FILE COPY

Abstention with Comment

Date:4/7/03
Ballot Number: F15 (03-03) Close Date: 4/7/03
Item Number: 001
NEW STANDARD (FORMERLY PS119) SPECIFICATION FOR CHILD-RESISTANT PORTABLE GASOLINE CONTAINERS FOR CONSUMER USE SEE ATTACHED DOCUMENT FOR REVISED TITLE(CONCURRENT WITH .1000) TECHNICAL CONTACT: RONALD K RABOIN RKRABOIN@WESTERNIND.COM (920) 849-2381

Member's Name: SUZANNE BARONE
Address: US CPSC
4330 EAST WEST HGHWAY/RM 600
BETHESDA MD 20814
Phone Nr: 3015040477 Fax Nr: 3015040079
Email Address: SBARONE@CPSC.GOV
Comments:
Ronald Raboin
Chairman, ASTM F15.10

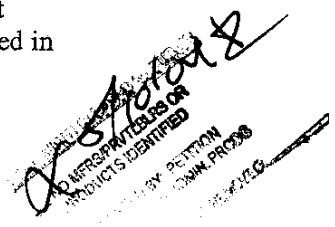
RE: Ballot vote on the Standard Specification for Child Resistant Portable Gasoline Containers for Consumer Use.

Dear Mr. Raboin:

The staff of the U.S. Consumer Product Safety Commission (CPSC) is providing comments on the Standard Specification for Child Resistant Portable Gasoline Containers for Consumer Use (draft standard).

The Standard Specification for Child Resistant Portable Gasoline Containers for Consumer Use was a provisional standard (PS 119-01) which is currently under ballot to be converted to a full consensus standard. This draft standard is intended to be technically equivalent to the testing protocols and standards defined in the regulations of the CPSC's Poison Prevention Packaging Act. The draft standard includes the test methods for children and seniors described at 16 CFR § 1700.20. The child-resistance and senior-adult-use-effectiveness standards in the draft standard are equivalent to those in 16 CFR §1700.15. This draft standard specifies that the child-resistant container shall continue to function at the specified effectiveness for the number of openings and closings customary for its size and contents. The draft standard states that technical evaluation based on factors such as wear and stress for the duration of normal use may be used to satisfy the requirement for continued function.

The staff of the CPSC has specific concerns about the application of the test protocols in 16 CFR § 1700.20 to gasoline cans. These concerns were first discussed in



the Report on the Safety of Portable Fuel Containers (gas cans) dated January 10, 2003 and are reiterated here.

The main issue that makes gas cans different from other child-resistant packages is the fact that gas cans have multiple openings. These include an opening for filling (fill port), a spout to facilitate pouring, and some cans may have a vent. In some designs, the spout can be stored inside the gas can. The staff received test data from one company, whose gas can was child-protocol tested with the spout inside the can. Child testing demonstrated that the fill port was child-resistant, but the spout itself was not tested. In order for any can to be "child-resistant," all closures and potential access ports for gasoline need to be tested.

As stated above, to be fully child-resistant, each of the closures (three on regular cans and two on CARB/OTC-compliant cans) must be child-resistant. However, the test procedures in 16 CFR § 1700.20 do not specify how to test packages with multiple openings. We are aware that in one child test of gas cans all three closures were tested at once during the two 5-minute time periods of the child test protocol. Children were given a gas can and told to try to open it. If the children were not successful, all three openings were demonstrated. Under these conditions, a child's attention and efforts may be divided, resulting in a tested child-resistance level that does not reflect the effectiveness of any one of the closures. We recommend that this aspect of the test be further investigated. Since this voluntary standard is for gas cans alone, we believe that the child-resistant test method should be defined specifically for gas cans. Additional data on the child testing of each of the openings should be generated and evaluated before going forward with this standard.

Senior adult protocol tests consist of a 5-minute time period followed by a 1-minute time period for the participant to open and properly resecure the package. The test methods in 16 CFR § 1700.20 do not specify how to conduct an adult test for a package with multiple openings. In data we have examined, adults were given the two time periods for each of the closures on the gas can. Allowing a full 5-minute/1-minute test for each closure is unlikely to screen out cans that are unacceptable to consumers. Thus, a container that passes testing with high "senior adult use effectiveness" may be a likely candidate for intentional defeat in the home. Again, we recommend that this aspect of the test be further investigated.

Durability is an important factor to consider when discussing the integrity of child-resistant packages. Unlike packages for medicine or household cleaners, which are thrown away when they are empty, gas cans can be refilled many times. While gas cans are not typically used on a daily basis, they are kept for long periods of time. The useful life of gas cans is estimated to be about 5 years. The draft standard states that the child-resistant containers shall continue to function at the specified effectiveness for the number of openings and closings customary for their size and contents and that this can be accomplished by using technical evaluations. However, there is no additional guidance on how to accomplish this. We believe that this portion of the draft voluntary standard is

inadequate and should at a minimum define estimates for numbers of openings and closings that would be customary for gas cans. We also believe that the best way to demonstrate that the child-resistant mechanism functions after a specified number of openings and closings is to conduct the child test protocols with gas cans that have been prepared by being opened and closed the specified number of times.

Since this voluntary standard is specifically for gas cans, the test methods should be better defined to address the unique properties and uses of these containers. We would like to work with the Subcommittee to address these concerns about the test methods.

The comments discussed above are those of the staff and they have not been reviewed or approved by the Commission. Please contact me if you have questions about these comments. My new telephone number is (301) 504-7256.

Sincerely,

Suzanne Barone, Ph.D.