

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

326 IAC 8-15-4 Exemptions

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

Affected: IC 13-12

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

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

- (1) consumer product is intended for shipment and use outside of Indiana; and
- (2) manufacturer or distributor has taken reasonable prudent precautions to assure that the consumer product is not distributed in Indiana.

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

(d) A retailer who sells, offers for sale, or holds for sale in Indiana a consumer product that violates the VOC content limits specified in section 3(a) of this rule will not be in violation of this rule if the retailer:

- (1) upon determining that a noncomplying product was purchased, immediately discontinues sale of the consumer product in Indiana; and
- (2) demonstrates to the satisfaction of the department that the purchase was made with reasonable good faith efforts to assure that the product met the applicable requirements of this rule. Good faith efforts may be demonstrated by the following:

(A) Written communication between the retailer and the manufacturers and distributors that the retailer will accept only consumer products for sale in Indiana that comply with this rule.

(B) Written agreements between the retailer and the manufacturers and distributors in which the manufacturers and distributors commit to supply to the retailer only consumer products that comply with this rule.

(C) The retailer's use of invoices, purchase orders, and other contractual and billing documents that specify that the retailer will only accept consumer products that comply with this rule.

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

(f) The VOC limits specified in section 3(a) of this rule shall not apply to the following:

(1) Fragrances up to a combined level of two percent (2%) by weight contained in any consumer product and shall not apply to colorants up to a combined level of two percent (2%) by weight contained in any antiperspirant or deodorant.

(2) Antiperspirants or deodorants, for those VOCs that contain more than ten (10) carbon atoms per molecule and for which the vapor pressure is unknown, or that have a vapor pressure of two (2) mm Hg or less at twenty (20) degrees Celsius.

(3) Any LVP-VOC.

(4) Air fresheners that are comprised entirely of fragrance, less compounds not defined as VOCs under section 2 of this rule or exempted under subdivision (3).

(5) Insecticides containing at least ninety-eight percent (98%) para-dichlorobenzene.

(6) Adhesives sold in containers of one (1) fluid ounce or less.

(7) Bait station insecticides. For purposes of this subsection, "bait station insecticides" means containers enclosing an insecticidal bait that is not more than five-tenths (0.5) ounce by weight, where the bait is:

(A) designed to be ingested by insects; and

(B) composed of solid material feeding stimulants with less than five percent (5%) active ingredients.

(g) The requirements of section 7(a) of this rule shall not apply to consumer products registered under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136, et seq.). (*Air Pollution Control Board; 326 IAC 8-15-4; filed Nov 1, 2010, 12:38 p.m.: 20101201-IR-326070351FRA*)