

State of California
Air Resources Board

Second Notice of Public Availability of Modified Text

**PUBLIC HEARING TO CONSIDER THE ADOPTION OF PORTABLE FUEL
CONTAINER SPILLAGE CONTROL REGULATIONS**

Public Hearing Date: September 23, 1999
First Notice of Modified Text Internet Posting Date: November 19, 1999
First Notice of Modified Text Public Availability Date: November 19, 1999
First Deadline for Public Comment on First Modified Text: December 10, 1999
Second Notice of Modified Text Internet Posting Date: May 12, 2000
Second Notice of Modified Text Public Availability Date: May 12, 2000
Deadline for Public Comment on Second Modified Text: May 30, 2000

At a public hearing held September 23, 1999, the Air Resources Board (the Board) considered adopting sections 2470 through 2478, title 13, California Code of Regulations (CCR) and the test procedures for spill-proof systems and spill-proof spouts. The purpose of the regulations and test procedures is to reduce emissions of hydrocarbons attributable to the use of conventional portable fuel containers, more commonly referred to as gas cans. The proposed regulatory action is described in detail in the Staff Report, released August 6, 1999.

The Board's Action. At the September, 1999 hearing, the Board approved the adoption of sections 2470 through 2478, title 13, CCR, with modifications to the originally proposed regulatory language. A first series of modifications was made available for public comment from November 19 through December 10, 1999. Based on the comments received during the first supplemental comment period, staff is proposing additional clarifying and technical modifications to the regulatory texts consistent with the Board's approval of the regulations.

Additional Modifications. This second notice of modified text proposes changes to the labeling requirements found in sections 2472(a)(4) and (b)(3) - Performance Standards for Portable Fuel Containers and Spill-Proof Spouts, and section 2475 - Administrative Requirements. Due to the addition of two new labeling requirements included in the first series of modifications to the originally proposed regulatory language, manufacturers may have difficulties complying with all of the labeling requirements due to the physical limitations of some smaller spill-proof spout designs. Therefore, staff has modified the regulatory language with respect to the placement of

Second 15-Day Notice Date: 5/12/00
Public Comment Deadline: 5/30/00
Board Hearing Date: 9/23/99

the required text on the spill-proof spouts. This will allow the manufacturers several options with respect to the placement of text while ensuring that consumers have the necessary information at the point of sale to make an informed purchase.

Excerpts of the regulations and documents incorporated by reference in the regulations, with the additional modifications shown, are set forth below. The Staff Report described above, this notice, and other applicable regulatory documents are available online at the Air Resources Board's Internet site for the Portable Fuel Container Refueling Spillage Control regulatory documents – <http://arbis.arb.ca.gov/regact/spillcon/spillcon.htm>. Printed copies are also available and may be obtained from Elizabeth Mongar, Engineering and Laboratory Branch, at telephone (916) 327-0900, or fax (916) 322-2444.

Comments and subsequent action. In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt sections 2470 through 2478, as approved, after making the modified regulatory language available to the public for comment for a period of at least 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make further modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

Written comments must be submitted to the Clerk of the Board, Air Resources Board, P.O. Box 2815, Sacramento, California 95812, no later than May 30, 2000, for consideration by the Executive Officer prior to final action. Only comments relating to the modifications described in this notice will be considered by the Executive Officer.

Text of the Proposed Additional Modifications to “Portable Fuel Container Spillage Control Regulations”

NOTE: The following text shows the additional modifications to the previously proposed regulatory text. The originally proposed new provisions are shown in plain text. The proposed modifications made available for public comment on November 19, 1999, are shown in underline to indicate additions and ~~strikeout~~ to show deletions. The second set of modifications now being made available for public comment is shown in double underline to indicate additions and *italicized-strikeout* to indicate deletions.

*** indicates subsections with no text changed from that noticed in the previous comment period beginning November 19, 1999. Only comments relating to the modifications described in this second notice will be considered by the Executive Officer.

Modify sections 2472 and 2475, title 13, California Code of Regulations (CCR) to read as follows:

Adopt title 13, California Code of Regulations, Chapter 9 Off-Road Vehicles and Engines Pollution Control Devices, sections 2470-2478 to read as follows:

Chapter 9 Off-Road Vehicles and Engines Pollution Control Devices

Article 6 Portable Fuel Containers and Spouts

2472. Performance Standards for Portable Fuel Containers and Spill-Proof Spouts.

(a) Except as provided in Section 2473, no person shall sell, supply, offer for sale, or manufacture for sale in California on or after January 1, 2001, any portable fuel container or any portable fuel container and spout which, at the time of sale or manufacture, does not meet all of the following Performance Standards for Spill-Proof systems:

(1) ***

(2) ***

(3) ***

(4) Provides a fuel flow rate and fill level of:

(A) not less than one-half gallon per minute for portable fuel containers with a nominal capacity of:

(i) ***

(ii) greater than 1.5 gallons but less than or equal to 2.5 gallons and fills to a level less than or equal to one inch below the top of the target fuel tank opening if the spill-proof system clearly displays the phrase "Low Flow Rate" in type of 34 point or greater on each spill-proof system or label affixed thereto, and on the any accompanying package, if any; or

(B) ***

(C) ***

(5) ***

(6) ***

- (b) Except as provided in Section 2473, no person shall sell, supply, offer for sale, or manufacture for sale in California on or after January 1, 2001, any spout which, at the time of sale or manufacture, does not meet all of the following Performance Standards for Spill-Proof Spouts:
- (1) ***
 - (2) ***
 - (3) Provides a fuel flow rate and fill level of:
 - (A) not less than one-half gallon per minute for portable fuel containers with a nominal capacity of:
 - (i) ***
 - (ii) greater than 1.5 gallons but less than or equal to 2.5 gallons and fills to a level less than or equal to one inch below the top of the target fuel tank opening if the spill-proof spout clearly displays the phrase "Low Flow Rate" in type of 34 point or greater on the accompanying package, or for spill-proof spouts sold without packaging, on either the *each* spill-proof spout or a label affixed thereto, ~~and on any accompanying package~~, or
 - (B) ***
 - (C) ***
 - (4) ***
- ***

2475. Administrative Requirements

- (a) ***
- (b) Each manufacturer of a spout subject to and complying with Section 2472 (b) must clearly display on the accompanying package , or for spill-proof spouts sold without packaging, on either the *each* spill-proof spout, ~~any sticker or a~~ label affixed thereto, ~~and on any accompanying package~~:

 - (1) the phrase "Spill-Proof Spout";
 - (2) a date of manufacture or representative date; and
 - (3) a representative code identifying the spout as subject to and complying with Section 2472(b).

- (c) ***
- (d) Each manufacturer subject to subsection (a) or (b) must clearly display a

fuel flow rate on each spill-proof system or spill-proof spout, ~~any sticker~~ or label affixed thereto, and on any accompanying package.

(e) Each manufacturer of a spout subject to subsection (b) must clearly display the make, model number, and size of only those portable fuel container(s) the spout is designed to accommodate and can demonstrate compliance with Section 2472 (a) on the accompanying package , or for spill-proof spouts sold without packaging, on either the ~~each~~ spill-proof spout, ~~any sticker~~ or a label affixed thereto, ~~and on any accompanying package~~.

(f) ***

(g) Each manufacturer of a portable fuel container or spout or both portable fuel container and spout subject to and complying with Section 2472 that due to its design or other features cannot be used to refuel one or more on-road motor vehicles must clearly display the phrase "Not Intended For Refueling On-Road Motor Vehicles" in type of 34 point or greater on each:

(1) ~~the~~ spill-proof system or label affixed thereto, and on the accompanying package, if any; and

(2) package accompanying a spill-proof spout sold separately from a spill-proof system, or for spill-proof spouts sold without packaging, on either the spill-proof spout, ~~any sticker~~ or a label affixed thereto; ~~and on any accompanying package~~.
