

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER G-16-001

Portable Fuel Containers and Spouts

Midwest Can Company
Portable Fuel Container System

WHEREAS, pursuant to California Health and Safety Code, sections 39600, 39601, and 43013, the California Air Resources Board (ARB) has established a certification process for portable fuel container systems and portable fuel container spill-proof spouts as described in California Code of Regulations, title 13, sections 2467.2 and 2467.8;

WHEREAS, CP-501, *Certification Procedure for Portable Fuel Containers and Spill-Proof Spouts*, adopted July 26, 2006, (hereinafter "Certification Procedure") incorporated by reference in Cal. Code Regs., title 13, sections 2467.2 and 2467.8, requires that an application for certification include test results demonstrating the portable fuel container system or portable fuel container spill-proof spout meets the performance standards specified in the Certification Procedure;

WHEREAS, section 1 of the Certification Procedure provides that an Executive Order (EO) will only be issued for a portable fuel container system or portable fuel container spill-proof spout that demonstrates compliance with all applicable certification requirements;

WHEREAS, section 5 of the Certification Procedure provides that ARB Executive Officer shall evaluate each application for certification of a portable fuel container system or portable fuel container spill-proof spout, to determine if the portable fuel container system or portable fuel container spill-proof spout complies with the performance standards and administrative requirements for issuance of an EO;

WHEREAS, Midwest Can Company has submitted an application for certification of Midwest Can Company's portable fuel container system, equipped with a Midwest Can Company model 4230 spout;

WHEREAS, Midwest Can Company has submitted test data demonstrating Midwest Can Company's portable fuel container system complies with the performance standards specified in section 2 of the Certification Procedure;

WHEREAS, Midwest Can Company's portable fuel container system certification application was evaluated and found to comply with the performance standards and administrative requirements for issuance of an EO;

WHEREAS, Midwest Can Company has submitted information demonstrating that Midwest Can Company's portable fuel container system complies with the requirements of American Society for Testing and Materials (ASTM) standards ASTM F-852-99 dated March 10, 1999, and ASTM F-976-02 dated May 10, 2002;

WHEREAS, Midwest Can Company is not participating in the optional Consumer Acceptance Program for its portable fuel container system; and

WHEREAS, pursuant to California Health and Safety Code, sections 39515 and 39516, ARB Executive Officer issued EO P-07-002 delegating to the Chief of ARB Monitoring and Laboratory Division (MLD) the authority to certify portable fuel container systems.

NOW, THEREFORE, I, Michael T. Benjamin, Chief of MLD, find that Midwest Can Company's portable fuel container system conforms to the performance requirements set forth in Cal. Code Regs., title 13, section 2467, when tested in accordance with ARB Test Procedures TP-501 and TP-502.

IT IS ORDERED AND RESOLVED that the Midwest Can Company portable fuel container systems identified in Table 1 are hereby certified to meet the performance standards and administrative requirements applicable to portable fuel container systems for introduction into commerce in California.

Fuel Container Model Number	Capacity	Fuel	Color	Spout Model Number
1200	1 Gallon 4 Ounce	Gasoline	Red	4230
2300	2 Gallon 8 Ounce	Gasoline	Red	4230
2600	2 Gallon 8 Ounce	Kerosene	Blue	4230
5600	5 Gallon	Gasoline	Red	4230
6600	6 Gallon	Gasoline	Red	4230
7600	5 Gallon	Kerosene	Blue	4230
8600	5 Gallon	Diesel	Yellow	4230
5800	5 Gallon (Metal)	Gasoline	Red	4230

IT IS FURTHER ORDERED that Midwest Can Company shall provide buyers a copy of the warranty language submitted in its application for certification of its portable fuel container system at the time of sale.

IT IS FURTHER ORDERED that Midwest Can Company shall provide buyers a copy of the operating instructions submitted in its application for certification of its portable fuel container system at the time of sale.

IT IS FURTHER ORDERED that Midwest Can Company portable fuel container systems introduced into California commerce shall be clearly identified by a permanent identification code that allows ARB to identify the date of manufacture and EO number.

IT IS FURTHER ORDERED that Midwest Can Company must comply with the administrative requirements specified in Cal. Code Regs., title 13, section 2467.5 and must supply any changes to the identification code to the Executive Officer for review and approval at least three months prior to offering for sale a Midwest Can Company portable fuel container system with a changed identity code.

IT IS FURTHER ORDERED that production portable fuel container systems shall be in all material respects the same as those for which certification is granted. Any alteration of the components or design of the Midwest Can Company portable fuel container system certified hereby is prohibited and inconsistent with this certification, unless said alteration has been approved in advance of production by the Executive Officer or Executive Officer's delegate.

IT IS FURTHER ORDERED that Midwest Can Company's portable fuel container system shall be compatible with fuels in common use in California at the time of certification and any modifications to comply with future California fuel requirements shall be approved in writing by the Executive Officer or Executive Officer's delegate.

IT IS FURTHER ORDERED that the Executive Officer may enjoin sales, assess penalties, revoke, or modify this certification as provided in Cal. Code Regs., title 13, section 2467.9; or if the Executive Officer determines that the Midwest Can Company portable fuel container system available for sale in California does not meet the "Certification and Compliance Test Procedures" as provided in Cal. Code Regs., title 13, section 2467.8.

IT IS FURTHER ORDERED that Executive Order G-08-045, dated December 15, 2008, is hereby superseded by this Executive Order. Midwest Can Company shall no longer manufacture portable fuel container systems embossed, engraved, or stamped with EO G-08-045 for sale in California after April 1, 2016.

Executed at Sacramento, California, this 21st day of January 2016.



Dr. Michael T. Benjamin, Chief
Monitoring and Laboratory Division