

111TH CONGRESS  
1ST SESSION

# S. 1216

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.

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## IN THE SENATE OF THE UNITED STATES

JUNE 9, 2009

Ms. KLOBUCHAR (for herself and Mr. NELSON of Florida) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## 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 “Residential Carbon  
5 Monoxide Poisoning Prevention Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Carbon monoxide is a colorless, odorless gas  
4 produced by burning fuel. Exposure to unhealthy  
5 levels of carbon monoxide can lead to carbon mon-  
6 oxide poisoning, a serious health condition that could  
7 result in death.

8 (2) Each year, carbon monoxide poisoning from  
9 the use of fuel-burning appliances, such as furnaces,  
10 water heaters, portable generators, and stoves, in  
11 residential homes and other dwelling units kills at  
12 least 500 people and sends more than 20,000 people  
13 to hospital emergency rooms for treatment.

14 (3) Research shows that purchasing and install-  
15 ing carbon monoxide alarms close to the sleeping  
16 areas in residential homes and other dwelling units  
17 can help avoid fatalities.

18 (4) Congress should promote the purchase and  
19 installation of carbon monoxide alarms in residential  
20 homes and dwelling units throughout the United  
21 States in order to promote the health and public  
22 safety of all people of the United States.

1 **SEC. 3. ADOPTION OF ANSI/UL 2034 AS CONSUMER PROD-**  
2 **UCT SAFETY RULE.**

3 (a) IN GENERAL.—The Consumer Product Safety  
4 Act (15 U.S.C. 2051 et seq.) is amended by adding at  
5 the end thereof the following:

6 **“SEC. 43. RESIDENTIAL CARBON MONOXIDE DETECTORS.**

7 “(a) IN GENERAL.—

8 “(1) MANDATORY STANDARD.—Notwith-  
9 standing any other provision of law, not later than  
10 90 days after the date of the enactment of the Resi-  
11 dential Carbon Monoxide Poisoning Prevention Act,  
12 the Commission shall publish in the Federal Register  
13 as a mandatory consumer product safety standard  
14 the American National Standard for Single and Mul-  
15 tiple Station Carbon Monoxide Alarms (American  
16 National Standard ANSI/UL 2034–2005), as in ef-  
17 fect on the day before the date of such Act. The  
18 standard shall take effect 180 days after it is pub-  
19 lished.

20 “(2) COMPLIANCE WITH STANDARD.—After the  
21 standard described in paragraph (1) takes effect, it  
22 shall be unlawful for any manufacturer or dis-  
23 tributor to import into or distribute in commerce in  
24 the United States any new assembled or unassem-  
25 bled residential carbon monoxide detector unless it

1 complies with such standard or any successor stand-  
2 ard as amended under subsection (c).

3 “(3) VIOLATION.—The failure to comply with  
4 paragraph (2) shall be deemed to be a failure to  
5 comply with a consumer product safety standard  
6 under this Act and subject to all of the penalties and  
7 remedies available under this Act.

8 “(4) OTHER TYPES OF CARBON MONOXIDE DE-  
9 TECTORS.—Paragraph (2) shall not apply to any  
10 carbon monoxide detector not covered by the stand-  
11 ard as provided in section 1.4 of the standard.

12 “(b) LABELING.—Beginning 1 year after the date of  
13 the enactment of the Residential Carbon Monoxide Poi-  
14 soning Prevention Act, a manufacturer selling or offering  
15 for sale in the United States a residential carbon monoxide  
16 detector manufactured more than 1 year after the date  
17 of the enactment of such Act, shall clearly identify on any  
18 container of the detector and on the detector its conform-  
19 ance with the requirements of the consumer product safety  
20 standard promulgated under subsection (a).

21 “(c) MODIFICATION OF STANDARD.—

22 “(1) ANSI REVISIONS.—If the American Na-  
23 tional Standard ANSI/UL 2034–2008 is revised  
24 through the applicable consensus standards develop-  
25 ment process after the date on which the product

1 safety standard for residential carbon monoxide de-  
2 tectors is published in the Federal Register pursuant  
3 to subsection (a)(1), the American National Stand-  
4 ards Institute shall notify the Commission of the re-  
5 vision.

6 “(2) COMMISSION ACTION.—Within 120 days  
7 after it receives notice of such a revision by the  
8 American National Standards Institute, the Com-  
9 mission shall issue a notice of proposed rulemaking  
10 in accordance with section 553 of title 5, United  
11 States Code, to amend the product safety standard  
12 for residential carbon monoxide detectors to include  
13 any such revision that the Commission determines is  
14 reasonably related to the performance of such detec-  
15 tors, and notify the Institute of any revision it has  
16 determined not to be so related. The Commission  
17 shall promulgate an amendment to the standard for  
18 such detectors not later than 180 days after the date  
19 on which the notice of proposed rulemaking for the  
20 amendment is published in the Federal Register.

21 “(3) ADDITIONAL SAFETY REQUIREMENTS.—  
22 Notwithstanding any other provision of this Act, the  
23 Commission may, pursuant to sections 7 and 9 of  
24 this Act, amend the product safety standard for resi-  
25 dential carbon monoxide detectors to include any ad-

1       ditional provision that the Commission determines is  
 2       reasonably necessary to ensure their safe and effec-  
 3       tive operation.

4               “(4) CERTAIN PROVISIONS NOT APPLICABLE.—  
 5       Sections 7 and 9 of this Act shall not apply to pro-  
 6       mulgation of any amendment of the product safety  
 7       standard under paragraph (2). Judicial review of  
 8       any amendment of the standard under paragraph  
 9       (2) shall be in accordance with chapter 7 of title 5,  
 10      United States Code.”.

11      (b) CONFORMING AMENDMENT.—The table of con-  
 12      tents of the Consumer Product Safety Act is amended by  
 13      inserting after the item relating to section 42 the fol-  
 14      lowing:

    “Sec. 43. Residential carbon monoxide detectors.”.

15      **SEC. 4. FINAL PORTABLE GENERATOR RULE.**

16      Not later than 18 months after the date of the enact-  
 17      ment of this Act, the Consumer Product Safety Commis-  
 18      sion shall issue a final rule in its proceeding entitled Port-  
 19      able Generators for which the Commission issued an ad-  
 20      vance notice of proposed rulemaking on December 12,  
 21      2006 (71 FR 74472), that includes a requirement that  
 22      portable generators incorporate an automatic shut-off fea-  
 23      ture if compliance with such a requirement is techno-  
 24      logically feasible.

1 **SEC. 5. STATE GRANT PROGRAM FOR CARBON MONOXIDE**  
2 **ALARMS.**

3 (a) STATE APPROVED CARBON MONOXIDE ALARM  
4 GRANT PROGRAM.—

5 (1) IN GENERAL.—Subject to the availability of  
6 appropriations authorized by subsection (c), the  
7 Consumer Product Safety Commission shall estab-  
8 lish a grant program to provide assistance to eligible  
9 States to carry out a carbon monoxide alarm pro-  
10 gram.

11 (2) ELIGIBILITY.—

12 (A) IN GENERAL.—To be eligible for a  
13 grant under the program, a State shall—

14 (i) demonstrate to the satisfaction of  
15 the Commission that the State has enacted  
16 legislation, or a State agency has promul-  
17 gated a State-wide rule, regulation, or  
18 similar measure with the force and effect  
19 of law that—

20 (I) requires approved carbon  
21 monoxide alarms be installed in ac-  
22 cordance with NFPA 720 in all com-  
23 mercial residential dwelling units and  
24 all new dwelling unit construction;  
25 and

1 (II) provides penalties for failure  
2 to install such alarms; and

3 (ii) submit an application to the Com-  
4 mission at such time, in such form, and  
5 containing such additional information as  
6 the Commission may require.

7 (B) APPLICATION SUBMITTAL.—Submittal  
8 of an application under subparagraph (A)(ii)  
9 may be submitted on behalf of any qualified  
10 State by the fire code enforcement officials for  
11 such State.

12 (3) GRANT AMOUNT; PRIORITY.—The Commis-  
13 sion shall determine the amount of the grants  
14 awarded under this section, and shall give priority  
15 to—

16 (A) multi-State applications (including  
17 those made by a nonprofit organization rep-  
18 resenting fire code enforcement officials on be-  
19 half of more than 1 State) if all participating  
20 States meet the requirements of paragraph (2);  
21 and

22 (B) States demonstrating greater than av-  
23 erage losses of life from carbon monoxide poi-  
24 soning in the home.



1           (4) USE OF FUNDS.—A State receiving a grant  
2 under this section may use grant funds—

3           (A) to train that State’s fire code enforce-  
4 ment officials in the proper enforcement of  
5 State laws concerning approved carbon mon-  
6 oxide alarms and the installation of such alarms  
7 in accordance with NFPA 720;

8           (B) for the development and dissemination  
9 of training materials, instructors, and any other  
10 costs related to the training sessions authorized  
11 by this paragraph; and

12           (C) to educate the public about the risk as-  
13 sociated with carbon monoxide as a poison and  
14 the importance of proper carbon monoxide  
15 alarm use.

16           (5) LIMITATION ON USE OF FUNDS.—

17           (A) ADMINISTRATIVE COSTS.—Not more  
18 than 10 percent of any grant awarded under  
19 this section may be used for administrative  
20 costs not directly related to training described  
21 in paragraph (4)(A).

22           (B) PUBLIC OUTREACH.—Not more than  
23 25 percent a grant awarded under this section  
24 may be used for the activities described in para-  
25 graph (4)(C).

1 (b) DEFINITIONS.—In this section:

2 (1) APPROVED CARBON MONOXIDE ALARM.—

3 The term “approved carbon monoxide alarm” means  
4 a carbon monoxide alarm that complies with the  
5 standards, whether voluntary or mandatory, issued,  
6 approved, or otherwise supported by the Commission  
7 with respect to such alarms, whether those stand-  
8 ards have been developed unilaterally by the Com-  
9 mission or in conjunction with other parties.

10 (2) CARBON MONOXIDE ALARM.—The term

11 “carbon monoxide alarm” means a device that de-  
12 tects the presence of carbon monoxide and sounds  
13 an alarm if the level of carbon monoxide detected by  
14 the device poses a health risk to persons within the  
15 vicinity of the device.

16 (3) COMMISSION.—The term “Commission”

17 means the Consumer Product Safety Commission.

18 (4) DWELLING UNIT.—The term “dwelling

19 unit” means a room or suite of rooms used for  
20 human habitation, and includes a single family resi-  
21 dence as well as each living unit of a multiple family  
22 residence (including apartment buildings) and each  
23 living unit in a mixed use building.

24 (5) FIRE CODE ENFORCEMENT OFFICIALS.—

25 The term “fire code enforcement officials” means of-

1 officials of the Fire Safety Code Enforcement Agency  
2 of a State.

3 (6) NFPA 720.—The term “NFPA 720”  
4 means the Standard for the Installation of Carbon  
5 Monoxide (CO) Warning Equipment in Dwelling  
6 Units issued by the National Fire Protection Asso-  
7 ciation in 2008 and any amended or similar suc-  
8 cessor standard pertaining to the proper installation  
9 of carbon monoxide alarms in dwelling units.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
11 are authorized to be appropriated to the Commission  
12 \$2,000,000 for each of the fiscal years 2010 through 2014  
13 to carry out this section, such sums to remain available  
14 until expended. Any amounts appropriated pursuant to  
15 this subsection that remain unexpended and unobligated  
16 at the end of fiscal year 2014 shall be retained by the  
17 Commission and credited to the appropriations account  
18 that funds enforcement of the Consumer Products Safety  
19 Act.

20 (d) COMMISSION REPORT.—Not later than 1 year  
21 after the last day of each fiscal year for which grants are  
22 made under this section, the Commission shall submit to  
23 Congress a report evaluating the implementation of the  
24 grant program authorized by this section.

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