

CARBON MONOXIDE POISONING PREVENTION ACT

JULY 27, 2010.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 1796]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 1796) 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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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AMENDMENT

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 “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 promote the health and public safety of citizens throughout the Nation.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions apply:

(1) 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 pursuant to this Act.

(2) The term “carbon monoxide alarm” means a device that detects carbon monoxide and sounds a distinctive audible alert before concentrations of carbon monoxide reach levels that would cause symptoms of carbon monoxide poisoning.

(3) The term “Commission” means the Consumer Product Safety Commission.

(4) 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) The term “fire code enforcement officials” means officials of the fire safety code enforcement agency of a State or local government.

(6) The term “NFPA 720” means the Standard for the Installation of Carbon Monoxide Warning Equipment in Dwelling Units issued by the National Fire Protection Association in 2008, and 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 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 mandatory consumer product safety standards shall take effect 180 days after they are published.

(b) REVISION OF STANDARDS.—Beginning 1 year after the date of enactment of this Act, if either standard described in subsection (a) is revised through the applicable consensus standards development process, Underwriters Laboratories shall notify the Commission of the revision and the revision shall be incorporated in the consumer product safety rule unless, within 60 days of such notice, the Commission determines that such revision does not carry out the purposes of this Act and publishes the basis for such a determination in the Federal Register.

(c) **RULEMAKING.**—Notwithstanding any other provision of this Act, the Commission may, at any time subsequent to publication of the consumer product safety standards required by subsection (a), 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. REPORT TO CONGRESS.

Not later than 1 year after the date of enactment of this Act, the Commission shall complete a study to evaluate whether requiring a language or languages in addition to English would improve the effectiveness of the label required of manufacturers of portable generators by the Commission under part 1407 of title 16, Code of Federal Regulations, to warn consumers of carbon monoxide hazards.

SEC. 6. GRANT PROGRAM FOR CARBON MONOXIDE POISONING PREVENTION.

(a) **IN GENERAL.**—Subject to the availability of appropriations authorized by 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 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 accordance with NFPA 720 in dwelling units; 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) require approved carbon monoxide alarms to be installed in each existing dwelling unit—

(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) propose to serve 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.

(e) **LIMITATION ON USE OF FUNDS.**—

(1) **ADMINISTRATIVE COSTS.**—No more than 10 percent of any grant funds may be used to cover administrative costs not directly related to training described in paragraph (2) of subsection (d).

(2) **PUBLIC OUTREACH.**—No more than 25 percent of any grant may be used to cover costs of activities described in paragraph (4) of subsection (d).

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Commission \$2,000,000 for each of fiscal years 2011 through 2015 to carry

out this Act, such sums to remain available until expended. Any amounts appropriated pursuant to this paragraph that remain unexpended and unobligated at the end of fiscal year 2015 shall be retained by the Commission and credited to the appropriations account that funds 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 made under this section, the Commission shall submit to Congress a report evaluating the implementation of the grant program authorized by this section.

PURPOSE AND SUMMARY

H.R. 1796, the “Residential Carbon Monoxide Poisoning Prevention Act”, was introduced by Rep. Jim Matheson (D–UT) on March 30, 2009, and referred to the Committee on Energy and Commerce. H.R. 1796 requires the Consumer Product Safety Commission (CPSC) to publish the existing voluntary industry standard for carbon monoxide alarms as a mandatory consumer product safety standard. The bill would make it unlawful for manufacturers or distributors to import or distribute any new residential carbon monoxide alarm that does not comply with the standard. The bill also requires the CPSC to adopt certain minimum requirements for the content of portable generator labels and instruction manuals to warn consumers about the carbon monoxide hazard posed by the incorrect use of such generators. In addition, the bill establishes a grant program to assist states in carrying out carbon monoxide poisoning prevention programs.

BACKGROUND AND NEED FOR LEGISLATION

Carbon monoxide is a colorless, odorless, invisible gas found in combustion fumes, such as from cars and trucks, stoves, lanterns, burned coal and wood, gas ranges, heating systems, and portable generators.¹ In semi-enclosed or enclosed spaces carbon monoxide can build up and poison people occupying those spaces.²

Early symptoms of exposure to low to moderate levels of carbon monoxide may be similar to other illnesses, including the flu.³ But the consequences of carbon monoxide poisoning can be tragic. Rapid high-level exposure can cause victims to become mentally confused and to lose muscle control without first experiencing milder symptoms, and such victims will likely die if not rescued.⁴ Indeed, more than 400 people die each year from carbon monoxide poisoning.⁵ In addition, each year more than 20,000 people visit the emergency room due to carbon monoxide poisoning and over 4,000 are hospitalized.⁶ Certain populations are more susceptible to the effects of carbon monoxide poisoning, including infants and people with chronic heart disease or respiratory problems.⁷ Fatality rates are highest among those 65 and older.⁸

¹ U.S. Centers for Disease Control and Prevention, *Carbon Monoxide Poisoning: Fact Sheet* (online at www.cdc.gov/co/faqs.htm).

² *Id.*

³ Consumer Product Safety Commission, *Carbon Monoxide Questions and Answers* (online at www.cpsc.gov/cpscpub/pubs/466.html).

⁴ *Id.*

⁵ U.S. Centers for Disease Control and Prevention, *Carbon Monoxide Poisoning: Fact Sheet* (online at www.cdc.gov/co/faqs.htm).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

In recent years, the primary consumer product associated with carbon monoxide poisoning deaths has been portable generators.⁹ That has been followed by heating systems.¹⁰ But regardless of the appliance involved in a carbon monoxide poisoning incident, poisoning and death are much more likely to occur in homes with no functioning carbon monoxide alarms.¹¹

LEGISLATIVE HISTORY

H.R. 1796 was introduced on March 30, 2009, by Rep. Matheson of Utah and referred to the Committee on Energy and Commerce. The bill was referred to the Subcommittee on Commerce, Trade, and Consumer Protection on March 31, 2009, and the Subcommittee held a hearing on the legislation on March 18, 2010. At the hearing, witnesses representing the CPSC, manufacturers of carbon monoxide alarms, and a public health expert expressed support for the legislation.

COMMITTEE CONSIDERATION

On June 30, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection met in open markup session to consider H.R. 1796. The Subcommittee forwarded H.R. 1796, amended, favorably to the full Committee by a voice vote.

During Subcommittee consideration of H.R. 1796, Chairman Rush offered an amendment in the nature of a substitute, which was adopted by a voice vote. The Rush amendment in the nature of a substitute required the CPSC to adopt both of the existing voluntary industry standards that apply to different types of carbon monoxide alarms. The amendment also provided for automatic updating of the standards when revisions are made through the industry consensus standards setting process, and created streamlined processes for the CPSC to reject subsequent revisions or amend the standards. In addition, the amendment struck the content requirements for portable generator labels and instruction manuals, and instead provided for a study by the CPSC on the possibility of requiring the existing standards for the labels to include other languages in addition to English. Finally, the amendment strengthened the eligibility criteria for the grant program to encourage states to adopt laws that require the installation of carbon monoxide alarms in a broader range of homes and expanded eligibility to include local governments. The amendment also expanded the allowable uses of the grant funds to include the purchase of the alarms for certain vulnerable populations and other public facilities.

On July 15, 2010, the Committee on Energy and Commerce met in open markup session to consider H.R. 1796 as approved by the Subcommittee. The Committee agreed by a voice vote to a manager's amendment offered by Mr. Stupak on behalf of Mr. Waxman. Subsequently, the full Committee ordered H.R. 1796 favorably reported to the House, amended, by a voice vote.

⁹House Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, Testimony of Robert J. Howell, *Hearing on H.R. 1796, the Residential Carbon Monoxide Poisoning Prevention Act, and H.R. 4805, the Formaldehyde Standards for Composite Wood Products Act*, 111th Cong. (Mar. 18, 2010).

¹⁰*Id.*

¹¹*Id.*

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. A motion by Mr. Stupak ordering H.R. 1796 reported to the House, amended, was approved by a voice vote. There were no record votes taken during consideration of this bill.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee are reflected in the descriptive portions of this report, including the finding that CPSC should publish both of the existing voluntary industry standards for carbon monoxide alarms as mandatory consumer product safety standards and establish a grant program to help states reduce incidents of carbon monoxide poisoning.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 1796 will result in no new budget authority, entitlement authority, or tax expenditures or revenues.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of the Committee are reflected in the descriptive portions of this report, including that the CPSC publish both of the existing voluntary industry standards for carbon monoxide alarms as a mandatory consumer product safety standards and establish a grant program to help states reduce incidents of carbon monoxide poisoning.

CONSTITUTIONAL AUTHORITY STATEMENT

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires the Committee to include a statement citing the specific powers granted to Congress to enact the law proposed by H.R. 1796. The Committee finds that the constitutional authority for H.R. 1796 is found in Article I, section 8, clauses 3 and 18 of the Constitution of the United States.

EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 1796 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives.

FEDERAL ADVISORY COMMITTEE STATEMENT

No advisory committees were created by H.R. 1796 within the meaning of 5 U.S.C. App., Section 5(b).

APPLICABILITY OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of the Congressional Accountability Act of 1985 requires a description of the application of this bill to the legislative branch where the bill relates to terms and conditions of employment or access to public services or accommodations. H.R. 1796 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).

FEDERAL MANDATES STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act of 1974 (as amended by section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104-4) requires a statement on whether the provisions of the bill include unfunded mandates. In compliance with this requirement the Committee adopts as its own the analysis of H.R. 1796 prepared by the Director of the Congressional Budget Office, which is enclosed herein.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the cost estimate of H.R. 1796 prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, following is the cost estimate for H.R. 1796 from the Director of Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 27, 2010.

Hon. HENRY A. WAXMAN,
*Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1796, the Residential Carbon Monoxide Poisoning Prevention Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kirstin Nelson.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 1796—Residential Carbon Monoxide Poisoning Prevention Act

H.R. 1796 would amend the Consumer Product Safety Act to establish as mandatory consumer product safety rules existing standards for certain carbon monoxide detection devices. The bill would authorize the appropriation of \$2 million per year for fiscal years 2011 through 2015 to provide grants to states and local governments to carry out the carbon monoxide poisoning prevention activities specified in the bill. The activities would include purchasing

and installing approved carbon monoxide alarms, training state or local fire code enforcement officials, developing training materials, and educating the public about the risks of carbon monoxide.

Based on preliminary information from the agency, CBO estimates the cost of administering the grants would be less than \$1 million per year for fiscal years 2011 through 2015. Assuming appropriation of the authorized amounts for the grants and the amounts necessary for administrative costs, CBO estimates that implementing H.R. 1796 would cost \$12 million over the 2011–2015 period. Enacting H.R. 1796 would not affect direct spending or revenues; therefore, pay-as-you-go procedures would not apply.

H.R. 1796 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

H.R. 1796 contains private-sector mandates as defined in UMRA. By requiring the Consumer Product Safety Commission (CPSC) to adopt the current industry standards developed by the American National Standards Institute (ANSI) for carbon monoxide gas and vapor detection units, the bill would prohibit the manufacture, distribution, or sale of units that do not meet those standards. In addition, the bill would require the Underwriters Laboratories to notify the CPSC if the industry standards for those units are revised to allow the CPSC to consider adopting the revised industry standards.

Because most manufacturers already comply with the voluntary ANSI standards, CBO estimates that the additional cost to comply with the standard would be low. In addition, the cost to Underwriters Laboratories to notify the CPSC would be minimal.

Therefore, CBO estimates that the aggregate cost of the mandates would fall below the annual threshold established in UMRA for private-sector mandates (\$141 million in 2010, adjusted annually for inflation).

The CBO staff contacts for this estimate are Kirstin Nelson (for federal costs) and Marin Randall (for the private-sector impact). The estimate was approved by Holly Harvey, Deputy Assistant Director for Budget Analysis.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section designates the short title of the Act as the “Carbon Monoxide Poisoning Prevention Act”.

Section 2. Findings

This section sets forth the bill’s findings regarding carbon monoxide poisoning, including that purchasing and installing carbon monoxide alarms in homes and other dwelling units can help avoid fatalities and that Congress should promote the purchase and installation of such devices to protect the health and safety of the nation’s citizens.

Section 3. Definitions

This section defines the terms “approved carbon monoxide alarm”, “carbon monoxide alarm”, “Commission”, “dwelling unit”,

“fire code enforcement officials”, and “NFPA 720” as used for the purposes of the Act.

Section 4. Adoption of consumer product safety rules

Section 4(a) directs the Consumer Product Safety Commission to adopt 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) no later than 90 days after enactment of the Act and for the standards to take effect 180 days after they are published.

Sections 4(b) and (c) provide processes for updating the mandatory consumer product safety standards through the industry consensus standards setting process and through independent action of the CPSC. In general, each mandatory standard of the CPSC will be automatically updated within 60 days of notification from the Underwriters Laboratories (UL) that the relevant standard has been revised. The CPSC, however, may within that timeframe reject a revision to either standard if it determines that such a revision does not carry out the purposes of this Act, which are to protect the health and safety of consumers to the utmost degree by encouraging the installation of alarms that will work properly and effectively. Consistent with those purposes, subsection (c) allows the CPSC to undertake a rulemaking on its own to amend either of the mandatory standards.

Section 4(d) provides for enforcement of the mandatory standards as consumer product safety rules under the Consumer Product Safety Act.

Section 5. Report to Congress

This section requires the CPSC to complete a study to determine whether requiring languages other than English would improve the effectiveness of warning labels required for portable generators.

Section 6. Grant program for carbon monoxide poisoning prevention

This section directs the CPSC to create a grant program to provide assistance to states and local governments to carry out carbon monoxide poisoning prevention programs and authorizes Congress to appropriate \$2 million for the program in each of fiscal years 2011 through 2015. This section also sets out the requirements for states and local governments to be eligible for the funds and the allowable uses for the funds. Among the requirements for eligibility for the grant program is that a state or local government adopt a law requiring the installation of approved carbon monoxide alarms in accordance with NFPA 720 in dwelling units. Half the states currently have laws regarding carbon monoxide alarms, but the requirements of these laws vary significantly.¹² Some of these laws only require that the alarms be installed in newly constructed homes or only in rental units. Some require even less. The Committee heard concerns that older homes, which generally contain older fuel-burning appliances, pose more of a carbon monoxide poisoning threat than new construction with new fuel-burning appli-

¹²See National Conference of State Legislatures, *Carbon Monoxide Detectors State Statutes* (online at www.ncsl.org/default.aspx?tabid=13238).

ances. Therefore, the bill directs the CPSC to give priority to funding the programs of states and local governments that require the alarms in existing dwelling units with fuel-burning appliances or attached garages.

Additionally, because installing carbon monoxide alarms can help prevent carbon monoxide poisoning, the bill as amended by the Committee directs that states be allowed to use grant funds to purchase and install the alarms in the dwelling units of vulnerable populations, including low-income families and the elderly, and facilities that commonly serve children and the elderly, such as childcare facilities, public schools, and senior centers. It is the Committee's view that devoting the greatest share of grant funds to these activities will have the most impact on reducing incidents of carbon monoxide poisoning.

EXPLANATION OF AMENDMENT

During full Committee consideration of H.R. 1796, Mr. Stupak, on behalf of Mr. Waxman, offered a manager's amendment. The amendment corrected the definition of "approved carbon monoxide alarm" to account for the authority granted to the CPSC to amend the standards for carbon monoxide alarms and the definition of "carbon monoxide alarm" to accurately reflect how the alarms work. In addition, in response to concerns raised by industry representatives, performance testing labs, and the Committee minority, the amendment struck language imposing certain labeling requirements for the alarms and their packaging. The amendment also struck a surplus reference to the "American National Standards Institute" to clarify that only UL has the responsibility of maintaining the standards. Finally, the amendment extended the timeframe given to the CPSC from 30 days to 60 days to accept or reject revisions to the standards by the standards setting organization.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 1796, as reported, does not make any changes in existing law.

DISSENTING VIEWS

We submit the following comments to express our concerns with H.R. 1796, the Residential Carbon Monoxide Poisoning Prevention Act.

While we support the stated goal of H.R. 1796—to prevent carbon monoxide poisonings—we do not support the underlying policy of H.R. 1796. We agree that greater consumer education regarding the dangers posed by carbon monoxide-emitting devices should be pursued by both government and private-sector stakeholders. Additionally, increased consumer adoption of carbon monoxide detectors would greatly mitigate approximately 70 percent of carbon monoxide poisoning deaths which occur in the home. Many state and municipal governments recognize the benefit detectors bring and have incorporated into their building codes requirements for detectors and alarms in the home.

The reason for our dissent is the lack of a public policy reason for making the existing voluntary standard for carbon monoxide detectors and alarms a mandatory standard. There is widespread compliance with the voluntary standard. We do not anticipate that making the current voluntary standard mandatory will have any material effect on the number of carbon monoxide poisonings prevented. Detectors are not the problem; adoption of detectors is the problem.

During the legislative hearing on H.R. 1796, witnesses representing both the Consumer Product Safety Commission (CPSC) and manufacturers of carbon monoxide detectors and alarms agreed there is no fault with the current voluntary standard in protecting the public, nor is there any evidence of non-compliance with the standard by any manufacturers. Under Section 7 of the Consumer Product Safety Act (CPSA), two conditions—failure of the voluntary standard to adequately protect consumers and substantial non-compliance by manufacturers—must be met for the CPSC to promulgate a mandatory standard. The CPSC witness testified it would not be able to satisfy these two conditions. That is a positive sign the industry developed an effective standard and that manufacturers have all adopted and complied with it.

Congress designed the CPSA to allow the CPSC to avoid a Sisyphean practice of continuously writing standards for the tens of thousands of consumer products in the marketplace. Instead, the Commission relies upon voluntary standards developed by industry or independent standard setting organizations with the opportunity for input from the CPSC. This has been an effective approach to efficiently develop product safety standards. Changing this process without a legitimate public policy reason for doing so is a terrible precedent Congress should not set. Either the existing procedures to develop mandatory standards under the CPSA work or they do not. Given that Congress undertook comprehensive changes in the

110th Congress with the passage of the Consumer Product Safety Improvement Act and did not amend or alter these procedures, it is clear Congress believes the CPSA works as intended.

JOE BARTON.

