

107TH CONGRESS
1ST SESSION

H. R. 3385

To direct the Consumer Product Safety Commission to issue rules that set safety standards for marine internal combustion engines, including in regard to the emissions of toxic fumes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 29, 2001

Mr. SHADEGG (for himself and Mr. McINNIS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Consumer Product Safety Commission to issue rules that set safety standards for marine internal combustion engines, including in regard to the emissions of toxic fumes, 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. FINDINGS.**

4 The Congress finds the following:

5 (1) Carbon monoxide is a silent killer. It is
6 undetectable to sight or smell and is lethal within

1 seconds in the levels found on houseboats. In fact,
2 victims believe they are breathing clean air until
3 they slip into unconsciousness.

4 (2) Currently, there is no standard for report-
5 ing boating accidents and deaths. A death due to
6 carbon monoxide exposure often appears to be a
7 simple drowning, and witnesses to the drowning
8 often report that the early symptoms appear as alco-
9 hol intoxication. This makes the reporting of the in-
10 cident extremely difficult.

11 (3) There have been 45 deaths and 234 injuries
12 over the last two years associated with carbon mon-
13 oxide exposure and boating. However, these numbers
14 are incomplete because of the absence of a manda-
15 tory reporting requirement. The actual number is
16 likely to be much higher.

17 (4) The Subcommittee on Coast Guard and
18 Maritime Transportation of the Transportation and
19 Infrastructure Committee of the House of Rep-
20 resentatives held a hearing on recreational boating
21 safety on May 15, 2001, that covered carbon mon-
22 oxide poisoning on houseboats. Despite the testi-
23 mony heard on the dangers posed by carbon mon-
24 oxide, the Coast Guard failed to initiate a rule-
25 making rectifying the situation.

1 (5) There have been 2 deaths on Lake Powell
 2 during the summer of 2001 alone due carbon mon-
 3 oxide. There have been a larger than average num-
 4 ber of carbon monoxide deaths and injuries on Lake
 5 Powell, including 10 in the last 10 years, because of
 6 its scenic location and high concentration of visitors
 7 spending time on houseboats.

8 **SEC. 2. TREATMENT OF MARINE INTERNAL COMBUSTION**
 9 **ENGINES AS CONSUMER PRODUCT.**

10 Section 3(a)(1)(G) of the Consumer Product Safety
 11 Act (15 U.S.C. 2052(a)(1)(G)) is amended by adding at
 12 the end the following: “, except that the term ‘consumer
 13 product’ includes a marine internal combustion engine,”.

14 **SEC. 3. RULES SETTING SAFETY STANDARDS FOR MARINE**
 15 **INTERNAL COMBUSTION ENGINES.**

16 (a) IN GENERAL.—The Consumer Product Safety
 17 Act (15 U.S.C. 2051 et seq.) is amended by adding at
 18 the end the following:

19 “MARINE INTERNAL COMBUSTION ENGINES

20 “SEC. 38. (a) The Commission shall issue rules that
 21 set safety standards for marine internal combustion en-
 22 gines, including in regards to the emissions of toxic fumes.

23 “(b) The Commission may recall any marine internal
 24 combustion engine that poses a risk of death or serious
 25 injury to consumers because of emissions of toxic fumes.

1 “(c) In the instance of potentially toxic fumes from
2 a marine internal combustion engine, the Commission
3 shall require the display of a prominent and permanent
4 warning label in an area that is readily visible to con-
5 sumers utilizing that product.

6 “(d) In the instance where a potential exists for toxic
7 fumes from a marine internal combustion engine to occur,
8 the Commission shall require the installation of an alarm
9 that gives an audible and visible warning. Such an alarm
10 shall be installed in a manner such that the internal com-
11 bustion engine will be disabled if the alarm is disconnected
12 or rendered inoperable.

13 “(e) The Commission shall work with related agencies
14 to determine a proper way to eliminate or significantly re-
15 duce the danger of potentially toxic fumes due to the oper-
16 ation of marine internal combustion engines. The Commis-
17 sion may work with any agency that has expertise in this
18 issue.

19 “(f) The Commission shall coordinate with related
20 agencies to prepare and submit to the Energy and Com-
21 merce Committee of the House of Representatives an an-
22 nual report on all incidents involving harm caused by toxic
23 fumes by marine internal combustion engines, by not later
24 than April 1 of each year.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 in the first section of such Act is amended by adding at
3 the end the following:

“Sec. 38. Marine internal combustion engines.”.

4 **SEC. 4. TRANSFER OF FUNCTIONS.**

5 Section 30(a) of the Consumer Product Safety Act
6 (15 U.S.C. 2079(a)) is amended by adding at the end the
7 following: “The functions of the Coast Guard relating to
8 the regulation of marine internal combustion engines are
9 transferred to the Commission.”.

10 **SEC. 5. CONSTITUTIONAL AUTHORITY.**

11 The constitutional authority under which this Act is
12 enacted is the power of the Congress to regulate commerce
13 as enumerated in article 1, section 8 of the Constitution.

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