

Product Safety Act (15 U.S.C. 2058), in place of the prior version, unless within 90 days after receiving the notice the Commission determines that the revised voluntary standard does not meet the requirements described in paragraph (3).” Under section (b)(5)(B) of the Act, revisions to the voluntary standard are effective 180 days after the Commission is notified (or such later date as the Commission determines appropriate). Section (b)(3)(A)³ of the Act requires that:

- i. There is a voluntary standard for flame mitigation devices for those containers that impedes the propagation of flame into the container;
- ii. The voluntary standard described in clause (i) is or will be in effect no later than 18 months after the date December 27, 2020 [June 27, 2022]; and
- iii. The voluntary standard described in clause (i) is developed by ASTM International or such other standard development organization that the Commission determines to have met the intent of this section.

As noted, by statute revisions must meet these three requirements. Satisfying requirement (ii) (being in place no later than June 2022) is now an impossibility for new revisions, however; staff understands item (ii) as requiring that the underlying voluntary standard, rather than the proposed revision to it, was in place by the June 2022 deadline. Most important, a revision to one of the voluntary standards must meet subsection (i): after revision, the voluntary standard would still need to require the flame mitigation device to impede the propagation of a flame into a container.

ASTM published a revised version of ASTM F3429/F3429M-20 in May 2023, as ASTM F3429/F3429M-23. On June 12, 2023, ASTM notified the Commission of the ASTM F3429/F3429M-23 revision.^{4,5} On June 23, 2023, the Commission published a notice of availability of the revision and sought comments on whether the changes meet the requirements of the Act [88 FR 41046]. Under the update provision in the Act, ASTM F3429/F3429M-23 will become the consumer product safety rule for pre-filled containers law not later than December 9, 2023 (or such later date as the Commission determines appropriate), unless by September 10, 2023, the Commission determines that ASTM F3429/F3429M-23 does not meet the requirements described above.

This memorandum summarizes the changes in ASTM F3429/F3429M-23, the public comments received, and provides staff’s assessment of those changes with respect to the requirements of section (b)(3)(A)(i) of the Act.

General Description of ASTM F3429/F3429M-20

In January 2023, the Commission determined that pre-filled portable fuel containers must comply with ASTM F3429/F3429M-20 in accordance with the Act. The ASTM F15.72 subcommittee for Pre-Filled Containers of Flammable and Combustible Liquids developed this

³ Section (b)(3)(B) also requires that the Commission’s determinations be published in the *Federal Register*.

⁴ ASTM F3429/F3429M-23 was approved on May 1, 2023.

⁵ For free-of-charge, read-only online access to ASTM F3429/F3429M-23, access ASTM’s CPSC reading room at <http://www.astm.org/cpsc.htm> and search for ASTM F3429.

