

3745-21-17

Portable fuel containers.

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (JJ) of rule 3745-21-01 of the Administrative Code titled "referenced materials."]

(A) Applicability.

~~Except as provided in paragraph (C) of this rule, this rule applies to any person who sells, supplies, offers for sale, or manufactures for sale in Ohio portable fuel containers or spouts or both portable fuel containers and spouts for use in Ohio.~~

~~Except as provided in paragraph (C) of this rule, no person shall sell, supply, offer for sale, advertise, or manufacture for sale in Ohio a portable fuel container or spout or both portable fuel container or spout on or after July 1, 2007 unless the portable fuel container or spout or both portable fuel container and spout:~~

- ~~(1) Has been certified by the California air resources board (CARB) pursuant to the certification requirements contained in title 13, division 3, chapter 9, article 6 of the California Code of Regulations; "Portable Containers and Spouts;" effective October 11, 2006 and the manufacturer, supplier, seller or other person has submitted to the director a copy of the certification document;~~
or Except as provided in paragraph (C) of this rule, this rule applies to any person who sells, supplies, offers for sale, or manufactures for sale in Ohio portable fuel containers or spouts or both portable fuel containers and spouts for use in Ohio.

~~[Comment: Copies of the California Code of Regulations may be obtained by writing to: "West Customer Service, P.O. Box 64833, St. Paul, MN 55164-0833" or by calling 1-800-888-3600. The full text of regulations are also available in electronic format at <http://cer.oal.ca.gov/>.]~~

- ~~(2) Has been certified or otherwise approved under requirements and in a manner that the director of the Ohio EPA determines are as stringent as the California requirements identified in paragraph (A)(1) of this rule and the manufacturer, supplier, seller or other person has submitted to the director a copy of such certification or approval document.~~Except as provided in paragraph (C) of this rule, no person shall sell, supply, offer for sale, advertise, or manufacture for sale in Ohio a portable fuel container or spout or both portable fuel container or spout on or after July 1, 2007 unless the portable fuel container or spout or both portable fuel container and spout conforms to either of the following:

- (a) Has been certified by the California air resources board (CARB) pursuant to the certification requirements contained in Title 13, Division 3,

Chapter 9, Article 6 of the California Code of Regulations; "Portable Containers and Spouts;" and the manufacturer, supplier, seller or other person has submitted to the director a copy of the certification document.

(b) Has been certified or otherwise approved under requirements and in a manner that the director of the Ohio EPA determines are as stringent as the California requirements identified in paragraph (A)(2)(a) of this rule and the manufacturer, supplier, seller or other person has submitted to the director a copy of such certification or approval document.

(B) Definitions.

The definitions applicable to this rule are contained in paragraph (Z) of rule 3745-21-01 of the Administrative Code.

(C) Exemptions.

This rule does not apply to the following:

- (1) Any portable fuel container or spout or both portable fuel container and spout manufactured in Ohio for shipment, sale, and use outside of Ohio.
- (2) Safety cans meeting the requirements of 29 CFR ~~Part~~ 1926, ~~Subpart~~ F; "Fire Protection and Prevention;" as published in the July 1, 2006 edition of the Code of Federal Regulations.

~~{Comment: Information and copies of the Code of Federal Regulations (CFR) may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the CFR is also available in electronic format at www.access.gpo.gov/nara/cfr/. The CFR compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."}~~

- (3) Portable fuel containers with a nominal capacity less than or equal to one quart.
- (4) Rapid refueling devices with nominal capacities greater than or equal to four gallons, provided such devices are designed for use in officially sanctioned off-highway motor sports such as car racing or motorcycle competitions and either create a leak-proof seal against a stock target fuel tank or are designed to operate in conjunction with a receiver permanently installed on the target fuel tank.
- (5) Portable fuel tanks manufactured specifically to deliver fuel through a hose

attached between the portable fuel tank and the outboard engine for the purpose of operating the outboard engine.

- (6) Closed-system portable fuel containers that are used exclusively for fueling remote control model airplanes.
- (7) Portable fuel containers or portable fuel container spouts manufactured prior to July 1, 2007.

Effective:

Five Year Review (FYR) Dates: 07/13/2015

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)
Prior Effective Dates: 2/10/2006, 6/21/2007