



February 13, 2025

Extension of Enforcement Discretion for Certain Metal Pail Pre-Filled Portable Fuel Containers Subject to the Portable Fuel Container Safety Act Regulation

To Whom It May Concern:

I am writing to update Robert Kaye's [July 3, 2024](#), letter, which announced that the Office of Compliance and Field Operations would extend enforcement discretion for pre-filled fuel containers (PFCs) with respect to the flame mitigation device requirements under the Portable Fuel Container Safety Act regulation, 16 C.F.R. part 1461. The enforcement discretion for PFCs ended on January 12, 2025. However, we are extending enforcement discretion **only for 2.5- and 5-gallon metal pails that utilize plastic pull out spouts** due to an unexpected delay in design and manufacturing of compliant PFCs in this category. These particular fuel containers are granted a further 6-month extension of enforcement discretion under 16 C.F.R. part 1461, until July 12, 2025.

These metal pail style PFCs are utilized by first responders, including by fire departments, to operate their equipment, and by others for forestry, landscaping, and recreational purposes. Although stakeholders have developed and implemented compliant flame mitigation devices for other pre-filled fuel containers, the flame mitigation device used with plastic pull out spouts on pre-filled 2.5- and 5-gallon metal pails require further redesign to come into compliance. To provide sufficient time to develop a compliant design and to avoid supply chain shortages for these metal pail style PFCs, in particular for first responders, we are further extending enforcement discretion for these specific PFCs only until July 12, 2025.

This extension of enforcement discretion does not apply to other PFCs or to containers sold empty. However, enforcement discretion for pre-filled PFCs containing fuel additives is still in effect until July 12, 2025.

Also, the Office of Compliance and Field Operations may amend or rescind this enforcement discretion at any time. Further, our expectation is that those stakeholders who sought this discretion will keep us informed of the progress of the development, manufacturing, and certification of compliant metal pails with plastic pull out spouts. Please direct these updates or any questions to RegulatoryEnforcement@cpsc.gov.

Finally, as a reminder, Section 15(b) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2064(b), requires every manufacturer, importer, distributor, and retailer of a consumer product, or of any other product or substance over which the CPSC has jurisdiction under any other statute

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enforced by the CPSC, who obtains information which reasonably supports the conclusion that the product: (1) contains a defect which could create a substantial product hazard; (2) creates an unreasonable risk of serious injury or death; (3) fails to comply with an applicable consumer product safety rule or with a voluntary consumer product safety standard upon which the CPSC has relied under section 9 of the CPSA, 15 U.S.C. § 2058; or (4) fails to comply with any other rule, regulation, standard, or ban under the CPSA or any other statute enforced by the CPSC, to immediately inform the CPSC of the defect, risk, or failure to comply, unless the firm has actual knowledge that the CPSC has been adequately informed of the defect, risk, or failure to comply. *See also* 16 C.F.R. Part 1115. Failure to furnish information required by 15 U.S.C. § 2064(b) or to make reports as required under 15 U.S.C. § 2068(a)(3) are acts prohibited under the CPSA and could subject a firm to civil or criminal penalties.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Sultan".

Jennifer Sultan
Acting Director
Office of Compliance and Field Operations