



Advisory

To: Retail Outlets, Distributors, and
Manufacturers of Kerosene Containers

Number 338

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New Requirements for Kerosene Containers

On September 15, 2005, the California Air Resources Board adopted amendments to the *Portable Fuel Containers and Spouts Regulation* (California Code of Regulations, Title 13, Division 3, Chapter 9, Article 6, Section 2467 et. seq.) to include kerosene containers. The amended regulation curtails the use of uncontrolled kerosene containers for storing and dispensing kerosene and motor vehicle fuels. Surveys conducted in 2004 demonstrated over one-half of the kerosene containers sold alongside portable fuel containers were being used by consumers for gasoline.

A "Portable Fuel Container" means any container or vessel with a nominal capacity of ten gallons or less intended for reuse that is designed, used, sold, advertised, or offered for sale for receiving, transporting, storing, and dispensing fuel or kerosene. Portable fuel containers do not include containers or vessels permanently embossed or permanently labeled, as defined in 49 Code of Federal Regulation Section 172.407, with language indicating said containers or vessels are solely intended for use with non-fuel or non-kerosene products.

Effective 30 days after this amendment is filed with the Secretary of State's office, any person who sells, supplies, offers for sale, advertises, or manufactures for sale in California kerosene containers will be subject to the regulation. Only kerosene containers that are labeled as a "Spill-Proof System" that complies with all of the performance standards and administrative requirements can be offered for sale in California after that date. For more specific information, the regulation can be obtained at the web site: www.arb.ca.gov/pfc/reg/reg.htm. We anticipate that this approval will occur prior to January 1, 2006.

In the event the Air Resources Board's Executive Officer finds any manufacturer selling, or offering for sale in the State of California a non-complying kerosene container after that date, an enforcement action may be pursued including the assessment of penalties to the extent permissible under Part 5, Division 26 of the Health and Safety Code. Distributors or retailers that are found selling non-complying kerosene containers after June 1, 2006 will be subject to similar enforcement actions.

If you have any questions regarding this advisory, please contact Steven Giorgi, Manager, Consumer Products Enforcement Section at (916) 322-6965. Written inquiries may be addressed to:

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