



October 1, 2025

Hon. Peter A. Feldman, Acting Chairman  
Mr. Brien Lorenze, Executive Director  
U.S. Consumer Product Safety Commission  
4330 East-West Hwy  
Bethesda, MD 20814

**RE: *Auto-Mark, Inc. d/b/a Sea Foam Sales Company v. Consumer Product Safety Commission*, Case No. 24-CV-04442-JMB-EMB), 2025 LX 445974 (D. Minn. Sep. 18, 2025) (the “Sea Foam Decision”)**

Dear Messrs. Feldman & Lorenze:

The Independent Lubricant Manufacturers Association (“ILMA”), the Petroleum Packaging Council (“PPC”), the Household & Commercial Products Association (“HCPA”), and the Prefilled Fuel Container Industry Association (“PFCIA”) (collectively, the “Organizations”) respectfully urge the Consumer Product Safety Commission (“CPSC” or “Commission”) *not to appeal* the recent Sea Foam Decision, holding that the Commission exceeded its authority by seeking to regulate the containers for Sea Foam’s fuel additive products under the Portable Fuel Container Safety Act (“PFCSA”). The Court’s ruling provides needed regulatory clarity that pre-filled fuel additive containers are not subject to the flame-mitigation device regulations (16 CFR Part 1461) promulgated by the CPSC pursuant to the PFCSA.

As the Organizations have emphasized in prior comments<sup>1</sup> and formal petitions,<sup>2</sup> extending the Commission’s flame-mitigation device regulations to include pre-packaged fuel additives is both unlawful and burdensome. The Sea Foam Decision confirms the Organizations’ assertion that Congress did not intend for the PFCSA to regulate fuel additives. The inclusion of pre-packaged fuel additive products in the CPSC’s flame-mitigation device regulations has created substantial uncertainty and unnecessary costs for the Organizations’ members and their supply chains across the automotive sector, ultimately affecting consumers without any demonstrated public safety benefit.<sup>3</sup>

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<sup>1</sup> ILMA and PPC, Comment Letter Regarding Request for Information on Reducing Regulatory Burdens (Comment ID CPSC-2025-0009-0017) (Aug. 11, 2025); HCPA, Comment Letter Regarding Request for Information on Reducing Regulatory Burdens (Comment ID CPSC-2025-0009-0021) (Aug. 11, 2025).

<sup>2</sup> PFCIA and HCPA, Request for Statement of Policy on Enforcement Discretion to the U.S. Consumer Product Safety Commission; PFCIA, HCPA, ILMA, and PPC, Request for Extension of Enforcement Discretion for Fuel Additives Subject to ASTM F3429/F3429M Under the Portable Fuel Container Safety Act of 2020 (May 30, 2025).

<sup>3</sup> Fuel additives are indispensable consumer products. For instance, millions of drivers rely on them to enhance fuel quality, reduce engine deposits, prevent corrosion, and enable cleaner combustion. By improving performance and extending engine and equipment life, they deliver tangible benefits across the automotive sector and to consumers.

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While the Organizations share the Commission's commitment to consumer safety, we believe the Court correctly recognized that the PFCSA does not cover fuel additives. Absent statutory authority and evidence linking flame jetting hazards to fuel additives, the Organizations urge the CPSC to allow the Sea Foam Decision to stand and not pursue further litigation through an appeal. An appeal would prolong regulatory uncertainty, impose unnecessary burdens and costs on businesses and consumers, and divert Commission resources away from higher-priority safety issues.

ILMA, PPC, HCPA, and PFCIA appreciate your attention to this matter and welcome the opportunity to work with the CPSC on consumer safety matters related to fuel additive containers. If you have any questions regarding this letter, please contact ILMA and PPC's Regulatory Counsel, Jorge Roman ([jroman@bmalaw.net](mailto:jroman@bmalaw.net)), and HCPA's Senior Vice President of Scientific & International Affairs, Nicholas B. Georges ([ngeorges@thehcpa.org](mailto:ngeorges@thehcpa.org)).

Sincerely,

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Chief Executive Officer  
ILMA

**Nicholas B. Georges**  
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