

## Judicial Review

The AIM Act provides that certain sections of the Clean Air Act (CAA) “shall apply to” the AIM Act and actions “promulgated by the Administrator of [the EPA] pursuant to [the AIM Act] as though [the AIM Act] were expressly included in title VI of [the CAA].” 42 U.S.C. 7675(k)(1)(C). Among the applicable sections of the CAA is section 307, which includes provisions governing judicial review. 42 U.S.C. 7607(b)(1). Section 307(b)(1) of the CAA provides, in part, that petitions for review must only be filed in the United States Court of Appeals for the District of Columbia Circuit: (i) when the agency action consists of “nationally applicable regulations promulgated, or final actions taken, by the Administrator,” or (ii) when such action is locally or regionally applicable, but “such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.”

The distribution of MDI set-aside allowances for HFCs to the general pool of production and consumption allowance holders herein noticed is “nationally applicable” within the meaning of CAA section 307(b)(1). The AIM Act imposes a national cap on the total number of allowances available for each year for all entities nationwide. 42 U.S.C. 7675(e)(2)(B) through (D). For 2026, there was a set-aside amount of 1,000,000.0 MTEVe of allowances that were withheld by the EPA from the general pool allowance holders pending applications for these allowances from entities that use HFCs as propellants in MDIs. After the April 30, 2026, deadline to apply, for which the EPA received no applications, the Agency allocated the allowances pro rata to general pool allowance holders as 2026 production and consumption allowances. As such, the set-aside allowance allocation is the division and assignment of a single, nationwide pool of set-aside allowances to entities across the country according to the national methodology established in the EPA’s regulations. Each entity’s set-aside allowance allocation can be a relative share of that pool; thus, any additional allowances awarded to one entity can directly affect the allocations to others. For these reasons, the final action of the EPA allocating set-aside allowances to entities located throughout the country is nationally applicable.

Under section 307(b)(1) of the CAA, petitions for judicial review of this allocation action must be filed in the

United States Court of Appeals for the District of Columbia Circuit by July 27, 2026.

Filing a petition for reconsideration by the Administrator does not affect the finality of any action noticed herein for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such action. The final actions described herein may not be challenged later in proceedings to enforce their requirements. 42 U.S.C. 7607(b)(2).

**Aaron Szabo,**

*Assistant Administrator, Office of Air and Radiation.*

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## 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:** May 27, 2026.

**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, P.O. 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 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 July 27, 2026. 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,**

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

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