

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

June 28, 2022

Mr. Aaron P. Jagdfeld
Chairman, President, and Chief Executive Officer
Generac Power Systems, Inc.
S45 W29290 Highway 59
Waukesha, WI 53187

Dear Mr. Jagdfeld:

As Americans face the growing threat of extreme weather during hurricane season brought on by climate change, the Oversight Committee is investigating the dangers posed by portable generators and whether manufacturers, including Generac Power Systems, Inc. (Generac), are taking sufficient steps to mitigate potentially deadly carbon monoxide (CO) emissions from their products. I am concerned that your company has failed to adequately implement voluntary standards to reduce the risk of death from CO poisoning, including failing to adopt CO mitigation for most of the more than 25 models Generac sells.¹

Many Americans use portable generators during temporary power outages caused by extreme weather, including hurricanes.² Portable generators can be used to power medical equipment, heaters, fans, and refrigerators.³ In 2018, the global portable generator market was

¹ Consumer Product Safety Commission, *Briefing Package on Assessment of Portable Generator Voluntary Standards' Effectiveness in Addressing CO Hazard, and Information on Availability of Compliant Portable Generators* (Feb. 2022) (online at www.cpsc.gov/s3fs-public/Briefing-Package-on-Portable-Generator-Voluntary-Standards.pdf?VersionId=hLnAkKQ6bCD_SKin8RE6Iax.BjZsB5x3).

² *Id.*; see also Committee on Oversight and Reform, *Hearing on Hurricane Ida and Beyond: Readiness, Recovery, and Resilience* (Oct. 5, 2021) (online at <https://oversight.house.gov/legislation/hearings/hurricane-ida-and-beyond-readiness-recovery-and-resilience>) (Federal Emergency Management Agency (FEMA) Administrator Deanne Criswell testified that Hurricane Ida “left a million people in Louisiana and Mississippi without power at a time of sweltering heat”); Federal Emergency Management Agency, *Press Release: Hurricane Ida Survivors May Be Eligible for Generator and Chainsaw Reimbursement* (Sept. 6, 2021) (online at www.fema.gov/press-release/20210906/hurricane-ida-survivors-may-be-eligible-generator-and-chainsaw-reimbursement) (FEMA authorized reimbursements of up to \$800 for generators for Hurricane Ida survivors in Louisiana who experienced power loss).

³ *Generators Can Cause Deadly Carbon Monoxide Poisoning. But the Industry Resists Rules to Make Them Safer*, Texas Tribune (Dec. 17, 2021) (online at www.texastribune.org/2021/12/17/texas-generators-winter-storm-carbon-monoxide-deaths/).

valued at \$3.7 billion,⁴ and you acknowledged that a major power outage can increase your company's sales by \$50 million.⁵

Portable generators are also among the country's deadliest consumer products,⁶ yet many users are unaware that using these devices in a manner that deviates from the instruction manual can result in fatal carbon monoxide poisoning.⁷

CO is a colorless, odorless gas that is a "silent killer," causing victims to fall asleep shortly before dying.⁸ Portable generators emit as much CO gas as about 450 cars, and exposure can be fatal in as little as five minutes.⁹ Portable generators cause nearly 80 deaths per year from CO poisoning, often in the aftermath of extreme weather events.¹⁰ Between 2005 and 2017, CO poisoning from portable generators caused more than 900 deaths and an estimated 15,400 emergency room visits.¹¹

Recent extreme weather events have resulted in CO poisoning deaths from portable generators, including at least six deaths following Hurricane Ida, which struck Louisiana in 2021. A mother and her two sons died in the aftermath of Hurricane Ida from CO poisoning when exhaust from their portable generator entered the house through a back door.¹² In 2020, five

⁴ *Carbon Monoxide Poisonings Spike After Big Storms. Portable Generators Are a Culprit*, National Public Radio (Dec. 4, 2019) (online at www.npr.org/2019/12/04/784279242/carbon-monoxide-poisoning-from-portable-generators-proves-predictable-and-deadly).

⁵ *Generators Can Cause Deadly Carbon Monoxide Poisoning. But the Industry Resists Rules to Make Them Safer*, Texas Tribune (Dec. 17, 2021) (online at www.texastribune.org/2021/12/17/texas-generators-winter-storm-carbon-monoxide-deaths/).

⁶ *Id.*

⁷ See Consumer Product Safety Commission, *Briefing Package on Assessment of Portable Generator Voluntary Standards' Effectiveness in Addressing CO Hazard, and Information on Availability of Compliant Portable Generators* (Feb. 2022) (online at www.cpsc.gov/s3fs-public/Briefing-Package-on-Portable-Generator-Voluntary-Standards.pdf?VersionId=hLnAkKQ6bCD_SKin8RE6Iax.BjZsB5x3).

⁸ *Safety Feature on Portable Generators Could Save Lives, Consumer Reports' Tests Show*, Consumer Reports (Aug. 9, 2021) (online at www.consumerreports.org/portable-generators/new-safety-feature-on-portable-generators-could-save-lives-consumer-reports-tests-show/).

⁹ *Carbon Monoxide Poisonings Spike After Big Storms. Portable Generators Are a Culprit*, National Public Radio (Dec. 4, 2019) (online at www.npr.org/2019/12/04/784279242/carbon-monoxide-poisoning-from-portable-generators-proves-predictable-and-deadly).

¹⁰ Consumer Product Safety Commission, *Press Release: New CPSC Report Finds Industry Voluntary Standards Can Reduce Risk of Carbon Monoxide Death and Injury from Portable Generators, yet Compliance with Standards Is Minimal; Supports Mandatory Rulemaking Process* (Feb. 23, 2022) (online at www.cpsc.gov/Newsroom/News-Releases/2022/New-CPSC-Report-Finds-Industry-Voluntary-Standards-Can-Reduce-Risk-of-Carbon-Monoxide-Death-and-Injury-from-Portable-Generators-Yet-Compliance-with-Standards-Is-Minimal-Supports-Mandatory-Rulemaking-Process).

¹¹ *Carbon Monoxide Poisonings Spike After Big Storms. Portable Generators Are a Culprit*, National Public Radio (Dec. 4, 2019) (online at www.npr.org/2019/12/04/784279242/carbon-monoxide-poisoning-from-portable-generators-proves-predictable-and-deadly).

¹² *3 Killed by Carbon Monoxide Poisoning from Generator Use in Marrero*, New Orleans Advocate (Sept. 2, 2021) (online at www.nola.com/news/article_db234876-0c52-11ec-8c0a-870821e6be41.html); *Generators Can*

family members died from CO poisoning in Louisiana in the aftermath of Hurricane Laura, after wind blew an attached garage door closed, trapping the CO inside the house.¹³ Portable generators resulted in a total of eight deaths following Hurricane Laura.¹⁴

Portable generators also resulted in ten deaths following winter power outages in Texas in 2021,¹⁵ and at least nine deaths following Superstorm Sandy in 2012, including at least three in New York—a couple in their 70s and a 44-year-old woman.¹⁶ As a result of climate change, extreme weather events are occurring more often and are more severe.¹⁷

In 2016, the Consumer Product Safety Commission (CPSC) issued a notice of proposed rulemaking to limit the CO emissions of portable generators. However, this rule was never finalized. The Consumer Product Safety Act prohibits CPSC from issuing a final rule when there is a voluntary standard that will eliminate or adequately reduce the chance of injury and if there is substantial compliance with that standard.¹⁸ In 2018, two voluntary standards were adopted for portable generators, limiting CPSC's ability to issue a mandatory rule. One rule was developed by Underwriters Laboratories, entitled *Standard for Safety for Carbon Monoxide (CO) Emission Rate of Portable Generators, Second Edition* (UL 2201). The second was developed by the Portable Generator Manufacturers Association (PGMA), entitled *ANSI/PGMA G300-2018 Safety and Performance of Portable Generators* (PGMA G300). Both voluntary standards

Cause Deadly Carbon Monoxide Poisoning. But the Industry Resists Rules to Make Them Safer, Texas Tribune (Dec. 17, 2021) (online at www.texastribune.org/2021/12/17/texas-generators-winter-storm-carbon-monoxide-deaths/).

¹³ *Houston Native Lost 5 Family Members to Carbon Monoxide Poisoning*, KHOU (Feb. 11, 2021) (online at www.khou.com/article/news/local/carbon-monoxide-family-killed-generators/285-d6c40afc-33df-4380-90df-178dda9d6432).

¹⁴ *Majority of Hurricane Laura Deaths Linked to Improper Use of Portable Generators*, National Public Radio (Sept. 1, 2020) (online at www.npr.org/2020/09/01/908515238/majority-of-hurricane-laura-deaths-linked-to-improper-use-of-portable-generators).

¹⁵ *Generators Can Cause Deadly Carbon Monoxide Poisoning. But the Industry Resists Rules to Make Them Safer*, Texas Tribune (Dec. 17, 2021) (online at www.texastribune.org/2021/12/17/texas-generators-winter-storm-carbon-monoxide-deaths/).

¹⁶ *Carbon Monoxide Deaths: Generators Cause at Least Nine Fatal Poisonings After Hurricane Sandy*, Huffington Post (Nov. 2, 2012) (online at www.huffpost.com/entry/carbon-monoxide-deaths-generators-poisonings-hurricane-sandy_n_2064990); *Sandy's Silent Killer: Carbon Monoxide Claims Another Victim*, NBC News (Nov. 8, 2012) (online at www.nbcnews.com/news/us-news/sandys-silent-killer-carbon-monoxide-claims-another-victim-flna1c6961795).

¹⁷ *Nearly 1 in 3 Americans Experienced a Weather Disaster This Summer*, Washington Post (Sept. 4, 2021) (online at www.washingtonpost.com/climate-environment/2021/09/04/climate-disaster-hurricane-ida/).

¹⁸ Consumer Product Safety Commission, *Briefing Package on Assessment of Portable Generator Voluntary Standards' Effectiveness in Addressing CO Hazard, and Information on Availability of Compliant Portable Generators* (Feb. 2022) (online at www.cpsc.gov/s3fs-public/Briefing-Package-on-Portable-Generator-Voluntary-Standards.pdf?VersionId=hLnAkKQ6bCD_SKin8RE6Iax.BjZsB5x3); Congressional Research Service, *The Consumer Product Safety Act: A Legal Analysis* (Apr. 24, 2018) (R45174) (online at <https://sgp.fas.org/crs/misc/R45174.pdf>).

require that portable generators shut off when too much CO is detected near a generator, and Underwriter Laboratories' standard requires lower-emission engines.¹⁹

Unfortunately, a February 2022 CPSC staff report found that “currently there does not appear to be wide compliance with either standard” and that it is “uncertain whether there is likely to be wide compliance with either voluntary standard in the future.” The Underwriter Laboratories' standard, which was found to be most effective and capable of averting nearly 100% of deaths from portable generators if implemented, has been adopted by only a limited number of companies.²⁰

The report, based on a review of the portable generator market from September to October 2021, found that more than 75% of portable generator models comply with neither of the voluntary standards. CPSC staff found that compliance with the more rigorous Underwriter Laboratories standard was “minimal,” and that even the less rigorous PGMA standard, which does not require a low-emission engine, was “still lacking for most models or units” of portable generators.²¹

Your company is among those that have largely failed to adopt these potentially life-saving voluntary standards. CPSC staff found that as of October 2021, Generac had adopted CO mitigation in only a limited number of the more than 25 models your company sold.²²

Dr. Fred Henretig, a senior toxicologist at the Children's Hospital of Philadelphia, has treated patients with CO poisoning from portable generators in the aftermath of natural disasters. Describing generator manufacturers, he said, “Few of them did the one thing that we think is really the critical step, which is to change the design of the generators so that they emit much less carbon monoxide.” He went on to say, “So they keep pumping out lots and lots of carbon monoxide, and it keeps happening.”²³

¹⁹ Consumer Product Safety Commission, *Briefing Package on Assessment of Portable Generator Voluntary Standards' Effectiveness in Addressing CO Hazard, and Information on Availability of Compliant Portable Generators* (Feb. 2022) (online at www.cpsc.gov/s3fs-public/Briefing-Package-on-Portable-Generator-Voluntary-Standards.pdf?VersionId=hLnAkKQ6bCD_SKin8RE6Iax.BjZsB5x3).

²⁰ *Id.*; See *Generators Can Cause Deadly Carbon Monoxide Poisoning. But the Industry Resists Rules to Make Them Safer*, Texas Tribune (Dec. 17, 2021) (online at www.texastribune.org/2021/12/17/texas-generators-winter-storm-carbon-monoxide-deaths/).

²¹ Consumer Product Safety Commission, *Briefing Package on Assessment of Portable Generator Voluntary Standards' Effectiveness in Addressing CO Hazard, and Information on Availability of Compliant Portable Generators* (Feb. 2022) (online at www.cpsc.gov/s3fs-public/Briefing-Package-on-Portable-Generator-Voluntary-Standards.pdf?VersionId=hLnAkKQ6bCD_SKin8RE6Iax.BjZsB5x3).

²² *Id.* The CPSC staff market review occurred from September to October 2021. Generac has since added additional models with CO mitigation to its website, but most of the models on the website still do not indicate that they have CO mitigation. Generac Power Systems, *Portable Generators for All Needs* (online at www.generac.com/all-products/generators/portable-generators#?cat=37&cat=214&cat=217&cat=249) (accessed June 14, 2022).

²³ *Generators Can Cause Deadly Carbon Monoxide Poisoning. But the Industry Resists Rules to Make Them Safer*, Texas Tribune (Dec. 17, 2021) (online at www.texastribune.org/2021/12/17/texas-generators-winter-storm-carbon-monoxide-deaths/).

It is critical that manufacturers produce portable generators that are safe for consumers, including by fully implementing carbon monoxide mitigation measures, such as low-emission engines and automatic shut-off switches. The Committee is seeking to understand why your company has failed to adequately adopt industry-led standards, how your company plans to prevent putting your customers at risk in the future, and whether legislative reform is necessary to protect consumers. For all these reasons, please provide by July 12, 2022:

Written answers to the following questions:

1. Does your company plan to adopt the UL 2201 voluntary standard or transition to lower-emission engines? Please identify for which models and when the standard will be implemented.
2. Does your company plan to adopt the PGMA G300 voluntary standard for models that do not currently meet this standard? Please identify for which models and when this standard will be implemented.
3. Please provide a detailed description of every instance of injury or death from CO exposure connected or potentially connected in any way with the use of any of your company's portable generators, including the date and location of the event, year and model of the portable generator, whether the adverse action was a fatality or serious injury, all details about the injury, the age, and the location of the victim, and the circumstances surrounding the event.
4. Please provide a list of all portable generator models sold by your company that are currently on the market, including whether each model conforms with one or more voluntary standard, the average retail price, the number of units sold per quarter for each model, and the annual revenue and profit from each model.

The following documents and communications covering the period of January 1, 2018, to the present:

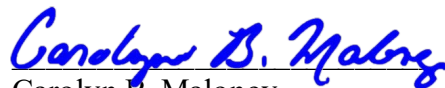
1. All documents and communications related to the costs and benefits of the potential adoption of voluntary standards or low-emission engines, including but not limited to any communications with internal or external doctors, scientists, consultants, engineers, experts, or trade associations;
2. All communications related to any injury or death from CO exposure connected or potentially connected in any way with the use of any of your company's portable generators;
3. All documents and communications related to the potential risk of injury or death associated with your company's portable generators from CO exposure, including but not limited to whether information known to your company triggered

mandatory or voluntary reporting obligations to CPSC or any other government body;

4. All communications with and submissions to CPSC referring or relating to your company's portable generators;
5. All complaints, including by consumers, retailers, or others, involving CO-related safety issues of your company's portable generators; and
6. All policies and procedures that your company uses to test portable generators for safety, including prior to releasing a product, while the product is being sold, and after receiving adverse event information.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. An attachment to this letter provides additional instructions for responding to the Committee's request. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Sincerely,



Carolyn B. Maloney
Chairwoman

Enclosure

cc: The Honorable James Comer, Ranking Member