

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3660

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 residential carbon monoxide detectors, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 1 (legislative day, SEPTEMBER 17), 2008

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

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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 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Residential Carbon  
5       Monoxide Poisoning Prevention Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

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

8 (2) Carbon monoxide poisoning from the use of  
9 fuel-burning appliances in residential homes and  
10 other dwelling units kills at least 2,000 people each  
11 year and sends more than 15,000 to hospital emer-  
12 gency rooms for treatment.

13 (3) Research shows that purchasing and install-  
14 ing carbon monoxide alarms close to the sleeping  
15 areas in residential homes and other dwelling units  
16 can help avoid fatalities.

17 (4) Congress should promote the purchase and  
18 installation of carbon monoxide alarms in residential  
19 homes and dwelling units nationwide in order to pro-  
20 mote the health and public safety of citizens  
21 throughout the Nation.

22 **SEC. 3. ADOPTION OF ANSI/UL 2034 AS CONSUMER PROD-**  
23 **UCT SAFETY RULE.**

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

1 **“SEC. 43. RESIDENTIAL CARBON MONOXIDE DETECTORS.**

2 “(a) IN GENERAL.—

3 “(1) MANDATORY STANDARD.—Notwith-  
4 standing any other provision of law, within 90 days  
5 after the date of enactment of the Residential Car-  
6 bon Monoxide Poisoning Prevention Act, the Con-  
7 sumer Product Safety Commission shall publish in  
8 the Federal Register as a mandatory consumer prod-  
9 uct safety standard the American National Standard  
10 for Single and Multiple Station Carbon Monoxide  
11 Alarms (American National Standard ANSI/UL  
12 2034–2005). The standard shall take effect 180  
13 days after it is published.

14 “(2) COMPLIANCE WITH STANDARD.—After the  
15 standard takes effect, it shall be unlawful for any  
16 manufacturer or distributor to import into or dis-  
17 tribute in commerce in the United States any new  
18 assembled or unassembled residential carbon mon-  
19 oxide detector unless it complies with the standard.

20 “(3) VIOLATION.—The failure to comply with  
21 paragraph (2) shall be deemed to be a failure to  
22 comply with a consumer product safety standard  
23 under this Act and subject to all of the penalties and  
24 remedies available under this Act.

25 “(4) OTHER TYPES OF CARBON MONOXIDE DE-  
26 TECTORS.—Paragraph (2) does not apply to any

1 carbon monoxide detector not covered by the stand-  
2 ard as provided in section 1.4 of the standard.

3 “(b) LABELING.—Beginning 1 year after the date of  
4 enactment of the Residential Carbon Monoxide Poisoning  
5 Prevention Act, a manufacturer selling or offering for sale  
6 in the United States a residential carbon monoxide detec-  
7 tor manufactured more than 1 year after the date of en-  
8 actment of that Act, shall clearly identify on any container  
9 of the detector and on the detector its conformance with  
10 the requirements of the consumer product safety standard  
11 promulgated under subsection (a).

12 “(c) MODIFICATION OF STANDARD.—

13 “(1) ANSI REVISIONS.—If the American Na-  
14 tional Standard ANSI/UL 34–2005 is revised  
15 through the applicable consensus standards develop-  
16 ment process after the date on which the product  
17 safety standard for residential carbon monoxide de-  
18 tectors is published in the Federal Register, the  
19 American National Standards Institute shall notify  
20 the Commission of the revision.

21 “(2) COMMISSION ACTION.—Within 120 days  
22 after it receives notice of such a revision by the  
23 American National Standards Institute, the Com-  
24 mission shall issue a notice of proposed rulemaking  
25 in accordance with section 553 of title 5, United

1 States Code, to amend the product safety standard  
2 for residential carbon monoxide detectors to include  
3 any such revision that the Commission determines is  
4 reasonably related to the performance of such detec-  
5 tors, and notify the Institute of any revision it has  
6 determined not to be so related. The Commission  
7 shall promulgate an amendment to the standard for  
8 such detectors within 180 days after the date on  
9 which the notice of proposed rulemaking for the  
10 amendment is published in the Federal Register.

11 “(3) ADDITIONAL SAFETY REQUIREMENTS.—  
12 Notwithstanding any other provision of this Act, the  
13 Commission may, pursuant to sections 7 and 9 of  
14 this Act, amend the product safety standard for resi-  
15 dential carbon monoxide detectors to include any ad-  
16 ditional provision that the Commission determines is  
17 reasonably necessary to ensure their safe and effec-  
18 tive operation.

19 “(4) CERTAIN PROVISIONS NOT APPLICABLE.—  
20 Sections 7 and 9 of this Act shall not apply to pro-  
21 mulgation of any amendment of the product safety  
22 standard under paragraph (2). Judicial review of  
23 any amendment of the standard under paragraph  
24 (2) shall be in accordance with chapter 7 of title 5,  
25 United States Code.”.

1 (b) CONFORMING AMENDMENT.—The table of con-  
 2 tents of the Consumer Product Safety Act is amended by  
 3 inserting after the item relating to section 42 the fol-  
 4 lowing:

“Sec. 43. Residential carbon monoxide detectors.”.

5 **SEC. 4. REDUCING DEATHS AND INJURIES FROM CARBON**  
 6 **MONOXIDE POISONING.**

7 (a) SAFETY STANDARD: REQUIRING EQUIPMENT OF  
 8 PORTABLE GENERATORS WITH CARBON MONOXIDE  
 9 INTERLOCK SAFETY DEVICES.—Not later than 180 days  
 10 after the date of enactment of this Act, the Consumer  
 11 Product Safety Commission shall promulgate consumer  
 12 product safety rules, pursuant to section 7 of the Con-  
 13 sumer Product Safety Act (15 U.S.C. 2056), requiring,  
 14 at a minimum, that every portable generator sold to the  
 15 public for purposes other than resale shall be equipped  
 16 with an interlock safety device that—

17 (1) detects the level of carbon monoxide in the  
 18 areas surrounding such portable generator; and

19 (2) automatically turns off the portable gener-  
 20 ator before the level of carbon monoxide reaches a  
 21 level that would cause serious bodily injury or death  
 22 to people.

23 (b) LABELING AND INSTRUCTION REQUIREMENTS.—  
 24 Not later than 180 days after the date of enactment of  
 25 this Act, the Consumer Product Safety Commission shall

1 promulgate consumer product safety rules, pursuant to  
2 section 7 of the Consumer Product Safety Act (15 U.S.C.  
3 2056), requiring, at a minimum, the following:

4 (1) WARNING LABELS.—Each portable gener-  
5 ator sold to the public for purposes other than resale  
6 shall have a large, prominently displayed warning  
7 label in both English and Spanish on the exterior  
8 packaging, if any, of the portable generator and per-  
9 manently affixed on the portable generator regarding  
10 the carbon monoxide hazard posed by incorrect use  
11 of the portable generator. The warning label shall  
12 include the word “DANGER” printed in a large font  
13 that is no smaller than 1 inch tall, and shall include  
14 the following information, at a minimum, presented  
15 in a clear manner:

16 (A) Indoor use of a portable generator can  
17 kill quickly.

18 (B) Portable generators should be used  
19 outdoors only and away from garages and open  
20 windows.

21 (C) Portable generators produce carbon  
22 monoxide, a poisonous gas that people cannot  
23 see or smell.

24 (2) PICTOGRAM.—Each portable generator sold  
25 to the public for purposes other than resale shall

1 have a large pictogram, affixed to the portable gen-  
2 erator, which clearly states “OUTDOOR USE  
3 ONLY: EMITS POISONOUS GAS” and visually  
4 depicts the harmful effects of breathing carbon mon-  
5 oxide.

6 (3) INSTRUCTION MANUAL.—The instruction  
7 manual, if any, that accompanies any portable gen-  
8 erator sold to the public for purposes other than re-  
9 sale shall include detailed, clear, and conspicuous  
10 statements that include the following elements:

11 (A) A warning that portable generators  
12 emit carbon monoxide, a poisonous gas that can  
13 kill people.

14 (B) A warning that people cannot smell,  
15 see, or taste carbon monoxide.

16 (C) An instruction to operate portable gen-  
17 erators only outdoors and away from windows,  
18 garages, and air intakes.

19 (D) An instruction never to operate port-  
20 able generators inside homes, garages, sheds, or  
21 other semi-enclosed spaces, even if a person  
22 runs a fan or opens doors and windows.

23 (E) A warning that if a person begins to  
24 feel sick, dizzy, or weak while using a portable  
25 generator, that person should shut off the port-

1           able generator, get to fresh air immediately,  
2           and consult a doctor.

3           (c) REPORT.—Not later than 120 days after the date  
4 of enactment of this Act, the Consumer Product Safety  
5 Commission shall submit a report to the Senate Com-  
6 mittee on Commerce, Science, and Transportation that—

7           (1) reviews the effectiveness of its labeling re-  
8 quirements for charcoal briquettes (16 C.F.R.  
9 1500.14(b)(6)) during the windstorm that struck the  
10 Pacific Northwest beginning on December 14, 2006;

11           (2) identifies any specific challenges faced by  
12 non-English speaking populations with use of the  
13 current standards; and

14           (3) contains recommendations for improving the  
15 labels on charcoal briquettes.

16 **SEC. 5. STATE GRANT PROGRAM FOR CARBON MONOXIDE**  
17 **ALARMS.**

18           (a) STATE APPROVED CARBON MONOXIDE ALARM  
19 GRANT PROGRAM.—

20           (1) IN GENERAL.—Subject to the availability of  
21 appropriations authorized by subsection (d), the  
22 Consumer Product Safety Commission shall estab-  
23 lish a grant program to provide assistance to eligible  
24 States to carry out a carbon monoxide alarm pro-  
25 gram.

1           (2) ELIGIBILITY.—To be eligible for a grant  
2 under the program, a State shall—

3           (A) demonstrate to the satisfaction of the  
4 Commission that the State has adopted a stat-  
5 ute, or a State agency has adopted a state-wide  
6 rule, regulation, or similar measure with the  
7 force and effect of law, requiring the inclusion  
8 of approved carbon monoxide alarms installed  
9 in accordance with NFPA 720 in all commer-  
10 cial residential dwelling units and all new dwell-  
11 ing unit construction and providing penalties  
12 for failure to include such alarms; and

13           (B) submit an application to the Commis-  
14 sion at such time, in such form, and containing  
15 such additional information as the Commission  
16 may require. The application may be filed on  
17 behalf of any qualified State by the fire code  
18 enforcement officials for such State.

19           (3) GRANT AMOUNT; PRIORITY.—The Commis-  
20 sion shall determine the amount of the grants  
21 awarded under this section, and shall give priority  
22 to—

23           (A) multi-state applications (including  
24 those made by a nonprofit organization rep-  
25 resenting fire code enforcement officials on be-

1 half of more than 1 State) if all participating  
2 States meet the requirements of this paragraph;  
3 and

4 (B) States demonstrating greater than av-  
5 erage losses of life from carbon monoxide poi-  
6 soning in the home.

7 (4) USE OF FUNDS.—A State receiving a grant  
8 under this section may use grant funds—

9 (A) to train that State’s fire code enforce-  
10 ment officials in the proper enforcement of  
11 State laws concerning approved carbon mon-  
12 oxide alarms and the installation of such alarms  
13 in accordance with NFPA 720;

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

18 (C) to educate the public about the risk as-  
19 sociated with carbon monoxide as a poison and  
20 the importance of proper carbon monoxide  
21 alarm use.

22 (5) LIMITATION ON USE OF FUNDS.—

23 (A) ADMINISTRATIVE COSTS.—No more  
24 than 10 percent of any grant funds may be  
25 used to cover administrative costs not directly

1 related to training described in paragraph  
2 (4)(A).

3 (B) PUBLIC OUTREACH.—No more than  
4 25 percent of any grant may be used to cover  
5 costs of activities described in paragraph  
6 (4)(C).

7 (b) DEFINITIONS.—In this section:

8 (1) APPROVED CARBON MONOXIDE ALARM.—  
9 The term “approved carbon monoxide alarm” means  
10 a carbon monoxide alarm that complies with the  
11 standards, whether voluntary or mandatory, issued,  
12 approved, or otherwise supported by the Commission  
13 with respect to such alarms, whether those stand-  
14 ards have been developed unilaterally by the Com-  
15 mission or in conjunction with other parties.

16 (2) CARBON MONOXIDE ALARM.—The term  
17 “carbon monoxide alarm” means a device that de-  
18 tects the presence of carbon monoxide and sounds  
19 an alarm if the level of carbon monoxide detected by  
20 the device poses a health risk to persons within the  
21 vicinity of the device.

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

24 (4) DWELLING UNIT.—The term “dwelling  
25 unit” means a room or suite of rooms used for

1 human habitation, and includes a single family resi-  
2 dence as well as each living unit of a multiple family  
3 residence (including apartment buildings) and each  
4 living unit in a mixed use building.

5 (5) FIRE CODE ENFORCEMENT OFFICIALS.—  
6 The term “fire code enforcement officials” means of-  
7 ficials of the Fire Safety Code Enforcement Agency  
8 of a State.

9 (6) NFPA 720.—The term “NFPA 720” means  
10 the Standard for the Installation of Carbon Mon-  
11 oxide (CO) Warning Equipment in Dwelling Units  
12 issued by the National Fire Protection Association  
13 in 2005 and any amended or similar successor  
14 standard pertaining to the proper installation of car-  
15 bon monoxide alarms in dwelling units.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
17 are authorized to be appropriated to the Commission for  
18 each of fiscal years 2009 through 2013 \$2,000,000 to  
19 carry out this subsection, such sums to remain available  
20 until expended. Any amounts appropriated pursuant to  
21 this paragraph that remain unexpended and unobligated  
22 at the end of fiscal year 2013 shall be retained by the  
23 Commission and credited to the appropriations account  
24 that funds enforcement of the Consumer Products Safety  
25 Act.

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

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