



MEMORANDUM

July 8, 2019

To: Subcommittee on Consumer Protection and Commerce Members and Staff

Fr: Committee on Energy and Commerce Democratic Staff

Re: Subcommittee Markup

On Wednesday, July 10, 2019, at 10 a.m. in the John D. Dingell Room, 2123 of the Rayburn House Office Building, the Subcommittee on Consumer Protection and Commerce will hold a markup of the following six bills: **H.R. 2211**, the “Stop Tip-overs of Unstable, Risky Dressers on Youth Act” or “STURDY Act”; **H.R. 3172**, the “Safe Sleep Act of 2019”; **H.R. 3170**, the “Safe Cribs Act of 2019”; **H.R. 1618**, the “Nicholas and Zachary Burt Carbon Monoxide Poisoning Prevention Act of 2019”; **H.R. 806**, the “Portable Fuel Container Safety Act of 2019”; and **H.R. 2647**, the “Safer Occupancy Furniture Flammability Act” or “SOFFA”.

I. H.R. 2211, THE “STOP TIP-OVERS OF UNSTABLE, RISKY DRESSERS ON YOUTH ACT” (THE “STURDY ACT”)

Rep. Schakowsky (D-IL) reintroduced H.R. 2211 on April 10, 2019, after first introducing the legislation in the 114th Congress. The bill would direct the Consumer Product Safety Commission (CPSC) to issue a consumer product safety standard for clothing storage units to prevent them from tipping over onto children. Clothing storage units include furniture items that are intended for the storage of clothing, such as chests, dressers, or bureaus. The standard must include specific testing criteria to ensure adequate protection as well as warning requirements. Specifically, the standard must include tests that simulate the weight of a child up to six years old and account for real world use factors affecting stability, such as placement on carpeting or multiple open drawers. The standard must additionally test clothing storage units of all heights. The bill requires CPSC to adopt the consumer product safety standard within one year of enactment.

II. H.R. 3172, THE “SAFE SLEEP ACT OF 2019”

Rep. Cárdenas (D-CA) introduced H.R. 3172, the “Safe Sleep Act of 2019” on June 10, 2019. The bill prohibits the manufacture for sale, offer for sale, distribution in commerce, or import of inclined sleepers for infants. An inclined sleeper for infants is defined as a product with an inclined sleep surface greater than ten degrees that is intended, marketed, or designed to provide sleeping accommodations for an infant up to one year old. The bill’s prohibition would take effect 180 days from enactment.

III. H.R. 3170, THE “SAFE CRIBS ACT OF 2019”

Rep. Schakowsky (D-IL) introduced H.R. 3170, the “Safe Cribs Act of 2019” on June 10, 2019. H.R. 3170 prohibits the manufacture for sale, offer for sale, distribution in commerce, or import of crib bumpers. A crib bumper is defined to include any material that is intended to cover the sides of a crib to prevent injury to a crib occupant from impacts or to prevent a crib occupant from getting any body part entrapped in any opening, such as a padded crib bumper, a supported and unsupported vinyl bumper guard, a mesh crib liner, and vertical slat covers. The bill’s prohibition would take effect 180 days from enactment.

IV. H.R. 1618, THE “NICHOLAS AND ZACHARY BURT CARBON MONOXIDE POISONING PREVENTION ACT OF 2019”

Reps. Kuster (D-NH) and Carter (R-GA) reintroduced H.R. 1618, the “Nicholas and Zachary Burt Carbon Monoxide Poisoning Prevention Act of 2019” on March 7, 2019, after first introducing the legislation in the 113th Congress. H.R. 1618 would direct CPSC to establish a grant program for states to purchase and install carbon monoxide alarms 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 dwelling units owned by public universities, and to assist in enforcement and education efforts related to carbon monoxide alarms. The bill limits the amount of grant funds that may be used for states’ administrative costs and public education.

A state would be eligible for grant funds if it has adopted a law, regulation, or similar measure requiring the installation of carbon monoxide alarms in dwelling units and submits an application to CPSC for funds. CPSC shall give favorable consideration to an application from a state that (1) requires the installation of carbon monoxide alarms in educational, childcare, healthcare, and adult dependent care facilities; government buildings; restaurants; theaters; lodging establishments; or dwelling units that contain a fuel-burning appliance or have an attached garage; and (2) has developed a strategy to protect vulnerable populations such as children, the elderly, or low-income households.

H.R. 1618 authorizes \$2,000,000 in appropriations to CPSC for fiscal years 2020 through 2024 to carry out the grant program and limits the amount of funds that may be used for CPSC’s administrative costs. The bill provides that any funds that CPSC does not expend on grants are to be used for enforcement of the Consumer Product Safety Act. The bill further requires that CPSC report annually to Congress on implementation of the grant program.

V. H.R. 806, THE “PORTABLE FUEL CONTAINER SAFETY ACT OF 2019”

Reps. Thompson (D-CA) and Joyce (R-OH) reintroduced H.R. 806, the “Portable Fuel Container Act of 2019” on January 28, 2019, after first introducing the legislation in the 114th Congress. H.R. 806 would direct CPSC to issue a consumer product safety rule to require flame mitigation devices in portable fuel containers. Alternatively, if CPSC determines that a voluntary standard for flame mitigation devices in portable fuel containers adequately impedes

the propagation of flame into the containers, CPSC may adopt the voluntary standard as a consumer product safety rule.

A portable fuel container is defined to include any container intended for flammable liquid fuels, as well as component parts such as caps and spouts. If CPSC adopts a voluntary standard as a consumer product safety rule and the voluntary standard is subsequently revised, the revised standard shall be treated as a consumer product safety rule unless CPSC votes not to adopt it. The bill also authorizes CPSC to modify the requirements of a consumer product safety rule or a voluntary standard that was adopted under this bill if CPSC determines that it is reasonably necessary to do so to protect public health or safety.

H.R. 806 further directs CPSC to conduct an education campaign to alert consumers to the dangers of using or storing portable fuel containers near ignition sources and to report to Congress on the campaign. The bill also amends the Children’s Gasoline Burn Prevention Act to expand existing child-resistance requirements for closures for portable gasoline containers to include portable kerosene and diesel fuel containers and component parts. H.R. 806 requires CPSC to adopt a consumer product safety rule within 30 months of enactment.

VI. H.R. 2647, THE “SAFER OCCUPANCY FURNITURE FLAMMABILITY ACT” (“SOFFA”)

Reps. Matsui (D-CA) and Griffith (R-VA) reintroduced H.R. 2647, the Safer Occupancy Furniture Flammability Act” or “SOFFA” on May 9, 2019, after first introducing the legislation in the 115th Congress. H.R. 2647 adopts the California upholstered furniture flammability standard – known as Technical Bulletin 117-2013 – as a national flammability standard for upholstered furniture. The California standard omits previous performance requirements that were typically satisfied through the addition of flame-retardant chemicals, which have been associated with adverse health effects. The bill would preempt state laws that provide for a furniture flammability standard for upholstered furniture but would not preempt the California standard itself or associated regulations. H.R. 2647 also would not preempt any state law that concerns health risks associated with upholstered furniture and is not designed to protect against the risk of fire or to slow or prevent the spread of fire in upholstered furniture. The bill provides that the California standard would be considered a flammability standard promulgated by CPSC as of 180 days after enactment.