



## ENVIRONMENTAL PROTECTION AGENCY

[FRL-13367-01-OAR]

### **Notice of Decision on Innovative Product Exemption Applications Under the National Volatile Organic Compound Emission Standards for Consumer Products**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of decisions on applications for innovative product exemptions.

**SUMMARY:** The Environmental Protection Agency (EPA) is providing notification of its final actions on two applications for innovative product exemptions under the National Volatile Organic Compound Emission Standards for Consumer Products. The EPA is providing this notification for public awareness of, and the basis for, the Agency's decision.

**DATES:** [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**FOR FURTHER INFORMATION CONTACT:** Kaye Whitfield, Chemicals, Coatings, and Products Division, Office of Clean Air Programs, U.S. Environmental Protection Agency, 109 TW Alexander Drive, PO Box 12055, Research Triangle Park, NC 27711; telephone number: (919) 541-2509, email address: [whitfield.kaye@epa.gov](mailto:whitfield.kaye@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background and Final Action**

On September 11, 1998, pursuant to Clean Air Act (CAA) section 183(e), the EPA issued the National Volatile Organic Compound (VOC) Emission Standards for Consumer Products (Consumer Products Rule).<sup>1</sup> The Consumer Products Rule imposes VOC content limits for certain categories of consumer products manufactured or imported for sale or distribution in the United States. Regulated entities are, generally, the manufacturer or importer of the consumer product, and any distributor that is named on the product label. The Consumer Products Rule also includes innovative product exemption (IPE) provisions whereby a product may exceed the

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<sup>1</sup> 63 FR 48819.

applicable VOC content limits “if the regulated entity demonstrates that, due to some characteristic of the product formulation, design, delivery systems, or other factors, the use of the product will result in equal or less VOC emissions.”<sup>2</sup>

On April 4, 2025, Henkel Corporation requested an IPE from the VOC content limits in the Consumer Products Rule for its hairspray product. Similarly, on April 22, 2025, PLZ Corporation requested an IPE for its hairspray product. Both products are subject to an 80 percent VOC content limit (weight-percent VOC). The EPA reviewed the IPE applications and supporting documentation submitted by both companies. After a thorough evaluation, the EPA concluded that the documentation submitted in support of an IPE by Henkel Corporation and PLZ Corporation fails to meet the criteria set forth in the EPA’s Consumer Products Rule. Consequently, the EPA denied both companies’ requests on May 22, 2026.

## **II. Judicial Review**

CAA section 307(b)(1) governs judicial review of final actions by the EPA. The decisions on these IPE applications under the Consumer Products Rule constitute final agency actions. Under CAA section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the United States Court of Appeals for the appropriate Circuit by **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. Under CAA section 307(b)(2), the requirements established by the final actions may not be challenged separately in any civil or criminal proceeding brought by the EPA to enforce these requirements.

**Aaron Szabo,**

*Assistant Administrator, Office of Air and Radiation.*

[FR Doc. 2026-10535 Filed: 5/26/2026 8:45 am; Publication Date: 5/27/2026]

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<sup>2</sup> 40 CFR section 59.204(a).