

114TH CONGRESS
2D SESSION

H. R. 5900

To require compliant flame mitigation devices to be used on portable fuel containers for flammable liquids, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2016

Mr. THOMPSON of California introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require compliant flame mitigation devices to be used on portable fuel containers for flammable liquids, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Portable Fuel Con-
5 tainer Safety Act of 2016”.

1 **SEC. 2. PERFORMANCE STANDARDS TO PROTECT AGAINST**
2 **PORTABLE FUEL CONTAINER EXPLOSIONS**
3 **NEAR OPEN FLAMES OR OTHER IGNITION**
4 **SOURCES.**

5 (a) **RULE ON SAFETY PERFORMANCE SPECIFICA-**
6 **TIONS REQUIRED.**—The Consumer Product Safety Com-
7 mission shall promulgate a final rule relating to flame
8 mitigation devices in portable fuel containers for flam-
9 mable liquid fuels that sufficiently reduces the risk of inju-
10 ries associated with the tendency of vapors igniting when
11 the container is near an open flame or other ignition
12 source.

13 (b) **RULEMAKING; CONSUMER PRODUCT SAFETY**
14 **STANDARD.**—A rule under subsection (a)—

15 (1) shall be promulgated in accordance with
16 section 553 of title 5, United States Code; and

17 (2) shall be treated as a consumer product safe-
18 ty rule promulgated under section 9 of the Con-
19 sumer Product Safety Act (15 U.S.C. 2058).

20 (c) **FUTURE RULEMAKING.**—The Commission, at any
21 time after publication of the consumer product safety rule
22 required by subsection (a) may initiate a rulemaking in
23 accordance with section 553 of title 5, United States Code,
24 to modify the requirements or to include any additional
25 provision that the Commission determines is reasonably
26 necessary to protect public health or safety. Any rule pro-

1 promulgated under this subsection shall be treated as a con-
2 sumer product safety rule promulgated under section 9 of
3 the Consumer Product Safety Act (15 U.S.C. 2058).

4 (d) REPORT REQUIRED.—Not later than 2 years
5 after the date of enactment of this Act, the Commission
6 shall submit to Congress a summary of actions taken by
7 the Commission to educate consumers about the dangers
8 involved in pouring flammable liquids on or near an igni-
9 tion source.

10 (e) PORTABLE FUEL CONTAINER DEFINED.—In this
11 section, the term “portable fuel container” means a recep-
12 tacle for flammable liquids, including any spout, retrofit
13 spout, cap and other closure mechanism and component
14 of such receptacle, that foreseeably will be used by con-
15 sumers and is manufactured or imported for use in the
16 United States.

17 (f) RULE OF CONSTRUCTION.—This section may not
18 be interpreted to conflict with the Children’s Gasoline
19 Burn Prevention Act (Public Law 110–278; 122 Stat.
20 2602).

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