

NICHOLAS AND ZACHARY BURT CARBON MONOXIDE
 POISONING PREVENTION ACT OF 2019

SEPTEMBER 16, 2019.—Committed to the Committee of the Whole House on the
 State of the Union and ordered to be printed

Mr. PALLONE, from the Committee on Energy and Commerce,
 submitted the following

R E P O R T

[To accompany H.R. 1618]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 1618) to encourage States to require the installation of residential carbon monoxide detectors in homes, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

CONTENTS

	Page
I. Purpose and Summary	3
II. Background and Need for the Legislation	4
III. Committee Hearings	5
IV. Committee Consideration	5
V. Committee Votes	6
VI. Oversight Findings	6
VII. New Budget Authority, Entitlement Authority, and Tax Expenditures	6
VIII. Federal Mandates Statement	6
IX. Statement of General Performance Goals and Objectives	6
X. Duplication of Federal Programs	7
XI. Committee Cost Estimate	7
XII. Earmarks, Limited Tax Benefits, and Limited Tariff Benefits	7
XIII. Advisory Committee Statement	7
XIV. Applicability to Legislative Branch	7
XV. Section-by-Section Analysis of the Legislation	7
XVI. Changes in Existing Law Made by the Bill, as Reported	9

The amendment is as follows:
 Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Nicholas and Zachary Burt Carbon Monoxide Poisoning Prevention Act of 2019”.

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

(a) **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, kills more than 400 people each year and sends more than 15,000 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.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that Congress should promote the purchase and installation of carbon monoxide alarms in residential homes and dwelling units nationwide in order to promote the health and public safety of citizens throughout the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) **CARBON MONOXIDE ALARM.**—The term “carbon monoxide alarm” means a device or system 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.

(2) **COMMISSION.**—The term “Commission” means the Consumer Product Safety Commission.

(3) **COMPLIANT CARBON MONOXIDE ALARM.**—The term “compliant carbon monoxide alarm” means a carbon monoxide alarm that complies with the most current version of—

(A) the American National Standard for Single and Multiple Station Carbon Monoxide Alarms (ANSI/UL 2034); or

(B) the American National Standard for Gas and Vapor Detectors and Sensors (ANSI/UL 2075).

(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 72.**—The term “NFPA 72” means—

(A) the National Fire Alarm and Signaling Code issued in 2019 by the National Fire Protection Association; and

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

(7) **STATE.**—The term “State” has the meaning given such term in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) and includes the Northern Mariana Islands and any political subdivision of a State.

SEC. 4. 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 to carry out the carbon monoxide poisoning prevention activities described in subsection (e).

(b) **ELIGIBILITY.**—For purposes of this section, an eligible State is any State that—

(1) demonstrates to the satisfaction of the Commission that the State has adopted a statute or a rule, regulation, or similar measure with the force and effect of law, requiring compliant carbon monoxide alarms to be installed in dwelling units in accordance with NFPA 72; and

(2) submits 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 the State by the fire code enforcement officials for such State.

(c) **GRANT AMOUNT.**—The Commission shall determine the amount of the grants awarded under this section.

(d) **SELECTION OF GRANT RECIPIENTS.**—In selecting eligible States for the award of grants under this section, the Commission shall give favorable consideration to an eligible State that—

- (1) requires the installation of compliant carbon monoxide alarms in new or existing educational facilities, childcare facilities, health care facilities, adult dependent care facilities, government buildings, restaurants, theaters, lodging establishments, or 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; and
- (2) has developed a strategy to protect vulnerable populations such as children, the elderly, or low-income households.
- (e) USE OF GRANT FUNDS.—
- (1) IN GENERAL.—An eligible State receiving a grant under this section may use such grant—
- (A) to purchase and install compliant 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;
- (B) to train State or local fire code enforcement officials in the proper enforcement of State or local laws concerning compliant carbon monoxide alarms and the installation of such alarms in accordance with NFPA 72;
- (C) for the development and dissemination of training materials, instructors, and any other costs related to the training sessions authorized by this subsection; and
- (D) to educate the public about the risk associated with carbon monoxide as a poison and the importance of proper carbon monoxide alarm use.
- (2) LIMITATIONS.—
- (A) ADMINISTRATIVE COSTS.—Not more than 10 percent of any grant amount received under this section may be used to cover administrative costs not directly related to training described in paragraph (1)(B).
- (B) PUBLIC OUTREACH.—Not more than 25 percent of any grant amount received under this section may be used to cover costs of activities described in paragraph (1)(D).
- (f) AUTHORIZATION OF APPROPRIATIONS.—
- (1) IN GENERAL.—Subject to paragraph (2), there is authorized to be appropriated to the Commission, for each of the fiscal years 2020 through 2024, \$2,000,000, which shall remain available until expended to carry out this Act.
- (2) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the amounts appropriated or otherwise made available to carry out this section may be used for administrative expenses.
- (3) RETENTION OF AMOUNTS.—Any amounts appropriated pursuant to this subsection that remain unexpended and unobligated on September 30, 2024, shall be retained by the Commission and credited to the appropriations account that funds the enforcement of the Consumer Product Safety Act (15 U.S.C. 2051).
- (g) 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 to Congress a report that evaluates the implementation of the grant program required by this section.

I. PURPOSE AND SUMMARY

H.R. 1618, the “Nicholas and Zachary Burt Carbon Monoxide Poisoning Prevention Act of 2019”, was introduced in the House on March 7, 2019, by Reps. Ann M. Kuster (D–NH) and Earl L. “Buddy” Carter (R–GA) and was referred to the Committee on Energy and Commerce. H.R. 1618 directs the Consumer Product Safety Commission (CPSC) to establish a grant program for States to purchase and install carbon monoxide detectors in dwelling units of low-income families or the elderly; facilities that commonly serve children or the elderly, including childcare facilities, public schools, and senior centers; or student dorms owned by public universities, and to assist in enforcement and education efforts related to carbon monoxide detectors.

II. BACKGROUND AND NEED FOR LEGISLATION

Carbon monoxide is a deadly poisonous gas that is odorless, colorless, and tasteless.¹ Low to moderate carbon monoxide poisoning causes flu-like symptoms, including headache, fatigue, shortness of breath, nausea, and dizziness.² At higher levels, carbon monoxide poisoning results in mental confusion, vomiting, loss of muscular coordination, loss of consciousness, and ultimately death.³

Carbon monoxide is produced by the burning of various fuels, including coal, wood, charcoal, oil, kerosene, propane, and natural gas.⁴ Internal combustion engine-powered equipment such as portable generators, cars, lawn mowers, and power washers also produce carbon monoxide.⁵

The Centers for Disease Control and Prevention (CDC) tracks carbon monoxide injury and death in the United States. According to the CDC, more than 400 people die each year in the United States from unintentional, non-fire related carbon monoxide poisoning.⁶ The CDC also reports that approximately 50,000 people in the U.S. visit the emergency department each year due to accidental carbon monoxide poisoning.⁷

There are currently two voluntary consensus standards regarding carbon monoxide alarms: 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). The ANSI/UL 2034 standard covers electrically operated single and multiple station carbon monoxide alarms intended for protection in ordinary indoor locations of dwelling units, including recreational vehicles, mobile homes, and recreational boats with enclosed accommodation spaces, and cockpit areas.⁸ The ANSI/UL 2075 standard covers toxic and combustible gas and vapor detectors and sensors intended to be portable or employed in indoor or outdoor locations.⁹

The National Fire Protection Association (NFPA) publishes the National Fire Alarm and Signaling Code, NFPA 72.¹⁰ This code covers the application, installation, location, performance, inspection, testing, and maintenance of fire alarm systems, supervising station alarm systems, public emergency alarm reporting systems, fire warning equipment and emergency communications systems, and their components.¹¹

¹ Consumer Product Safety Commission, *Carbon-Monoxide-Questions-and-Answers* (www.cpsc.gov/Safety-Education/Safety-Education-Centers/Carbon-Monoxide-Information-Center/Carbon-Monoxide-Questions-and-Answers).

²*Id.*

³*Id.*

⁴*Id.*

⁵*Id.*

⁶ Centers for Disease Control and Prevention, *Carbon Monoxide Poisoning Prevention* (Mar. 4, 2019) (www.cdc.gov/features/timechangecodetectors/index.html).

⁷ Centers for Disease Control and Prevention, *Carbon Monoxide (CO) Poisoning Prevention* (Jan. 21, 2019) (www.cdc.gov/features/copoisoning/index.html).

⁸ IEEE GlobalSpec, *UL 2034: UL Standard for Safety Single and Multiple Station Carbon Monoxide Alarms* (Mar. 31, 2017) (standards.globalspec.com/std/13051657/ul-2034).

⁹ IEEE GlobalSpec, *UL 2075 UL Standard for Safety Gas and Vapor Detectors and Sensors* (Mar. 31, 2017) (standards.globalspec.com/std/10198124/ul-2075).

¹⁰ National Fire Protection Association, *NFPA 72; National Fire Alarm and Signaling Code* (2019) (www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=72).

¹¹*Id.*

As of March 27, 2018, 38 states and the District of Columbia have statutes or regulations that require carbon monoxide detectors in certain private dwellings.¹² State requirements vary, with some limiting the requirement to buildings with fossil-fuel burning devices, or only upon the sale of the property or unit.¹³

H.R. 1618 is needed to further prevent death or injury from carbon monoxide poisoning.

III. COMMITTEE HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress, the following hearings were used to develop or consider H.R. 1618:

The Subcommittee on Consumer Protection and Commerce held an oversight hearing on June 9, 2019. The hearing was entitled, “Protecting Americans from Dangerous Products: Is the Consumer Product Safety Commission Fulfilling Its Mission?”. The Subcommittee received testimony from the CPSC members and other consumer organizations witnesses:

- The Honorable Ann Marie Buerkle, Acting Chairman, Consumer Product Safety Commission;
- The Honorable Elliot F. Kaye, Commissioner, Consumer Product Safety Commission;
- The Honorable Robert S. Adler, Commissioner, Consumer Product Safety Commission;
- The Honorable Dana Baiocco, Commissioner, Consumer Product Safety Commission;
- The Honorable Peter A. Feldman, Commissioner, Consumer Product Safety Commission;
- Rachel Weintraub, Legislative Director and General Counsel, Consumer Federation of America;
- Nancy Cowles, Executive Director, Kids in Danger; and
- Remington A. Gregg, Counsel for Civil Justice and Consumer Rights, Public Citizen.

The Subcommittee on Consumer Protection and Commerce held a legislative hearing on June 13, 2019, on H.R. 1618, the “Nicholas and Zachary Burt Carbon Monoxide Poisoning Prevention Act of 2019” and six other bills. The hearing was entitled, “Keeping Kids and Consumers Safe from Dangerous Products.” The Subcommittee received testimony from:

- Will Wallace, Manager, Home & Products Policy, Consumer Reports;
- Crystal Ellis, Founding Member, Parents Against Tip-Overs;
- Chris Parsons, President, Minnesota Professional Fire Fighters; and
- Charles A. Samuels, Member, Mintz.

IV. COMMITTEE CONSIDERATION

H.R. 1618, the “Nicholas and Zachary Burt Carbon Monoxide Poisoning Prevention Act of 2019” was introduced in the House on March 7, 2019, by Reps. Kuster (D–NH) and Carter (R–GA) and referred to the Committee on Energy and Commerce. Subsequently,

¹²National Conference of State Legislatures, Carbon Monoxide Detector Requirements, Laws and Regulations (Mar. 27, 2018) (www.ncsl.org/research/environment-and-natural-resources/carbon-monoxide-detectors-state-statutes.aspx).

¹³*Id.*

the bill was referred to the Subcommittee on Consumer Protection and Commerce on March 8, 2019. Following hearings, the Subcommittee met in open markup session, pursuant to notice, on July 10, 2019, for consideration of H.R. 1618. An amendment in the nature of a substitute offered by Ms. Schakowsky, #1, was agreed to by a voice vote. Subsequently, the Subcommittee agreed to a motion by Ms. Schakowsky, Chairwoman of the Subcommittee, to forward favorably H.R. 1618, amended, to the full Committee on Energy and Commerce by a voice vote.

On July 17, 2019, the full Committee met in open markup session, pursuant to notice, to consider H.R. 1618, as amended by the subcommittee. During markup of the bill, no amendments were offered. At the conclusion of consideration of the bill, the full Committee on Energy and Commerce agreed to a motion by Mr. Pallone, Chairman of the Committee, to order the bill H.R. 1618 ordered reported favorably to the House, as amended, by a voice vote, a quorum being present.

V. COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list each record vote on the motion to report legislation and amendments thereto. There were no record votes taken in connection with ordering H.R. 1618 reported or on any amendments to the bill.

VI. OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee are reflected in the descriptive portion of the report.

VII. NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures.

VIII. FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

IX. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to prevent carbon monoxide poisoning by requiring the CPSC to establish a grant program that

aids eligible states in carrying out carbon monoxide poisoning prevention activities.

X. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 1618 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

XI. COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

XII. EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 1618 contains no earmarks, limited tax benefits, or limited tariff benefits.

XIII. ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

XIV. APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

XV. SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 designates that the short title may be cited as the “Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Act of 2015”.

Sec. 2. Findings and sense of Congress

Section 2 provides the findings of Congress, including the dangers of carbon monoxide poisoning and the utility of carbon monoxide alarms. This section also expresses the sense of Congress that Congress should promote the purchase and installation of carbon monoxide alarms in residential homes and dwelling units nationwide to promote health and public safety.

Sec. 3. Definitions

Section 3 defines terms used throughout the bill, including the terms “carbon monoxide alarm”, “compliant carbon monoxide alarm”, and “dwelling unit”.

A “carbon monoxide alarm” means a device or system that detects carbon monoxide and that is intended to alarm at carbon

monoxide concentration levels below those that could cause a loss of ability to react to the dangers of carbon monoxide exposure.

A “compliant carbon monoxide alarm” means an alarm that complies with the most current version of the American National Standard for Single and Multiple Station Carbon Monoxide Alarms (ANSI/UL 2034) or the American National Standard for Gas and Vapor Detectors and Sensors (ANSI/UL 2075).

A “dwelling unit” means a room or suite of rooms used for human habitation and includes a single family as well as each living unit of a multiple-family residence (including apartment buildings) and each living unit in a mixed-use building.

Sec. 4. Grant program for carbon monoxide poisoning prevention

Subsections (a) and (b) of this section direct the CPSC to establish, subject to appropriations, a grant program for states that have adopted a statute or regulation requiring compliant carbon monoxide alarms be installed in dwelling units in accordance with NFPA 72.

Subsections (c) and (d) of this section specify that the CPSC shall determine grant amounts awarded, giving favorable consideration to States that: prioritize the purchase and installation of compliant carbon monoxide alarms in new or existing facilities or dwelling units with fuel-burning appliances or attached garages; and have developed a strategy to protect vulnerable populations, such as children, the elderly, or low-income household residents.

Subsection (e) of this section specifies that grants awarded under the program may be used for four purposes: (1) to purchase and install compliant 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 fire code enforcement personnel; (3) to create training materials; and (4) to educate the public about the risks associated with carbon monoxide poisoning. This subsection contains a limitation that not more than 10 percent of any grant received may be used to cover administrative costs not directly related to training of fire code enforcement officials in the proper enforcement of laws concerning carbon monoxide alarms and their installation. It also specifies that no more than 25 percent of any grant funds could be used to educate the public about the risk associated with carbon monoxide as a poison and the importance of proper carbon monoxide alarm use.

Subsection (f) of this section authorizes an appropriation of \$2 million for each of FY 2020 through FY 2024 to the CPSC to carry out this Act. It also specifies no more than 10 percent of funds appropriated may be used for administrative purposes.

Finally, subsection (g) of this section requires the CPSC to submit a report to Congress that evaluates the implementation of the program not later than one year after the last day of each fiscal year for which grants are awarded under the program.

XVI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

There are no changes to existing law made by the bill H.R. 1618.

