**DEALER ALERT**

**TO**: Environmental Health and Safety (EHS) Coordinator

**FROM**: Sam Celly, MS JD CSP

**DATE**: February 15, 2014

**SUBJECT: IS MY GAS CAN SAFE?**

The maintenance and operation of gasoline tanks, both aboveground and underground, has become expensive, highly regulated, and burdensome. Automobile dealers have resorted to gas dolly equipment where a small amount of gasoline can be added to each new automobile delivered to the dealership. We note that automobiles delivered to dealerships from manufacturers have very small amounts of gasoline; this being a result of U.S. Department of Transportation (DOT) regulations, which dictate that minimal amounts of gasoline be retained in gas tanks of vehicles in transport. We write this memo to discuss DOT, OSHA, and CARB regulations applicable to gasoline being transported from a public gasoline station to dealerships for a later fill in automobiles on the lot.

**Federal DOT Regulations**: Gasoline transport is discussed in Section 173.6 of the DOT regulations under “material of transport exceptions.” The regulations require that a container being used to transport gasoline must be less than 8 gallons per container and a maximum of 72 total gallons (440 pounds). The containers must be secured in the pickup truck and properly labeled. The driver should be trained in DOT regulations. We recommend that the containers are UL certified. Beyond that, there are many other regulatory agencies with enforcement in the hazmat arena. [*http://www.gpo.gov/fdsys/pkg/CFR-2011-title49-vol2/pdf/CFR-2011-title49-vol2-sec173-6.pdf*](http://www.gpo.gov/fdsys/pkg/CFR-2011-title49-vol2/pdf/CFR-2011-title49-vol2-sec173-6.pdf)

**Safety**: Safety concerns for gasoline containers are as follows:

* Properly labeled container with hazard warnings and employee training in Hazard Communication Program (OSHA Regulation 29 CFR § 1910.1200).
* 29 CFR § 1926.152(a)(1) states that “Only approved containers and portable tanks shall be used for storage and handling of flammable liquids. Approved safety cans or DOT approved containers shall be used for the handling and use of flammable liquids in quantities of 5 gallons or less...”
* Bonding of containers to eliminate static electricity be followed both at the time of filling up the containers and when transferring from container to container. Keep containers on the ground when filling and not on the bed of the truck. Use grounding wire when necessary. Keep nozzle in contact with can during filling. Do not fill containers over 95% to allow for expansion. Spilled gasoline must evaporate before containers are put on the truck.
* Containers must be closed so as to minimize the risk of spill and creating a fire hazard.
* Spill proof spouts also lock in vapors so as to avoid vapor release while in storage. Don’t overfill gas tanks on automobiles. Keep fire extinguisher close by!
* Transport truck must have a spill kit available with a trained operator on containing, cleaning, and proper disposal of spill absorbent.
* Studies at Worcester Polytechnic Institute’s Department of Fire Protection Engineering, as reported by NBC News in late 2013, have indicated that under certain conditions, plastic cans are vulnerable to fires with an explosive force. The conditions that present the higher risk include having a very small amount of gasoline (a few teaspoons) inside the gas can, cool temperatures, tilting the can at 42 degrees (typical pour angle) and of course a spark! The employees should be trained to avoid these risky conditions and maybe even buy metal cans in the future. <http://www.nbcnews.com/news/investigations/watch-gas-can-explode-lab-test-v21744014>

**CA Air Resources Board (CARB):** As of July 1, 2007, all Portable Fuel Containers (PFC) sold in California must be certified by the Air Resources Board as meeting low-emission standards and regulatory requirements. This regulation is applicable to manufacturers and retailers who place the gas cans in the stream of commerce. Only containers of 10 gallons or less are covered by this regulation, so the sale of a 25 gallon gas caddy for shop use is exempt from CARB regulations. The following table provides a listing of those CARB approved containers certified for sale. <http://www.arb.ca.gov/consprod/fuel-containers/pfc/eo/eo.htm>

**Summary:** CA based businesses have only CARB approved containers available. Other states may use these CARB approved containers with vapor locks that are spill proof and emit negligible flammable vapors and hence, are safer. Training in hazardous materials, including information on risks associated with plastic cans, should be provided to employees. Following safety and operation instructions on the PFC is also mandatory.

*Sam Celly has trained auto dealers regarding EPA/OSHA compliance in 9 western states since 1987. Celly was the first staff engineer at KPA after earning his Bachelor’s of Engineering degree and later, his MS degree in Chemical Engineering (School of Mines & Technology). In 1997, he received his Doctorate of Jurisprudence from Southwestern University in Los Angeles with emphasis on Labor & Environmental Law. Sam is a Certified Safety Professional and has served as the Chair of the Law Committee and Environmental Issues Committee of the American Industrial Hygiene Association (AIHA). Additionally, he is a member of American Institute of Chemical Engineers (1985) and the AIHA, where he is the President of the Southern California Section.* Send your comments to [*sam@cellyservices.com*](mailto:sam@cellyservices.com)*.*