

112TH CONGRESS
2D SESSION

H. R. 4326

To direct the Consumer Product Safety Commission 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 29, 2012

Mr. MATHESON (for himself, Mr. BASS of New Hampshire, Mr. BILBRAY, Mr. BUTTERFIELD, Mr. COBLE, and Mrs. NAPOLITANO) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Consumer Product Safety Commission 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Residential Carbon
3 Monoxide Poisoning Prevention Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

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

11 (2) Unintentional carbon monoxide poisoning
12 from motor vehicles and the abnormal operation of
13 fuel-burning appliances, such as furnaces, water
14 heaters, portable generators, and stoves, in residen-
15 tial homes and other dwelling units kills more than
16 400 people each year and sends more than 20,000
17 to hospital emergency rooms for treatment.

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

22 (4) Congress should promote the purchase and
23 installation of carbon monoxide alarms in residential
24 homes and dwelling units nationwide in order to pro-
25 mote the health and public safety of citizens
26 throughout the Nation.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) APPROVED CARBON MONOXIDE ALARM.—

4 The term “approved carbon monoxide alarm” means
5 a carbon monoxide alarm that complies with the
6 standards published, incorporated, or amended by
7 the Commission with respect to such alarms under
8 this Act.

9 (2) CARBON MONOXIDE ALARM.—The term
10 “carbon monoxide alarm” means a device that—

11 (A) detects carbon monoxide; and

12 (B) is intended to alarm at carbon mon-
13 oxide concentrations below those that could
14 cause a loss of ability to react to the dangers
15 of carbon monoxide exposure.

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 of
2 a State or local government.

3 (6) NFPA 720.—The term “NFPA 720”
4 means—

5 (A) the Standard for the Installation of
6 Carbon Monoxide Detection and Warning
7 Equipment issued by the National Fire Protec-
8 tion Association in 2012; and

9 (B) any amended or similar successor
10 standard pertaining to the proper installation of
11 carbon monoxide alarms in dwelling units.

12 **SEC. 4. ADOPTION OF CONSUMER PRODUCT SAFETY**
13 **RULES.**

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

24 (b) REVISION OF STANDARDS.—Beginning 1 year
25 after the date of the enactment of this Act, if either stand-

1 and described in subsection (a) is revised through the ap-
2 plicable consensus standards development process, Under-
3 writers Laboratories shall notify the Commission of the
4 revision and the revision shall be incorporated in the con-
5 sumer product safety rule unless, not later than 60 days
6 after such notice, the Commission determines that such
7 revision does not carry out the purposes of this Act and
8 publishes the basis for such a determination in the Federal
9 Register.

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

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

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

3 (a) **IN GENERAL.**—Subject to the availability of ap-
4 propriations authorized under subsection (f), the Commis-
5 sion shall establish a grant program to provide assistance
6 to eligible States and local governments to carry out the
7 carbon monoxide poisoning prevention activities described
8 in subsection (d).

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

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

18 (2) submit an application to the Commission at
19 such time, in such form, and containing such addi-
20 tional information as the Commission may require,
21 which application may be filed on behalf of any
22 qualified State or local government by the fire code
23 enforcement officials for such State or local govern-
24 ment.

25 (c) **GRANT AMOUNT; PRIORITY.**—The Commission
26 shall determine the amount of the grants awarded under

1 this section, and shall give priority to applications from
2 States or local governments that—

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

5 (A) within which a fuel-burning appliance
6 is installed, including a furnace, boiler, water
7 heater, fireplace, or any other apparatus, appli-
8 ance, or device that burns fuel; or

9 (B) which has an attached garage;

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

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

15 (d) USE OF FUNDS.—A State receiving a grant under
16 this section may use grant funds—

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

23 (2) to train State or local fire code enforcement
24 officials in the proper enforcement of State or local
25 laws concerning approved carbon monoxide alarms

1 and the installation of such alarms in accordance
2 with NFPA 720;

3 (3) for the development and dissemination of
4 training materials, instructors, and any other costs
5 related to the training sessions authorized by this
6 subsection; and

7 (4) to educate the public about the risk associ-
8 ated with carbon monoxide as a poison and the im-
9 portance of proper carbon monoxide alarm use.

10 (e) LIMITATION ON USE OF FUNDS.—

11 (1) ADMINISTRATIVE COSTS.—Not more than
12 10 percent of any grant funds received under this
13 section may be used to cover administrative costs
14 not directly related to training described in sub-
15 section (d)(2).

16 (2) PUBLIC OUTREACH.—Not more than 25
17 percent of any grant funds received under this sec-
18 tion may be used to cover costs of activities de-
19 scribed in subsection (d)(4).

20 (f) AUTHORIZATION OF APPROPRIATIONS.—

21 (1) AUTHORIZATION.—There is authorized to
22 be appropriated to the Commission, for each of fiscal
23 years 2012 through 2016, \$2,000,000, which shall
24 remain available until expended to carry out this
25 Act. Any amounts appropriated pursuant to this

1 subsection that remain unexpended and unobligated
2 on September 30, 2015, shall be retained by the
3 Commission and credited to the appropriations ac-
4 count that funds the enforcement of the Consumer
5 Product Safety Act.

6 (2) OFFSET.—There is authorized to be appro-
7 priated to the Government Printing Office for each
8 of fiscal years 2012 through 2016 the amount that
9 is \$2,000,000 less than the amount appropriated for
10 such Office for fiscal year 2012.

11 (g) COMMISSION REPORT.—Not later than 1 year
12 after the last day of each fiscal year for which grants are
13 awarded under this section, the Commission shall submit
14 a report to Congress that evaluates the implementation
15 of the grant program authorized under this section.

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