

S. 1640, Portable Fuel Container Safety Act of 2019

As ordered reported by the Senate Committee on Commerce, Science, and Transportation on November 13, 2019

By Fiscal Year, Millions of Dollars	2020	2020-2024	2020-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	3	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	Yes, Under Threshold

S. 1640 would require the Consumer Product Safety Commission (CPSC) to issue a final rule to require portable fuel containers to include a device that would stop flames from entering the container (called flame mitigation devices). The CPSC also would be required to undertake a campaign to educate consumers about the dangers associated with portable fuel containers for flammable liquids and to submit a report to the Congress summarizing its education campaign activities.

On the basis of information from the CPSC, CBO estimates that implementing S. 1640 would cost about \$3 million over the 2020-2024 period; that spending would be subject to appropriation of the necessary amounts. On average, the equivalent of about four full-time employees would be required over that period to complete the final rule and education campaign, CBO estimates.

The requirement that portable fuel containers include flame mitigation devices would be a private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA). The act would permit CPSC to adopt a voluntary industry standard as its rule to meet this requirement. Based on industry information about the widespread use of flame mitigation devices in portable fuel containers, CBO estimates that the cost of the mandate would fall below the annual threshold for private-sector mandates established in UMRA (\$164 million in 2019, adjusted annually for inflation).

S. 1640 contains no intergovernmental mandates as defined in UMRA.



On September 18, 2019, CBO transmitted a [cost estimate for H.R. 806](#), the Portable Fuel Container Safety Act of 2019, as passed by the House of Representatives on September 17, 2019. Similar to S. 1640, H.R. 806 would require the CPSC to issue a final rule, education campaign, and a report to the Congress. Unlike H.R. 806, S. 1640 does not allow the CPSC to combine voluntary standards when evaluating whether a current voluntary standard could become the federal standard issued in the final rule. Based on information from the CPSC, CBO does not expect this difference to have a significant effect on the act's estimated cost.

The CBO staff contacts for this estimate are Philippa Haven (for federal costs) and Andrew Laughlin (for mandates). The estimate was reviewed by Leo Lex, Deputy Assistant Director for Budget Analysis.