

COMMITTEE PRINT

SHOWING THE TEXT OF H.R. 1796, AS FORWARDED BY THE SUBCOMMITTEE
ON COMMERCE, TRADE, AND CONSUMER PROTECTION

June 30, 2010

111TH CONGRESS
2^D SESSION

H. R. 1796

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

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
10 unhealthy levels of carbon monoxide can lead to car-
11 bon monoxide poisoning, a serious health condition
12 that could 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
16 heaters, portable generators, and stoves, in residen-
17 tial homes and other dwelling units kills more than
18 400 people each year and sends more than 20,000
19 to hospital 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 mote the health and public safety of citizens
3 throughout 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 ANSI/UL 2034 or ANSI/
10 UL 2075 of the American National Standards Insti-
11 tute and is listed by a nationally recognized testing
12 laboratory.

13 (2) The term “carbon monoxide alarm” means
14 a device that detects carbon monoxide and sounds a
15 distinctive audible alert when carbon monoxide is de-
16 tected.

17 (3) The term “Commission” means the Con-
18 sumer 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 manufactured more than 1 year after the date of enact-
2 ment of this Act, shall clearly identify on any container
3 of the alarm and on the alarm its conformance with the
4 requirements of the applicable consumer product safety
5 standard published under subsection (a). The display of
6 the UL logo or listing mark, and compliance with the date
7 marking requirements of ANSI/UL 2034 or ANSI/UL
8 2075, on both the container and the detector, shall satisfy
9 the requirements of this subsection.

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

21 (d) RULEMAKING.—Notwithstanding any other provi-
22 sion of this Act, the Commission may, at any time subse-
23 quent to publication of the consumer product safety stand-
24 ards required by subsection (a), initiate a rulemaking in
25 accordance with section 553 of title 5, United States Code,

1 to amend either standard to include any provision that the
2 Commission determines is reasonably necessary to ensure
3 the safe and effective operation of carbon monoxide
4 alarms.

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

13 **SEC. 5. REPORT TO CONGRESS.**

14 Not later than 1 year after the date of enactment
15 of this Act, the Commission shall complete a study to
16 evaluate whether requiring a language or languages in ad-
17 dition to English would improve the effectiveness of the
18 label required of manufacturers of portable generators by
19 the Commission under part 1407 of title 16, Code of Fed-
20 eral Regulations, to warn consumers of carbon monoxide
21 hazards.

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

24 (a) IN GENERAL.—Subject to the availability of ap-
25 propriations authorized by subsection (f), the Commission

1 shall establish a grant program to provide assistance to
2 eligible States and local governments to carry out the car-
3 bon monoxide poisoning prevention activities in subsection
4 (d).

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

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

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

21 (c) GRANT AMOUNT; PRIORITY.—The Commission
22 shall determine the amount of the grants awarded under
23 this section, and shall give priority to applications from
24 States or local governments that—

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

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

7 (B) which has an attached garage;

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

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

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

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

21 (2) to train State or local fire code enforcement
22 officials in the proper enforcement of State or local
23 laws concerning approved carbon monoxide alarms
24 and the installation of such alarms in accordance
25 with NFPA 720;

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

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

8 (e) LIMITATION ON USE OF FUNDS.—

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

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

16 (f) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the Commission
18 \$2,000,000 for each of fiscal years 2011 through 2015
19 to carry out this Act, such sums to remain available until
20 expended. Any amounts appropriated pursuant to this
21 paragraph that remain unexpended and unobligated at the
22 end of fiscal year 2015 shall be retained by the Commis-
23 sion and credited to the appropriations account that funds
24 enforcement of the Consumer Product Safety Act.

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