

**State of California
AIR RESOURCES BOARD**

EXECUTIVE ORDER G-11-037

**Relating to Certification of Portable Outboard Marine Tanks and Components
Scepter Corporation
Portable Outboard Marine Tanks**

WHEREAS, the California Air Resources Board (ARB) has established, pursuant to California Health and Safety Code (CH&SC), sections 39600, 39601, 43013, 43018, and 43101, criteria for obtaining certification of a portable outboard marine tank, portable outboard marine tank self sealing cap, portable outboard marine tank fuel hose, or portable outboard marine tank primer bulb in "CP-510, Certification Procedure for Portable Outboard Marine Tanks and Components," adopted July 20, 2009, incorporated by reference into California Code of Regulations (CCR), title 13, sections 2468.2 and 2468.8;

WHEREAS, "CP-510, Certification Procedure for Portable Outboard Marine Tanks and Components," adopted July 20, 2009, (hereinafter "Certification Procedure") incorporated by reference into CCR, title 13, section 2468.1, requires that an application for certification include test results that the tanks do not exceed a permeation rate of 1.5 grams/m²/day and include proof that the cap automatically closes and seals up to a pressure of 5 psig;

WHEREAS, section 1, of the Certification Procedure provides that an Executive Order (EO) will only be issued for a portable outboard marine tank, portable outboard marine tank self sealing cap, portable outboard marine tank fuel hose, or portable outboard marine tank primer bulb that demonstrates compliance with all applicable certification requirements;

WHEREAS, section 2, of the Certification Procedure requires an applicant to warranty their portable outboard marine tank, portable outboard marine tank self sealing cap, portable outboard marine tank fuel hose, or portable outboard marine tank primer bulb for a period of one year;

WHEREAS, section 3, of the Certification Procedure requires an applicant to submit specified information in its application for certification;

WHEREAS, section 5, of the Certification Procedure provides that ARB's Executive Officer shall evaluate each application for certification of a portable outboard marine tank, portable outboard marine tank self sealing cap, portable outboard marine tank fuel hose, or portable outboard marine tank primer bulb, to determine if the portable outboard marine tank, portable outboard marine tank self sealing cap, portable outboard marine tank fuel hose, or portable outboard marine tank primer bulb complies with the criteria for issuance of an EO;

WHEREAS, Scepter Corporation has submitted an application for certification of its model 8576, 8580, 8590, 8592, 8667, 8668, 8669, 8726, and 8733 portable outboard marine tanks with self sealing caps. Models 8726 and 8733 are 6 gallon tanks, which are supplied to original equipment manufactures. Model 8590 is a 3 gallon tank, model 8592 is a 6 gallon tank, model 8667 is a 9 gallon tank, and models 8668 and 8669 are 12 gallon tanks, which are sold as aftermarket products. Model 8576 is a 3 gallon tank and model 8580 is a 6.6 gallon tank, which are supplied to original equipment manufactures and sold as aftermarket products. All after market products are sold under the name Scepter.

WHEREAS, Scepter Corporation has submitted test data indicating that the model 8576, 8580, 8590, 8592, 8667, 8668, 8669, 8726, and 8733 portable outboard marine tanks do not exceed a permeation rate of 1.5 grams/m²/day and that the caps automatically close and seal up to a pressure of five psig. The caps were previously certified under EO G-10-011;

WHEREAS, Scepter Corporation has submitted all of the necessary information specified in section 3 of the Certification Procedure in its application for certification of its model 8576, 8580, 8590, 8592, 8667, 8668, 8669, 8726, and 8733 portable outboard marine tanks for supply to original equipment manufacturers and as aftermarket products as specified above; and

WHEREAS, Scepter Corporation's application for certification of its model 8576, 8580, 8590, 8592, 8667, 8668, 8669, 8726, and 8733 portable outboard marine tanks have been evaluated, and its portable outboard marine tanks have been found to comply with the criteria for the issuance of an EO.

NOW, THEREFORE, pursuant to the authority vested in ARB by CH&SC, sections 39600, 39601, 43013, 43018, and 43101, and pursuant to the authority vested in the undersigned by CH&SC, sections 39515 and 39516, and EO P-10-002.

IT IS ORDERED AND RESOLVED that the model 8576, 8580, 8590, 8592, 8667, 8668, 8669, 8726, and 8733 portable outboard marine tanks produced by Scepter Corporation as described in its application for certification of said systems are hereby certified to meet the performance standards and administrative requirements applicable to a portable outboard marine tank for supply to original equipment manufacturers or as aftermarket products. Production tanks must be in all material respects the same as those for which certification is granted and must meet all of the certification requirements.

IT IS FURTHER ORDERED that Scepter Corporation must comply with the administrative requirements specified in CCR, sections, title 13, 2468.6(a) and must supply any changes to the date code and representative code to the Executive Officer for review and approval at least three months prior to offering for sale a certified primer bulb with changed codes.

IT IS FURTHER ORDERED that any alteration of the components or design of the model 8576, 8580, 8590, 8592, 8667, 8668, 8669, 8726, and 8733 portable outboard marine tanks certified hereby is prohibited and is inconsistent with this certification, unless said alteration has been approved in advance of production by the Executive Officer or his designee.

IT IS FURTHER ORDERED that Scepter Corporation provide a warranty to equipment manufacturers and aftermarket buyers purchasing the model 8576, 8580, 8590, 8592, 8667, 8668, 8669, 8726, and 8733 portable outboard marine tanks. The warranty must state that the tanks be free from defects in materials and workmanship that cause such a tank to fail to conform to the certification and compliance standards for a period of one year.

IT IS FURTHER ORDERED that the Scepter Corporation model 8576, 8580, 8590, 8592, 8667, 8668, 8669, 8726, and 8733 portable outboard marine tanks shall be clearly identified by a permanent identification that allows the ARB to determine manufacturer name and model number.

IT IS FURTHER ORDERED that the Executive Officer may enjoin sales, assess penalties, or revoke or modify this certification as provided in CCR, section 2468.9, if the Executive Officer determines that the product available for sale or sold in California does not meet the "Certification and Compliance Test Procedures" as provided in CCR, section 2468.9.

Executed at Sacramento, California, this 24th day of May 2011.

A handwritten signature in cursive script, appearing to read 'Alberto Ayala', written in black ink.

Alberto Ayala, Ph.D., M.S.E.
Chief, Monitoring and Laboratory Division