



ASSISTANT ADMINISTRATOR FOR AIR AND RADIATION

WASHINGTON, D.C. 20460

June 1, 2026

Ms. Mary Ellen Roddy
Director of Regulatory Affairs
PLZ Corporation
2651 Warrenville Road Suite 300
Downers Grove, Illinois 60515

Via email: maryellen.rodgy@plzcorp.com

Dear Ms. Roddy,

This letter addresses PLZ Corporation's April 22, 2025, application for an Innovative Product Exemption (IPE) from the volatile organic compound (VOC) content limits in the National Volatile Organic Compound Standards for Consumer Products ("Consumer Products Rule").¹ Specifically, PLZ Corporation requested an IPE for a hair spray product. Based on the Consumer Products Rule's product categories and VOC content limits, PLZ Corporation's hair spray product is subject to an 80 percent VOC content limit.

The U.S. Environmental Protection Agency (EPA) has evaluated all documentation for the IPE request, including the original submission from April 22, 2025, and the supplemental information PLZ Corporation provided on June 10, 2025. For the reasons explained below, the EPA cannot grant this request for an IPE under 40 CFR 59.204 for the hair spray product.

The EPA notes that this request for an IPE from the federal VOC content limits heavily relies on the fact that California Air Resources Board (CARB) previously granted PLZ Corporation an IPE from the VOC content limits for a hair spray product based on provisions in the CARB consumer products regulations. A prior grant of an IPE by a state is a relevant consideration, and EPA regulations allow an applicant to elect to submit the factual basis for such a prior state exemption "as part of" its supporting materials.² However, even within that provision, there arises a question of whether the state's "criteria for exemption meet or exceed those provided for in [the EPA's regulations]."³ The fact that a state has granted an IPE under applicable state regulations does not predetermine whether a product meets the requirements for an IPE under the EPA's Consumer Products Rule, especially when the state regulations are materially different.

The IPE that CARB granted was based on a maximum incremental reactivity (MIR) approach, which measures the product-weighted ozone-forming potential of the VOC ingredients, as

¹ 63 FR 48819 (September 11, 1998). 40 CFR 59.201 – 214.

² 40 CFR 59.204(d)(3).

³ *Id.*

opposed to the product's VOC content limits. The EPA's Consumer Products Rule does not provide for an IPE for a product on the basis of MIR. Instead, the EPA's Consumer Products Rule provides that an IPE may be granted "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."⁴ The EPA's Consumer Products Rule imposes limits expressed as weight percent VOC, and the rule's IPE provision requires evaluation of a product's VOC emissions by weight, not some other measure such as the maximum incremental reactivity.

In this instance, CARB granted an IPE from the VOC content limits in its consumer products regulations based on provisions that are absent from and inconsistent with the EPA's Consumer Products Rule. Until recently, both EPA and CARB regulations governing IPEs in the respective federal and state regulations were identical in all material ways. Both the EPA and CARB imposed limits on products based on VOC content, expressed as weight-percent VOC. In order to qualify for an IPE under both regulations, an applicant had to make the same factual showing that use of the product under consideration would "result in equal or less VOC emissions" (*i.e.*, less VOC emitted by weight). Both EPA and CARB regulations require a comparison with a representative product and use of the same method to calculate VOC emissions (*i.e.*, whether the product under consideration would emit less VOCs by weight). These and other key provisions relevant to IPEs remain the same in both EPA and CARB regulations at 40 CFR 59.204 and the California Code of Regulations, Title 17, Article 2, 94511, respectively.

CARB recently made revisions to its consumer products regulations pertaining to IPEs for several categories of products, and specifically those applicable to hairspray products. For state law purposes, CARB revised its regulations to include provisions that authorize an IPE based upon calculation of the product's maximum incremental reactivity.⁵ CARB's extensive revisions authorize IPEs based on criteria that did not previously exist in its consumer product regulations and that do not currently exist in the EPA's Consumer Products Rule.

The EPA evaluated PLZ's April 22, 2025, request to determine whether the hair spray product could qualify for an IPE under the Consumer Products Rule.⁶ The EPA's Consumer Products Rule provides two pathways to obtain an IPE. Under paragraph (a)(1), the IPE application and supporting documentation must establish 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 than the emissions from a representative consumer product that complies with the 80 percent VOC content limit for the hairspray product category.⁷ Under paragraph (a)(2), the use of the product will result in equal or less VOC emissions than the calculated VOC emissions from a noncomplying representative product, if the product had been reformulated to comply with the 80 percent VOC content limit for the hairspray product category.⁸ After a thorough evaluation, we conclude that the documentation submitted in support of an IPE for the hair spray product fails to meet the criteria set forth in the EPA's Consumer Products Rule.

⁴ 40 CFR 59.204(a).

⁵ California Code of Regulations, Title 17, Article 2, 94511(c) and (d)(2).

⁶ 40 CFR 59.204(a)(1) and (a)(2).

⁷ 40 CFR 59.204(a)(1).

⁸ 40 CFR 59.204(a)(2).

Consequently, the EPA is denying PLZ's request for an IPE from the VOC content limits in the Agency's Consumer Products Rule.

We value your engagement in this matter and look forward to ongoing discussions. If you have any questions regarding this determination, please contact Jason Kuhns at (202)-564-3236 or by email at kuhns.jason@epa.gov.

Sincerely,

A handwritten signature in purple ink, consisting of a stylized 'A' followed by a checkmark-like flourish.

Aaron Szabo
Assistant Administrator