

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1796  
OFFERED BY MR. RUSH**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Carbon Monoxide Poi-  
3 soning 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.

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

5           (4) Congress should promote the purchase and  
6           installation of carbon monoxide alarms in residential  
7           homes and dwelling units nationwide in order to pro-  
8           mote the health and public safety of citizens  
9           throughout the Nation.

10 **SEC. 3. DEFINITIONS.**

11       For purposes of this Act, the following definitions  
12       apply:

13           (1) The term “approved carbon monoxide  
14           alarm” means a carbon monoxide alarm that com-  
15           plies with the standards ANSI/UL 2034 or ANSI/  
16           UL 2075 of the American National Standards Insti-  
17           tute and is listed by a nationally recognized testing  
18           laboratory.

19           (2) The term “carbon monoxide alarm” means  
20           a device that detects carbon monoxide and sounds a  
21           distinctive audible alert when carbon monoxide is de-  
22           tected.

23           (3) The term “Commission” means the Con-  
24           sumer Product Safety Commission.

1           (4) The term “dwelling unit” means a room or  
2           suite of rooms used for human habitation, and in-  
3           cludes a single family residence as well as each living  
4           unit of a multiple family residence (including apart-  
5           ment buildings) and each living unit in a mixed use  
6           building.

7           (5) The term “fire code enforcement officials”  
8           means officials of the fire safety code enforcement  
9           agency of a State or local government.

10          (6) The term “NFPA 720” means the Stand-  
11          ard for the Installation of Carbon Monoxide Warn-  
12          ing Equipment in Dwelling Units issued by the Na-  
13          tional Fire Protection Association in 2008, and any  
14          amended or similar successor standard pertaining to  
15          the proper installation of carbon monoxide alarms in  
16          dwelling units.

17 **SEC. 4. ADOPTION OF CONSUMER PRODUCT SAFETY**  
18 **RULES.**

19          (a) MANDATORY STANDARDS.—Notwithstanding any  
20          other provision of law, not later than 90 days after the  
21          date of enactment of this Act, the Commission shall pub-  
22          lish in the Federal Register as mandatory consumer prod-  
23          uct safety standards the American National Standard for  
24          Single and Multiple Station Carbon Monoxide Alarms  
25          (ANSI/UL 2034) and the American National Standard for

1 Gas and Vapor Detectors and Sensors (ANSI/UL 2075).  
2 Such mandatory consumer product safety standards shall  
3 take effect 180 days after they are published.

4 (b) LABELING.—Beginning 1 year after the date of  
5 enactment of this Act, a manufacturer selling or offering  
6 for sale in the United States a carbon monoxide alarm  
7 manufactured more than 1 year after the date of enact-  
8 ment of this Act, shall clearly identify on any container  
9 of the alarm and on the alarm its conformance with the  
10 requirements of the applicable consumer product safety  
11 standard published under subsection (a). The display of  
12 the UL logo or listing mark, and compliance with the date  
13 marking requirements of ANSI/UL 2034 or ANSI/UL  
14 2075, on both the container and the detector, shall satisfy  
15 the requirements of this subsection.

16 (c) REVISION OF STANDARDS.—Beginning 1 year  
17 after the date of enactment of this Act, if either standard  
18 of the American National Standards Institute described  
19 in subsection (a) is revised through the applicable con-  
20 sensus standards development process, Underwriters Lab-  
21 oratories shall notify the Commission of the revision and  
22 the revision shall be incorporated in the consumer product  
23 safety rule unless, within 30 days of such notice, the Com-  
24 mission determines that such revision does not carry out

1 the purposes of this Act and publishes the basis for such  
2 a determination in the Federal Register.

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

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

20 **SEC. 5. REPORT TO CONGRESS.**

21 Not later than 1 year after the date of enactment  
22 of this Act, the Commission shall complete a study to  
23 evaluate whether requiring a language or languages in ad-  
24 dition to English would improve the effectiveness of the  
25 label required of manufacturers of portable generators by

1 the Commission under part 1407 of title 16, Code of Fed-  
2 eral Regulations, to warn consumers of carbon monoxide  
3 hazards.

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

6 (a) IN GENERAL.—Subject to the availability of ap-  
7 propriations authorized by subsection (f), the Commission  
8 shall establish a grant program to provide assistance to  
9 eligible States and local governments to carry out the car-  
10 bon monoxide poisoning prevention activities in subsection  
11 (d).

12 (b) ELIGIBILITY.—To be eligible for a grant under  
13 the 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 adopt-  
16 ed a statute, or a State or local government agency  
17 has adopted a rule, regulation, or similar measure  
18 with the force and effect of law, requiring approved  
19 carbon monoxide alarms to be installed in accord-  
20 ance with 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;  
16 and

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

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

21 (1) to purchase and install approved carbon  
22 monoxide alarms in the dwelling units of low-income  
23 families or elderly persons, facilities that commonly  
24 serve children or the elderly, including childcare fa-

1 facilities, public schools, and senior centers, or student  
2 dwelling units owned by public universities;

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

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

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

15 (e) LIMITATION ON USE OF FUNDS.—

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

20 (2) PUBLIC OUTREACH.—No more than 25 per-  
21 cent of any grant may be used to cover costs of ac-  
22 tivities described in paragraph (4) of subsection (d).

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are authorized to be appropriated to the Commission  
25 \$2,000,000 for each of fiscal years 2011 through 2015

1 to carry out this Act, such sums to remain available until  
2 expended. Any amounts appropriated pursuant to this  
3 paragraph that remain unexpended and unobligated at the  
4 end of fiscal year 2015 shall be retained by the Commis-  
5 sion and credited to the appropriations account that funds  
6 enforcement of the Consumer Product Safety Act.

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

