

*** DRAFT – NOT FOR FILING ***

3745-112-01 Definitions.

[Comment: For dates on non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the last paragraph of this rule titled "Incorporation by reference."]

(A) Except as otherwise provided in this rule, the definitions in rule 3745-15-01 of the Administrative Code shall apply to this chapter.

(B) As used in Chapter 3745-112 of the Administrative Code.

(1) "Adhesive" means any product that is used to bond one surface to another by attachment. Adhesive 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, construction, panel, and floor covering adhesive, and general purpose adhesive only, adhesive also does not include units of product, less packaging, which weigh more than one pound and consist of more than sixteen fluid ounces. This limitation does not apply to aerosol adhesives.

(2) "Adhesive remover" means a product designed to remove adhesive from either a specific substrate or a variety of substrates. Adhesive removers do not include products that remove adhesives intended for use on humans or animals.

(a) "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.

(b) "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.

(c) "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: products that remove thermoplastic adhesives; pressure sensitive adhesives; dextrine or starch based adhesives; casein glues; rubber or latex-based adhesives; as well as products that remove stickers; decals; stencils; or similar materials. General purpose adhesive remover does not include floor or wall covering adhesive remover.

(d) "Specialty adhesive remover" means a product designed to remove reactive adhesives from a variety of substrates. Reactive adhesives include adhesives

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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; silicones. Specialty adhesive remover does not include gasket or thread locking adhesive remover.

For the purpose of paragraph(B)(2) of this rule, 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.

- (3) "Aerosol adhesive" means any adhesive packaged as an aerosol product in which the spray mechanism is permanently housed in a non-refillable can designed for hand-held application without the need for ancillary hoses or spray equipment. Aerosol adhesives include: special purpose spray adhesives; mist spray adhesives; and web spray adhesives.
- (4) "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.
- (5) "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.
- (6) "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. Agricultural use does not include the sale or use of pesticides in properly labeled packages or containers which are intended for: home use; use in structural pest control; or industrial or institutional use. For the purpose of this definition only:
- (a) "Home use" means use in a household or its immediate environment.
- (b) "Structural pest control" means a use requiring a license under Chapter 901:5-11 of the Administrative Code.
- (c) "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.
- (d) "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.
- (7) "Air freshener" means any consumer product including, but not limited to, sprays, wicks, powders, and crystals, designed for the purpose of masking odors,

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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, or toilet/urinal care products, disinfectant products claiming to deodorize by killing germs on surfaces, or institutional/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.

- (8) "All other carbon-containing compounds" means all other compounds which contain at least one carbon atom and are not a table B compound, as defined in this rule, or a LVP-VOC.
- (9) "All other forms" means all consumer product forms for which no form-specific VOC standard is specified. Unless specified otherwise by the applicable VOC standard, all other forms include, but are not limited to: solids; liquids; wicks; powders; crystals; and cloth or paper wipes (towelettes).
- (10) "Alternative Control Plan" or "ACP" means any emissions averaging program as approved by the CARB.
- (11) "Antimicrobial hand or body cleaner or soap" means a cleaner or soap which is designed to reduce the level of microorganisms on the skin through germicidal activity, and is regulated as an over-the-counter drug by the United States food and drug administration. Antimicrobial hand or body cleaner or soap includes, but is not limited to: antimicrobial hand or body washes/cleaners; food handler 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; and rubbing alcohol.
- (12) "Antiperspirant" means any product including, but not limited to: aerosols; roll-ons; sticks; pumps; pads; creams; and squeeze-bottles that are intended by the manufacturer to be used to reduce perspiration in the human axilla by at least twenty per cent in at least fifty per cent of a target population.
- (13) "Anti-static product" means a product that is labeled to eliminate, prevent, or inhibit the accumulation of static electricity. Anti-static product does not

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include: electronic cleaner; floor polish or wax; floor coating; and products that meet the definition of aerosol coating product or architectural coating.

- (14) "Architectural coating" means a coating applied to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs.
- (15) "ASTM" means the American society for testing and materials.
- (16) "Astringent/toner" means any product not regulated as a drug by the United States food and drug administration which 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; personal fragrance product; cold cream; lotion; or antiperspirant.
- (17) "Automotive brake cleaner" means a cleaning product designed to remove oil, grease, brake fluid, brake pad material or dirt from motor vehicle brake mechanisms.
- (18) "Automotive hard paste wax" means an automotive wax or polish that is:
- (a) Designed to protect and improve the appearance of automotive paint surfaces;
 - (b) A solid at room temperature; and
 - (c) Contains zero per cent water by formulation.
- (19) "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.
- (20) "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.
- (21) "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. Automotive wax, polish, sealant or glaze includes, but is not limited to, products designed for use in auto-body repair shops and drive-through car washes, as well as products designed for the general public. Automotive wax, polish, sealant or glaze 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.

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- (22) "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. Automotive windshield washer fluid does not include fluids placed by the manufacturer in a new vehicle.
- (23) "Bathroom and tile cleaner" means a product designed to clean tile or surfaces in bathrooms. Bathroom and tile cleaner does not include products designed primarily to clean toilet bowls, toilet tanks, or urinals.
- (24) "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 insect carcasses and tree sap; and
 - (b) Road grime, such as road tar, roadway paint markings, and asphalt.
- (25) "CARB" means the California air resource board.
- (26) "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. Carburetor or fuel-injection air intake cleaners 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.
- (27) "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. Carpet and upholstery cleaner includes, but is not limited to, products that make fabric protectant claims. Carpet and upholstery cleaner 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.
- (28) "Charcoal lighter material" means any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition. Charcoal lighter material does not include: electrical starters and probes; metallic cylinders using paper tinder; natural gas; propane; or fat wood.
- (29) "Colorant" means any pigment or coloring material used in a consumer product for an aesthetic effect, or to dramatize an ingredient.

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

(a) Structural and building components that include, but are not limited to: beams; trusses; studs; paneling (drywall or dry wall laminates; fiberglass reinforced plastic; plywood; particle board; insulation board; pre-decorated hardboard or tile-board; etc.), ceiling and acoustical tile; molding; fixtures; countertops or countertop laminates; cove or wall bases; and flooring or sub-flooring; or

(b) Floor or wall coverings that include, but are not limited to: wood or simulated wood covering; carpet; carpet pad or cushion; vinyl-backed carpet; flexible flooring material; non resilient flooring material; mirror tiles and other types of tiles; and artificial grass.

Construction, panel, and floor covering adhesive does not include floor seam sealer.

(31) "Consumer" means any person who seeks, 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.

(32) "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 paragraph consumer product shall also refer to aerosol adhesives, including aerosol adhesives used for consumer, industrial, and commercial uses.

(33) "Contact adhesive" means an adhesive that:

(a) Is designed for application to both surfaces to be bonded together;

(b) Is allowed to dry before the two surfaces are placed in contact with each other;

(c) Forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other; and

(d) 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.

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Contact adhesive 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.

(34) "Contact adhesive - general purpose" means any contact adhesive that is not a contact adhesive - special purpose.

(35) "Contact adhesive - special purpose" means a contact adhesive that:

(a) Is used to bond melamine-covered board, unprimed metal, unsupported vinyl, Teflon, ultra-high molecular weight polyethylene, rubber, high pressure laminate or wood veneer one sixteenth 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

(b) Is used 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.

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

(37) "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. Crawling bug insecticide does not include products designed to be used exclusively on humans or animals, or any house dust mite product. For the purpose of this definition only:

(a) "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.

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

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(38) "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.

(39) "Deodorant" means:

(a) For products manufactured before January 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 which cause the decomposition of perspiration.

(b) For products manufactured on or after January 1, 2009: any product including, but not limited to, aerosol, 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 thereto, 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 thereto, that it can be used on or applied to the human axilla, is a deodorant.

(40) "Deodorant body spray" means:

(a) For products manufactured before January 1, 2008: a personal fragrance product with twenty per cent or less fragrance.

(b) For products manufactured on or after January 1, 2008: a personal fragrance product with twenty per cent 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 thereto, that it can be used on or applied to the human axilla, is a deodorant.

(41) "Device" means any instrument or contrivance (other than a firearm) which is designed for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately there from.

(42) "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. Disinfectant does not include: products designed solely for use on human or animals; products designed for agricultural use; products designed solely for use in swimming pools, therapeutic tubs, or hot

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tubs; and products which, 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.

(43) "Distributor" means any person to whom a consumer product is sold or supplied for the purposes of resale or distribution in commerce, except that manufacturers, retailers, and consumers are not distributors.

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

(45) "Dry cleaning fluid" means any non-aqueous liquid product designed and labeled exclusively for use on fabrics which are labeled for dry clean only (such as clothing or drapery) or s-coded fabrics. Dry cleaning fluid 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. Dry cleaning fluid 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.

(46) "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. Dusting aid does not include pressurized gas duster.

(47) "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. Electrical cleaner 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.

(48) "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 players; digital video disc 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.

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(49) "Energized electrical cleaner" means a product that meets both of the following criteria:

(a) 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; and

(b) The product label clearly displays the statements: "energized equipment use only and not to be used for motorized vehicle maintenance, or their parts."

Energized electrical cleaner does not include electronic cleaner.

(50) "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.

(51) "Existing product" means any formulation of the same product category and form sold, supplied, manufactured, or offered for sale in Ohio prior to January 1, 2008, or any subsequently introduced identical formulation.

(52) "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. Fabric protectant does not include waterproofers, products designed for use solely on leather, or products designed for use solely on fabrics which are labeled "for dry clean only" and sold in containers of ten fluid ounces or less.

(53) "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; clothing; or 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 surfaces listed above whose label is registered as a sanitizer under the Federal Insecticide, Fungicide, and Rodenticide Act.

(54) "Facial cleaner or soap" means a cleaner or soap designed primarily to clean the face. Facial cleaner or soap includes, but is not limited to, facial cleansing creams, semisolids, liquids, lotions, and substrate-impregnated forms. Facial cleaner or soap does not include: prescription drug products; antimicrobial hand

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or body cleaner or soap; astringent/toner; general-use hand or body cleaner or soap; medicated astringent/medicated toner; or rubbing alcohol.

- (55) "Fat wood" means pieces of wood kindling with high naturally-occurring levels of sap or resin which enhance ignition of the kindling. Fat wood does not include any kindling with substances added to enhance flammability, such as wax covered or wax-impregnated wood-based products.
- (56) "Flea and tick insecticide" means any insecticide product that is designed for use against fleas, ticks, their larvae, or their eggs. Flea and tick insecticide does not include products that are designed to be used exclusively on humans or animals and their bedding.
- (57) "Flexible flooring material" means asphalt, cork, linoleum, no-wax, rubber, seamless vinyl and vinyl composite flooring.
- (58) "Floor coating" means an opaque coating that is labeled and designed for application to flooring, including but not limited to, decks, porches, steps, and other horizontal surfaces which may be subject to foot traffic.
- (59) "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. Floor polish or wax 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.
- (60) "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.
- (61) "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. Floor wax stripper does not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion.
- (62) "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. Flying bug insecticide 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 the 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.

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- (63) "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.
- (64) "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 millimeters of mercury at twenty degrees Celsius, the sole purpose of which is to impart an odor or scent, or to counteract a malodor.
- (65) "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. Furniture maintenance product does not include: dusting aids; wood cleaners, and products designed solely for the purpose of cleaning; and products designed to leave a permanent finish such as stains, sanding sealers and lacquers.
- (66) "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.
- (67) "Gel" means a colloid in which the disperse phase has combined with the continuous phase to produce a semisolid material, such as jelly.
- (68) "General purpose adhesive" means any non-aerosol adhesive designed for use on a variety of substrates. General purpose adhesive 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); 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).
- (69) "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. General purpose cleaner includes products designed for general floor cleaning, kitchen or countertop cleaning, and cleaners designed to be used on a variety of hard surfaces.

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(70) 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. General purpose degreaser 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 which manufacture or construct goods or commodities; and labeled not for retail sale.

For the purpose of this definition 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.

(71) "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. General-use hand or body cleaner or soap includes, but is not limited to: hand or body washes; dual-purpose shampoo-body cleaners; shower or bath gels; and moisturizing cleaners or soaps. General-use hand or body cleaner or soap 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.

(72) "Glass cleaner" means a cleaning product designed primarily for cleaning surfaces made of glass. Glass cleaner does not include products designed solely for the purpose of cleaning optical materials used in eyeglasses, photographic equipment, scientific equipment and photocopying machines.

(73) "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 non-fabric substrates. Graffiti remover 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.

(74) "Hair mousse" means a hairstyling foam designed to facilitate styling of a coiffure and provide limited holding power.

(75) "Hair shine" means any product designed for the primary purpose of creating a shine when applied to the hair. Hair shine includes, but is not limited to, dual use products designed primarily to impart a sheen to the hair. Hair shine 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.

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(76) "Hair styling gel" means a consumer product manufactured before January 1, 2008, that is a high viscosity, often gelatinous, product that contains a resin and is designed for the application to hair to aid in styling and sculpting of the hair coiffure.

(77) "Hair spray" means:

(a) For products manufactured before January 1, 2008: a consumer product designed primarily for the purpose of dispensing droplets of a resin on and into a hair coiffure which will impart sufficient rigidity to the coiffure to establish or retain the style for a period of time; and

(b) For products manufactured on or after January 1, 2008: 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. Hair spray 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. Hair spray does not include spray products that are intended to aid in styling but does not provide finishing of a hairstyle. For the purpose of this definition, finish or finishing means the maintaining and/or holding of previously styled hair for a period of time. For the purpose of this definition, styling means the forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.

(78) "Hair styling product" means a consumer product manufactured on or after January 1 2008, that is designed or labeled for the application to wet, damp or dry hair to aid in defining, shaping, lifting, styling and/or sculpting of the hair. Hair styling product 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. Hair styling product 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 purpose of this definition, finish or finishing means the maintaining and/or holding of previously styled hair for a period of time. For the purpose of this definition, styling means the forming, sculpting, or manipulating the hair to temporarily alter the hair's shape.

(79) "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. Heavy-duty hand cleaner or soap does not include: prescription drug products; antimicrobial hand or body cleaner or soap;

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astringent/toner; facial cleaner or soap; general-use hand or body cleaner or soap; medicated astringent/medicated toner; or rubbing alcohol.

- (80) "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.
- (81) "High volatility organic compound" or "HVOC" means any volatile organic compound that exerts a vapor pressure greater than eighty millimeters of mercury when measured at twenty degrees Celsius.
- (82) "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.
- (83) "Innovative product exemption" or "IPE" means a determination that a particular consumer product will result in less VOC emissions as compared to a representative compliant consumer product or as compared to the reformulation of the particular product in order to comply with a VOC content limit due to some characteristic of the product formulation, design, delivery system, or other factor. Such determination must be in accordance with paragraphs (L) and (M) of rule 3745-112-04 of the Administrative Code for a chemically formulated consumer product, and be issued by:
- (a) CARB pursuant to the consumer products regulations (including all amendments and supplements) at Title 17, Subchapter 8.5, Article 1, Section 94503.5 or Article 2, Section 94511 of the California Code of Regulations; or
 - (b) The air pollution control agency of another state pursuant to its consumer product regulations, if those consumer product regulations are based on the OTC "model rule for consumer products."
- (84) "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 which requires a structural pest control license under chapter 901:5-11 of the Administrative Code; or restricted materials that require a permit for use and possession.
- (85) "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.
- (86) "Institutional product", "industrial and institutional product" or "I & I product" means a consumer product that is designed for use in the maintenance or operation of an establishment that:

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(a) Manufactures, transports, or sells goods or commodities, or provides services for profit; or

(b) 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. Institutional product 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.

(87) "Label" means any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, 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.

(88) "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.

(89) "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. Laundry starch product includes, but is not limited to, fabric finish, sizing, and starch.

(90) "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 paragraph (C) of rule 3745-110-06 of the Administrative Code, aerosol lawn and garden insecticides may claim to kill insects or other arthropods.

(91) "Liquid" means a substance or mixture of substances which is capable of a visually detectable flow as determined under ASTM D4359-90(2000)e1. Liquid does not include powders or other materials that are composed entirely of solid particles.

(92) "Lubricant" means a product designed to reduce friction, heat, noise, or wear between moving parts, or to loosen rusted or immovable parts or mechanisms. Lubricant 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

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sold exclusively to establishments which manufacture or construct goods or commodities and are labeled not for retail sale.

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

(a) Has a vapor pressure less than 0.1 millimeters of mercury at twenty degrees Celsius, as determined by CARB Method 310; or

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

(c) Is a chemical compound with a boiling point greater than two hundred sixteen degrees Celsius, as determined by CARB Method 310; or

(d) Is the weight per cent of a chemical mixture that boils above two hundred sixteen degrees Celsius, as determined by CARB Method 310.

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

(94) "Manufacturer" means any person who imports, manufactures, assembles, produces, packages, repackages, or re-labels a consumer product.

(95) "Medicated astringent/medicated toner" means any product regulated as a drug by the United States food and drug administration which is applied to the skin for the purpose of cleaning or tightening pores. Medicated astringent/medicated toner includes, but is not limited to, clarifiers and substrate-impregnated products. Medicated astringent/medicated toner does not include: hand, face, or body cleaner or soap products; personal fragrance products; astringent/toner; cold cream; lotion; antiperspirants; or products that must be purchased with a doctor's prescription.

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

(97) "Metal polish/cleanser" means any product designed primarily to improve the appearance of finished metal, 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. Metal polish/cleanser includes, but is not limited to, metal polishes used on

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brass, silver, chrome, copper, stainless steel and other ornamental metals. Metal polish/cleanser 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.

(98) "Mist spray adhesive" means any aerosol adhesive which is not a special purpose spray adhesive and which 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.

(99) "Multi-purpose dry lubricant" means any lubricant which is:

(a) Designed and labeled to provide lubricity by depositing a thin film of graphite, molybdenumdisulfide, or polytetrafluoroethylene or closely related fluoropolymer on surfaces, and

(b) Designed for general purpose lubrication, or for use in a wide variety of applications.

(100) "Multi-purpose lubricant" means any lubricant designed for general purpose lubrication, or for use in a wide variety of applications. Multi-purpose lubricant does not include multi-purpose dry lubricants, penetrants, or silicone-based multi-purpose lubricants.

(101) "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. Multi-purpose solvent includes solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories. Multi-purpose solvent 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.

(102) "Nail polish" means any clear or colored coating designed for application to the fingernails or toenails and including, but not limited to, lacquers, enamels, acrylics, base coats and top coats.

(103) "Nail polish remover" means a product designed to remove nail polish and coatings from fingernails or toenails.

(104) "Non-aerosol product" means any consumer product that is not dispensed by a pressurized spray system.

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- (105) "Non-carbon containing compound" means any compound which does not contain any carbon atoms.
- (106) "Non-resilient flooring" means flooring of a mineral content which is not flexible. Non-resilient flooring" includes terrazzo, marble, slate, granite, brick, stone, ceramic tile and concrete.
- (107) "Non-selective terrestrial herbicide" means a terrestrial herbicide product that is toxic to plants without regard to species.
- (108) "Ohio sales" means the sales (net pounds of product, less packaging and container, per year) in Ohio for either the calendar year immediately prior to the year that the registration is due or, if that data is not available, any consecutive twelve month period commencing no earlier than two years prior to the due date of the registration. If direct sales data for Ohio is not available, sales may be estimated by prorating national or regional sales data by population.
- (109) "OTC" means the Ozone transport commission.
- (110) "Oven cleaner" means any cleaning product designed to clean and to remove dried food deposits from oven walls.
- (111) "Paint" means any pigmented liquid, liquefiable, or mastic composition designed for application to a substrate in a thin layer which 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.
- (112) "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. Paint remover or stripper 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.
- (113) "Paint thinner" means any volatile liquid used for reducing the viscosity of coating compositions or components.
- (114) "Penetrant" means a lubricant designed and labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. Penetrant does not include multi-purpose lubricants that claim to have penetrating qualities, but are not labeled primarily to loosen bonded parts.
- (115) "Person" means any individual, public or private corporation, political subdivision, government agency, department or bureau of the state,

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municipality, industry, co-partnership, association, firm, trust, estate or any legal entity whatsoever.

(116) "Personal fragrance product" means any product which 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. Personal fragrance product does not include: deodorant; medicated products designed primarily to alleviate fungal or bacterial growth on feet or other areas of the body; mouthwashes, 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.

(117) "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 which the United States environmental protection agency does not consider to be a pesticide.

(118) "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. Pressurized gas duster does not include dusting aid.

(119) "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.

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

(121) "Product category" means the applicable category which best describes the product as listed in the table of standards of paragraph (A) of rule 3745-112-03 of the Administrative Code.

(122) "Product form," for the purpose of complying with rule 3745-112-06 of the Administrative Code only, means the applicable form which most accurately describes the product's dispensing form as follows:

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A = Aerosol product

S = Solid

P = Pump spray

L = Liquid

SS = Semisolid

O = Other

- (123) "Propellant" means a liquefied or compressed gas that is used in whole or in part, such as a co-solvent, to expel a liquid or any other material from the same self-pressurized container or from a separate container.
- (124) "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.
- (125) "Responsible party" means the company, firm or establishment that is listed on the product's label. If the label lists two companies, firms or establishments, the responsible party is the party that the product was manufactured for or distributed by, as noted on the label.
- (126) "Restricted materials" means pesticides established as restricted materials under Chapter 901:5-11 of the Administrative Code.
- (127) "Retailer" means any person who sells, supplies, or offers consumer products for sale directly to consumers.
- (128) "Retail outlet" means any establishment at which consumer products are sold, supplied, or offered for sale directly to consumers.
- (129) "Roll-on product" means any antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the affected area.
- (130) "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. Rubber and vinyl protectant 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.

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- (131) "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.
- (132) "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. Sealant and caulking compound 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. Sealant and caulking compound also does not include units of product, less packaging, which weigh more than one pound and consist of more than sixteen fluid ounces. For the purpose of this definition only, removable caulking compounds means a compound which temporarily seals windows or doors for three to six month time intervals, and clear/paintable/water resistant caulking compounds means a compound which 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.
- (133) "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.
- (134) "Shaving cream" means an aerosol product which 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. Shaving cream does not include shaving gel.
- (135) "Shaving gel" means an aerosol product which dispenses a post-foaming semisolid designed to be used with a blade, cartridge razor, or other shaving system in the removal of facial or other bodily hair. Shaving gel does not include shaving cream.
- (136) "Silicone-based multi-purpose lubricant" means any lubricant which is:
- (a) Designed and labeled to provide lubricity primarily through the use of silicone compounds including, but not limited to, polydimethylsiloxane; and
 - (b) Designed and labeled for general purpose lubrication, or for use in a wide variety of applications. Silicone-based multi-purpose lubricant does not include products designed and labeled exclusively to release manufactured products from molds.

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(137) "Single phase aerosol air freshener" means an aerosol air freshener with the liquid contents in a single homogeneous phase and which does not require that the product container be shaken before use.

(138) "Solid" means a substance or mixture of substances which, 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.

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

(a) "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.

(b) "Flexible vinyl adhesive" means an aerosol adhesive designed to bond flexible vinyl to substrates. Flexible vinyl means a nonrigid polyvinyl chlorideplastic with at least five per cent, by weight, of plasticizer content. A plasticizer is a material, such as a high boiling point organic solvent, that is incorporated into a vinyl to increase its flexibility, workability, or distensibility, and may be determined using ASTM E260-96(2006) including any subsequent amendments or from product formulation data.

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

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

(e) "Polyolefin adhesive" means an aerosol adhesive designed to bond polyolefins (e.g. polyethylene, polypropylene, etc.) to substrates.

(f) "Laminate repair/edgebanding adhesive" means an aerosol adhesive designed for:

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

(ii) The touch-up, repair, or attachment of edgebanding materials, including, but not limited to, other laminates, synthetic marble, veneers, wood moulding, and decorative metals.

For the purpose of this definition, high pressure laminate means sheet materials which consist of paper, fabric, or other core material that have been laminated at temperatures exceeding two hundred sixty-five degrees

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Fahrenheit, and at pressures between one thousand and one thousand four hundred pounds per square inch.

(g) "Automotive engine compartment adhesive" means an aerosol adhesive designed for use in motor vehicle under-the-hood applications which require oil and plasticizer resistance, as well as high shear strength, at temperatures of two hundred to two hundred seventy-five degrees Fahrenheit.

(140) "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. Spot remover does not include dry cleaning fluid, laundry pre-wash, or multi-purpose solvent.

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

(142) "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.

(143) "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). This definition is as per the federal consumer products regulation contained in 40 CFR Part 59, Subpart C.

(144) "Table B compound" means any carbon-containing compound listed as an exception to the definition of VOC in paragraph (B)(152) of this rule.

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

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

(147) "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 includes, but is 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; or toilet or urinals in vehicles such as buses, recreational motor homes, boats, ships, and aircraft. Toilet/urinal care product does not include bathroom and tile cleaner or general purpose cleaner.

(148) "Type A propellant" means a compressed gas such as carbon dioxide, nitrogen, nitrogen oxide, or compressed air which is used as a propellant, and is either

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incorporated with the product or contained in a separate chamber within the product's packaging.

(149) "Type B propellant" means any halocarbon which is used as a propellant including chlorofluorocarbons, hydrochlorofluorocarbons, and hydrofluorocarbons.

(150) "Type C propellant" means any propellant which is not a type A or type B propellant, including propane, isobutane, n-butane, and dimethyl ether (also known as dimethyl oxide).

(151) "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. Undercoating includes, but is not limited to, rubberized, mastic, or asphaltic products.

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

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

(154) "Volatile organic compound" or "VOC" means a compound as defined in paragraph (B)(6) of rule 3745-21-01 of the Administrative Code.

(155) "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 pursuant to rule 3745-112-09 of the Administrative Code.

(156) "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.

(157) "Waterproofer" means a product designed and labeled exclusively to repel water from fabric or leather substrates. Waterproofer does not include fabric protectants.

(158) "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). Wax 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; or synthetic polymers such as polyethylene.

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

(160) "Wood cleaner" means a product labeled to clean wooden materials including but not limited to: decking; fences; flooring; logs; cabinetry; or furniture. Wood cleaner 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.

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

(C) Incorporation by Reference. This chapter includes references to certain matter or materials. The text of the incorporated materials is not included in the regulations contained in this chapter. The materials are hereby made a part of the regulations in this chapter. For materials subject to change, only the specific version specified in the regulation are incorporated. Material is incorporated as it exists on the effective date of this rule. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not incorporated unless and until this rule has been amended to specify the new dates.

(1) Availability. The materials incorporated by reference are available as follows:

(a) American Society for Testing Materials (ASTM). Information and copies of documents may be obtained by writing to: "ASTM International, 100 Bar Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19426-2959." These documents are also available for purchase at www.astm.org. ASTM documents are also available for inspection and copying at most public libraries and "The State Library of Ohio."

(b) California air resources board (CARB) certification. Information and copies of executive orders, approval letters, equipment advisories, and equivalent test procedures may be obtained by writing to: "California Air Resources Board, Monitoring and Laboratory Division, P.O. Box 2815, Sacramento, CA, 95812-2815" or by calling (916) 327-0900. The full text of all CARB certification documents are also available in electronic format at <http://www.arb.ca.gov/vapor/vapor.htm>.

(c) California Code of Regulations. Copies of regulations may be obtained by writing to:" West Customer Service, P.O. Box 64833, St. Paul, MN 55164-0833" or by calling 1-800-888-3600. The full text of regulations are also available in electronic format at <http://ccr.oal.ca.gov/>.

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- (d) Chemical abstract service (CAS). Information can be obtained by writing to: "Chemical Abstract Service, 2540 Olentangy River Road, Columbus, Ohio, 43202," or by visiting their web site at www.cas.org.
- (e) Code of Federal Regulations. Information and copies may be obtained by writing to: "Superintendent of Documents, Attention: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the CFR is also available in electronic format at www.access.gpo.gov/nara/cfr/. The CFR compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (f) Federal Insecticide, Fungicide and Rodenticide Act. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the Act is also available in electronic format at <http://www.law.cornell.edu/uscode/>. A copy of the Act is also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (g) Federal Specification MMM-A-181D. Information and copies may be obtained by writing to: "DODSSP, Building 4/Section D, 700 Robbins Avenue, Philadelphia, PA 19111-5098." The full text of the federal specification is also available in electronic format at http://assist.daps.dla.mil/quicksearch/basic_profile.cfm?ident_number=53165. Federal specifications are also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (h) Ozone Transport Commission model rule for consumer products. Information and copies may be obtained by writing to: "Ozone Transport Commission, 444 N. Capitol Street., Suite 638, Washington, D.C., 20001" or by calling 1-202-508-3840. The full text of the model rule is also available electronically at <http://www.otcair.org/interest.asp?Fview=stationary>. OTC documents are also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (i) United States Code. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the United States Code is also available in electronic format at <http://www4.law.cornell.edu/uscode/>. The USC compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."

(2) Incorporated materials.

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- (a) 40 CFR Part 59, Subpart C; "National volatile organic compound emissions standards for consumer products;" 63 FR 48831, Sept. 11, 1998.
- (b) Federal Fungicide, Insecticide and Rodenticide Act; contained in 7 USC 136 to 136y; "Environmental Pesticide Control"; published January 3, 2005 in Supplement IV of the 2000 Edition of the United States Code.
- (c) ASTM D86-05; "Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure;" approved July 1, 2005.
- (d) ASTM D4359-90(2000)e1; "Standard Test Method for Determining Whether a Material Is a Liquid or a Solid;" approved June 10, 2000.
- (e) ASTM E260-96(2006); "Standard Practice for Packed Column Gas Chromatography;" approved March 1, 2006.
- (f) CARB Method 310; "Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure;" adopted September 25, 1997, amended May 5, 2005.
- (g) Federal specification MMM-A-181D; "Adhesives, Phenols, Resorcinol, or Melamine Base;" effective January 23, 1980.
- (h) Ozone Transport Commission; "Draft Model Rule for Consumer Products;" as issued September 13, 2006.
- (i) Title 17, Division 3, Chapter 1, Subchapter 7, Section 93000; "Substances Identified as Toxic Air Contaminants;" as contained in the California Code of Regulations; August 20, 1999.
- (j) Title 17, Subchapter 8.5, Article 1, Section 94503.5; "Innovative Products;" as contained in the California Code of Regulations; March 30, 1996.
- (k) Title 17, Subchapter 8.5, Article 2, Section 94511; "Innovative Products;" as contained in the California Code of Regulations; November 18, 1997.

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3745-112-02 Applicability.

(A) Except as provided in rule 3745-112-04 of the Administrative Code, this chapter shall apply to any person who sells, supplies, offers for sale, or manufactures consumer products on or after January 1, 2009, for use in the state of Ohio.

3745-112-03 Standards.

[Comment: For dates on non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the last paragraph of rule 3745-112-01 of the Administrative Code titled "Incorporation by reference."]

(A) Except as provided in rule 3745-112-04 and rule 3745-112-07 of the Administrative Code, no person shall sell, supply, offer for sale, or manufacture for sale in the state of Ohio any consumer product manufactured on or after January 1, 2009 that contains VOC's in excess of the VOC content limits specified in the following table of standards:

-Table 1: Table of standards-

<u>Product Category</u>	<u>VOC Standard (per cent VOC, by weight)</u>
<u>Adhesives:</u>	
<u>Aerosol Mist Spray</u>	<u>65</u>
<u>Aerosol Web Spray</u>	<u>55</u>
<u>Special Purpose Spray Adhesives:</u>	
<u>Mounting, Automotive Engine Compartment, and Flexible Vinyl</u>	<u>70</u>
<u>Polystyrene Foam and Automotive Headliner</u>	<u>65</u>
<u>Polyolefin and Laminate Repair/Edge-banding</u>	<u>60</u>
<u>Construction, Panel, and Floor</u>	<u>15</u>
<u>Contact</u>	<u>80</u>
<u>Contact General Purpose</u>	<u>55</u>
<u>Contact Special Purpose</u>	<u>80</u>
<u>General Purpose</u>	<u>10</u>
<u>Structural Waterproof</u>	<u>15</u>
<u>Adhesive Removers:</u>	
<u>Floor or wall covering adhesive remover</u>	<u>5</u>
<u>Gasket or thread locking adhesive remover</u>	<u>50</u>
<u>General purpose adhesive remover</u>	<u>20</u>
<u>Specialty adhesive remover</u>	<u>70</u>
<u>Air Fresheners:</u>	
<u>Single-Phase Aerosol</u>	<u>30</u>

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Double-Phase Aerosol	25
Liquids/Pump Spray	18
Solids/semisolids	3
Antiperspirants:	
Aerosol	40 HVOC 10 MVOC
Non-Aerosol	0 HVOC 0 MVOC
Anti-static Product: Non-Aerosol	11
Automotive Brake Cleaners	45
Automotive Rubbing or Polishing Compound	17
Automotive Wax, Polish, Sealant or Glaze:	
Hard Paste Waxes	45
Instant Detailers	3
All Other Forms	15
Automotive Windshield Washer Fluids	35
Bathroom and Tile Cleaners:	
Aerosol	7
All Other Forms	5
Bug and Tar Remover	40
Carburetor or Fuel-Injection Air Intake Cleaners	45
Carpet and Upholstery Cleaners:	
Aerosol	7
Non-Aerosol (Dilutables)	0.1
Non-Aerosol (Ready-to-Use)	3.0
Charcoal Lighter Fluid¹	
Cooking Spray Aerosols	18
Deodorants:	
Aerosol	0 HVOC 10 MVOC
Non-Aerosol	0 HVOC 0 MVOC
Dusting Aids:	
Aerosol	25
All Other Forms	7
Electrical Cleaner	45
Electronic Cleaner	75
Engine Degreasers:	
Aerosol	35
Non-Aerosol	5
Fabric Protectants	60
Fabric Refresher:	
Aerosol	15
Non-Aerosol	6

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<u>Floor Polishes/Waxes:</u>	
<u>Products for Flexible Flooring Materials</u>	<u>7</u>
<u>Products for Non-Resilient Flooring</u>	<u>10</u>
<u>Wood Floor Wax</u>	<u>90</u>
<u>Floor Wax Strippers, Non-Aerosol²</u>	
<u>Footwear or Leather Care Products:</u>	
<u>Aerosol</u>	<u>75</u>
<u>Solid</u>	<u>55</u>
<u>Other Forms</u>	<u>15</u>
<u>Furniture Maintenance Products:</u>	
<u>Aerosol</u>	<u>17</u>
<u>All Other Forms Except Solid or Paste</u>	<u>7</u>
<u>General Purpose Cleaners:</u>	
<u>Aerosol</u>	<u>10</u>
<u>Non-Aerosol</u>	<u>4</u>
<u>General Purpose Degreasers:</u>	
<u>Aerosol</u>	<u>50</u>
<u>Non-Aerosol</u>	<u>4</u>
<u>Glass Cleaners:</u>	
<u>Aerosol</u>	<u>12</u>
<u>Non-Aerosol</u>	<u>4</u>
<u>Graffiti Remover:</u>	
<u>Aerosol</u>	<u>50</u>
<u>Non-Aerosol</u>	<u>30</u>
<u>Hair Mousses</u>	<u>6</u>
<u>Hair Shines</u>	<u>55</u>
<u>Hair Sprays</u>	<u>55</u>
<u>Hair Styling Gels</u>	<u>6</u>
<u>Hair Styling Product:</u>	
<u>Aerosols and Pump Sprays</u>	<u>6</u>
<u>All Other Forms</u>	<u>2</u>
<u>Heavy-Duty Hand Cleaner Soap</u>	<u>8</u>
<u>Insecticides:</u>	
<u>Crawling Bug (Aerosol)</u>	<u>15</u>
<u>Crawling Bug (All Other Forms)</u>	<u>20</u>
<u>Flea and Tick</u>	<u>25</u>
<u>Flying Bug (Aerosol)</u>	<u>25</u>
<u>Flying Bug (All Other Forms)</u>	<u>35</u>
<u>Foggers</u>	<u>45</u>
<u>Lawn and Garden (Non-Aerosol)</u>	<u>3</u>
<u>Lawn and Garden (All Other Forms)</u>	<u>20</u>
<u>Wasp and Hornet</u>	<u>40</u>
<u>Laundry Pre-Wash:</u>	
<u>Aerosols/Solids</u>	<u>22</u>

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All Other Forms	5
Laundry Starch Products	5
Metal Polishes/Cleaners	30
Multi Polishes Lubricant (Excluding Solid or Semi-Solid Products)	50
Nail Polish Remover	75
Non-Selective Terrestrial Herbicide, Non-Aerosol	3
Oven Cleaners:	
Aerosols/Pump Sprays	8
Liquids	5
Paint Remover or Strippers	50
Penetrants	50
Rubber and Vinyl Protectants:	
Non-Aerosol	3
Aerosol	10
Sealants and Caulking Compounds	4
Shaving Creams	5
Shaving Gel	7
Silicone-Based Multi-Purpose Lubricants (Excluding Solid or Semi-Solid Products)	60
Spot Removers:	
Aerosol	25
Non-Aerosol	8
Tire Sealants and Inflators	20
Under-coatings (Aerosols)	40
Wood Cleaner:	
Aerosol	17
Non-Aerosol	4

¹[See paragraph \(G\) of rule 3745-112-03 of the Administrative Code regarding charcoal lighter material standards.](#)

²[See paragraph \(I\) of rule 3745-112-03 of the Administrative Code regarding floor wax strippers.](#)

(B) [No person shall sell, supply, offer for sale, or manufacture for sale in the state of Ohio any antiperspirant or deodorant which contains any compound that has been identified by the CARB in Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 7, Section 93000 as a toxic air contaminant.](#)

(C) [Products that are diluted prior to use.](#)

(1) [For consumer products for which the label, packaging, or accompanying literature specifically states that the product should be diluted with water or non-VOC solvent prior to use, the VOC content limits specified in the table of this](#)

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rule shall apply to the product only after the minimum recommended dilution has taken place. For purposes of this rule, minimum recommended dilution shall not include recommendations for incidental use of a concentrated product to deal with limited special applications such as hard-to-remove soils or stains.

(2) For consumer products for which the label, packaging, or accompanying literature states that the product should be diluted with any VOC solvent prior to use, the VOC content limits specified in the table of this rule shall apply to the product only after the maximum recommended dilution has taken place.

(D) Sell-through of products.

Notwithstanding the provisions of paragraph (A) of this rule, a consumer product manufactured prior to January 1, 2009 may be sold, supplied, or offered for sale after January 1, 2009. This does not apply to any consumer product that does not display on the product container or package the date on which the product was manufactured, or a code indicating such date, in accordance with paragraph (A) of rule 3745-112-05 of the Administrative Code.

(E) Products registered under the Federal Insecticide, Fungicide, and Rodenticide Act

For those consumer products that are registered under the Federal Insecticide, Fungicide, and Rodenticide Act, the effective date of the VOC standards is January 1, 2010.

(F) Requirements for charcoal lighter materials.

No person shall sell, supply, or offer for sale after January 1, 2009 any charcoal lighter material product unless at the time of the transaction the manufacturer can demonstrate that the product has been issued a currently effective certification by the CARB. This certification remains in effect in the state of Ohio as long as the CARB certification remains in effect and the certification is approved by the director. Any manufacturer claiming such a certification on this basis must submit to the director a copy of the certification decision (i.e., the Executive Order), including all conditions established by CARB applicable to the certification.

(G) Requirements for aerosol adhesives.

(1) The standards for aerosol adhesives apply to all uses of aerosol adhesives, including consumer, industrial, and commercial uses. Except as otherwise provided in rules 3745-112-04 and 3745-112-07 of the Administrative Code, no person shall sell, supply, offer for sale, use or manufacture for sale in the state of Ohio any aerosol adhesive which, at the time of sale, use, or manufacture, contains VOCs in excess of the limit specified in the table of this rule.

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(2) In order to qualify as a special purpose spray adhesive the product must meet one or more of the definitions specified in rule 3745-112-01 of the Administrative Code, but if the product label indicates that the product is suitable for use on any substrate or application not listed in this definition, then the product shall be classified as either a web spray adhesive or a mist spray adhesive. If a product meets more than one of the definitions specified in rule 3745-112-01 of the Administrative Code for a special purpose spray adhesive, and is not classified as a web spray adhesive or mist spray adhesive under paragraph (G)(2) of this rule, then the VOC content limit for the product shall be the lowest applicable VOC content limit specified in the table of this rule.

(3) All aerosol adhesives must comply with the labeling requirements specified in rule 3745-112-05 of the Administrative Code.

(H) Requirements for floor wax strippers.

No person shall sell, supply, offer for sale, or manufacture for use in Ohio any floor wax stripper unless the following requirements are met:

(1) The label of each non-aerosol floor wax stripper must specify a dilution ratio for light or medium build-up of polish that results in an as-used VOC concentration of three per cent by weight or less.

(2) If a non-aerosol floor wax stripper is also intended to be used for removal of heavy build-up of polish, the label of that floor wax stripper must specify a dilution ratio for heavy build-up of polish that results in an as-used VOC concentration of twelve per cent, by weight, or less.

(3) The terms light build-up, medium build-up or heavy build-up are not specifically required, as long as comparable terminology is used.

3745-112-04 **Exemptions.**

[Comment: For dates on non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the last paragraph of rule 3745-112-01 of the Administrative Code titled "Incorporation by reference."]

(A) This rule shall not apply to any consumer product manufactured in the state of Ohio solely for shipment and use outside of the state of Ohio.

(B) The provisions of this rule shall not apply to a manufacturer or distributor who sells, supplies, or offers for sale in the state of Ohio a consumer product that does not comply with the VOC standards specified in paragraph (A) of rule 3745-112-03 of the Administrative Code, as long as the manufacturer or distributor can demonstrate

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both that the consumer product is intended for shipment and use outside of the state of Ohio, and that the manufacturer or distributor has taken reasonable prudent precautions to assure that the consumer product is not distributed or used in the state of Ohio. The requirement of this paragraph does not apply to consumer products that are sold, supplied, or offered for sale by any person to retail outlets in the state of Ohio.

- (C) The MVOC content standards specified in paragraph (A) of rule 3745-112-03 of the Administrative Code for antiperspirants or deodorants, shall not apply to ethanol.
- (D) The VOC limits specified in paragraph (A) of rule 3745-112-03 of the Administrative Code shall not apply to fragrances up to a combined level of two per cent, by weight, contained in any consumer product and shall not apply to colorants up to a combined level of two per cent, by weight, contained in any antiperspirant or deodorant.
- (E) The VOC limits specified in paragraph (A) of rule 3745-112-03 of the Administrative Code shall not apply to any LVP-VOC.
- (F) The requirements in paragraph (A) of rule 3745-112-03 of the Administrative Code for antiperspirants or deodorants shall not apply to those VOCs that contain more than ten carbon atoms per molecule and for which the vapor pressure is unknown, or that have a vapor pressure of two millimeters of mercury or less at twenty degrees Celsius.
- (G) The requirements specified in paragraph (A) of rule 3745-112-05 of the Administrative Code shall not apply to consumer products registered under the Federal Insecticide, Fungicide, and Rodenticide Act.
- (H) The VOC limits specified in paragraph (A) of rule 3745-112-03 of the Administrative Code shall not apply to air fresheners that are comprised entirely of fragrance, less compounds not defined as VOCs in rule 3745-112-01 of the Administrative Code or exempted pursuant to paragraph (D) of rule 3745-112-04 of the Administrative Code.
- (I) The VOC limits specified in paragraph (A) of rule 3745-112-03 of the Administrative Code shall not apply to insecticides containing at least ninety-eight per cent paradichlorobenzene, by weight.
- (J) The VOC limits specified in paragraph (A) of rule 3745-112-03 of the Administrative Code shall not apply to adhesives sold in containers of one fluid ounce or less.
- (K) The VOC limits specified in paragraph (A) of rule 3745-112-03 of the Administrative Code shall not apply to bait station insecticides. For the purpose of this section, bait station insecticides are containers enclosing an insecticidal bait that is not more than 0.5 ounce, by weight, where the bait is designed to be ingested by insects and is

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composed of solid material feeding stimulants with less than five per cent active ingredients.

(L) A chemically formulated consumer product is exempt from the requirements of paragraph (A) of rule 3745-112-03 of the Administrative Code if:

(1) CARB, pursuant to its consumer products regulations (including all amendments and supplements) at Title 17, Subchapter 8.5, Article 1, Section 94503.5 or Article 2, Section 94511 of the California Code of Regulations, or the air pollution control agency of another state that has adopted a consumer product rule based on or substantially equivalent to the OTC "Model Rule for Consumer Products" has granted to the product's manufacturer an innovative products exemption or ACP for the product; and

(2) The innovative products exemption or ACP is valid for use in Ohio pursuant to paragraph (M) of this rule.

(M) An innovative products exemption or ACP as outlined in paragraph (L) of this rule shall not be valid for use in Ohio unless all the following requirements of paragraphs (M)(1) through (M)(4) of this rule are met:

(1) The director determines that the exemption is still in effect and, after consideration of information provided pursuant to paragraphs (M)(2) through (M)(4) of this rule, the director determines that the exemption is acceptable to him or her;

(2) The product (including its form) for which the innovative products exemption or ACP is being used to comply with this section meets the following:

(a) The product belongs to a chemically formulated consumer product category that is subject to a VOC content limit set in paragraph (A) of rule 3745-112-03 of the Administrative Code;

(b) The VOC content limit promulgated for this product by the agency that issued the innovative products exemption or ACP is equal to or more stringent than the most stringent applicable VOC content limit contained in paragraph (A) of rule 3745-112-03 of the Administrative Code; and

(c) All ACP products used for emission credits within the approved ACP agreement are contained in paragraph (A) of rule 3745-112-03 of the Administrative Code.

(3) For an innovative product exemption, the manufacturer demonstrates to the director by clear and convincing evidence that, due to some characteristic of the product formulation, design, delivery systems, or other factor, the use of the product will result in less VOC emissions as compared to either the VOC

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emissions from a representative chemically formulated consumer product that complies with the VOC content limits specified in paragraph (A) of rule 3745-112-03 of the Administrative Code, or as compared to the calculated VOC emissions from a non-complying representative product, if the product had been reformulated to comply with the VOC limits specified in paragraph (A) of rule 3745-112-03 of the Administrative Code.

(4) Prior to relying on an innovative products exemption or ACP for compliance, the manufacturer has submitted to the director, in accordance with paragraph (N) of this rule, the following:

(a) A statement that, for a specified chemically formulated consumer product that it manufactures, it intends to comply with this section under an innovative products exemption or ACP rather than meet the applicable VOC content standards in paragraph (A) of rule 3745-112-03 of the Administrative Code;

(b) The brand name of the consumer product, and the specific chemically formulated consumer product category in paragraph (A) of rule 3745-112-03 of the Administrative Code to which the product belongs, including its form(s) (if applicable);

(c) A copy of the document(s) setting forth the innovative products exemption or ACP; the issuing agency's approval; the issuing agency's conditions of its approval; the demonstration of paragraph (M)(3) of this rule if an innovative products exemption; and any documents from the issuing agency that subsequently modify or terminate its conditions of approval; documentation demonstrating compliance with the innovative products exemption or ACP; and

(d) A statement that the innovative products exemption or ACP, as well as the product for which the innovative products exemption or ACP is being used, conforms with the requirements of paragraphs (M)(1) through (M)(3) of this rule, as applicable.

(N) Any submittal made pursuant to paragraph (M)(4) of this rule shall be sent to the director and the envelope or package shall be labeled as follows:

(1) For an innovative products exemption, "Attention: Consumer Product Innovative Product Exemption".

(2) For an ACP, "Attention: Consumer Product Alternative Control Plan".

Submittals of the above-mentioned documents may be sent to the following address:

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"State Emergency Response Commission c/o Ohio Environmental Protection Agency P.O. Box 1049 Columbus, Ohio 43216-0149"

[Comment: Any packages and/or certified mail not acceptable for post office box delivery should be sent to street address "50 West Town Street, Suite 700, Columbus, Ohio 43215."]

3745-112-05 **Administrative requirements.**

[Comment: For dates on non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the last paragraph of rule 3745-112-01 of the Administrative Code titled "Incorporation by reference."]

(A) Product dating.

(1) Each manufacturer of a consumer product subject to rule 3745-112-03 of the Administrative Code shall clearly display on each consumer product container or package, the day, month, and year on which the product was manufactured, or a code indicating such date.

(2) A manufacturer who uses the following code to indicate the date of manufacture shall not be subject to the requirements of paragraph (B) of this rule, if the code is represented separately from other codes on the product container so that it is easily recognizable:

YY DDD = year year day day day;

Where:

YY = two digits representing the year in which the product was manufactured; and

DDD = three digits representing the day of the year on which the product was manufactured, with 001 representing the first day of the year, 002 representing the second day of the year, and so forth (i.e. the Julian date).

(3) This date or code shall be displayed on each consumer product container or package no later than January 1, 2008.

(4) The date or date-code information shall be located on the container or inside the cover/cap so that it is readily observable or obtainable (by simply removing the cap/cover) without irreversibly disassembling any part of the container or packaging. For the purpose of this paragraph, information may be displayed on

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the bottom of a container as long as it is clearly legible without removing any product packaging.

(5) The requirements of this provision shall not apply to products containing no VOCs, or containing VOCs at 0.10 per cent, by weight, or less.

(B) Additional product dating requirements.

(1) If a manufacturer uses a code indicating the date of manufacture, for any consumer product subject to the applicable standard specified in the tables of rule 3745-112-03 of the Administrative Code an explanation of the date portion of the code must be filed with the Ohio environmental protection agency no later than January 1, 2008.

(2) If a manufacturer changes any code indicating the date of manufacture for any consumer product subject to paragraph (B)(1) of this rule, an explanation of the modified code must be submitted to the Ohio environmental protection agency before any products displaying the modified code are sold, supplied, or offered for sale in Ohio.

(3) No person shall erase, alter, deface, or otherwise remove or make illegible any date or code indicating the date of manufacture from any regulated product container without the express authorization of the manufacturer.

(4) Date code explanations for codes indicating the date of manufacture are public information and may not be claimed as confidential.

(C) Most restrictive limit.

(1) Products manufactured before January 1, 2009, and Federal Insecticide, Fungicide, and Rodenticide Act registered insecticides manufactured before January 1, 2010.

Notwithstanding the definition of product category, as defined in rule 3745-112-01 of the Administrative Code, if anywhere on the principal display panel of any consumer product manufactured before January 1, 2010, or any Federal Insecticide, Fungicide, and Rodenticide Act registered insecticide manufactured before January 1, 2010, any representation is made that the product may be used as, or is suitable for use as a consumer product for which a lower VOC content limit is specified in the tables of rule 3745-112-03 of the Administrative Code, then the lowest VOC limit shall apply. This requirement does not apply to general purpose cleaners, antiperspirant/deodorant products and insecticide foggers.

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(2) Products manufactured on or after January 1, 2009, and Federal Insecticide, Fungicide, and Rodenticide Act registered insecticides manufactured on or after January 1, 2010.

Notwithstanding the definition of product category, as defined in rule 3745-112-01 of the Administrative Code, if anywhere on the container or packaging of any consumer product manufactured before January 1, 2009, or any Federal Insecticide, Fungicide, and Rodenticide Act registered insecticide manufactured on or after January 1, 2010, or on any sticker or label affixed thereto, any representation is made that the product may be used as, or is suitable for use as a consumer product for which a lower VOC content limit is specified in the table of rule 3745-112-03 of the Administrative Code, then the lowest VOC limit shall apply. This requirement does not apply to general purpose cleaners, antiperspirant/deodorant products and insecticide foggers.

(D) Additional labeling requirements for aerosol adhesives, adhesive removers, electronic cleaner, electrical cleaner, energized electrical cleaner, and contact adhesives.

(1) In addition to the requirements specified in paragraphs (A) and (C) of this rule and rule 3745-112-06 of the Administrative Code, both the manufacturer and responsible party for each aerosol adhesive, adhesive remover, electronic cleaner, electrical cleaner, energized electrical cleaner, and contact adhesive product subject to chapter 3745-112 of the Administrative Code shall ensure that all products clearly display the following information on each product container that is manufactured on or after the effective date for the category specified in the table of rule 3745-112-03 of the Administrative Code:

(a) The product category as specified in paragraph (A) of rule 3745-112-03 of the Administrative Code or an abbreviation of the category shall be displayed;

(b) The applicable VOC standard for the product that is specified in the table of rule 3745-112-03 of the Administrative Code, except for energized electrical cleaner, expressed as a per cent, by weight, shall be displayed unless the product is included in an alternative control plan approved by the director, as provided in rule 3745-112-04 of the Administrative Code, and the product exceeds the applicable VOC content limit;

If the product is included in an alternative control plan approved by the director and the product exceeds the applicable VOC content limits specified in the table of rule 3745-112-03 of the Administrative Code, the product shall be labeled with the term ACP or ACP product;

(c) If the product is classified as a special purpose spray adhesive, the applicable substrate and/or application or an abbreviation of the substrate/application that qualifies the product as special purpose shall be displayed; and

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- (d) If the manufacturer or responsible party uses an abbreviation as allowed by paragraph (D) of this rule, an explanation of the abbreviation must be filed with the director before the abbreviation is used.
- (2) The information required in paragraph (A)(1) of this rule shall be displayed on the product container such that it is readily observable without removing or disassembling any portion of the product container or packaging. For the purposes of this rule, information may be displayed on the bottom of a container as long as it is clearly legible without removing any product packaging.
- (3) No person shall remove, alter, conceal, or deface the information required in paragraph (D)(1) of this rule prior to final sale of the product.

3745-112-06 **Reporting requirements.**

- (A) Upon ninety days written notice, the director may require any responsible party to report any information for any consumer product or products of that responsible party including, but not limited to, all or part of the information specified in paragraphs (A)(1) to (A)(12) of this rule. If the responsible party does not have, or does not provide, the information requested by the director, the director may require the reporting of this information by the person that has the information, including, but not limited to, any formulator, manufacturer, supplier, parent company, private labeler, distributor, or repackager.
 - (1) The name of the responsible party and the party's address, telephone number, and designated contact person;
 - (2) Any claim of confidentiality made pursuant to applicable Ohio confidentiality requirements;
 - (3) The product brand name for each consumer product subject to registration and upon request by the director, the product label;
 - (4) The product category to which the consumer product belongs;
 - (5) The applicable product form(s) listed separately;
 - (6) An identification of each product brand name and form as a household product, I & I product, or both;
 - (7) Separate Ohio sales in pounds per year, to the nearest pound, and the method used to calculate Ohio sales for each product form;

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- (8) For information submitted by multiple companies, an identification of each company which is submitting relevant data separate from that submitted by the responsible party. All information from all companies shall be submitted within the timeframe specified in paragraph (A) of this rule;
- (9) For each product brand name and form, the net per cent, by weight, of the total product, less container and packaging, comprised of the following, rounded to the nearest 0.1 per cent:
- (a) Total table B compounds, as defined in rule 3745-112-01 of the Administrative Code;
 - (b) Total LVP-VOCs that are not fragrances;
 - (c) Total all other carbon-containing compounds that are not fragrances;
 - (d) Total all non-carbon-containing compounds;
 - (e) Total fragrance;
 - (f) For products containing greater than two per cent, by weight, fragrance:
 - (i) The per cent of fragrance that are LVP-VOCs; and
 - (ii) The per cent of fragrance that are all other carbon-containing compounds;
 - (g) Total paradichlorobenzene;
- (10) For each product brand name and form, the identity, including the specific chemical name and associated "Chemical Abstract Services" number, of the following:
- (a) Each table B compound, as defined in rule 3745-112-01 of the Administrative Code;
 - (b) Each LVP-VOC that is not a fragrance;
- (11) If applicable, the weight per cent comprised of propellant for each product; and
- (12) If applicable, an identification of the type of propellant (Type A, Type B, Type C, or a blend of the different types).
- (B) Any person supplying information pursuant to this rule may request that the information be kept confidential as trade secret information and the Ohio

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environmental protection agency will evaluate that claim in accordance with Ohio law.

3745-112-07 **Variances.**

(A) Any person who cannot comply with the requirements set forth in rule 3745-112-03 of the Administrative Code, because of extraordinary reasons beyond the person's reasonable control may apply in writing to the director for a variance. The variance application shall set forth:

- (1) The specific grounds upon which the variance is sought;
- (2) The proposed date by which compliance with the provisions of rule 3745-112-03 of the Administrative Code will be achieved; and
- (3) A compliance report reasonably detailing the method(s) by which compliance will be achieved.

(B) No variance shall be granted unless all of the following findings are made:

- (1) That, because of reasons beyond the reasonable control of the applicant, requiring compliance with rule 3745-112-03 of the Administrative Code would result in extraordinary economic hardship;
- (2) That the public interest in mitigating the extraordinary hardship to the applicant by issuing the variance outweighs the public interest in avoiding any increased emissions of air contaminants which would result from issuing the variance; and
- (3) That the compliance report proposed by the applicant can reasonably be implemented, and will achieve compliance as expeditiously as possible.

(C) Any variance order shall specify a final compliance date by which the requirements of rule 3745-112-03 of the Administrative Code will be achieved. Any variance order shall contain a condition that specifies increments of progress necessary to assure timely compliance, and such other conditions that the director finds necessary.

(D) Upon the application of any person, the director may review, and for good cause, modify or revoke a variance from requirements of rule 3745-112-03 of the Administrative Code.

3745-112-08 **Test methods.**

[Comment: For dates on non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions

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referenced in this rule, see the last paragraph of rule 3745-112-01 of the Administrative Code titled "Incorporation by reference."

(A) Upon the written request of the director, any manufacturer of a chemically formulated consumer product subject to the requirements of this rule shall test any of its products that are sold, offered for sale, held for sale, distributed, supplied, or manufactured for sale in the state of Ohio to determine the VOC content of the product (or in the case of charcoal lighter material, its emissions per start). Such testing shall be performed utilizing the test methods specified in paragraphs (B) to (G) of this rule, as applicable.

(B) Testing to determine compliance with the VOC content limitations specified in the table of rule 3745-112-03 of the Administrative Code, shall be performed using:

(1) CARB Method 310; or

(2) An alternative method which is shown to accurately determine the concentration of VOCs in a product. Such methods must first be approved in writing by the director.

(C) Compliance with the VOC content limitations specified in the table of rule 3745-112-03 of the Administrative Code, may also be demonstrated through calculation of the VOC content of a consumer product from records of the amounts of constituents used to make the product (excluding packaging), pursuant to the following criteria:

(1) Compliance determinations based on these records may not be used unless the manufacturer of a chemically formulated consumer product keeps, for each day of production, accurate records of the amount and chemical composition of the individual product constituents. These records must be kept for at least five years;

(2) For the purposes of this section, the VOC content of a product shall be calculated according to the following equation:

$$\text{VOC content} = (B - C)/A \times 100$$

where;

A = Total net weight of a unit of product (excluding any packaging);

B = Total weight of all VOCs in the constituents used to make the product, per unit;

C = Total weight of VOCs exempted under rule 3745-112-04 of the Administrative Code, per unit; and

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- (3) If the calculations for VOC content based on product records appear to demonstrate compliance with the VOC limits, but these calculations are contradicted by the results of product testing performed using CARB Method 310, the results of CARB Method 310 shall take precedence over the calculations based on product records and may be used to establish a violation of the requirements of the VOC content limits set forth in this rule.
- (D) Testing to determine whether a product is a liquid or a solid shall be performed using ASTM D4359-90(2000)e1.
- (E) Testing to determine distillation points of petroleum distillate-based charcoal lighter materials shall be performed using ASTM D86-05.
- (F) Testing to determine whether a material is a plasticizer may be determined using ASTM E260-96(2006).
- (G) The director may require any manufacturer that is required to perform testing pursuant to paragraph (A) of this rule to provide to the director product samples that are duplicates of the samples tested.