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 27, 2012

Ms. KLOBUCHAR (for herself and Ms. SNOWE) 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 Representa-
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tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Act”.

SEC. 2. FINDINGS.

Congress finds the following:

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

(2) Unintentional carbon monoxide poisoning from motor vehicles and the abnormal operation of fuel-burning appliances, such as furnaces, water heaters, portable generators, and stoves, in residential homes and other dwelling units kills more than 400 people each year and sends more than 20,000 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 nationwide in order to pro-
mote the health and public safety of citizens throughout the Nation.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROVED CARBON MONOXIDE ALARM.—The term “approved carbon monoxide alarm” means a carbon monoxide alarm that complies with the standards published, incorporated, or amended by the Commission with respect to such alarms under this Act.

(2) CARBON MONOXIDE ALARM.—The term “carbon monoxide alarm” means a device that—

(A) detects carbon monoxide; and

(B) is intended to alarm at carbon monoxide concentrations below those that could cause a loss of ability to react to the dangers of carbon monoxide exposure.

(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 or local government.

(6) NFPA 720.—The term “NFPA 720” means—

(A) the Standard for the Installation of Carbon Monoxide Detection and Warning Equipment issued by the National Fire Protection Association in 2012; and

(B) any amended or similar successor standard pertaining to the proper installation of carbon monoxide alarms in dwelling units.

SEC. 4. ADOPTION OF CONSUMER PRODUCT SAFETY RULES.

(a) Mandatory Standards.—Notwithstanding any other provision of law, not later than 90 days after the date of the enactment of this Act, the Commission shall publish in the Federal Register, as mandatory consumer product safety standards, the American National Standard for Single and Multiple Station Carbon Monoxide Alarms (ANSI/UL 2034) and the American National Standard for Gas and Vapor Detectors and Sensors (ANSI/UL 2075). Such standards shall take effect on the
date that is 1 year after the date on which they are published.

(b) **Revision of Standards.**—Beginning 1 year after the date of the enactment of this Act, if either standard described in subsection (a) is revised through the applicable consensus standards development process—

   (1) Underwriters Laboratories shall notify the Commission of the revision; and

   (2) the revision shall be incorporated in the consumer product safety rule unless the Commission—

      (A) determines, not later than 60 days after such notice, that such revision does not carry out the purposes of this Act; and

      (B) publishes the basis for such determination in the Federal Register.

(c) **Rulemaking.**—Notwithstanding any other provision of this Act, the Commission, at any time subsequent to publication of the consumer product safety standards required under subsection (a), may initiate a rulemaking in accordance with section 553 of title 5, United States Code, to amend either standard to include any provision that the Commission determines is reasonably necessary to ensure the safe and effective operation of carbon monoxide alarms.
(d) **TREATMENT OF STANDARDS FOR PURPOSES OF ENFORCEMENT.**—For purposes of enforcement under the Consumer Product Safety Act, the standards published by the Commission pursuant to subsection (a), including any revision to such standards pursuant to subsection (b) or (c), shall be consumer product safety rules as defined in section 3(a)(6) of such Act (15 U.S.C. 2052(a)(6)).

**SEC. 5. GRANT PROGRAM FOR CARBON MONOXIDE POISONING PREVENTION.**

(a) **IN GENERAL.**—Subject to the availability of appropriations authorized under subsection (f), the Commission shall establish a grant program to provide assistance to eligible States and local governments to carry out the carbon monoxide poisoning prevention activities described in subsection (d).

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

(1) demonstrate to the satisfaction of the Commission that a State or local government has adopted a statute, or a State or local government agency has adopted a rule, regulation, or similar measure with the force and effect of law, requiring approved carbon monoxide alarms to be installed in dwelling units in accordance with NFPA 720; and
(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require, which application may be filed on behalf of any qualified State or local government by the fire code enforcement officials for such State or local government.

(c) Grant Amount; Priority.—The Commission shall determine the amount of the grants awarded under this section, and shall give priority to applications from States or local governments that—

(1) prioritize the installation of approved carbon monoxide alarms in existing dwelling units—

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

(B) which has an attached garage;

(2) have developed a strategy to protect vulnerable populations such as children, the elderly, or low-income households; and

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

(d) Use of Funds.—A State receiving a grant under this section may use grant funds—
(1) to purchase and install approved carbon monoxide alarms in the dwelling units of low-income families or elderly persons, facilities that commonly serve children or the elderly, including childcare facilities, public schools, and senior centers, or student dwelling units owned by public universities;

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

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

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

(c) LIMITATION ON USE OF FUNDS.—

(1) ADMINISTRATIVE COSTS.—Not more than 10 percent of any grant funds received under this section may be used to cover administrative costs not directly related to training described in subsection (d)(2).
(2) PUBLIC OUTREACH.—Not more than 25 percent of any grant funds received under this section may be used to cover costs of activities described in subsection (d)(4).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission, for each of the fiscal years 2012 through 2016, $2,000,000, which shall remain available until expended to carry out this Act. Any amounts appropriated pursuant to this subsection that remain unexpended and unobligated on September 30, 2015, shall be retained by the Commission and credited to the appropriations account that funds the enforcement of the Consumer Product Safety Act.

(g) COMMISSION REPORT.—Not later than 1 year after the last day of each fiscal year for which grants are awarded under this section, the Commission shall submit a report to Congress that evaluates the implementation of the grant program authorized under this section.