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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				

S 1216 IS

111th CONGRESS

1st Session

S. 1216

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 SENATE OF THE UNITED STATES

June 9, 2009

Ms. KLOBUCHAR (for herself and Mr. NELSON of Florida) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Residential Carbon Monoxide Poisoning Prevention Act'.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Carbon monoxide is a colorless, odorless gas produced by burning fuel. Exposure to unhealthy levels of carbon monoxide can lead to carbon monoxide poisoning, a serious health condition that could result in death.

(2) Each year, carbon monoxide poisoning from the use of fuel-burning appliances, such as furnaces, water heaters, portable generators, and stoves, in residential homes and other

dwelling units kills at least 500 people and sends more than 20,000 people to hospital emergency rooms for treatment.

(3) Research shows that purchasing and installing carbon monoxide alarms close to the sleeping areas in residential homes and other dwelling units can help avoid fatalities.

(4) Congress should promote the purchase and installation of carbon monoxide alarms in residential homes and dwelling units throughout the United States in order to promote the health and public safety of all people of the United States.

SEC. 3. ADOPTION OF ANSI/UL 2034 AS CONSUMER PRODUCT SAFETY RULE.

(a) In General- The Consumer Product Safety Act (15 U.S.C. 2051 et seq.) is amended by adding at the end thereof the following:

SEC. 43. RESIDENTIAL CARBON MONOXIDE DETECTORS.

(a) In General-

(1) MANDATORY STANDARD- Notwithstanding any other provision of law, not later than 90 days after the date of the enactment of the Residential Carbon Monoxide Poisoning Prevention Act, the Commission shall publish in the Federal Register as a mandatory consumer product safety standard the American National Standard for Single and Multiple Station Carbon Monoxide Alarms (American National Standard ANSI/UL 2034-2005), as in effect on the day before the date of such Act. The standard shall take effect 180 days after it is published.

(2) COMPLIANCE WITH STANDARD- After the standard described in paragraph (1) takes effect, it shall be unlawful for any manufacturer or distributor to import into or distribute in commerce in the United States any new assembled or unassembled residential carbon monoxide detector unless it complies with such standard or any successor standard as amended under subsection (c).

(3) VIOLATION- The failure to comply with paragraph (2) shall be deemed to be a failure to comply with a consumer product safety standard under this Act and subject to all of the penalties and remedies available under this Act.

(4) OTHER TYPES OF CARBON MONOXIDE DETECTORS- Paragraph (2) shall not apply to any carbon monoxide detector not covered by the standard as provided in section 1.4 of the standard.

(b) Labeling- Beginning 1 year after the date of the enactment of the Residential Carbon Monoxide Poisoning Prevention Act, a manufacturer selling or offering for sale in the United States a residential carbon monoxide detector manufactured more than 1 year after the date of the enactment of such Act, shall clearly identify on any container of the detector and on the detector its conformance with the requirements of the consumer product safety standard promulgated under subsection (a).

(c) Modification of Standard-

`(1) ANSI REVISIONS- If the American National Standard ANSI/UL 2034-2008 is revised through the applicable consensus standards development process after the date on which the product safety standard for residential carbon monoxide detectors is published in the Federal Register pursuant to subsection (a)(1), the American National Standards Institute shall notify the Commission of the revision.

`(2) COMMISSION ACTION- Within 120 days after it receives notice of such a revision by the American National Standards Institute, the Commission shall issue a notice of proposed rulemaking in accordance with section 553 of title 5, United States Code, to amend the product safety standard for residential carbon monoxide detectors to include any such revision that the Commission determines is reasonably related to the performance of such detectors, and notify the Institute of any revision it has determined not to be so related. The Commission shall promulgate an amendment to the standard for such detectors not later than 180 days after the date on which the notice of proposed rulemaking for the amendment is published in the Federal Register.

`(3) ADDITIONAL SAFETY REQUIREMENTS- Notwithstanding any other provision of this Act, the Commission may, pursuant to sections 7 and 9 of this Act, amend the product safety standard for residential carbon monoxide detectors to include any additional provision that the Commission determines is reasonably necessary to ensure their safe and effective operation.

`(4) CERTAIN PROVISIONS NOT APPLICABLE- Sections 7 and 9 of this Act shall not apply to promulgation of any amendment of the product safety standard under paragraph (2). Judicial review of any amendment of the standard under paragraph (2) shall be in accordance with chapter 7 of title 5, United States Code.'

(b) Conforming Amendment- The table of contents of the Consumer Product Safety Act is amended by inserting after the item relating to section 42 the following:

`Sec. 43. Residential carbon monoxide detectors.'

SEC. 4. FINAL PORTABLE GENERATOR RULE.

Not later than 18 months after the date of the enactment of this Act, the Consumer Product Safety Commission shall issue a final rule in its proceeding entitled Portable Generators for which the Commission issued an advance notice of proposed rulemaking on December 12, 2006 (71 FR 74472), that includes a requirement that portable generators incorporate an automatic shut-off feature if compliance with such a requirement is technologically feasible.

SEC. 5. STATE GRANT PROGRAM FOR CARBON MONOXIDE ALARMS.

(a) State Approved Carbon Monoxide Alarm Grant Program-

(1) IN GENERAL- Subject to the availability of appropriations authorized by subsection (c), the Consumer Product Safety Commission shall establish a grant program to provide assistance to eligible States to carry out a carbon monoxide alarm program.

(2) ELIGIBILITY-

(A) IN GENERAL- To be eligible for a grant under the program, a State shall--

(i) demonstrate to the satisfaction of the Commission that the State has enacted legislation, or a State agency has promulgated a State-wide rule, regulation, or similar measure with the force and effect of law that--

(I) requires approved carbon monoxide alarms be installed in accordance with NFPA 720 in all commercial residential dwelling units and all new dwelling unit construction; and

(II) provides penalties for failure to install such alarms; and

(ii) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require.

(B) APPLICATION SUBMITTAL- Submittal of an application under subparagraph (A)(ii) may be submitted on behalf of any qualified State by the fire code enforcement officials for such State.

(3) GRANT AMOUNT; PRIORITY- The Commission shall determine the amount of the grants awarded under this section, and shall give priority to--

(A) multi-State applications (including those made by a nonprofit organization representing fire code enforcement officials on behalf of more than 1 State) if all participating States meet the requirements of paragraph (2); and

(B) States demonstrating greater than average losses of life from carbon monoxide poisoning in the home.

(4) USE OF FUNDS- A State receiving a grant under this section may use grant funds--

(A) to train that State's fire code enforcement officials in the proper enforcement of State laws concerning approved carbon monoxide alarms and the installation of such alarms in accordance with NFPA 720;

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

(C) to educate the public about the risk associated with carbon monoxide as a poison and the importance of proper carbon monoxide alarm use.

(5) LIMITATION ON USE OF FUNDS-

(A) ADMINISTRATIVE COSTS- Not more than 10 percent of any grant awarded under this section may be used for administrative costs not directly related to training described in paragraph (4)(A).

(B) PUBLIC OUTREACH- Not more than 25 percent a grant awarded under this section may be used for the activities described in paragraph (4)(C).

(b) Definitions- In this section:

(1) APPROVED CARBON MONOXIDE ALARM- The term `approved carbon monoxide alarm' means a carbon monoxide alarm that complies with the standards, whether voluntary or mandatory, issued, approved, or otherwise supported by the Commission with respect to such alarms, whether those standards have been developed unilaterally by the Commission or in conjunction with other parties.

(2) CARBON MONOXIDE ALARM- The term `carbon monoxide alarm' means a device that detects the presence of carbon monoxide and sounds an alarm if the level of carbon monoxide detected by the device poses a health risk to persons within the vicinity of the device.

(3) COMMISSION- The term `Commission' means the Consumer Product Safety Commission.

(4) DWELLING UNIT- The term `dwelling unit' means a room or suite of rooms used for human habitation, and includes a single family residence as well as each living unit of a multiple family residence (including apartment buildings) and each living unit in a mixed use building.

(5) FIRE CODE ENFORCEMENT OFFICIALS- The term `fire code enforcement officials' means officials of the Fire Safety Code Enforcement Agency of a State.

(6) NFPA 720- The term `NFPA 720' means the Standard for the Installation of Carbon Monoxide (CO) Warning Equipment in Dwelling Units issued by the National Fire Protection Association in 2008 and any amended or similar successor standard pertaining to the proper installation of carbon monoxide alarms in dwelling units.

(c) Authorization of Appropriations- There are authorized to be appropriated to the Commission \$2,000,000 for each of the fiscal years 2010 through 2014 to carry out this section, such sums to remain available until expended. Any amounts appropriated pursuant to this subsection that remain unexpended and unobligated at the end of fiscal year 2014 shall be retained by the Commission and credited to the appropriations account that funds enforcement of the Consumer Products Safety Act.

(d) Commission Report- Not later than 1 year after the last day of each fiscal year for which grants are made under this section, the Commission shall submit to Congress a report evaluating the implementation of the grant program authorized by this section.

END