

DATE: November 9, 1999

SUBJECT: DOT Approved Gas Cans

Oregon OSHA is adopting the attached rule interpretation from Federal OSHA on DOT Approved Gas Cans. Based on this interpretation we will consider employer use of DOT approved containers of 5 gallon capacity or less for storage, use, and handling of flammable liquids to be a minimal violation which should not be cited.

If you have questions please contact Gary Beck at (503) 378-3272

---

**RECORD TYPE:** Interpretation  
**STANDARD NUMBER:** 1926.152  
**SUBJECT:** DOT Approved Gas Cans.  
**INFORMATION DATE:** 08/26/1996

August 26, 1996

**MEMORANDUM FOR:** REGIONAL ADMINISTRATORS  
**FROM:** MICHAEL G. CONNORS, Deputy Assistant Secretary  
**SUBJECT:** DOT Approved Gas Cans

We have reviewed the standard addressing the use of safety cans for flammable liquids at construction sites and have determined that the use of Department of Transportation (DOT) approved containers meets the basic intent of the provisions at §1926.152(a)(1). These gas cans are common household items and not generally considered to be a hazard if used properly. By its terms, §1926.152(a)(1) requires the use of an approved metal safety can (approved by a nationally recognized testing laboratory) for the handling and use of flammable liquids. Further, a safety can by definition is a container with a capacity of 5 gallons or less and equipped with a spring-closing lid and spout cover, a means to relieve internal pressure, and flash-arresting screen. However, we believe that DOT approved containers of 5 gallon capacity or less, although not meeting these requirements, pose very little hazard and meet the basic intent of the standard. Consequently, we have decided to exercise prosecutorial discretion and consider employer use of DOT approved containers of 5 gallon capacity or less for storage, use, and handling of flammable and combustible liquids to be de minimis noncompliance which should not be cited.