

112TH CONGRESS
2D SESSION

S. 3343

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) Carbon monoxide is a colorless, odorless gas
8 produced by burning any fuel. Exposure to un-
9 healthy levels of carbon monoxide can lead to carbon
10 monoxide poisoning, a serious health condition that
11 could result in death.

12 (2) Unintentional carbon monoxide poisoning
13 from motor vehicles and the abnormal operation of
14 fuel-burning appliances, such as furnaces, water
15 heaters, portable generators, and stoves, in residen-
16 tial homes and other dwelling units kills more than
17 400 people each year and sends more than 20,000
18 to hospital emergency rooms for treatment.

19 (3) Research shows that purchasing and install-
20 ing carbon monoxide alarms close to the sleeping
21 areas in residential homes and other dwelling units
22 can help avoid fatalities.

23 (4) Congress should promote the purchase and
24 installation of carbon monoxide alarms in residential
25 homes and dwelling units nationwide in order to pro-

1 mote the health and public safety of citizens
2 throughout the Nation.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) APPROVED CARBON MONOXIDE ALARM.—

6 The term “approved carbon monoxide alarm” means
7 a carbon monoxide alarm that complies with the
8 standards published, incorporated, or amended by
9 the Commission with respect to such alarms under
10 this Act.

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

13 (A) detects carbon monoxide; and

14 (B) is intended to alarm at carbon mon-
15 oxide concentrations below those that could
16 cause a loss of ability to react to the dangers
17 of carbon monoxide exposure.

18 (3) COMMISSION.—The term “Commission”
19 means the Consumer Product Safety Commission.

20 (4) DWELLING UNIT.—The term “dwelling
21 unit” means a room or suite of rooms used for
22 human habitation, and includes a single family resi-
23 dence as well as each living unit of a multiple family
24 residence (including apartment buildings) and each
25 living unit in a mixed use building.

1 (5) FIRE CODE ENFORCEMENT OFFICIALS.—

2 The term “fire code enforcement officials” means of-
3 ficials of the fire safety code enforcement agency of
4 a State or local government.

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

7 (A) the Standard for the Installation of
8 Carbon Monoxide Detection and Warning
9 Equipment issued by the National Fire Protec-
10 tion Association in 2012; and

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

14 **SEC. 4. ADOPTION OF CONSUMER PRODUCT SAFETY**
15 **RULES.**

16 (a) MANDATORY STANDARDS.—Notwithstanding any
17 other provision of law, not later than 90 days after the
18 date of the enactment of this Act, the Commission shall
19 publish in the Federal Register, as mandatory consumer
20 product safety standards, the American National Stand-
21 ard for Single and Multiple Station Carbon Monoxide
22 Alarms (ANSI/UL 2034) and the American National
23 Standard for Gas and Vapor Detectors and Sensors
24 (ANSI/UL 2075). Such standards shall take effect on the

1 date that is 1 year after the date on which they are pub-
2 lished.

3 (b) REVISION OF STANDARDS.—Beginning 1 year
4 after the date of the enactment of this Act, if either stand-
5 ard described in subsection (a) is revised through the ap-
6 plicable consensus standards development process—

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

9 (2) the revision shall be incorporated in the
10 consumer product safety rule unless the Commis-
11 sion—

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

15 (B) publishes the basis for such determina-
16 tion in the Federal Register.

17 (c) RULEMAKING.—Notwithstanding any other provi-
18 sion of this Act, the Commission, at any time subsequent
19 to publication of the consumer product safety standards
20 required under subsection (a), may initiate a rulemaking
21 in accordance with section 553 of title 5, United States
22 Code, to amend either standard to include any provision
23 that the Commission determines is reasonably necessary
24 to ensure the safe and effective operation of carbon mon-
25 oxide alarms.

1 (d) TREATMENT OF STANDARDS FOR PURPOSES OF
 2 ENFORCEMENT.—For purposes of enforcement under the
 3 Consumer Product Safety Act, the standards published by
 4 the Commission pursuant to subsection (a), including any
 5 revision to such standards pursuant to subsection (b) or
 6 (c), shall be consumer product safety rules as defined in
 7 section 3(a)(6) of such Act (15 U.S.C. 2052(a)(6)).

8 **SEC. 5. GRANT PROGRAM FOR CARBON MONOXIDE POI-**
 9 **SONING PREVENTION.**

10 (a) IN GENERAL.—Subject to the availability of ap-
 11 propriations authorized under subsection (f), the Commis-
 12 sion shall establish a grant program to provide assistance
 13 to eligible States and local governments to carry out the
 14 carbon monoxide poisoning prevention activities described
 15 in subsection (d).

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

18 (1) demonstrate to the satisfaction of the Com-
 19 mission that a State or local government has adopt-
 20 ed a statute, or a State or local government agency
 21 has adopted a rule, regulation, or similar measure
 22 with the force and effect of law, requiring approved
 23 carbon monoxide alarms to be installed in dwelling
 24 units in accordance with NFPA 720; and

1 (2) submit an application to the Commission at
2 such time, in such form, and containing such addi-
3 tional information as the Commission may require,
4 which application may be filed on behalf of any
5 qualified State or local government by the fire code
6 enforcement officials for such State or local govern-
7 ment.

8 (c) GRANT AMOUNT; PRIORITY.—The Commission
9 shall determine the amount of the grants awarded under
10 this section, and shall give priority to applications from
11 States or local governments that—

12 (1) prioritize the installation of approved car-
13 bon monoxide alarms in existing dwelling units—

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

18 (B) which has an attached garage;

19 (2) have developed a strategy to protect vulner-
20 able populations such as children, the elderly, or
21 low-income households; and

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

24 (d) USE OF FUNDS.—A State receiving a grant under
25 this section may use grant funds—

1 (1) to purchase and install approved carbon
2 monoxide alarms in the dwelling units of low-income
3 families or elderly persons, facilities that commonly
4 serve children or the elderly, including childcare fa-
5 cilities, public schools, and senior centers, or student
6 dwelling units owned by public universities;

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

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

16 (4) to educate the public about the risk associ-
17 ated with carbon monoxide as a poison and the im-
18 portance of proper carbon monoxide alarm use.

19 (e) LIMITATION ON USE OF FUNDS.—

20 (1) ADMINISTRATIVE COSTS.—Not more than
21 10 percent of any grant funds received under this
22 section may be used to cover administrative costs
23 not directly related to training described in sub-
24 section (d)(2).

1 (2) PUBLIC OUTREACH.—Not more than 25
2 percent of any grant funds received under this sec-
3 tion may be used to cover costs of activities de-
4 scribed in subsection (d)(4).

5 (f) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the Commission, for
7 each of the fiscal years 2012 through 2016, \$2,000,000,
8 which shall remain available until expended to carry out
9 this Act. Any amounts appropriated pursuant to this sub-
10 section that remain unexpended and unobligated on Sep-
11 tember 30, 2015, shall be retained by the Commission and
12 credited to the appropriations account that funds the en-
13 forcement of the Consumer Product Safety Act.

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

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