NOTIFICATION

Addendum

The following communication, dated 1 November 2023, is being circulated at the request of the delegation of the United States of America.

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**Title:** Portable Fuel Container Safety Act Regulation

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| **Reason for Addendum:** | |
| [X] | Comment period changed - date: 30 November 2023 |
| [ ] | Notified measure adopted - date: |
| [X] | Notified measure published - date: 31 October 2023 |
| [X] | Notified measure enters into force - date: 9 December 2023; unless CPSC receives a significant adverse comment by 30 November 2023. If CPSC receives such a comment, it will publish in the Federal Register a notice withdrawing this direct final rule before its effective date. |
| [X] | Text of final measure available from[[1]](#footnote-1):  88 Federal Register (FR) 74342, 16 Code of Federal Regulations (CFR) Part 1461:  <https://www.govinfo.gov/content/pkg/FR-2023-10-31/html/2023-23655.htm>  <https://www.ecfr.gov/current/title-16/chapter-II/subchapter-B> |
| [ ] | Notified measure withdrawn or revoked - date:  Relevant symbol if measure re-notified: |
| [ ] | Content or scope of notified measure changed and text available from1:  New deadline for comments (if applicable): |
| [ ] | Interpretive guidance issued and text available from1: |
| [ ] | Other: |

**Description:** Direct final rule - The Portable Fuel Container Safety Act of 2020 ([PFCSA](https://www.cpsc.gov/Newsroom/News-Releases/2023/CPSC-Requires-Lifesaving-Flame-Mitigation-Devices-on-Gas-Cans-and-Other-Portable-Fuel-Containers)) provides that the Consumer Product Safety Commission (Commission) must promulgate a rule to require flame mitigation devices in portable fuel containers that impede the propagation of flame into the container, unless the Commission determines that there is a voluntary standard for flame mitigation devices that achieves the same result. In January 2023, the Commission published in the Federal Register (and notified in [G/TBT/N/USA/1871/Add.1](https://docs.wto.org/imrd/directdoc.asp?DDFDocuments/t/g/tbtn22/usa1871a1.docx)) a notice of its determinations under the PFCSA that three such voluntary standards collectively apply to all known classes of portable fuel containers. Pursuant to the PFCSA, therefore, the requirements of the three voluntary standards are treated as a consumer product safety rule under the Consumer Product Safety Act (CPSA). ASTM then notified the Commission that one standard had been revised. The Commission evaluated the revised standard and found that the revisions carry out the purposes of the PFCSA. Accordingly the revisions will be incorporated into the mandatory standard for portable fuel containers. This direct final rule creates a new part codifying the incorporation by reference of this revised standard and the other two voluntary standards that are mandatory under the PFCSA.

The rule is effective on 9 December 2023, unless CPSC receives a significant adverse comment by 30 November 2023. If CPSC receives such a comment, it will publish in the Federal Register a notice withdrawing this direct final rule before its effective date (which would also be notified to the WTO).

This direct final rule and previous actions notified under the symbol [G/TBT/N/USA/1871](https://eping.wto.org/en/Search?domainIds=1&documentSymbol=usa%2F1871) are identified by Docket Number CPSC-2022-0017. The Docket Folder is available from [Regulations.gov](https://www.regulations.gov/) at <https://www.regulations.gov/docket/CPSC-2022-0017/document> and provides access to primary and supporting documents as well as comments received. Documents are also accessible from Regulations.gov by searching the Docket Number. WTO Members and their stakeholders are asked to submit comments to the [USA TBT Enquiry Point](mailto:usatbtep@nist.gov) on or before [4pm](http://time-time.net/times/time-zones/usa-canada/current-eastern-time-est.php) [Eastern Time](https://24timezones.com/time-zone/et) on 30 November 2023. Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders will be shared with CPSC and will also be submitted to the [Docket](https://www.regulations.gov/docket/CPSC-2022-0017/document) on Regulations.gov if received within the comment period.

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1. This information can be provided by including a website address, a pdf attachment, or other information on where the text of the final/modified measure and/or interpretive guidance can be obtained. [↑](#footnote-ref-1)