



February 28, 2024

Peter Willse  
Chair, NFPA 30 Storage and Warehousing of Containers Committee

Dear Mr. Willse,

CPSC staff<sup>1</sup> recognize the importance of NFPA 30, The Flammable and Combustible Liquid Code (the Code), a model code that many jurisdictions adopt as enforceable requirements. This adoption provides a consolidated set of requirements for fuel containers that local authorities having jurisdiction (AHJs) and other enforcers such as a firm's insurance carrier can use to ensure that safety requirements are followed. However, Sections 9.4.1 and 10.3 of the current edition of the Code largely exempts consumer products under the jurisdiction of the U.S. Consumer Product Safety Commission (CPSC) from requirements, except for requiring gasoline containers to meet ASTM F852. CPSC staff requests the Code committee consider adding the following requirements for consumer products under the jurisdiction of CPSC to incorporate applicable portions of the following federal laws:

1. The Children's Gasoline Burn Prevention Act (CGBPA, 15 U.S.C. § 2056 Note., implemented at 16 C.F.R. § 1460), which requires child resistance features on gasoline, diesel, and kerosene portable fuel containers;
2. The Portable Fuel Container Safety Act of 2020 (PFCSA, 15 U.S.C. § 2056 Note., implemented at 16 C.F.R. § 1461), which requires flame mitigation devices on consumer portable fuel containers to protect against flame jetting and similar scenarios<sup>2</sup>;
3. The Poison Preventing Packaging Act (PPPA, 15 U.S.C. §§ 1471-1476, implemented at 16 C.F.R. 1700), which requires child resistance features on other types of substances packaging; and
4. The Federal Hazardous Substances Act (FHSA, 15 U.S.C. §§ 1261-1278a, implemented at 16 C.F.R. § 1500), which requires specific labeling for hazardous substances.

In addition to these legally required elements, CPSC staff also recommends that the voluntary standard ASTM F3304, Standard Specification for Lamp Fuel and Torch Fuel Packaging, which includes requirements that reduces the risk of child ingestion of hazardous liquids be

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<sup>1</sup> This letter was prepared by the CPSC staff. It has not been reviewed or approved by, and may not represent the views of, the Commission.

<sup>2</sup> The recent Federal Register Notice documenting the Commission decision on the PFCSA can be found here: <https://www.federalregister.gov/documents/2023/01/13/2022-28325/determinations-regarding-portable-fuel-container-voluntary-standards-under-the-portable-fuel>

included.<sup>3</sup>

The liquids within scope of the Code may be hazardous substances and therefore require safety provisions to ensure protection against not just fire, but also ingestion, inhalation, irritation, and other hazards. Enclosed are CPSC staff's suggested changes to the Code for chapters 9 and 10, which will also be entered online through TERRA.

CPSC staff look forward to working with the Technical Committee on Storage and Warehousing of Containers and Portable Tanks on adding new requirements to the Code.

Sincerely,

*Scott Ayers*

Scott Ayers, P.E.  
*Fire Program Area Manager*  
*Directorate of Engineering Sciences*  
*Office of Hazard Identification and Reduction*  
*U.S. Consumer Product Safety Commission*

cc: Jacqueline Campbell, CPSC Voluntary Standards Coordinator  
John Leblanc, Flammable and Combustible Liquids Code Chair  
Matthew Barker, National Fire Protection Association

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<sup>3</sup> The recent CPSC staff briefing package describing the hazard to child is found here:  
<https://www.cpsc.gov/content/Commission-Briefing-Package-Petition-PP-11-1-Torch-Fuel-and-Lamp-Oil-Petition>

## 9.4 Acceptable Containers

9.4.1 Only the following approved containers, intermediate bulk containers, and portable tanks shall be used for Class I, Class II, and Class IIIA liquids [FP < 200°F (93.3°C)]:

~~(2) Plastic or metal consumer use containers meeting the requirements of, and used within the scope of, ASTM F852, *Standard Specification for Portable Gasoline, Kerosene and Diesel Containers for Consumer Use*. Consumer products shall meet applicable portions of the following Consumer Product Safety Rules and Voluntary Standards:~~

- ~~(a) Gasoline, Diesel, and Kerosene containers for consumer use meeting:
  - a. The child safety requirements of ASTM F2517-22e1, *Standard Specification for Determination of Child Resistance of Portable Fuel Containers* as required by the Children's Gasoline Burn Prevention Act in 16 CFR 1460,
  - b. The requirements of ASTM F3326-21, *Standard Specification for Flame Mitigation Devices on Portable Fuel Containers* as required by the Portable Fuel Container Safety Act of 2020 in 16 CFR 1461, and
  - c. The requirements of ASTM F852, *Standard Specification for Portable Gasoline, Kerosene and Diesel Containers for Consumer Use*~~
- ~~(b) Pre-filled flammable and combustible liquid containers for consumer use meeting
  - a. The requirements of ASTM F3429/F3429M-23, *Standard Specification for Performance of Flame Mitigation Devices Installed in Disposable and Pre-Filled Flammable Liquid Containers* as required by the Portable Fuel Container Safety Act of 2020 in 16 CFR 1461,
  - b. The child safety requirements of the Poison Preventing Packaging Act in 16 CFR 1700, and
  - c. The labeling requirements of the Federal Hazardous Substances Act in 16 CFR 1500~~
- ~~(c) Safety cans meeting UL/ULC 30:2022, *Metallic and Nonmetallic Safety Cans for Flammable and Combustible Liquids* as required by the Portable Fuel Container Safety Act of 2020 in 16 CFR 1461.~~
- ~~(d) Lamp fuel and torch fuel intended for use by consumers meeting the requirements of, and used within the scope of, ASTM F3304, *Standard Specification for Lamp Fuel and Torch Fuel Packaging*.~~

9.4.1.2 Medicines, beverages, foodstuffs, cosmetics, and other common consumer products not listed in 9.4.1(2), where packaged according to commonly accepted practices for retail sales, shall be exempt from the requirements of 9.4.1 and 9.4.3.

~~10.3.3 Commonly accepted packings for medicines, beverages, foodstuffs, cosmetics, and other common consumer products, shall be exempt from the requirements of 9.4.1 and 9.4.3. Medicines, beverages, foodstuffs, cosmetics, and other common consumer products not listed in 9.4.1(2), where packaged according to commonly accepted practices for retail sales, shall be exempt from the requirements of 9.4.1 and 9.4.3.~~