

Definitions of “Aerosol Product” and Related Terms in Various Federal and State Regulations, Standards and Codes

February 2012

CSPA Aerosol Guide 9th Edition Glossary of Terms Used in the Aerosol Industry

aerosol packaging: The processes used for production of hermetically sealed dispensers able to emit various products under pressure by actuating a valve. Also used to refer to an aerosol product dispenser.

aerosol product: A self-dispensing pressurized packaging form, consisting of a metal, glass or plastic container with a permanently attached continuous or metering valve, and designed to dispense products as sprays, streams, gels, foams, lotions or gases. Sizes range from about 0.1 fluid ounce (2.8 mL) to 33.8 fluid ounces (1 liter). (Note: The scientific term "aerosol" refers to small particles of a liquid or solid suspended in a gas.)

bag-on-valve: A type of compartmentalized aerosol dispenser, featuring a composite metal/plastic bag, attached to the valve body.

U.S. Consumer Product Safety Commission – FHSA Labeling Regulations and CFC Prohibitions

FHSA, as well as the CPSC labeling regulations at 16 CFR 1500 and CFC prohibitions at 16 CFR 1401 do not use the term “aerosol” but instead use the undefined term “self-pressurized product” almost exclusively.

U.S. Consumer Product Safety Commission – Poison Prevention Packaging Regulations

Uses but does not define “aerosol” and “aerosol form” in many parts of 16 CFR 1700. The one exception is at:

16 CFR 1700.15(b)(2)(ii): For the purposes of this paragraph ... aerosol products are self-contained pressurized products.

U.S. Department of Transportation

49 CFR 181.8: *Aerosol* means any non-refillable receptacle containing a gas compressed, liquefied or dissolved under pressure, the sole purpose of which is to expel a nonpoisonous

(other than a Division 6.1 Packing Group III material) liquid, paste, or powder and fitted with a self-closing release device allowing the contents to be ejected by the gas.

The aerosol container specifications in 49 CFR 178.33, however, are presented without any use of the terms “aerosol” or “pressurized”.

U.S. Environmental Protection Agency – Consumer Products VOC Regulation

40 CFR 59.202: *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.

40 CFR 59.503: *Aerosol Coating Product* means a pressurized coating product containing pigments or resins that is dispensed by means of a propellant and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground traffic/marketing applications. For the purpose of this regulation, applicable aerosol coatings categories are listed in Table 1 of this subpart.

U.S. Environmental Protection Agency – Pesticide Registration

40 CFR 156: For pesticide labeling, uses but does not define the terms “pressurized products” and “pressurized container”.

40 CFR 156.10(d)(3): If the pesticide is solid or semisolid, viscous or pressurized, or is a mixture of liquid and solid, the net content statement shall be in terms of weight expressed as avoirdupois pounds and ounces.

U.S. Environmental Protection Agency – Ozone Depletion Regulation

Uses terms “aerosol” and “propellant” but defines neither.

U.S. Environmental Protection Agency – Automotive Fuel Additive Registration

40 CFR 79.58: Uses, but does not define, the term “aftermarket aerosol fuel additive”.

U.S. Federal Trade Commission – Fair Packaging & Labeling Regulations

Does not use the term aerosol product, but uses the word “propellant” and “commodity under pressure” in the net contents declaration provision:

16 CFR 500.25(a): The statement of net quantity of contents shall accurately reveal the quantity of the commodity in the container exclusive of wrappers and other material packed

therewith: *Provided*, that in the case of a commodity packed in a container designed to deliver the commodity under pressure, the statement shall declare the net quantity of the contents that will be expelled when the instructions for use are followed. The propellant is included in the net quantity statement.

U.S. Food & Drug Administration – Food, Drug, Cosmetic Regulations

21 CFR 2.125: Uses, but does not define, “aerosol product or other pressurized dispenser” as well as “aerosol product” and “aerosol”.

21 CFR 101, 21 CFR 300, 21 CFR 369, 21 CFR 740, and 21 CFR 801: These sections use, but do not define, “self-pressurized container” and do not use the term “aerosol”. 21 CFR 740 does specifically exempt from the inhalation misuse warning labeling products with a “physical barrier” to prevent escape of the propellant.

U.S. Food & Drug Administration – Tamper Resistance Regulation

21 CFR 700.25(b): For purposes of this section, the term “aerosol product” means a product which depends upon the power of a liquified or compressed gas to expel the contents from the container.

National Fire Protection Association Code 30B

3.3.1* Aerosol. A product that is dispensed from an aerosol container by a propellant.

3.3.2* Aerosol Container. A metal can or plastic container, up to a maximum size of 1000 ml (33.8 fl oz), or a glass or plastic bottle, up to a maximum size of 118 ml (4 fl oz), that is designed and intended to dispense an aerosol.

3.3.3* Aerosol Propellant. The liquefied or compressed gas that expels the contents from an aerosol container when the valve is actuated. A propellant is considered flammable if it forms a flammable mixture with air or if a flame is self-propagating in a mixture of the propellant and air.

National Institute for Standards and Technology Handbook 130

Uses but does not define the term “aerosols and similar pressurized containers”. Provides the following interpretation of FTC net quantity declaration:

10.3. Aerosols and Similar Pressurized Containers. – The declaration of quantity on an aerosol package and on a similar pressurized package shall disclose the net quantity of the commodity (including propellant), in terms of weight, that will be expelled when the instructions for use as shown on the container are followed.

National Institute for Standards and Technology Handbook 133

Uses but does not define the terms “aerosol or other pressurized packages” and “aerosol containers”.

U.S. Occupational Health & Safety Administration

29 CFR 1910.106(a)(1): Aerosol shall mean a material which is dispensed from its container as a mist, spray, or foam by a propellant under pressure.

California Air Resources Board – Consumer Products VOC Regulation

94508(a)(5): “Aerosol Product” means a pressurized spray system that dispenses product ingredients by means of a propellant contained in a product or a product's container, or by means of a mechanically induced force. “Aerosol Product” does not include “Pump Spray.”

Ozone Transport Commission – Consumer Products (VOC) Model Rule

2(a)(12) "Aerosol Product" means a pressurized spray system that dispenses product ingredients by means of a propellant contained in a product or a product's container, or by means of a mechanically induced force. “Aerosol Product” does not include “Pump Spray”.

###

- DDF 1/28/12