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more than 14 grams (0.5 ounce), where bait is designed to be ingested by insects and is composed of solid material feeding stimulants with less than 5-percent by weight active ingredients.

(5) Air fresheners whose VOC constituents, as defined in §§ 59.202 and 59.203(f), consist of 100-percent fragrance.

(6) Non-aerosol moth proofing products that are principally for the protection of fabric from damage by moths and other fabric pests in adult, juvenile, or larval forms.

(7) Flooring seam sealers used to join or fill the seam between two adjoining pieces of flexible sheet flooring.

### § 59.202 Definitions.

The terms used in this subpart are defined in the Clean Air Act (Act) or in this section as follows:

*Administrator* means the Administrator of the United States Environmental Protection Agency (EPA) or an authorized representative.

*Aerosol cooking spray* means any aerosol product designed either to reduce sticking on cooking and baking surfaces or to be directly applied on food for the purpose of reducing sticking on cooking and baking surfaces, or both.

*Aerosol product* means a product characterized by a pressurized spray system that dispenses product ingredients in aerosol form by means of a propellant (i.e., 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) or mechanically induced force. ''Aerosol product'' does not include pump sprays.

*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 that are intended for:

(1) Household use;

(2) Use in structural pest control; or

(3) Institutional use.

*Air freshener* means any consumer product including, but not limited to, sprays, wicks, powders, and crystals designed for the purpose of masking odors, or freshening, cleaning, scenting, or deodorizing the air. This does not include products that are used on the human body, products that function primarily as cleaning 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. It does include spray disinfectants and other products that are expressly represented for use as air fresheners, except institutional and industrial disinfectants when offered for sale through institutional and industrial channels of distribution. To determine whether a product is an air freshener, all verbal and visual representations regarding product use on the label or packaging and in the product's literature and advertising may be considered. The presence of, and representations about, a product's fragrance and ability to deodorize (resulting from surface application) shall not constitute a claim of air freshening.

*All other 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).

*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.

*Bathroom and tile cleaner* means a product designed to clean tile or surfaces in bathrooms. ''Bathroom and tile cleaner'' does not include products specifically designed to clean toilet bowls or toilet tanks.

*Carburetor and choke cleaner* means a product designed to remove dirt and other contaminants from a carburetor or choke. ''Carburetor and choke cleaner'' does not include products designed to be introduced directly into the fuel

lines or fuel storage tank prior to introduction into the carburetor, or solvent use regulated under 40 CFR part 63, subpart T (halogenated solvent national emission standards for hazardous air pollutants (NESHAP)).

*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 any of the following:

(1) Electrical starters and probes;

(2) Metallic cylinders using paper tinder;

(3) Natural gas; and

(4) Propane.

*Construction and panel adhesive* means any one-component household adhesive having gap-filling capabilities that distributes stress uniformly throughout the bonded area resulting in a reduction or elimination of mechanical fasteners.

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

*Consumer product* means any household or institutional product (including paints, coatings, and solvents), or substance, or article (including any container or packaging) held by any person, the use, consumption, storage, disposal, destruction, or decomposition of which may result in the release of VOC. For the purposes of this subpart, consumer product means any product listed in tables 1 or 2 of this subpart.

*Contact adhesive* means any household adhesive that:

(1) When applied to two substrates, forms an instantaneous, nonrepositionable bond;

(2) When dried to touch, exhibits a minimum 30-minute bonding range; and

(3) Bonds only to itself without the need for reactivation by solvents or heat.

*Container or packaging* means the part or parts of the consumer product that serve only to contain, enclose, incorporate, deliver, dispense, wrap, or store the chemically formulated substance or mixture of substances that is solely responsible for accomplishing the purposes for which the product was designed or intended. ''Container or packaging'' includes any article onto or into which the principal display panel is incorporated, etched, printed, or attached.

*Crawling bug insecticide* means any insecticide product that is designed for use against crawling arthropods including, but not limited to, ants, cockroaches, mites (but not house dust mites), silverfish, or spiders. ''Crawling bug insecticide'' does not include products for agricultural use or products designed to be used exclusively on humans or animals.

*Distributor* means any person to whom a consumer product is sold or supplied for the purposes of resale or distribution in commerce.

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

*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 products that consist entirely of compressed gases for use in electronic or other specialty areas.

*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. ''Engine degreaser'' does not include any solvent used in parts washing equipment, or any solvent use regulated under 40 CFR part 63, subpart T (halogenated solvent NESHAP).

*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 water into the fabric's fibers. ''Fabric protectant'' does not include silicone-based products whose function is to provide water repellency, or products designed for use solely on fabrics that are labeled ''dry clean only.''

*Flea and tick insecticide* means any insecticide product that is designed for

use against fleas, ticks, and their larvae, or their eggs. ''Flea and tick insecticide'' does not include products that are designed to be used exclusively on humans or animals or their bedding.

*Flexible flooring material* means asphalt, cork, linoleum, no-wax, rubber, seamless vinyl, and vinyl composite flooring.

*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 40 CFR part 59, subpart D—National Volatile Organic Compound Emission Standards for Architectural Coatings.

*Floor seam sealer* means any low viscosity specialty adhesive used in small quantities for the sole purpose of bonding adjoining rolls of installed flexible sheet flooring or to fill any minute gaps between and adjoining rolls.

*Flying bug insecticide* means any insecticide product that is designed for use against flying insects including, but not limited to, flies, mosquitoes, and gnats. ''Flying bug insecticide'' does not include ''wasp and hornet insecticide'' or products that are designed to be used exclusively on humans or animals or their bedding.

*Fragrance* means a substance or mixture of aroma chemicals, natural essential oils, and other functional components that is added to a consumer product to impart an order or scent, or to counteract a malodor.

*Furniture maintenance product* means a wax, polish, conditioner, or any other product designed for the product designed for the purpose of polishing, protecting, or enhancing finished wood surfaces other than floors. Furniture maintenance product'' does not include dusting aids, products designed solely for the purpose of cleaning, and products designed to leave a permanent finish such as stains, sanding sealers, and lacquers.

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

*General purpose adhesive* means any nonaerosol household adhesive designed for use on a variety of substrates. General purpose adhesives do not include contact adhesives or construction and panel adhesives.

*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.

*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.

*Hair mousse* means a hairstyling foam designed to facilitate styling of a coiffure and provide limited holding power.

*Hair styling gel* means 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.

*Hairspray* means a consumer product designed primarily for the purpose of dispensing droplets of a resin on and into a hair coiffure to impart sufficient rigidity to the coiffure to establish or retain the style for a period of time.

*High-volatility organic compound or HVOC* means any organic compound that exerts a vapor pressure greater than 80 millimeters of mercury when measured at 20 degrees Celsius.

*Household adhesive* means any household product that is used to bond one surface to another by attachment. ''Household adhesive'' does not include products used on humans or animals, adhesive tape, contact paper, wallpaper shelf liners, or any other product with an adhesive incorporated onto or in an inert substrate.

*Household product* means any consumer product that is primarily designed to be used inside or outside of living quarters or residences, including

the immediate surroundings, that are occupied or intended for occupation by individuals.

*Household use* means use of a product in a home or its immediate environment.

*Importer* means any person who brings a consumer product that was manufactured, filled, or packaged at a location outside of the United States into the United States for sale or distribution in the United States.

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

*Insecticide* means a pesticide product that is designed for use against insects or other arthropods, excluding any product that is:

(1) For agricultural use; or

(2) A restricted use pesticide.

*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. Foggers may target a variety of pests including (but not limited to) fleas and ticks, crawling insects, lawn and garden pests, and flying insects. Foggers are not subject to the specific VOC limitations or other categories of insecticides list in table 1 of this subpart.

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

*Institutional use* means use within the confines of or on property necessary for the operation of buildings' including, but not limited to, government agencies, factories, sanitariums, prisons, restaurants, hotels, stores, automobile service and parts centers, health clubs, theaters, transportation companies, hospitals, schools, libraries, auditoriums, and office complexes.

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

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

*Laundry starch product* means a product that is designed for application to a fabric, either during or after laundering, to impart and prolong a crisp look and may also facilitate ironing of the fabric. ''Laundry starch product'' includes, but it not limited to, fabric finish, sizing, and starch.

*Lawn and garden insecticide* means an insecticide product designed primarily to be used in household lawn and garden areas to protect plants from insects or other arthropods.

*Liquid* means a substance or mixture of substances that flows readily, but, unlike a gas, does not expand indefinitely (i.e., a substance with constant volume but not constant shape). ''Liquid'' does not include powders or other materials that are composed entirely of solid particles.

*Manufacturer* means any person who manufacturers or processes a consumer product. Manufacturers include:

(1) Processors who blend and mix consumer products,

(2) Contract fillers who develop formulas and package these formulas under a distributor's label;

(3) Contract fillers who manufacture products using formulas provided by a distributor; and

(4) Distributors who specify formulas to be used by a contract filler or processor.

*Nail polish remover* means a product designed to remove nail polish or coatings from fingernails or toenails.

*Nonagricultural pesticide* means and includes any substance or mixture of substances that is a pesticide as defined in section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136–136y).

*Nonresilient flooring* means floor of a mineral content that is not flexible. ''Nonresilient flooring'' includes, but is not limited to, terrazzo, marble, slate, granite, brick, stone, ceramic tile, and concrete.

*Oven cleaner* means any cleaning product designed to clean and to remove dried food deposits from oven interiors.

*Person* means an individual corporation, partnership, association, State, any agency, department, or instrumentality of the United States, and any officer, agent, or employee thereof.

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

*Product category* means that applicable category which best describes the product as listed in tables 1 or 2 of this subpart and which appears on the product's principal display panel.

*Product form* means the form that most accurately describes the product's dispensing from including aerosols, gels, liquids, pump sprays, and solids.

*Pump spray* means a packaging system in which the product ingredients are expelled only while a pumping action is applied to a button, trigger, or other actuator. Pump spray product ingredients are not under pressure.

*Representative consumer product* means a consumer product that is subject to the same VOC limit in § 59.203 as the innovative product.

*Restricted use pesticide* means a pesticide that has been classified for restricted use under the provisions of section 3(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136–136y).

*Shaving cream* means an aerosol product that dispenses a foam lather intended to be used with a blade or cartridge razor, or other wet-shaving system in the removal of facial or other body hair.

*Single-phase aerosol air freshener* means an aerosol air freshener with liquid contents in a single homogeneous phase that does not require that the product container be shaken before use.

*Solid* means a substance or mixture of substances that does not flow or expand readily (i.e., a substance with constant volume such as the particles constituting a powder). ''Solid'' does not include liquids or gels.

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

*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-181 (Type 1, Grade A), and MIL-A-4605 (Type A, Grade A and Grade C).

*Underarm antiperspirant* means any aerosol product that is intended by the manufacturer to be used to reduce perspiration in the human axilla by at least 20 percent in at least 50 percent of a target population.

*Underarm deodorant* means any aerosol product that is intended by the manufacturer to be used minimize odor in the human axilla by retarding the growth of bacteria that cause the decomposition of perspiration.

*United States* means the United States of America, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

*Usage directions* means the text or graphics on the consumer product's label or accompanying literature that describes to the end user how and in what quantity the product is to be used.

*Volatile organic compound or VOC* means any compound that meets the

definition of a VOC, as defined under 40 CFR part 51, subpart F, and in subsequent amendments.

*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 a high-volume directed stream or burst from a safe distance at the intended pest or its hiding place.

*Wax* means an organic mixture or compound with low melting point and high molecular weight, which is solid at room temperature. Waxes are generally similar in composition to fats and oils except that they contain no glycerides. ''Wax'' includes, but is not limited to, substances such as carnauba wax, lanolin, and beeswax derived from the secretions of plants and animals; substances of a mineral origin such as ozocerite, montan, and paraffin; and synthetic substances such as chlorinated naphthalenes and ethylenic polymers.

*Wood floor wax* means wax-based products for use solely on wood floors.

[63 FR 48815, Sept. 11, 1998; 63 FR 52319, Sept. 30, 1998]

### § 59.203 Standards for consumer products.

(a) The manufacturer or importer of any consumer product subject to this subpart small ensure that the VOC content levels in table 1 of this subpart and HVOC content levels in table 2 of this subpart are not exceeded for any consumer product manufactured or imported on or after December 10, 1998, except as provided in paragraphs (b) and (c) of this section, or in §§ 59.204 or 59.206.

(b) For consumer products for which the label, packaging, or accompanying literature specifically states that the product should be diluted prior to use, the VOC content limits specified in paragraph (a) of this section shall apply to the product only after the minimum recommended dilution has taken place. For purposes of this paragraph, ''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.

(c) For those consumer products that are registered under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. section 136–136y) (FIFRA), the compliance date of the VOC standards specified in paragraph (a) of this section is December 10, 1999.

(d) The provisions specified in paragraphs (d)(1) through (d)(4) of this section apply to charcoal lighter materials.

(1) No person shall manufacture or import any charcoal lighter material after December 10, 1998 that emits, on average, greater than 9 grams of VOC per start, as determined by the procedures specified in § 59.208.

(2) The regulated entity for a charcoal lighter material shall label the product with usage directions that specify the quantity of charcoal lighter material per pound of charcoal that was used in the testing protocol specified in § 59.208 for that product unless the provisions in either paragraph (e)(2)(i) or (e)(2)(ii) of this section apply.

(i) The charcoal lighter material is intended to be used in fixed amounts independent of the amount of charcoal used, such as paraffin cubes; or

(ii) The charcoal lighter material is already incorporated into the charcoal, such as certain ''bag light,'' ''instant light,'' or ''match light'' products.

(3) Records of emission testing results for all charcoal lighter materials must be made available upon request to the Administrator for enforcement purposes within 30 days of receipt of such requests.

(4) If a manufacturer or importer has submitted records of emission testing of a charcoal lighter material to a State or local regulatory agency, such existing records may be submitted under paragraph (d)(3) of this section in lieu of new test data, provided the product formulation is unchanged from that which was previously tested. Such previous testing must have been conducted in accordance with the test protocol described in § 59.208 or a test protocol that is approved by the Administrator as an alternate.

(e) Fragrances incorporated into a consumer product up to a combined level of 2 weight-percent shall not be