

111TH CONGRESS
1ST 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 “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 any fuel. Exposure to
5 unhealthy levels of carbon monoxide can lead to car-
6 bon monoxide poisoning, a serious health condition
7 that could result in death.

8 (2) Carbon monoxide poisoning from the use of
9 fuel-burning appliances, such as furnaces, water
10 heaters, portable generators, and stoves, in residen-
11 tial homes and other dwelling units kills at least 500
12 people each year and sends more than 20,000 to
13 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 nationwide in order to pro-
21 mote the health and public safety of citizens
22 throughout the Nation.

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, within 90 days
10 after the date of enactment of the Residential Car-
11 bon Monoxide Poisoning Prevention Act, the Con-
12 sumer Product Safety Commission shall publish in
13 the Federal Register as a mandatory consumer prod-
14 uct safety standard the American National Standard
15 for Single and Multiple Station Carbon Monoxide
16 Alarms (American National Standard ANSI/UL
17 2034–2005). The standard shall take effect 180
18 days after it is published.

19 “(2) COMPLIANCE WITH STANDARD.—After the
20 standard takes effect, it shall be unlawful for any
21 manufacturer or distributor to import into or dis-
22 tribute in commerce in the United States any new
23 assembled or unassembled residential carbon mon-
24 oxide detector unless it complies with the standard.

25 “(3) VIOLATION.—The failure to comply with
26 paragraph (2) shall be deemed to be a failure to

1 comply with a consumer product safety standard
2 under this Act and subject to all of the penalties and
3 remedies available under this Act.

4 “(4) OTHER TYPES OF CARBON MONOXIDE DE-
5 TECTORS.—Paragraph (2) does not apply to any
6 carbon monoxide detector not covered by the stand-
7 ard as provided in section 1.4 of the standard.

8 “(b) LABELING.—Beginning 1 year after the date of
9 enactment of the Residential Carbon Monoxide Poisoning
10 Prevention Act, a manufacturer selling or offering for sale
11 in the United States a residential carbon monoxide detec-
12 tor manufactured more than 1 year after the date of en-
13 actment of that Act, shall clearly identify on any container
14 of the detector and on the detector its conformance with
15 the requirements of the consumer product safety standard
16 promulgated under subsection (a).

17 “(c) MODIFICATION OF STANDARD.—

18 “(1) ANSI REVISIONS.—If the American Na-
19 tional Standard ANSI/UL 2034–2008 is revised
20 through the applicable consensus standards develop-
21 ment process after the date on which the product
22 safety standard for residential carbon monoxide de-
23 tectors is published in the Federal Register, the
24 American National Standards Institute shall notify
25 the Commission of the revision.

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

16 “(3) ADDITIONAL SAFETY REQUIREMENTS.—
17 Notwithstanding any other provision of this Act, the
18 Commission may, pursuant to sections 7 and 9 of
19 this Act, amend the product safety standard for resi-
20 dential carbon monoxide detectors to include any ad-
21 ditional provision that the Commission determines is
22 reasonably necessary to ensure their safe and effec-
23 tive operation.

24 “(4) CERTAIN PROVISIONS NOT APPLICABLE.—
25 Sections 7 and 9 of this Act shall not apply to pro-

1 mulgation of any amendment of the product safety
2 standard under paragraph (2). Judicial review of
3 any amendment of the standard under paragraph
4 (2) shall be in accordance with chapter 7 of title 5,
5 United States Code.”.

6 (b) CONFORMING AMENDMENT.—The table of con-
7 tents of the Consumer Product Safety Act is amended by
8 inserting after the item relating to section 42 the fol-
9 lowing:

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

10 **SEC. 4. REDUCING DEATHS AND INJURIES FROM CARBON**
11 **MONOXIDE POISONING.**

12 Not later than 180 days after the date of enactment
13 of this Act, the Consumer Product Safety Commission
14 shall promulgate consumer product safety rules, pursuant
15 to section 7 of the Consumer Product Safety Act (15
16 U.S.C. 2056), requiring, at a minimum, the following:

17 (1) WARNING LABELS.—Each portable gener-
18 ator sold to the public for purposes other than resale
19 shall have a large, prominently displayed warning
20 label on the exterior packaging, if any, of the port-
21 able generator and permanently affixed on the port-
22 able generator regarding the carbon monoxide haz-
23 ard posed by incorrect use of the portable generator.
24 The warning label shall include the word “DAN-
25 GER” in prominently displayed text and shall in-

1 include the following information, at a minimum, pre-
2 sented in a clear manner:

3 (A) Indoor use of a portable generator can
4 kill quickly.

5 (B) Portable generators should be used
6 outdoors only and away from garages and open
7 windows.

8 (C) Portable generators produce carbon
9 monoxide, a poisonous gas that people cannot
10 see or smell.

11 (2) PICTOGRAM.—Each portable generator sold
12 to the public for purposes other than resale shall
13 have a large pictogram, affixed to the portable gen-
14 erator, which clearly states “OUTDOOR USE
15 ONLY: EMITS POISONOUS GAS” and visually
16 depicts the harmful effects of breathing carbon mon-
17 oxide.

18 (3) INSTRUCTION MANUAL.—The instruction
19 manual, if any, that accompanies any portable gen-
20 erator sold to the public for purposes other than re-
21 sale shall include detailed, clear, and conspicuous
22 statements that include the following elements:

23 (A) A warning that portable generators
24 emit carbon monoxide, a poisonous gas that can
25 kill people.

1 (B) A warning that people cannot smell,
2 see, or taste carbon monoxide.

3 (C) An instruction to operate portable gen-
4 erators only outdoors and away from windows,
5 garages, and air intakes.

6 (D) An instruction never to operate port-
7 able generators inside homes, garages, sheds, or
8 other semi-enclosed spaces, even if a person
9 runs a fan or opens doors and windows.

10 (E) A warning that if a person begins to
11 feel sick, dizzy, or weak while using a portable
12 generator, that person should shut off the port-
13 able generator, get to fresh air immediately,
14 and consult a doctor.

15 **SEC. 5. STATE GRANT PROGRAM FOR CARBON MONOXIDE**
16 **ALARMS.**

17 (a) STATE APPROVED CARBON MONOXIDE ALARM
18 GRANT PROGRAM.—

19 (1) IN GENERAL.—Subject to the availability of
20 appropriations authorized by subsection (c), the
21 Consumer Product Safety Commission shall estab-
22 lish a grant program to provide assistance to eligible
23 States to carry out a carbon monoxide alarm pro-
24 gram.

1 (2) ELIGIBILITY.—To be eligible for a grant
2 under the program, a State shall—

3 (A) demonstrate to the satisfaction of the
4 Commission that the State has adopted a stat-
5 ute, or a State agency has adopted a state-wide
6 rule, regulation, or similar measure with the
7 force and effect of law, requiring the inclusion
8 of approved carbon monoxide alarms installed
9 in accordance with NFPA 720 in all commer-
10 cial residential dwelling units and all new dwell-
11 ing unit construction and providing penalties
12 for failure to include such alarms; and

13 (B) submit an application to the Commis-
14 sion at such time, in such form, and containing
15 such additional information as the Commission
16 may require. The application may be filed on
17 behalf of any qualified State by the fire code
18 enforcement officials for such State.

19 (3) GRANT AMOUNT; PRIORITY.—The Commis-
20 sion shall determine the amount of the grants
21 awarded under this section, and shall give priority
22 to—

23 (A) multi-State applications (including
24 those made by a nonprofit organization rep-
25 resenting fire code enforcement officials on be-

1 half of more than 1 State) if all participating
2 States meet the requirements of this paragraph;
3 and

4 (B) States demonstrating greater than av-
5 erage losses of life from carbon monoxide poi-
6 soning in the home.

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

9 (A) to train that State’s fire code enforce-
10 ment officials in the proper enforcement of
11 State laws concerning approved carbon mon-
12 oxide alarms and the installation of such alarms
13 in accordance with NFPA 720;

14 (B) for the development and dissemination
15 of training materials, instructors, and any other
16 costs related to the training sessions authorized
17 by this paragraph; and

18 (C) to educate the public about the risk as-
19 sociated with carbon monoxide as a poison and
20 the importance of proper carbon monoxide
21 alarm use.

22 (5) LIMITATION ON USE OF FUNDS.—

23 (A) ADMINISTRATIVE COSTS.—No more
24 than 10 percent of any grant funds may be
25 used to cover administrative costs not directly

1 related to training described in paragraph
2 (4)(A).

3 (B) PUBLIC OUTREACH.—No more than
4 25 percent of any grant may be used to cover
5 costs of activities described in paragraph
6 (4)(C).

7 (b) DEFINITIONS.—In this section:

8 (1) APPROVED CARBON MONOXIDE ALARM.—
9 The term “approved carbon monoxide alarm” means
10 a carbon monoxide alarm that complies with the
11 standards, whether voluntary or mandatory, issued,
12 approved, or otherwise supported by the Commission
13 with respect to such alarms, whether those stand-
14 ards have been developed unilaterally by the Com-
15 mission or in conjunction with other parties.

16 (2) CARBON MONOXIDE ALARM.—The term
17 “carbon monoxide alarm” means a device that de-
18 tects the presence of carbon monoxide and sounds
19 an alarm if the level of carbon monoxide detected by
20 the device poses a health risk to persons within the
21 vicinity of the device.

22 (3) COMMISSION.—The term “Commission”
23 means the Consumer Product Safety Commission.

24 (4) DWELLING UNIT.—The term “dwelling
25 unit” means a room or suite of rooms used for

1 human habitation, and includes a single family resi-
2 dence as well as each living unit of a multiple family
3 residence (including apartment buildings) and each
4 living unit in a mixed use building.

5 (5) FIRE CODE ENFORCEMENT OFFICIALS.—
6 The term “fire code enforcement officials” means of-
7 ficials of the Fire Safety Code Enforcement Agency
8 of a State.

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

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

1 (d) 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.

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