

**REGULATION 8  
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RULE 49  
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**REGULATION 8**  
**ORGANIC COMPOUNDS**  
**RULE 49**  
**AEROSOL PAINT PRODUCTS**

(Adopted June 20, 1990)

**8-49-100 GENERAL**

**8-49-101 Description:** The purpose of this Rule is to limit emissions of organic compounds from the use of hand-held aerosol paint products.

**8-49-110 Exemption, Non-Paint Aerosol Products:** The provisions of this Rule shall not apply to aerosol lubricants, mold releases, asphaltic or rubber based automotive underbody coatings, electrical coatings, cleaners, belt dressings, anti-static sprays, layout fluids and removers, rust converters, adhesives, maskants, dyes, or inks.

(Adopted August 21, 1991, Amended December 20, 1995)

**8-49-111 Exemption, Shipment and Use Outside District:** The provisions of this Rule shall not apply to aerosol coatings sold, manufactured, or warehoused in the District for shipment and use outside of the District.

(Adopted August 21, 1991)

**8-49-112 Limited Exemption, Labeling Requirements:** Until January 1, 1997 and provided that the requirements of Section 8-49-404 are satisfied, a person may sell, offer for sale, or apply an aerosol paint product, provided that the product is in compliance with all other requirements of this Rule and all the requirements of Section 8-49-401 except the display of the maximum VOC content.

(Adopted December 20, 1995)

**8-49-200 DEFINITIONS**

**8-49-201 Aerosol:** A suspension of solid or liquid particles in a gas.

**8-49-202 Aerosol Paint Product:** A mixture of pigments, resins, liquid solvents, and gaseous propellants, packaged in a disposable can for hand-held application.

**8-49-203 Deleted December 20, 1995**

**8-49-204 Deleted December 20, 1995**

**8-49-205 Solids:** The non-volatile portion of an aerosol paint product, consisting of the film-forming ingredients (pigments and resins).

**8-49-206 Paint:** A mixture of pigments, resins, and liquid solvents which can be applied to a surface to form a thin and closely adherent coating. For the purposes of this regulation, this definition shall include but shall not be limited to clear coatings, primers, metallic coatings, and wood stains.

**8-49-207 Propellant:** A liquified or compressed gas which expels the contents of a container when the pressure is released.

**8-49-208 Art Varnish:** A coating labeled exclusively as such which provides a protective sealant for oil paintings or other closely related art uses. (Adopted August 21, 1991)

**8-49-209 Auto Body Primer:** A heavily pigmented automotive primer or primer surfacer coating labeled exclusively as such and applied directly to an uncoated vehicle body substrate or on top of a precoat for purposes of corrosion resistance, building a repair area to a condition in which it, after drying, can be sanded to a smooth surface.

(Adopted August 21, 1991)

**8-49-210 Automotive Bumper and Trim Products:** Coatings formulated and labeled exclusively as such which are used to repair and refinish automotive bumpers and plastic trim parts including adhesion promoters and chip sealants.

(Adopted August 21, 1991)

**8-49-211 Aviation Propeller Coating:** An epoxy coating formulated and labeled exclusively as such which provides abrasion resistance and corrosion protection for aircraft propellers.

(Adopted August 21, 1991)

- 8-49-212 Aviation or Marine Zinc Primer:** Zinc chromate or zinc oxide coatings formulated to federal specification TT-P-1757 and labeled exclusively as such.  
(Adopted August 21, 1991; Amended December 20, 1995)
- 8-49-213 Clear Coating:** A coating which is colorless, containing binders but no hiding pigment, and which is formulated to form a transparent or translucent solid film.  
(Adopted August 21, 1991; Amended December 20, 1995)
- 8-49-214 Corrosion Resistant Brass/Bronze/Copper Coating:** A clear coating formulated and labeled exclusively as such to prevent tarnish and corrosion of brass, bronze, and copper surfaces.  
(Adopted August 21, 1991)
- 8-49-215 Enamel:** A coating which cures by chemical cross-linking of its base resin. Enamels can be readily distinguished from lacquers because enamels are not resolvable in their original solvent.  
(Adopted August 21, 1991)
- 8-49-216 Engine Paint:** A coating, labeled exclusively as such, applied to the exterior surface of motor vehicle engine blocks or components attached to a motor vehicle engine. The cans shall be labeled with the Original Equipment Manufacturer's (O.E.M.) part number or color code.  
(Adopted August 21, 1991; Amended December 20, 1995)
- 8-49-217 Exact Match Finish, Automotive:** A topcoat labeled exclusively as such which is formulated to exactly match the color of the original, factory-applied automotive finish coating during touch-up or minor repair operations. The cans shall be labeled with the Original Equipment Manufacturer's (O.E.M.) part number or color code. Clear coatings designed, marketed and labeled exclusively for use over pigmented automotive exact match finishes shall be considered subject to the VOC standards of this category.  
(Adopted August 21, 1991, Amended December 20, 1995)
- 8-49-218 Exact Match Finish, Industrial:** A coating which is formulated to exactly match the color of an original, factory-applied industrial coating. The cans shall be labeled with the manufacturer's name for which they were formulated and with the Original Equipment Manufacturer's (O.E.M.) color code number, color name or other designation identifying the specific O.E.M. color to the purchaser. This category applies primarily to touch-up of manufactured products prior to shipment or during initial installation.  
(Adopted August 21, 1991, Amended December 20, 1995)
- 8-49-219 Flat Paint Products:** A coating which, when fully dry, has a gloss of 5 or less on a 60° meter.  
(Adopted August 21, 1991)
- 8-49-220 Floral Spray:** A coating labeled exclusively as such which is sprayed on fresh flowers for the purpose of preserving and protecting their appearance.  
(Adopted August 21, 1991)
- 8-49-221 Fluorescent Coating:** A coating labeled as such which converts absorbed incident light energy into emitted light of a different hue.  
(Adopted August 21, 1991)
- 8-49-222 Glass Coating:** A coating labeled exclusively as such which is applied to glass to tint or darken the color of the glass while retaining transparency.  
(Adopted August 21, 1991)
- 8-49-223 Ground/Traffic Marking Coating:** A coating used to delineate vehicular or pedestrian traffic flow in a manufacturing facility or on a public highway or to mark or define locations used by public utilities (e.g., gas, telephone, electric).  
(Adopted August 21, 1991)
- 8-49-224 High Temperature Coating:** A coating labeled exclusively as such which is formulated for and applied to substrates which will, in normal use, be subjected to temperatures in excess of 400° F.  
(Adopted August 21, 1991)
- 8-49-225 Hobby/Model/Craft Coating:** A coating primarily for hobby applications. Can contents shall not exceed six ounces by weight.  
(Adopted August 21, 1991)
- 8-49-226 Lacquer:** A thermoplastic film-forming material dissolved in organic solvent, which dries primarily by solvent evaporation and hence is resolvable in its original solvent.  
(Adopted August 21, 1991)
- 8-49-227 Marine Spar Varnish:** A coating labeled exclusively as such which provides a protective sealant for marine wood products.  
(Adopted August 21, 1991)
- 8-49-228 Metallic Coating:** A topcoat containing metallic particles which impart a metallic appearance when dry.  
(Adopted August 21, 1991)

- 8-49-229 Multi-Component Kits:** Aerosol spray paint systems which require the application of more than one component (e.g., foundation coat and top coat), where both components are sold together in one package and neither is sold separately.  
(Adopted August 21, 1991)
- 8-49-230 Photographic Emulsion Coating:** A coating formulated and labeled exclusively as such applied to finished photographs to allow corrective retouching or protection of the image.  
(Adopted August 21, 1991)
- 8-49-231 Non-Flat Paint Products:** A coating which, when fully dry, has a gloss of greater than 5 on a 60° meter.  
(Adopted August 21, 1991)
- 8-49-232 Primer:** A coating formulated and labeled as such to be applied to a surface to provide a bond between that surface and subsequent coats.  
(Adopted August 21, 1991)
- 8-49-233 Retail Sales:** The sale of goods directly to a non-commercial consumer. For the purposes of this Rule, sales to jobbers and industrial end-users shall not be deemed retail sales.  
(Adopted August 21, 1991)
- 8-49-234 Shellac Sealer:** A clear or pigmented coating formulated solely with the resinous secretion of the lac beetle (*Laccifer lecca*), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.  
(Adopted August 21, 1991)
- 8-49-235 Slip-Resistant Epoxy Coating:** An epoxy ester coating labeled exclusively as such which is formulated with synthetic grit and used as a safety coating.  
(Adopted August 21, 1991)
- 8-49-236 Spatter Coating:** A coating wherein spots, globules, or spatters of individual or contrasting colors appear on or within the surface of a contrasting or similar background.  
(Adopted August 21, 1991)
- 8-49-237 Vinyl/Fabric/Polycarbonate:** A coating labeled exclusively as such which is used exclusively to coat vinyl, fabric, or polycarbonate substrates.  
(Adopted August 21, 1991)
- 8-49-238 Webbing/Veiling Coating:** A coating labeled exclusively as such which is formulated to give a stranded or spider webbed appearance when applied.  
(Adopted August 21, 1991)
- 8-49-239 Weld-Through Primer:** A coating formulated and labeled exclusively as such which provides a bridging or conducting effect to provide corrosion protection following welding.  
(Adopted August 21, 1991)
- 8-49-240 Wood Stain:** A coating which is formulated to change the color of a wood surface but not conceal the surface.  
(Adopted August 21, 1991)
- 8-49-241 Wood Touch-Up/Repair/Restoration:** A coating formulated and labeled exclusively as such which provides an exact color or sheen match on finished wood products.  
(Adopted August 21, 1991)
- 8-49-242 Workable Art Fixative:** A clear coating formulated and labeled exclusively as such which provides protection for pencil, charcoal, chalk, and pastel drawings while providing a workable surface.  
(Adopted August 21, 1991)
- 8-49-243 Volatile Organic Compound (VOC):** Any organic compound which would be emitted during the use, application, curing, or drying of an aerosol paint product.
- 243.1 For the purposes of calculating the VOC content of an aerosol paint product, the following compounds:  
 difluoroethane (HFC-152a)  
 acetone  
 parachlorobenzotrifluoride (PCBTF)  
 cyclic branched or linear, completely methylated siloxanes (VMS)  
 shall not be considered part of the VOC content of the aerosol paint product.  
 (Adopted Aug. 21, 1991; Amended Jun. 2, 1993; Jan. 19, 1994; December 20, 1995)

**8-49-300 STANDARDS**

**8-49-301 Limits:** A person shall not sell, offer for sale, apply, solicit, or manufacture for sale within the District any hand-held aerosol paint product with a VOC content in excess of the following limits, expressed as percent VOC by weight of product:

301.1	General Coatings	VOC Limits (%)
	Clear Coating	67
	Flat Paint Products	60
	Fluorescent	65
	Ground/Traffic Marking Coating	66
	Metallic Coating	80
	Non-Flat Paint Products	65
	Primer	60
301.2	Specialty Coatings	
2.1	Specialty Clear and Tinted Coatings	
	Corrosion Resistant Brass/Bronze/Copper Coating	92
	Photographic Emulsion Coating	95
	Art Varnish	92
	Marine Spar Varnish	85
	Vinyl/Fabric/Polycarbonate	95
	Webbing/Veiling Coating	90
	Wood Stain	95
	Workable Art Fixative	95
2.2	Exact Match Finish	
	Engine Enamel	80
	Automotive	88
	Industrial	88
2.3	Miscellaneous Coatings	
	Auto Body Primer	80
	Automotive Bumper and Trim Products	95
	Aviation Propeller Coating	84
	Aviation or Marine Zinc Primer	80
	Floral Spray	95
	Glass Coating	95
	High Temperature Coating	80
	Hobby/Model/Craft Coatings	
	Enamel	80
	Lacquer	88
	Clear, Metallic	95
	Shellac Sealer	
	Clear 88	
	Pigmented	75
	Slip-Resistant Epoxy Coating	80
	Spatter Coating	80
	Weld-Through Primer	75
	Wood Touch-up/Repair/Restoration	95

(Amended August 21, 1991; December 20, 1995)

**8-49-302 Prohibition of Non-Intended Use:** A person shall not use within the District any coating subject to the standards of Section 8-49-301 for any use other than that shown on the product label. (Adopted August 21, 1991)

**8-49-303 Multi-Component Applications:** A person shall not sell, offer for sale, apply, solicit, or manufacture for sale within the District any multi-component aerosol kit, as defined in Section 8-49-229, unless the total VOC emitted from the use of that multi-component kit does not exceed the VOC which would be allowed from each single-component product in compliance with the applicable specialty category listed in Section 8-49-301, used separately. (Adopted Aug. 21, 1991; Amended Dec. 20, 1995)

**8-49-304 Deleted December 20, 1995**

**8-49-305 Deleted December 20, 1995**

**8-49-400 ADMINISTRATIVE REQUIREMENTS**

**8-49-401 Labeling Requirements:** Each container of any aerosol paint product subject to this rule manufactured for sale, sold or offered for sale within the District shall be permanently and exclusively labeled (e.g., "for automotive use only") by coating type and shall display the maximum organic compound content expressed as % VOC as determined under Section 8-49-601. (Amended August 21, 1991)

**8-49-402 Duplicate Specification Standards:** If anywhere on the container of any aerosol paint product listed in section 8-49-301, or on any sticker or label affixed thereto or in any sales or advertising literature, any representation is made that the product may be used as, or is suitable for use as, a product for which a lower VOC standard is specified, then the lowest applicable VOC standard shall apply. (Adopted August 21, 1991)

**8-49-403 Deleted December 20, 1995**

**8-49-404 Product Date Code Submittal:** In order to qualify for the limited exemption in Section 8-49-112, a manufacturer of aerosol coatings shall submit to the APCO a description of applicable aerosol paint products and the date codes for those products. Products for which description and date codes have not been submitted that do not display the maximum VOC content shall be in violation of Section 8-49-401. (Adopted December 20, 1995)

#### **8-49-500 MONITORING AND RECORDS**

**8-49-501 Recordkeeping Requirements:** Each person who manufactures hand-held aerosol paint products for sale in the District shall maintain sales data by category and organic compound content expressed as % VOC by weight. These data shall be submitted to the APCO annually. The annual reports for the preceding year shall be due before March 1 of each year. (Amended August 21, 1991; December 20, 1995)

#### **8-49-600 MANUAL OF PROCEDURES**

**8-49-601 Determination of Compliance, Hand-Held Aerosol Paint Products:** The means by which compliance of hand-held aerosol paint products is determined are found in the Manual of Procedures, Volume III, Method 35 and 36.(Amended August 21, 1991)