



U.S. Department of Transportation  
**Pipeline and Hazardous Materials  
Safety Administration**

1200 New Jersey Ave, SE  
Washington, D.C. 20590

FEB 18 2011

Mr. David Harriton  
American Expedition Vehicles  
9693 Inspiration Drive  
Missoula, MT 59808

Ref. No. 11-0009

Dear Mr. Harriton:

This responds to your January 5, 2011 email regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to a portable fuel container. According to your email, your company produces a jerrican with a 10.5 gallon capacity conforming to EPA requirements for portable fuel containers. You ask whether there is a limit to the amount of fuel (e.g., gasoline) an individual can transport in a personal vehicle in such a jerrican. You inquire further whether the 10.5 gallon capacity is okay with respect to DOT requirements and how DOT would classify the container.

Transportation of a hazardous material (e.g., gasoline) by an individual for non-commercial purposes in a private motor vehicle, including a leased or rented motor vehicle is an activity that is not subject to regulation under the HMR (see § 171.1(d)). Additionally, we neither classify portable fuel containers for their end use by individual consumers nor do the packaging standards (e.g., capacity) of the HMR apply to portable fuel containers used in the activity stated in § 171.1(d). However, manufacture of portable fuel containers intended for use by individuals for personal consumption may be regulated by other government agencies. We suggest consulting the Consumer Product Safety Commission (CPSC) at [www.cpsc.gov](http://www.cpsc.gov) as well as State fire marshals for possible restrictions on portable fuel containers. You may also consider contacting the Portable Fuel Container Manufacturer's Association at <http://www.pfcma.com/> for guidance.

I hope this information is helpful. If you have further questions, please contact this office.

Sincerely,

A handwritten signature in black ink that reads "Ben Supko". The signature is fluid and cursive, with the first name "Ben" and last name "Supko" clearly distinguishable.

Ben Supko  
Acting Chief, Standards Development Branch  
Standards and Rulemaking Division

Der Kinderen  
§ 178.511  
§ 178.601

**Supko, Ben (PHMSA)**

**From:** Dave Harriton [Dave@aev-conversions.com]  
**Sent:** Wednesday, January 05, 2011 11:52 AM  
**To:** Supko, Ben (PHMSA)  
**Subject:** Re: Follow Up

Applicability (Jerry cans)  
11-0009

Hi Ben,

I am following up on an email you were copied on by Bruce York at DOT (below). I'm trying to find out if there is a limit to the amount of fuel a private passenger vehicle can carry in a Jerry can. My company is looking to produce a very specialized aftermarket Jerry can, we already have EPA/CARB approval, but are looking to confirm with DOT that our capacity of 10.5 gallons will be OK. As stated here (towards the end) a Jerry can can be up to 16 gallons :

<http://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi?TITLE=49&PART=178&SECTION=509&YEAR=1999&TYPE=PDF>

I'm looking to confirm that this is OK.

Also, it seems that some states have a fire marshal that rules that portable fuel containers can only be 5 gallons, ours is classified as a fuel caddy not a portable fuel container by the EPA and CARB, what would DOT classify this as and would it be OK to refuel the container at a gas station?

David Harriton  
American Expedition Vehicles  
9693 Inspiration Drive  
Missoula, MT 59808  
406-251-2100 x 101  
[dave@aev-conversions.com](mailto:dave@aev-conversions.com)

On 12/14/2010 11:39 AM, [Bruce.York@dot.gov](mailto:Bruce.York@dot.gov) wrote:

- > Dave,
- >
- > Looks like you hit the nail on the head. You would want to speak with Ben Supko about this standard. Ben should be able to point you in the right direction. Ben's number is (202) 366-0374.
- >
- > Good luck with you product.
- >
- > Thank You,
- > Bruce York
- >
- > U.S. Department Of Transportation
- > National Highway Traffic Safety Admin.
- > Office of Defects Investigation
- > 1200 New Jersey Avenue, SE
- > Washington, D.C. 20590
- > Room W46-322
- >
- > (202) 366-6938
- > (877) 536-8368 Ext. 66938

> [bruce.york@dot.gov](mailto:bruce.york@dot.gov)  
>  
> Report Vehicle Safety Defects!  
>  
> [www.safercar.gov](http://www.safercar.gov)  
>  
>  
> -----Original Message-----  
> From: Dave Harriton [<mailto:Dave@aev-conversions.com>]  
> Sent: Tuesday, December 14, 2010 1:17 PM  
> To: York, Bruce (NHTSA)  
> Subject: Re: Follow Up  
>  
> Hi Bruce,  
>  
> I found this on the internet and thought that it might help you figure  
> out someone who could verify for me:  
>  
> [http://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi?TITLE=49&PART=178&  
> SECTION=509&YEAR=1999&TYPE=PDF](http://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi?TITLE=49&PART=178&SECTION=509&YEAR=1999&TYPE=PDF)  
>  
> Towards the end it states that a Jerry Can can be up to 16 gallons...  
>  
> Thanks,  
>  
> David Harriton  
> American Expedition Vehicles  
> 9693 Inspiration Drive  
> Missoula, MT 59808  
> 406-251-2100 x 101  
> [dave@aev-conversions.com](mailto:dave@aev-conversions.com)  
>  
>  
> On 12/13/2010 12:10 PM, [Bruce.York@dot.gov](mailto:Bruce.York@dot.gov) wrote:  
>> David,  
>>  
>> I apologize. I have not had a chance to ask around. I will try and do that tomorrow.  
>>  
>> Thank You,  
>> Bruce York  
>>  
>> U.S. Department Of Transportation  
>> National Highway Traffic Safety Admin.  
>> Office of Defects Investigation  
>> 1200 New Jersey Avenue, SE  
>> Washington, D.C. 20590  
>> Room W46-322  
>>  
>> (202) 366-6938  
>> (877) 536-8368 Ext. 66938  
>> [bruce.york@dot.gov](mailto:bruce.york@dot.gov)  
>>  
>> Report Vehicle Safety Defects!  
>>  
>> [www.safercar.gov](http://www.safercar.gov)  
>>  
>>

>> -----Original Message-----

>> From: Dave Harriton [<mailto:Dave@aev-conversions.com>]

>> Sent: Friday, December 10, 2010 1:49 PM

>> To: York, Bruce (NHTSA)

>> Subject: Follow Up

>>

>> Hey Bruce,

>>

>> Any luck finding out who would be the person responsible at DOT who

>> could tell me about non-commercial fuel carrying requirements?

>> Again, we're trying to find out if its legal for an individual to

>> carry 10.1 gallons of gas in seperate tank that is not hooked up to

>> an engine, similar to the tanks found in the trailers marketed as "Toy Haulers"

>> that are intended to carry and refuel ATV's and the like.

>>

>> Thanks,

>>