No-wax.
- (E) Rubber.
- (F) Seamless vinyl flooring.
- (G) Vinyl composite flooring.

(63) "Flexible vinyl" means a nonrigid polyvinyl chloride plastic with at least five percent (5%), by weight, of plasticizer content, which may be determined using ASTM Method E260-96(2006) "Standard Practice for Packed Column Gas Chromatography"*, or from product formulation data. A plasticizer is a material, such as a high boiling point organic solvent, that is incorporated into a plastic to increase its flexibility, workability, or distensibility.

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

(65) "Floor coating" means an opaque coating that is labeled and designed for application to flooring that may be subject to foot traffic, including, but not limited to, the following:

- (A) Decks.
- (B) Porches.
- (C) Steps.
- (D) Other horizontal surfaces.

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

(67) "Floor polish or wax" means a wax, polish, or any other product designed to polish, protect, or enhance floor surfaces by leaving a protective coating that is designed to be periodically replenished. The term does not include the following:

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

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

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

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

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

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

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

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

(B) The term does not include the following:

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

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

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

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

(v) modify;

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

(B) The term does not include the following:

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

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

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

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

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

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

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

- (A) Dusting aids.
- (B) Wood cleaners.
- (C) Products designed solely for the purpose of cleaning.
- (D) Products designed to leave a permanent finish, such as the following:
 - (i) Stains.
 - (ii) Sanding sealers.
 - (iii) Lacquers.

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

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

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

- (A) Contact adhesives.
- (B) Construction, panel, and floor covering adhesives.
- (C) Adhesives designed exclusively for application on one (1) specific category of substrates that are composed of similar materials, including, but not limited to, different types of the following:
 - (i) Metals.
 - (ii) Paper products.
 - (iii) Ceramics.
 - (iv) Plastics.
 - (v) Rubbers.
 - (vi) Vinyls.

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

- (i) Gaskets.
- (ii) Automotive trim.
- (iii) Weather stripping.
- (iv) Carpets.

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

- (A) Thermoplastic adhesives.
- (B) Pressure sensitive adhesives.
- (C) Dextrine or starch based adhesives.
- (D) Casein glues.
- (E) Rubber or latex based adhesives.
- (F) Stickers.
- (G) Decals.
- (H) Stencils.

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

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

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

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

(B) The term does not include the following:

- (i) Engine degreasers.
- (ii) General purpose cleaners.
- (iii) Adhesive removers.
- (iv) Electronic cleaners.
- (v) Electrical cleaners.
- (vi) Energized electrical cleaners.
- (vii) Metal polish or cleansers.
- (viii) Products used exclusively in solvent cleaning tanks or related equipment, including, but not limited to, the following:
 - (AA) Cold cleaners.
 - (BB) Vapor degreasers.
 - (CC) ConveyORIZED degreasers.
 - (DD) Film cleaning machines.
 - (EE) Products designed to clean miscellaneous metallic parts by immersion in a container.

(ix) Products that are:

- (AA) sold exclusively to establishments that manufacture or construct goods or commodities; and
- (BB) labeled "not for retail sale".

(81) "General use hand or body cleaner or soap" means a cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils. The term:

(A) includes, but is not limited to:

- (i) hand or body washes;
- (ii) dual-purpose shampoo and body cleaners;
- (iii) shower or bath gels; and
- (iv) moisturizing cleaners or soaps; and

(B) does not include:

- (i) prescription drug products;
 - (ii) antimicrobial hand or body cleaner or soap;
 - (iii) astringent or toner;
 - (iv) facial cleaner or soap;
 - (v) hand dishwashing detergent (including antimicrobial);
 - (vi) heavy-duty hand cleaner or soap;
 - (vii) medicated astringent or medicated toner; and
 - (viii) rubbing alcohol.
- (82) "Glass cleaner" means a cleaning product designed primarily for cleaning surfaces made of glass. The term does not include products designed solely for the purpose of cleaning optical materials used in the following:
- (A) Eyeglasses.
 - (B) Photographic equipment.
 - (C) Scientific equipment.
 - (D) Photocopying machines.
- (83) "Graffiti remover" means the following:
- (A) A product labeled to remove, from a variety of noncloth or nonfabric substrates, the following:
 - (i) Spray paint.
 - (ii) Ink.
 - (iii) Marker.
 - (iv) Crayon.
 - (v) Lipstick.
 - (vi) Nail polish.
 - (vii) Shoe polish.
 - (B) The term does not include the following:
 - (i) Paint remover or stripper.
 - (ii) Nail polish remover.
 - (iii) Spot remover.
 - (C) Products labeled for dual use as both a paint stripper and graffiti remover are considered graffiti removers.
- (84) "Hair mousse" means a hairstyling foam designed to:
- (A) facilitate styling of a coiffure; and
 - (B) provide limited holding power.
- (85) "Hair shine" means any product designed for the primary purpose of creating a shine when applied to the hair. The term includes, but is not limited to, dual-use products designed primarily to impart a sheen to the hair. The term does not include the following:
- (A) Hair sprays.
 - (B) Hair mousses.
 - (C) Hairstyling products.
 - (D) Hairstyling gels.
 - (E) Products whose primary purpose is to condition or hold the hair.
- (86) "Hair spray" means the following:
- (A) For products manufactured before June 1, 2011, a consumer product designed primarily for the purpose of dispensing droplets of a resin on and into a hair coiffure that will impart sufficient rigidity to the coiffure to establish or retain the style for a period of time.
 - (B) For products manufactured on or after June 1, 2011, a consumer product that is:
 - (i) applied to styled hair; and
 - (ii) designed or labeled to provide sufficient rigidity to hold, retain, or finish, or both, the style of the hair for a period of time.
 - (C) The term includes the following:
 - (i) Aerosol hair sprays.
 - (ii) Pump hair sprays.
 - (iii) Spray waxes.
 - (iv) Products that are both a styling and a finishing product.
 - (v) Color, glitter, or sparkle hair sprays that make finishing claims.

- (D) The term does not include spray products that are intended to aid in styling but do not provide finishing of a hairstyle.
- (E) For purposes of this definition, the following apply:
- (i) "Finish" or "finishing" means the maintaining or holding, or both, of previously styled hair for a period of time.
 - (ii) "Styling" means forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.
- (87) "Hairstyling gel" means a consumer product manufactured before June 1, 2011, that is:
- (A) a high viscosity, often gelatinous, product that contains a resin; and
 - (B) designed for the application to hair to aid in styling and sculpting of the hair coiffure.
- (88) "Hairstyling product" means the following:
- (A) A consumer product manufactured on or after June 1, 2011, that is designed or labeled for application to wet, damp, or dry hair to aid in:
 - (i) defining;
 - (ii) shaping;
 - (iii) lifting;
 - (iv) styling; or
 - (v) sculpting;
 the hair.
 - (B) The term includes, but is not limited to, the following:
 - (i) Products that aid in styling but do not provide finishing of a hairstyle, including, but not limited to, the following:
 - (AA) Hair balm.
 - (BB) Clay.
 - (CC) Cream.
 - (DD) Creme.
 - (EE) Curl straightener.
 - (FF) Gel.
 - (GG) Liquid.
 - (HH) Lotion.
 - (II) Paste.
 - (JJ) Pomade.
 - (KK) Putty.
 - (LL) Root lifter.
 - (MM) Serum.
 - (NN) Spray gel.
 - (OO) Stick.
 - (PP) Temporary hair straightener.
 - (QQ) Wax.
 - (RR) Spray products.
 - (ii) Leave-in detanglers, conditioners, or volumizers that make styling claims.
 - (C) The term does not include the following:
 - (i) Hair mousses.
 - (ii) Hair shines.
 - (iii) Hair sprays.
 - (iv) Shampoos or conditioners, or both, that are rinsed from the hair prior to styling.
 - (D) For purposes of this definition, the following apply:
 - (i) "Finish" or "finishing" means the maintaining or holding, or both, of previously styled hair for a period of time.
 - (ii) "Styling" means forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.
- (89) "Heavy-duty hand cleaner or soap" means the following:
- (A) A product designed to clean or remove from the hand with or without the use of water difficult dirt and soils, including, but not limited to, the following:
 - (i) Oil.
 - (ii) Grease.

- (iii) Grime.
- (iv) Tar.
- (v) Shellac.
- (vi) Putty.
- (vii) Printer's ink.
- (viii) Paint.
- (ix) Graphite.
- (x) Cement.
- (xi) Carbon.
- (xii) Asphalt.
- (xiii) Adhesives.

(B) The term does not include the following:

- (i) Prescription drug products.
- (ii) Antimicrobial hand or body cleaner or soap.
- (iii) Astringent or toner.
- (iv) Facial cleaner or soap.
- (v) General use hand or body cleaner or soap.
- (vi) Medicated astringent or medicated toner.
- (vii) Rubbing alcohol.

(90) "Herbicide" means a pesticide product designed to kill or retard a plant's growth. The term does not include products that are:

(A) for agricultural use; or

(B) restricted materials that require a permit for use and possession.

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

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

(93) "Indiana sales" means the sales (net pounds of product, less packaging and container, per year) in Indiana for either:

(A) the calendar year immediately prior to the year that the registration is due; or

(B) if that data is not available, any consecutive twelve (12) month period commencing not earlier than two (2) years prior to the due date of the registration.

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

(94) "Insecticide" means a pesticide product that is designed for use against insects or other arthropods. The term does not include products that are:

(A) for agricultural use;

(B) for a use that requires a structural pest control license under IC 15-16-4; or

(C) restricted materials that require a permit for use and possession.

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

(96) "Institutional product", "industrial and institutional product", or "I & I product" means the following:

(A) A consumer product that is designed for use in the maintenance or operation of an establishment that:

(i) manufactures, transports, or sells goods or commodities or provides services for profit; or

(ii) is engaged in the nonprofit promotion of a particular public, educational, or charitable cause.

(B) The term does not include household products and products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

(C) For purposes of this definition, "establishments" includes, but is not limited to, the following:

- (i) Government agencies.
- (ii) Factories.
- (iii) Schools.
- (iv) Hospitals.
- (v) Sanitariums.
- (vi) Prisons.
- (vii) Restaurants.
- (viii) Hotels.
- (ix) Stores.
- (x) Automobile service and parts centers.
- (xi) Health clubs.
- (xii) Theaters.
- (xiii) Transportation companies.

(97) "Label" means any written, printed, or graphic matter:

- (A) affixed to;
- (B) applied to;
- (C) attached to;
- (D) blown into;
- (E) formed into;
- (F) molded into;
- (G) embossed on; or
- (H) appearing upon;

any consumer product or consumer product package for purposes of branding, identifying, or giving information with respect to the product or to the contents of the package.

(98) "Laminate repair or edgebanding adhesive" means an aerosol adhesive designed for the following:

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

(99) "Laundry prewash" means a product that:

- (A) is designed for application to a fabric prior to laundering; and
- (B) supplements and contributes to the effectiveness of laundry detergents or provides specialized performance, or both.

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

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

(102) "Liquid" means a substance or mixture of substances that is capable of a visually detectable flow as determined under ASTM D4359-90(2000)e1 "Standard Test Method for Determining Whether a Material Is a Liquid or a Solid"*. The term does not include powders or other materials that are composed entirely of solid particles.

(103) "Lubricant" means the following:

- (A) A product designed to:

- (i) reduce friction, heat, noise, or wear between moving parts; or
- (ii) loosen rusted or immovable parts or mechanisms.
- (B) The term does not include the following:
 - (i) Automotive power steering fluids.
 - (ii) Products for use inside power generating motors, engines, and turbines and their associated power-transfer gearboxes.
 - (iii) Two (2) cycle oils or other products designed to be added to fuels.
 - (iv) Products for use on the human body or animals.
 - (v) Products that are:
 - (AA) sold exclusively to establishments that manufacture or construct goods or commodities; and
 - (BB) labeled "not for retail sale".

(104) "LVP-VOC" means a chemical compound or mixture that contains at least one (1) carbon atom and meets one (1) of the following:

- (A) Has a vapor pressure less than one-tenth (0.1) millimeter of mercury (mm Hg) at twenty (20) degrees Celsius, as determined by CARB Method 310*.
- (B) Is a chemical compound with more than twelve (12) carbon atoms, or a chemical mixture comprised solely of compounds with more than twelve (12) carbon atoms as verified by formulation data, and the vapor pressure and boiling point are unknown.
- (C) Is a chemical compound with a boiling point greater than two hundred sixteen (216) degrees Celsius, as determined by CARB Method 310*.
- (D) Is the weight percent of a chemical mixture that boils above two hundred sixteen (216) degrees Celsius, as determined by CARB Method 310*.

For purposes of this definition, "chemical compound" means a molecule of definite chemical formula and isomeric structure, and "chemical mixture" means a substrate comprised of two (2) or more chemical compounds.

(105) "Manufacturer" means any person who:

- (A) imports;
- (B) manufactures;
- (C) assembles;
- (D) produces;
- (E) packages;
- (F) repackages; or
- (G) relabels;

a consumer product.

(106) "Medicated astringent or medicated toner" means any product regulated as a drug by the FDA that is applied to the skin for the purpose of cleaning or tightening pores. The term:

- (A) includes, but is not limited to:
 - (i) clarifiers; and
 - (ii) substrate-impregnated products; and
- (B) does not include:
 - (i) hand, face, or body cleaners or soap products;
 - (ii) astringents or toners;
 - (iii) cold creams;
 - (iv) lotions;
 - (v) antiperspirants; and
 - (vi) products that must be purchased with a doctor's prescription.

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

(108) "Metal polish or cleanser" means any product designed primarily to improve the appearance of finished metal, metallic, or metallized surfaces by physical or chemical action. For purposes of this definition, "improve the appearance" means to remove or reduce stains, impurities, or oxidation from surfaces or to make surfaces smooth and shiny. The term:

- (A) includes, but is not limited to, metal polishes used on:
 - (i) brass;

- (ii) silver;
 - (iii) chrome;
 - (iv) copper;
 - (v) stainless steel; and
 - (vi) other ornamental metals; and
- (B) does not include:
- (i) automotive waxes, polishes, sealants, or glazes;
 - (ii) wheel cleaners;
 - (iii) paint removers or strippers;
 - (iv) products designed and labeled exclusively for automotive and marine detailing;
 - or
 - (v) products designed for use in degreasing tanks.
- (109) "Mist spray adhesive" means any aerosol that:
- (A) is not a special purpose spray adhesive; and
 - (B) delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.
- (110) "Mounting adhesive" means an aerosol adhesive designed to permanently mount:
- (A) photographs;
 - (B) artwork; and
 - (C) any other drawn or printed media;
- to a backing (paper, board, cloth, etc.) without causing discoloration to the artwork.
- (111) "Multipurpose dry lubricant" means any lubricant that is:
- (A) designed and labeled to provide lubricity by depositing a thin film of:
 - (i) graphite;
 - (ii) molybdenum disulfide (moly);
 - (iii) polytetrafluoroethylene; or
 - (iv) closely related fluoropolymer (Teflon) on surfaces; and
 - (B) designed for general purpose lubrication or for use in a wide variety of applications.
- (112) "Multipurpose lubricant" means any lubricant designed for general purpose lubrication or for use in a wide variety of applications. The term does not include the following:
- (A) Multipurpose dry lubricants.
 - (B) Penetrants.
 - (C) Silicone based multipurpose lubricants.
- (113) "Multipurpose solvent" means the following:
- (A) Any organic liquid designed to be used for a variety of purposes, including cleaning or degreasing of a variety of substrates, or thinning, dispersing, or dissolving other organic materials.
 - (B) The term includes solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific, or other laboratories.
 - (C) The term does not include the following:
 - (i) Solvents used in the following:
 - (AA) Cold cleaners.
 - (BB) Vapor degreasers.
 - (CC) Conveyorized degreasers.
 - (DD) Film cleaning machines.
 - (ii) Solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment.
- (114) "Nail polish" means any clear or colored coating designed for application to the fingernails or toenails, including, but not limited to, the following:
- (A) Lacquers.
 - (B) Enamels.
 - (C) Acrylics.
 - (D) Base coats.
 - (E) Top coats.
- (115) "Nail polish remover" means a product designed to remove nail polish and coatings from fingernails or toenails.

- (116) "Nonaerosol product" means any consumer product that is not dispensed by a pressurized spray system.
- (117) "Noncarbon containing compound" means any compound that does not contain any carbon atoms.
- (118) "Nonresilient flooring" means flooring of a mineral content that is not flexible, including, but not limited to, the following:
- (A) Terrazzo.
 - (B) Marble.
 - (C) Slate.
 - (D) Granite.
 - (E) Brick.
 - (F) Stone.
 - (G) Ceramic tile.
 - (H) Concrete.
- (119) "Nonselective terrestrial herbicide" means a terrestrial herbicide product that is toxic to plants without regard to species.
- (120) "Oven cleaner" means any cleaning product designed to clean and remove dried food deposits from oven walls.
- (121) "Paint" means any pigmented liquid, liquefiable, or mastic composition designed for application to a substrate in a thin layer that is:
- (A) converted to an opaque solid film after application; and
 - (B) used for protection, decoration, or identification or to serve some functional purpose, such as the:
 - (i) filling or concealing of surface irregularities; or
 - (ii) modification of light and heat radiation characteristics.
- (122) "Paint remover or stripper" means any product designed to strip or remove paints or other related coatings, by chemical action, from a substrate without markedly affecting the substrate. The term does not include the following:
- (A) Multipurpose solvents.
 - (B) Paint brush cleaners.
 - (C) Products designed and labeled exclusively graffiti removers.
 - (D) Hand cleaner products that claim to remove paints and other related coatings from skin.
- (123) "Penetrant" means a lubricant designed and labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. The term does not include multipurpose lubricants that claim to have penetrating qualities but are not labeled primarily to loosen bonded parts.
- (124) "Person" has the meaning set forth in IC 13-11-2-158.
- (125) "Personal fragrance product" means any product that is applied to the human body or clothing for the primary purpose of adding a scent or masking a malodor, including cologne, perfume, after-shave, and toilet water. The term does not include the following:
- (A) Deodorant.
 - (B) Medicated products designed primarily to alleviate fungal or bacterial growth on feet or other areas of the body.
 - (C) Mouthwashes, breath fresheners, and deodorizers.
 - (D) Lotions, moisturizers, powders, or other skin care products used primarily to alleviate skin conditions, such as dryness and irritations.
 - (E) Products designed exclusively for use on human genitalia.
 - (F) Soaps, shampoos, and products primarily used to clean the human body.
 - (G) Fragrance products designed to be used exclusively on nonhuman animals.
- (126) "Pesticide" means any substance or mixture of substances labeled, designed, or intended for use:
- (A) in preventing, destroying, repelling, or mitigating any pest; or
 - (B) as a defoliant, desiccant, or plant regulator.

The term does not include any substance, mixture of substances, or device that the U.S. EPA does not consider to be a pesticide.

(127) "Polyolefin adhesive" means an aerosol adhesive designed to bond polyolefins to substrates.

(128) "Polystyrene foam adhesive" means an aerosol adhesive designed to bond polystyrene foam to substrates.

(129) "Pressurized gas duster" means a pressurized product labeled to remove dust from a surface solely by means of mass air or gas flow, including the following surfaces:

- (A) Photographs.
- (B) Photographic film negatives.
- (C) Computer keyboards.
- (D) Other types of surfaces that cannot be cleaned with solvents.

The term does not include dusting aids.

(130) "Principal display panel or panels" means the part or parts of a label that are so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display or purchase. Whenever a principal display panel appears more than once, all requirements pertaining to the principal display panel shall pertain to all the principal display panels.

(131) "Product brand name" means the name of the product exactly as it appears on the principal display panel of the product.

(132) "Product category" means the applicable category that best describes the product as listed in this section and section 3(a) of this rule.

(133) "Product form" means, for the purpose of complying with section 7 of this rule only, the applicable form that most accurately describes the product's dispensing form as follows:

- A = Aerosol Product
- S = Solid
- P = Pump Spray
- L = Liquid
- SS = Semisolid
- O = Other

(134) "Product line" means a group of products of identical form and function belonging to the same product category or categories.

(135) "Propellant" means a liquefied or compressed gas that is used in whole or in part, such as a cosolvent, to expel a liquid or any other material from the same self-pressurized container or from a separate container.

(136) "Pump spray" means a packaging system in which the product ingredients within the container are:

- (A) not under pressure; and
- (B) expelled only while a pumping action is applied to:
 - (i) a button;
 - (ii) a trigger; or
 - (iii) another actuator.

(137) "Responsible ACP party" means the company, firm, or establishment that is listed on the ACP product's label. If the label lists two (2) or more companies, firms, or establishments, the responsible ACP party is the party that the ACP product was "manufactured for" or "distributed by", as noted on the label.

(138) "Responsible party" means the company, firm, or establishment that is listed on the product's label. If the label lists two (2) companies, firms, or establishments, the responsible party is the party that the product was "manufactured for" or "distributed by", as noted on the label.

(139) "Restricted materials" means pesticides established as restricted materials under applicable IC 15-16-4.

(140) "Retailer" means any person who sells, supplies, or offers consumer products for sale directly to consumers.

(141) "Retail outlet" means any establishment where consumer products are sold, supplied, or offered for sale directly to consumers.

(142) "Roll-on product" means any antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the affected area.

(143) "Rubber and vinyl protectant" means the following:

- (A) Any product designed to protect, preserve, or renew vinyl, rubber, and plastic on the following:
 - (i) Vehicles.
 - (ii) Tires.
 - (iii) Luggage.

- (iv) Furniture.
- (v) Household products, such as the following:
 - (AA) Vinyl covers.
 - (BB) Clothing.
 - (CC) Accessories.
- (B) The term does not include the following:
 - (i) Products designed primarily to clean the wheel rim, such as aluminum or magnesium wheel cleaners.
 - (ii) Tire cleaners that do not leave an appearance enhancing or protective substance on the tire.
- (144) "Rubbing alcohol" means any product:
 - (A) containing isopropyl alcohol (also called isopropanol) or denatured ethanol; and
 - (B) labeled for topical use, usually to:
 - (i) decrease germs in minor cuts and scrapes; and
 - (ii) relieve minor muscle aches, as a rubefacient, and for massage.
- (145) "Sealant and caulking compound" means the following:
 - (A) Any product with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between two (2) surfaces.
 - (B) The term does not include the following:
 - (i) Roof cements and roof sealants.
 - (ii) Insulating foams.
 - (iii) Removable caulking compounds. For purposes of this definition only, "removable caulking compounds" means a compound that temporarily seals windows or doors for three (3) to six (6) month time intervals.
 - (iv) Clear, paintable, or water resistant caulking compounds. For purposes of this definition, "clear, paintable, or water resistant caulking compounds" means a compound:
 - (AA) that contains no appreciable level of opaque fillers or pigments;
 - (BB) transmits most or all visible light through the caulk when cured;
 - (CC) is paintable; and
 - (DD) is immediately resistant to precipitation upon application.
 - (v) Floor seam sealers.
 - (vi) Products designed exclusively for automotive uses.
 - (vii) Sealers that are applied as continuous coatings.
 - (viii) Units of product, less packaging, that weigh more than one (1) pound and consist of more than sixteen (16) fluid ounces.
- (146) "Semisolid" means a product that, at room temperature, will not pour but will spread or deform easily including, but not limited to, the following:
 - (A) Gels.
 - (B) Pastes.
 - (C) Greases.
- (147) "Shaving cream" means an aerosol product that dispenses a foam lather intended to be used with a blade or cartridge razor, or other wet-shaving system, in the removal of facial or other bodily hair. The term does not include shaving gel.
- (148) "Shaving gel" means an aerosol product that dispenses a post-foaming semisolid designed to be used with a blade, cartridge razor, or other shaving system in the removal of facial or other bodily hair. The term does not include shaving cream.
- (149) "Silicone based multipurpose lubricant" means any lubricant that is designed and labeled:
 - (A) to provide lubricity primarily through the use of silicone compounds, including, but not limited to, polydimethylsiloxane; and
 - (B) for general purpose lubrication or for use in a wide variety of applications.
 The term does not include products designed and labeled exclusively to release manufactured products from molds.
- (150) "Single phase aerosol air freshener" means an aerosol air freshener:
 - (A) with the liquid contents in a single homogeneous phase; and
 - (B) that does not require that the product container be shaken before use.

(151) "Solid" means a substance or mixture of substances that, either whole or subdivided, such as the particles comprising a powder, is not capable of visually detectable flow as determined under ASTM D4359-90(2000)e1 "Standard Test Method for Determining Whether a Material Is a Liquid or a Solid"*.

(152) "Special purpose spray adhesive" means an aerosol adhesive that meets any of the following definitions:

- (A) Mounting adhesive.
- (B) Flexible vinyl adhesive.
- (C) Polystyrene foam adhesive.
- (D) Automobile headliner adhesive.
- (E) Polyolefin adhesive.
- (F) Laminate repair or edgebanding adhesive.
- (G) Automotive engine compartment adhesive.

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

- (A) Epoxies.
- (B) Urethanes.
- (C) Silicones.

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

(154) "Spot remover" means the following:

(A) Any product labeled to clean localized areas or remove localized spots or stains on cloth or fabric, such as:

- (i) drapes;
- (ii) carpets;
- (iii) upholstery; and
- (iv) clothing;

that does not require subsequent laundering to achieve stain removal.

(B) The term does not include the following:

- (i) Dry cleaning fluid.
- (ii) Laundry prewash.
- (iii) Multipurpose solvent.

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

(156) "Stick product" means any antiperspirant or deodorant that:

- (A) contains active ingredients in a solid matrix form; and
- (B) dispenses the active ingredients by frictional action on the affected area.

(157) "Structural waterproof adhesive" means an adhesive:

- (A) whose bond lines are resistant to conditions of continuous immersion in fresh or salt water; and
- (B) that conforms with Federal Specification MMM-A-181D (Type 1, Grade A)*.

(158) "Table B compound" means any carbon-containing compound listed as an exception to the definition of VOC identified by the CARB in Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 8.5, Section 94508*.

(159) "Terrestrial" means to live on or grow from land.

(160) "Tire sealant and inflation" means any pressurized product that is designed to temporarily inflate and seal a leaking tire.

(161) "Toilet or urinal care product" means the following:

(A) Any product designed or labeled to clean, deodorize, or clean and deodorize toilet bowls, toilet tanks, or urinals. Toilet bowls, toilet tanks, or urinals include, but are not limited to, the following:

- (i) Toilets or urinals connected to permanent plumbing in buildings and other structures.
- (ii) Portable toilets or urinals placed at temporary or remote locations.
- (iii) Toilets or urinals in vehicles, such as the following:

(AA) Buses.

- (BB) Recreational motor homes.
- (CC) Boats.
- (DD) Ships.
- (EE) Aircraft.

(B) The term does not include the following:

- (i) Bathroom and tile cleaner.
- (ii) General purpose cleaner.

(162) "Type A propellant" means a compressed gas, such as carbon dioxide (CO₂), nitrogen (N₂), or nitrous oxide (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.

(163) "Type B propellant" means any halocarbon that is used as a propellant including the following:

- (A) Chlorofluorocarbons (CFCs).
- (B) Hydrochlorofluorocarbons (HCFCs).
- (C) Hydrofluorocarbons (HFCs).

(164) "Type C propellant" means any propellant that is not a Type A or Type B propellant, including the following:

- (A) Propane.
- (B) Isobutane.
- (C) n-butane.
- (D) Dimethyl ether (also known as dimethyl oxide).

(165) "Undercoating" means any aerosol product designed to impart a protective, nonpaint layer to the undercarriage, trunk interior, or firewall of motor vehicles to prevent the formation of rust or to deaden sound. The term includes, but is not limited to, rubberized, mastic, or asphaltic products.

(166) "Usage directions" means the text or graphics on the product's principal display panel, label, or accompanying literature that describes to the end user how and in what quantity the product is to be used.

(167) "Vinyl, fabric, leather, or polycarbonate coating" means a coating designed and labeled exclusively to coat vinyl, fabric, leather, or polycarbonate substrates.

(168) "VOC content" means, except for charcoal lighter products, the total weight of VOC in a product expressed as a percentage of the product weight (exclusive of the container or packaging), as determined under section 9 of this rule.

(169) "Volatile organic compound" or "VOC" has the meaning set forth in 326 IAC 1-2-90.

(170) "Wasp and hornet insecticide" means any insecticide product that is designed for use against:

- (A) wasps;
- (B) hornets;
- (C) yellow jackets; or
- (D) bees;

by allowing the user to spray from a distance a directed stream or burst at the intended insects or their hiding place.

(171) "Waterproof" means a product designed and labeled exclusively to repel water from fabric or leather substrates. The term does not include fabric protectants.

(172) "Wax" means a material or synthetic thermoplastic substance generally of high molecular weight hydrocarbons or high molecular weight esters of fatty acids or alcohols, except glycerol and high polymers (plastics). The term includes, but is not limited to, the following:

- (A) Substances derived from the secretions of plants and animals, such as carnauba wax and beeswax.
- (B) Substances of a mineral origin, such as ozocerite and paraffin.
- (C) Synthetic polymers, such as polyethylene.

(173) "Web spray adhesive" means any aerosol adhesive that is not a mist spray or special purpose spray adhesive.

(174) "Wood cleaner" means the following:

- (A) A product labeled to clean wooden materials, including, but not limited to, the following:
 - (i) Decking.
 - (ii) Fences.
 - (iii) Flooring.

- (iv) Logs.
- (v) Cabinetry.
- (vi) Furniture.

(B) The term does not include the following:

- (i) Dusting aids.
- (ii) General purpose cleaners.
- (iii) Furniture maintenance products.
- (iv) Floor wax strippers.
- (v) Floor polishes or waxes.
- (vi) Products designed and labeled exclusively to preserve or color wood.

(175) "Wood floor wax" means wax based products for use solely on wood floors.

*These documents are incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 8-15-2; filed Nov 1, 2010, 12:38 p.m.: 20101201-IR-326070351FRA*)

