



UNITED STATES  
CONSUMER PRODUCT SAFETY COMMISSION  
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**Memorandum**

Date: **AUG 21 2012**

TO : DeWayne Ray, Assistant Executive Director  
Office of Hazard Identification and Reduction

THROUGH: Marc Schoem, Acting Assistant Executive Director  
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SUBJECT : Staff Report to Congress on Children's Gasoline Burn Prevention Act of 2008

The subject report was written to comply with the requirements under Section 2(f) of the Children's Gasoline Burn Prevention Act of 2008, Pub. L. 110-278, (the "CGBPA"). Section 2 (f) states:

*(f) Report.--Not later than 2 years after the date of enactment of this Act, the Consumer Product Safety Commission shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—*

*(1) the degree of industry compliance with the standard promulgated under subsection (a);*

*(2) any enforcement actions brought by the Commission to enforce such standard; and;*

*(3) incidents involving children interacting with portable gasoline containers (including both those that are and are not in compliance with the standard promulgated under subsection (a)).*

As used in the CGBPA, the term "portable gasoline container" means any portable gasoline container intended for use by consumers.

Section 2(b) of the CGBPA requires that: “Effective 6 months after the date of enactment of this Act, each portable gasoline container manufactured on or after that date for sale in the United States shall conform to the child resistance requirements for closures on portable gasoline containers specified in the standard ASTM F2517-05, issued by ASTM International.” The Office of the General Counsel has interpreted this to mean that after January 17, 2009, the closures on portable gasoline containers must be both child resistant and senior-friendly. Portable gasoline containers manufactured on or after January 17, 2009 must conform to child resistance testing and senior-adult friendly requirements of ASTM F2517-05.

This document reports on the degree of compliance among the six domestic manufacturers (the “Firms”) of portable gasoline containers. These Firms are the only domestic manufacturers of portable gasoline containers that distribute and/or conduct consumer sales in the United States. In addition, the CPSC staff is not aware of any importers of this product. The information in this document is based upon inspections conducted by the Office of Compliance and Field Operations under the Portable Gasoline Container Field Compliance Program. The initial inspections were conducted by the CPSC staff in FY2009. Inspections were conducted again in FY2011 for further evaluation.

## SUMMARY

Initial inspection of the Firms in 2009 under the Portable Gasoline Container Field Compliance Program confirmed that the six Firms had met the child resistance testing requirements for closures on portable gasoline containers specified in ASTM F2517-05. However, the six Firms were not aware of their obligation and therefore had not conducted the senior-adult friendly portion of the testing requirement under the CGBPA. During the inspections in 2009, the CPSC staff notified all of the manufacturers of portable gasoline containers that they needed to complete the senior-adult friendly portion of the testing requirement.

CPSC staff conducted a second inspection of the Firms in 2011 to ensure compliance with both testing requirements. The inspections determined that the Firms had conducted both the child resistance testing and senior-adult test requirements of ASTM F2517-05, as interpreted by the Office of the General Counsel, effective after January 17, 2009. CPSC’s staff inspections revealed that all six of the Firms’ products met the child resistance requirements in FY2009 and FY2011. However, only two companies met both the child resistance and the senior-adult friendly requirement in 2011. Staff reiterated during the inspections that not only do both portions of the protocol tests need to be completed but that both portions of the protocol must be met to be in compliance with the requirements of the CGBPA.

Since 2009, two manufacturers of portable gasoline containers initiated consumer level recalls with the CPSC staff under Section 15(b) of the Consumer Product Safety Act (“CPSA”). The recalls were based on defects in the manufacturing of the portable gas cans. The first manufacturer recalled approximately 4,000 units of the portable gasoline container in July of 2009. The company reported that the portable gasoline container was defective because the spout’s plunger cap could dislodge and open the seal of the fuel container. The opening would

allow vapors and liquid gasoline to spill from the top of the container during use, which could result in a fire hazard. This recall was not related to the functioning of the special packaging requirement under the CGBPA.

In January of 2010, a second company reported under Section 15(b) of the CPSA and initiated a consumer level recall involving approximately 7,500 portable gasoline containers that had potentially leaking caps. The five gallon portable gasoline container was defective because the black plastic collar where the spout connects could leak fuel. The gasoline leak could occur during use, which could result in a fire hazard. This recall was not related to the functioning of the special packaging requirement under the CGBPA.

## CONCLUSION

By 2011, all of the domestic manufacturers of portable gasoline containers provided third-party laboratory test reports to the CPSC staff. All six of the Firms' products met the child resistance test requirements; however, only two of the Firms met the senior-adult friendly test requirement without demonstration by the Firm. The CPSC staff requested that the four Firms that did not satisfactorily pass the senior-adult testing requirement take actions to ensure that future production of all portable gasoline containers comply with the CPSC requirements. CPSC staff will initiate inspections in FY2013 under the Portable Gasoline Container Field Compliance Program of these four Firms to ensure that each manufacturer meets the senior-adult friendly testing requirement.