

Union Calendar No. 330

111TH CONGRESS
2^D SESSION

H. R. 1796

[Report No. 111-573]

To amend the Consumer Product Safety Act to require residential carbon monoxide detectors to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule, to encourage States to require the installation of such detectors in homes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2009

Mr. MATHESON introduced the following bill; which was referred to the
Committee on Energy and Commerce

JULY 27, 2010

Additional sponsors: Mr. SHULER, Ms. KILPATRICK of Michigan, Mr. NYE,
Ms. SCHAKOWSKY, Mr. MCGOVERN, Mr. SESTAK, Mr. HIGGINS, Ms.
SUTTON, and Ms. CASTOR of Florida

JULY 27, 2010

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on March 30, 2009]

A BILL

To amend the Consumer Product Safety Act to require residential carbon monoxide detectors to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule, to encourage States to require the installation of such detectors in homes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Carbon Monoxide Poi-*
5 *soning Prevention Act”.*

6 **SEC. 2. FINDINGS.**

7 *Congress finds the following:*

8 (1) *Carbon monoxide is a colorless, odorless gas*
9 *produced by burning any fuel. Exposure to unhealthy*
10 *levels of carbon monoxide can lead to carbon mon-*
11 *oxide poisoning, a serious health condition that could*
12 *result in death.*

13 (2) *Unintentional carbon monoxide poisoning*
14 *from motor vehicles and the abnormal operation of*
15 *fuel-burning appliances, such as furnaces, water heat-*
16 *ers, portable generators, and stoves, in residential*
17 *homes and other dwelling units kills more than 400*
18 *people each year and sends more than 20,000 to hos-*
19 *pital emergency rooms for treatment.*

20 (3) *Research shows that purchasing and install-*
21 *ing carbon monoxide alarms close to the sleeping*
22 *areas in residential homes and other dwelling units*
23 *can help avoid fatalities.*

24 (4) *Congress should promote the purchase and*
25 *installation of carbon monoxide alarms in residential*

1 *homes and dwelling units nationwide in order to pro-*
2 *mot the health and public safety of citizens through-*
3 *out the Nation.*

4 **SEC. 3. DEFINITIONS.**

5 *For purposes of this Act, the following definitions*
6 *apply:*

7 (1) *The term “approved carbon monoxide*
8 *alarm” means a carbon monoxide alarm that com-*
9 *plies with the standards published, incorporated, or*
10 *amended by the Commission with respect to such*
11 *alarms pursuant to this Act.*

12 (2) *The term “carbon monoxide alarm” means a*
13 *device that detects carbon monoxide and sounds a dis-*
14 *tinctive audible alert before concentrations of carbon*
15 *monoxide reach levels that would cause symptoms of*
16 *carbon monoxide poisoning.*

17 (3) *The term “Commission” means the Consumer*
18 *Product Safety Commission.*

19 (4) *The term “dwelling unit” means a room or*
20 *suite of rooms used for human habitation, and in-*
21 *cludes a single family residence as well as each living*
22 *unit of a multiple family residence (including apart-*
23 *ment buildings) and each living unit in a mixed use*
24 *building.*

1 (5) *The term “fire code enforcement officials”*
2 *means officials of the fire safety code enforcement*
3 *agency of a State or local government.*

4 (6) *The term “NFPA 720” means the Standard*
5 *for the Installation of Carbon Monoxide Warning*
6 *Equipment in Dwelling Units issued by the National*
7 *Fire Protection Association in 2008, and any amend-*
8 *ed or similar successor standard pertaining to the*
9 *proper installation of carbon monoxide alarms in*
10 *dwelling units.*

11 **SEC. 4. ADOPTION OF CONSUMER PRODUCT SAFETY RULES.**

12 (a) *MANDATORY STANDARDS.—Notwithstanding any*
13 *other provision of law, not later than 90 days after the date*
14 *of enactment of this Act, the Commission shall publish in*
15 *the Federal Register as mandatory consumer product safety*
16 *standards the American National Standard for Single and*
17 *Multiple Station Carbon Monoxide Alarms (ANSI/UL*
18 *2034) and the American National Standard for Gas and*
19 *Vapor Detectors and Sensors (ANSI/UL 2075). Such man-*
20 *datory consumer product safety standards shall take effect*
21 *180 days after they are published.*

22 (b) *REVISION OF STANDARDS.—Beginning 1 year after*
23 *the date of enactment of this Act, if either standard de-*
24 *scribed in subsection (a) is revised through the applicable*
25 *consensus standards development process, Underwriters*

1 *Laboratories shall notify the Commission of the revision*
2 *and the revision shall be incorporated in the consumer*
3 *product safety rule unless, within 60 days of such notice,*
4 *the Commission determines that such revision does not*
5 *carry out the purposes of this Act and publishes the basis*
6 *for such a determination in the Federal Register.*

7 (c) *RULEMAKING.—Notwithstanding any other provi-*
8 *sion of this Act, the Commission may, at any time subse-*
9 *quent to publication of the consumer product safety stand-*
10 *ards required by subsection (a), initiate a rulemaking in*
11 *accordance with section 553 of title 5, United States Code,*
12 *to amend either standard to include any provision that the*
13 *Commission determines is reasonably necessary to ensure*
14 *the safe and effective operation of carbon monoxide alarms.*

15 (d) *TREATMENT OF STANDARDS FOR PURPOSES OF*
16 *ENFORCEMENT.—For purposes of enforcement under the*
17 *Consumer Product Safety Act, the standards published by*
18 *the Commission pursuant to subsection (a), including any*
19 *revision to such standards pursuant to subsection (b) or (c),*
20 *shall be consumer product safety rules as defined in section*
21 *3(a)(6) of such Act (15 U.S.C. 2052(a)(6)).*

22 **SEC. 5. REPORT TO CONGRESS.**

23 *Not later than 1 year after the date of enactment of*
24 *this Act, the Commission shall complete a study to evaluate*
25 *whether requiring a language or languages in addition to*

1 *English would improve the effectiveness of the label required*
2 *of manufacturers of portable generators by the Commission*
3 *under part 1407 of title 16, Code of Federal Regulations,*
4 *to warn consumers of carbon monoxide hazards.*

5 **SEC. 6. GRANT PROGRAM FOR CARBON MONOXIDE POI-**
6 **SONING PREVENTION.**

7 (a) *IN GENERAL.*—Subject to the availability of appro-
8 priations authorized by subsection (f), the Commission shall
9 establish a grant program to provide assistance to eligible
10 States and local governments to carry out the carbon mon-
11 oxide poisoning prevention activities in subsection (d).

12 (b) *ELIGIBILITY.*—To be eligible for a grant under the
13 program, a State or local government shall—

14 (1) *demonstrate to the satisfaction of the Com-*
15 *mission that a State or local government has adopted*
16 *a statute, or a State or local government agency has*
17 *adopted a rule, regulation, or similar measure with*
18 *the force and effect of law, requiring approved carbon*
19 *monoxide alarms to be installed in accordance with*
20 *NFPA 720 in dwelling units; and*

21 (2) *submit an application to the Commission at*
22 *such time, in such form, and containing such addi-*
23 *tional information as the Commission may require,*
24 *which application may be filed on behalf of any*
25 *qualified State or local government by the fire code*

1 enforcement officials for such State or local govern-
2 ment.

3 (c) *GRANT AMOUNT; PRIORITY.*—The Commission
4 shall determine the amount of the grants awarded under
5 this section, and shall give priority to applications from
6 States or local governments that—

7 (1) require approved carbon monoxide alarms to
8 be installed in each existing dwelling unit—

9 (A) within which a fuel-burning appliance
10 is installed, including a furnace, boiler, water
11 heater, fireplace, or any other apparatus, appli-
12 ance, or device that burns fuel; or

13 (B) which has an attached garage;

14 (2) propose to serve vulnerable populations such
15 as children, the elderly, or low-income households; and

16 (3) demonstrate greater than average losses of life
17 from carbon monoxide poisoning in the home.

18 (d) *USE OF FUNDS.*—A State receiving a grant under
19 this section may use grant funds—

20 (1) to purchase and install approved carbon
21 monoxide alarms in the dwelling units of low-income
22 families or elderly persons, facilities that commonly
23 serve children or the elderly, including childcare fa-
24 cilities, public schools, and senior centers, or student
25 dwelling units owned by public universities;

1 (2) *to train State or local fire code enforcement*
2 *officials in the proper enforcement of State or local*
3 *laws concerning approved carbon monoxide alarms*
4 *and the installation of such alarms in accordance*
5 *with NFPA 720;*

6 (3) *for the development and dissemination of*
7 *training materials, instructors, and any other costs*
8 *related to the training sessions authorized by this sub-*
9 *section; and*

10 (4) *to educate the public about the risk associ-*
11 *ated with carbon monoxide as a poison and the im-*
12 *portance of proper carbon monoxide alarm use.*

13 (e) *LIMITATION ON USE OF FUNDS.—*

14 (1) *ADMINISTRATIVE COSTS.—No more than 10*
15 *percent of any grant funds may be used to cover ad-*
16 *ministrative costs not directly related to training de-*
17 *scribed in paragraph (2) of subsection (d).*

18 (2) *PUBLIC OUTREACH.—No more than 25 per-*
19 *cent of any grant may be used to cover costs of activi-*
20 *ties described in paragraph (4) of subsection (d).*

21 (f) *AUTHORIZATION OF APPROPRIATIONS.—There are*
22 *authorized to be appropriated to the Commission*
23 *\$2,000,000 for each of fiscal years 2011 through 2015 to*
24 *carry out this Act, such sums to remain available until ex-*
25 *pendent. Any amounts appropriated pursuant to this para-*

1 *graph that remain unexpended and unobligated at the end*
2 *of fiscal year 2015 shall be retained by the Commission and*
3 *credited to the appropriations account that funds enforce-*
4 *ment of the Consumer Product Safety Act.*

5 *(g) COMMISSION REPORT.—Not later than 1 year after*
6 *the last day of each fiscal year for which grants are made*
7 *under this section, the Commission shall submit to Congress*
8 *a report evaluating the implementation of the grant pro-*
9 *gram authorized by this section.*

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