



Advisory

To: Retail Outlets, Distributors, and
Manufacturers of Utility Jugs

Number 342

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Clarified Requirements for Utility Jugs

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.) The amended regulation prohibits the sale of non-compliant utility jugs for storing and dispensing motor vehicle fuels and kerosene. Surveys conducted in 2004 indicated that 1,400,000 utility jugs were inappropriately being used by consumers to store or transfer gasoline or diesel fuel.

A typical "Utility Jug" can be generally described as a two and a half or a five-gallon container made of high density polyethylene (HDPE) which can be molded into various colors. A "Utility Jug" can be square or round in shape, with a single, wide-mouth opening on the top of the container. This wide-mouth opening is threaded with a screw cap which is also made of HDPE. Located at the center of the screw cap is a smaller, threaded opening with a HDPE plug. This plug is often removed and replaced with a threaded coupling and an open-ended tube which is used for dispensing the contents of the jug. These containers can have one or more handles. A "Utility Jug" is filled by removing the wide-mouth screw cap.

"Utility Jugs" are usually not labeled or embossed with the intended purpose or use for the jug. Prior to 2001, "Utility Jugs" were sold or advertised for use with motor vehicle fuels. Since that time, several manufacturers have attempted to limit the sale or advertisement for non-fuel uses within California while advertising that they can be used for fuel in other states. The changes to the regulation add language that specifically prohibits this activity.

These utility jugs have been subject to the *Portable Fuel Containers and Spouts Regulation* since 2001. 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 under the clarified regulations. 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. In other words, the label must state the intended purpose or

use on the container. It is not acceptable for the label or container to say not intended for gasoline or other flammable liquids.

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 utility jugs will be subject to the revised regulation. Only utility jugs that are labeled as a "Spill-Proof System" that comply with all of the performance standards and administrative requirements can be offered for sale as a portable fuel container or used with gasoline in California after that date. For more specific information, the regulation can be obtained at the web site: <http://www.arb.ca.gov/pfc/reg/reg.htm>. We anticipate that this approval will occur prior to February 1, 2006.

Any manufacturer selling, or offering for sale in the State of California a non-complying utility jug in any color after that date will be subject to an enforcement action 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 utility jugs after the date of the approved regulation may 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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