



July 11, 2025

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

To Whom It May Concern:

I am writing to update two previous letters issued by the Office of Compliance and Field Operations addressing enforcement discretion for certain products with respect to the flame mitigation device requirements under the Portable Fuel Container Safety Act (PFCSA) Regulation, 16 C.F.R. part 1461. In a February 13, 2025, [letter](#), we extended enforcement discretion for pre-filled 2.5- and 5-gallon metal pails that utilize plastic pull out spouts until July 12, 2025. In a July 3, 2024, [letter](#), we extended enforcement discretion for pre-filled fuel additive portable fuel containers (PFCs) until July 12, 2025. We recently received requests from industry stakeholders for additional extensions of enforcement discretion for these product categories. For the reasons described below, we are now granting an additional 6-month extension of enforcement discretion for pre-filled 2.5- and 5-gallon metal pails that utilize plastic pull out spouts, and an additional 6-month extension of enforcement discretion for pre-filled fuel additive PFCs. These extensions of enforcement discretion do not apply to other PFCs or to containers sold empty.

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. Since our previous grant of enforcement discretion for these products, industry has designed a flame mitigation device that meets the requirements of the PFCSA and has initiated the production process. To avoid supply chain shortages for these metal pail style PFCs as increased production proceeds, we are further extending enforcement discretion for these products until January 12, 2026.

Fuel additives can serve important safety roles in emergency preparedness in the form of fuel stabilizers for emergency generator or power tool preparation. Fuel additives can also be used in harsh winter environments as fuel line deicers and anti-freeze additives so that emergency equipment and transportation can function in below-freezing conditions. Although industry has made progress in developing compliant designs, due to the unique design of the containers, further time is needed to implement a compliant flame mitigation device for these products. To allow additional time for industry to develop a compliant functional design for fuel additive PFCs and avoid supply chain shortages, we are further extending enforcement discretion for these products until January 12, 2026.

The Commission or staff of the Office of Compliance and Field Operations may amend or rescind this enforcement discretion at any time. Please keep us informed of the progress of the development,

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manufacturing, and certification of compliant metal pails with plastic pull out spouts and fuel additive PFCs. Please direct any updates or 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 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

The views expressed are those of the Commission staff and they may be changed or superseded by the Commission.