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MARKUP OF H.R. 2211, H.R. 3172, H.R. 3170,
H.R. 1618, H.R. 806, AND H.R. 2647

WEDNESDAY, JULY 10, 2019

House of Representatives

Subcommittee on Consumer Protection and

Commerce

Committee on Energy and Commerce

Washington, D.C.

The subcommittee met, pursuant to call, at 10:03 a.m., in Room 2123 Rayburn House Office Building, Hon. Janice Schakowsky [chairwoman of the subcommittee] presiding.

Members present: Representatives Schakowsky, Castor, Veasey, Kelly, O'Halleran, Blunt Rochester, Soto, Rush, Matsui, McNerney, Dingell, Pallone (ex officio), Rodgers, Upton, Burgess, Latta, Guthrie, Bucshon, Hudson, Carter, Gianforte, and Walden (ex officio).

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Staff present: Billy Benjamin, Systems Administrator; Jeff Carroll, Staff Director; Alex Chastick, Counsel; Sharon Davis, Chief Clerk; Lisa Goldman, Counsel; Waverly Gordon, Deputy Chief Counsel; Daniel Greene, Professional Staff Member; Tiffany Guarascio, Deputy Staff Director; Omar Guzman-Toro, Policy Analyst; Alex Hoehn-Saric, Chief Counsel, C&T; Jourdan Lewis, Policy Analyst; Joe Orlando, Staff Assistant; Alivia Roberts, Press Assistant; Tim Robinson, Chief Counsel; Chloe Rodriguez, Policy Analyst; Ben Rossen, FTC Detailee; Andrew Souvall, Director of Communications, Outreach and Member Services; Sydney Terry, Policy Coordinator; Julia Salas, Staff Assistant; Mike Bloomquist, Minority Staff Director; Justin Discigil, Minority Press Secretary; Margaret Tucker Fogarty, Minority Staff Assistant; Melissa Froelich, Minority Chief Counsel, CPAC; Peter Kielty, Minority General Counsel; Bijan Koohmaraie, Minority Counsel, CPAC; and Brannon Rains, Minority Staff Assistant.

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1 Ms. Schakowsky. Subcommittee will come to order. As our --
2 as my ranking member just pointed out, this is our first markup
3 of the session, and I will begin by recognizing myself for five
4 minutes.

5 So under -- in today's world, unfortunately, too many
6 Americans are skeptical that government does much of any good
7 for them. That is not true of today and it's not true here.

8 It is really humbling to chair the subcommittee as we mark
9 up six bipartisan bills that will actually save lives. Think
10 about it for a moment.

11 Our committee is going to be ensuring that no more children
12 -- we hope no more -- die from dressers that tip over and crush
13 them; no more babies will suffer from crib suffocation from crib
14 bumpers; no more people are burnt from unsafe fuel containers;
15 families are safe from carbon monoxide poisoning in their homes
16 and firefighters are safe from chemicals that can actually
17 exacerbate fires.

18 This is the stuff of everyday life and I am proud to be the
19 lead sponsor of two of those bills and co-sponsor of all six.

20 I want to thank my colleagues on both sides of the aisle for
21 their leadership on these important pieces of legislation.

22 I also want to say a special thank you to all the staff on
23 both sides of the aisle for the good work that they have done
24 and that we have all done together.

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1 Mike Thompson and David Joyce, a Democrat and Republican,
2 who do not serve on this committee, introduced the Portable Fuel
3 Safety -- Container Safety Act, which would direct the Consumer
4 Product Safety Commission to establish a mandatory standard for
5 flame mitigation devices in portable fuel containers.

6 The first bill we will be marking up is the STURDY Act, which
7 would direct the CPSC to enact a mandatory standard to prevent
8 furniture tip overs.

9 Every hour of every day, common pieces of furniture like
10 clothing storage units, dressers, and chests tip, tilt, and fall.

11 According to the CPSC, tip overs inflict around three injuries
12 per hour and cause, unfortunately, hundreds of avoidable child
13 fatalities.

14 Product experts and parental groups agree that tip over
15 injuries are preventable. But current industry standards are
16 simply not enough.

17 In 2018 alone, over 2 million units of children's products
18 faced recall and nursery furniture was among the leading category.

19 CPSC rulemaking can move -- can't move fast enough and in the
20 last 10 years the CPSC finalized only one mandatory safety
21 standard.

22 So I am so appreciative of Ranking Member Cathy Rodgers for
23 her commitment to working with me on this legislation.

24 The second bill introduced -- was introduced last month with

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1 my friend from Chicago, Bobby Rush, and Robin Kelly is the Safe
2 Cribs Act, which would ban crib bumpers. The American Academy
3 of Pediatrics' safe sleep recommendations call for infants to
4 sleep on a firm flat surface and does not recommend the use of
5 crib bumpers due to the risk of suffocation.

6 CPSC, for its part, has been working on safety standards
7 for crib bumpers since 2012. But it is not clear when, if ever,
8 they will adopt a standard and families need this legislation
9 now.

10 And, finally, I want to take a moment to make a note about
11 -- to make note of H.R. 3169, the FASTER Act, which is designed
12 and aiming at speeding up recall of products, which I think is,
13 clearly, needed.

14 But I do want to say that this bill is not being marked up
15 this morning but was included in legislation that we heard last
16 month. We have been working in a bipartisan good faith
17 discussions on the bills that are under consideration today and
18 will continue to do so, including the working on H.R. 3169, the
19 FASTER Act.

20 We are working to ensure that the fast track recall program
21 does not lose support to ensure that consumers get recall
22 information and quick -- as quickly and as efficiently as
23 possible.

24 And I want to assure my ranking member that I am absolutely

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1 committed to continuing to work together with her and all members
2 of the committee on both sides of the aisle so that this issue
3 can move forward and will move forward.

4 And so the chair now recognizes Mrs. Rodgers, ranking member,
5 for the Subcommittee on Consumer Protection and Commerce for five
6 minutes for her opening statement.

7 Mrs. Rodgers. Good morning. Thank you, Madam Chairwoman,
8 and to all my colleagues on the committee, I am pleased to be
9 here today and want to thank the chair and all the members and
10 the staff too for working in addressing many of the concerns that
11 were raised on our side of the aisle so that we could move forward
12 in a bipartisan -- with bipartisan support today.

13 I also appreciate the stated commitment to continuing to
14 work on my bill, the FASTER Act. I was disappointed that it wasn't
15 included in today's markup.

16 We have made progress on building a bipartisan consensus,
17 and though I think today is a missed opportunity, I appreciate
18 the commitment of the chair and the committee to keep working
19 on this legislation.

20 I encourage consumer groups, industry experts, and others
21 to provide your feedback and engage with me and the committee.

22 We must work on the FASTER Act because consumer safety and
23 people's lives are on the line.

24 The Consumer Protection Safety Commission's fast track

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1 recall program is too slow. Yes, there was a time when it worked
2 consistently. There was a time when it was award winning.

3 But that's not the case anymore. Like many things in
4 Washington, D.C., fast track has become slow because of an
5 outdated bureaucracy -- the program from 1995 that isn't
6 functioning in the 21st century economy. Time to speed the recall
7 process up again.

8 Thank you especially to Representative Soto for working with
9 me to do just that.

10 Turning to the six bills before us today, beginning with
11 H.R. 2211, the STURDY Act, thank you, Chairwoman, for listening
12 to our feedback.

13 I am encouraged by the improvements that have been made on
14 the bill and I hope that our work will continue as we get closer
15 to a full committee markup.

16 H.R. 3172, the Safe Sleep Act, addressing a suffocating
17 hazard related to recent recalls of several inclined sleep
18 products. Losing a baby is an unimaginable tragedy and I hope
19 that our efforts here today and the work that's already been done
20 by the CPSC can help prevent these tragic deaths from happening
21 in the future.

22 I encourage parents to visit saferproducts.gov to get the
23 most updated information about these recalls.

24 H.R. 3170, the Safe Cribs Act of 2019, will address the

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1 suffocation hazard created by padded crib bumpers. During the
2 legislative hearing a few weeks ago, we presented data on why
3 mesh bumpers were safe alternatives. It would also prevent kids'
4 arms and legs from getting trapped in cribs.

5 I appreciate that the majority took this into account so
6 that we can consider my amendment that models what states are
7 doing. This amendment will ensure parents can access safe mesh
8 bumpers and won't turn to putting pillows and blankets back in
9 the cribs which also pose suffocation risk like padded bumpers.

10 I'd like to thank Mr. Carter and Mr. Upton for their work
11 on H.R. 1618, the Nicholas and Zachary Burt Carbon Monoxide
12 Poisoning Prevention Act of 2019. Carbon monoxide detectors save
13 lives.

14 Just earlier this year, a detector saved a Spokane Valley
15 man's life in my district, alerting him to a significant carbon
16 monoxide leak in his home, just 11 days after he had put it in.

17 I look forward to continuing to work with you on this
18 legislation to help get safe carbon monoxide detectors into more
19 homes.

20 Turning to H.R. 806, the Portable Fuel Container Safety Act
21 of 2019, this bill requires all consumer fuel container products
22 utilize a flame mitigation device, preventing dangerous flame
23 jetting from occurring.

24 Too many fuel containers with no mitigation devices have

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1 caused severe burns and even death. These tragedies are
2 preventable.

3 Thank you, Margaret Lewis, for turning your family's tragedy
4 into a personal mission to prevent other families from having
5 to live through a similar nightmare. Your steadfast commitment
6 to your family on this issue got us to this point.

7 And while Mr. Griffith isn't on the subcommittee, I would
8 like to recognize his work on H.R. 2647, the Safer Occupancy
9 Furniture Flammability Act, or SOFFA. I share the goals of this
10 legislation but have concerns with the current draft that sets
11 a state technical bulletin as a federal standard.

12 We should have one set of standards for furniture
13 flammability, especially today when there's an increased risk
14 of fires across the country and in my district.

15 So thank you, everyone, for being a part of this markup today.

16 I understand that we will be voice voting the bills, and with
17 that, I will yield back.

18 Ms. Schakowsky. I thank the ranking member for yielding
19 back.

20 Some of what you said reminded me that while I thanked the
21 members and the staff, I didn't thank the advocates and,
22 particularly, we have heard from people whose children have
23 actually died who have come here so bravely to testify on behalf
24 of some of this legislation.

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1 So thank you for that, and now I recognize the chairman of
2 the full committee, Mr. Pallone, for five minutes for an opening
3 statement.

4 The Chairman. Thank you, Madam Chair.

5 Today, we are considering six bills that will keep kids and
6 consumers safe from dangerous products as part of this committee's
7 commitment to put consumers first.

8 Madam Chair, I just wanted to say, you know, a lot of people
9 say that consumerism is dead and that, you know, the public or
10 the media don't pay attention to it and the Congress doesn't pay
11 attention to it.

12 But I want to commend you because from the very beginning
13 when you decided the chair, this subcommittee, you said that we
14 were going to put consumers first and that consumerism isn't dead
15 and that we need to do whatever we can to protect consumers, and
16 this is really part of that.

17 And the other thing too is, you know, I always hear people
18 say, well, you know, politicians don't care about kids because
19 kids don't vote, and the reality is that you care and this
20 committee cares on a bipartisan basis about kids and putting kids
21 and consumers first.

22 So I just wanted to say that by way of opening.
23 Congressional action is needed, given the failure of the Consumer
24 Product Safety Commission to act in recent years.

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1 At recent hearings, we heard from parents, consumer
2 advocates, and even some commissioners that CPSC is too slow to
3 act, too timid, or too deferential to industry, and its inaction
4 has resulted in unnecessary injuries and, at times, cost Americans
5 their lives.

6 At our legislative hearing last month, we heard emotional
7 testimony from Crystal Ellis, whose son, Camden, was killed when
8 a dresser tipped over onto him.

9 She put a human face on the thousands of injured kids and
10 more than 200 killed by furniture tip-overs. Ms. Ellis told us
11 about the lack of action by industry to develop a voluntary
12 standard to reduce or eliminate furniture tip overs, and Chair
13 Schakowsky's STURDY Act would require CPSB to adopt a strong
14 mandatory standard within one year of enactment, and I commend
15 her for her leadership on this legislation.

16 We are also considering two bills today to reduce infant
17 deaths and promote safe sleep practices. Representative
18 Cardenas's Safe Sleep Act would ban dangerous inclined sleepers
19 that are responsible for at least 50 deaths. Some of these
20 sleepers have been recalled by others are still in stores and
21 online where soon-to-be parents or grandparents or well-meaning
22 friends may purchase them.

23 Crib bumpers are another hazardous children's product that
24 is still being sold, despite pediatricians urging parents not

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1 to use them.

2 For years, pediatricians and public health experts have
3 recommended against using crib bumpers because they can cause
4 suffocation, strangulation, entrapment, entanglement, or falls,
5 and they also provide no benefit to the baby.

6 Several cities and states have already banned crib bumpers
7 including Chicago, Ohio, and Maryland. But that is not enough.

8 It is time for Congress to act to make sure that babies are safe
9 from these products no matter where they live.

10 And we are also considering three bills that have long been
11 -- long had bipartisan support. Representatives Kuster and
12 Carter introduced the Nicholas and Zachary Burton Carbon Monoxide
13 Poisoning Prevention Act.

14 This bill would direct CPSC to establish a grant program
15 for states and local governments to install carbon monoxide alarms
16 in dwellings, child care facilities, schools, and senior centers,
17 and to assist with education and enforcement efforts to keep
18 Americans safe from this silent killer.

19 Representatives Thompson and Joyce introduced the Portable
20 Fuel Container Safety Act, which is also co-sponsored by numerous
21 Democrats and Republicans, and this legislation would require
22 CPSC to adopt a mandatory tool to prevent flame jetting in portable
23 fuel containers and improve child resistance controls on kerosene
24 and diesel fuel containers.

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1 And finally, Representatives Matsui and Griffith introduced
2 the Safer Occupancy Furniture Flammability Act, which would adopt
3 California's furniture flammability standard for upholstered
4 furniture as the national flammability standard.

5 California's standard can be met without the use of toxic
6 flame retardant chemicals that endanger not only the families
7 that have these chemicals in their household furniture but also
8 firefighters who are exposed to them when battling fires.

9 As we heard from Captain Chris Parsons at our hearing last
10 month, these chemicals have caused severe health problems for
11 firefighters and I commend Representatives Matsui and Griffith
12 for their leadership on this issue.

13 So and all six of these bills will save American lives and,
14 particularly, kids, and that is why I am pleased to support them
15 and appreciate all your work, Chairman Schakowsky and the fact
16 that this is bipartisan.

17 I yield back.

18 Ms. Schakowsky. I thank you, Chairman Pallone.

19 And now I recognize Mr. Walden, the ranking member of the
20 full committee, for five minutes.

21 Mr. Walden. I am glad with all these bandages you still
22 recognize me, Madam Chair.

23 [Laughter.]

24 Mr. Walden. Thank you. I am fine. It was just -- always

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1 wear sun screen.

2 Good morning. Welcome to the first Consumer Protection and
3 Commerce Subcommittee markup of the year, and today, as we have
4 heard, we will consider these six really important bills.

5 I know there's been a lot of discussion about them. I know
6 some of them are more ready for prime time than others. But I
7 know we are all working together in a good bipartisan spirit to
8 get them perfected by the full committee.

9 As I know you've made the commitment, Madam Chair, on the
10 FASTER Act we look forward to getting that in a good place as
11 well and we appreciate that the majority continue to work with
12 us on all of these, and I know there are still some issues.

13 But I want to thank Mrs. Rodgers for her leadership in this
14 area because this was once an award-winning fast track recall
15 program. But it has slowed to a crawl and we need to fix it.

16 So the fast track includes provisions of existing Consumer
17 Product Safety Commission program. It takes lessons learned from
18 the recall processes at the National Highway Traffic Safety
19 Administration and the FDA.

20 I think it's a real common sense bill. It puts consumers
21 first and bureaucracy second.

22 I also want to thank our subcommittee Republican leader,
23 Mrs. Rodgers, for her leadership on this importance of maintaining
24 the fast track recall program as well as Mr. Soto for his support

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1 of this legislation as well.

2 Protecting consumers, I know, is a real passion of yours
3 and it is something that's shared in a bipartisan way to take
4 care of our most vulnerable, our kids, in society especially.

5 So we appreciate that.

6 And then, of course, H.R. 806, the Portable Fuel Container
7 Safety Act of 2019 -- this really will prevent injuries and deaths
8 from flame jetting. H.R. 806 requires the use of mitigation
9 devices.

10 These will drastically improve safety around the use of
11 portable fuel containers, and as you already heard and will hear
12 throughout the markup, concerns were made about some of the other
13 bills we will consider today.

14 But in the spirit of bipartisanship, we intend to work with
15 you to voice vote these out of the subcommittee, continue them
16 on their legislative journey, and negotiate the final language
17 before the full committee markup.

18 My hope is we can keep this process bipartisan and resolve
19 our concerns. And so, Chair Schakowsky, thank you for your
20 leadership on these issues and for your continuing commitment
21 to work with us to find bipartisan solutions.

22 And with that, I yield back the balance of my time.

23 Ms. Schakowsky. I want to thank the ranking member of the
24 full committee.

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1 And now, are there any other members who seek recognition?

2 And that would be for three minutes.

3 Okay. Seeing none, I believe that concludes our opening
4 statements, and pursuant to committee rules members' written
5 opening statements shall be made part of the record. Please
6 submit written opening statements to the clerk's desk.

7 So at this time, we will begin the bill consideration. The
8 chair calls up H.R. 2211, the Stop Tip Overs of Unstable Risky
9 Dressers on Youth Act -- the STURDY Act -- and the clerk will
10 report the title of the bill.

11 The Clerk. H.R. 2211, a bill to require the Consumer Product
12 Safety Commission to promulgate a consumer product safety rule
13 for free-standing --

14 [The Bill H.R. 2211 follows:]

15

16 *****INSERT 1*****

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1 Ms. Schakowsky. Without objection, the first reading of
2 the bill will be dispensed with.

3 The bill is now considered as read.

4 Without objection, the bill is considered as read and open
5 for amendment at any point.

6 I will now recognize myself to offer an amendment in the
7 nature of a substitute introduced by me and Ranking Member
8 Rodgers. My amendment is labeled SLW 26. SLW 26.

9 The clerk will report the amendment.

10 The Clerk. Amendment in the nature of a substitute to H.R.
11 2211 offered by Ms. Schakowsky of Illinois. Strike out all after
12 the enact --

13 [The Amendment offered by Ms. Schakowsky follows:]

14

15 *****INSERT 2*****

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1 Ms. Schakowsky. Without objection, the reading of the
2 amendment will be dispensed with and I now recognize myself for
3 five minutes.

4 As I said, the STURDY Act fills a critical need. Despite
5 scores of injuries and deaths from falling furniture, the
6 voluntary standards remain insufficient.

7 It is unacceptable that and it is obvious that we need to
8 take action. This amendment is a product of careful negotiations
9 to clarify the language and clearly define the role of the Consumer
10 Product Safety Commission in addressing these dangers.

11 I want to thank Ranking Member Rodgers for working so closely
12 with me over the past few weeks and thank the staffs as well to
13 move this bill forward with bipartisan support.

14 It is simple. This bill will save lives and I hope my
15 colleagues will join me in supporting the STURDY Act.

16 Mrs. Rodgers. Madam Chair?

17 Ms. Schakowsky. Yes, let me recognize the ranking member.

18 Mrs. Rodgers. I move to strike the last word.

19 This morning, I join Chair Schakowsky offering this
20 amendment in the nature of a substitute to H.R. 2211, the STURDY
21 Act. It is absolutely important to protect children from
22 tip-over related injuries and deaths.

23 However, as I make clear throughout this process, I want
24 to ensure we are narrowly focused on the tip-over hazard and

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1 address it in the most effective manner possible without
2 unnecessarily putting jobs and small businesses at risk.

3 The substitute amendment is an improvement. But there's
4 still some more work to be done. I encourage interested parties
5 to give us feedback as we continue our work on this important
6 topic.

7 I am generally not a big proponent of delegating rulemaking
8 to agencies. But we do have an obligation to protect our most
9 vulnerable.

10 For that reason, I will continue to work with you before
11 the full committee markup to see if we can address some of the
12 concerns that have been raised.

13 Thank you, and I yield back.

14 Ms. Schakowsky. Thank you, and I assure you that we will
15 be working with you.

16 And are there other members seeking recognition to speak
17 on the amendment?

18 Mr. Latta. Madam Chair?

19 Ms. Schakowsky. For what purpose does Mr. Latta seek
20 recognition?

21 Mr. Latta. Thank you very much. To strike the last word.

22 Mr. Latta. The gentleman is recognized for five minutes.

23 Mr. Latta. Thank you, Madam Chair.

24 I truly appreciate the work that you and the subcommittee

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1 have done to address the safety of our children from the
2 possibility of furniture tip-overs. I believe that there should
3 be a safety standard to guide manufacturers as they seek to improve
4 furniture stability.

5 That is why I support making the current voluntary standard
6 mandatory so that the CPSC will have more enforcement tools to
7 go after bad actors.

8 CPSC is currently working through the rulemaking process
9 to allow them to do this. I do have concerns with how H.R. 2211
10 is currently drafted because the new standards it implements that
11 will significantly impact the engineering and testing of units
12 for furniture manufacturers that are making safe products.

13 Mandating the current voluntary standards, coupled with
14 strong enforcement, will be an effective approach to ensure that
15 these pieces of furniture are safe.

16 It is my hope that as this bill moves to the full committee
17 the majority will continue to work with us to address these
18 concerns, that we can focus on what matters most -- protecting
19 our children from harm and by providing workable solutions.

20 And with that, Madam Chairman, I yield back the balance of
21 my time.

22 Ms. Schakowsky. Thank you, Mr. Latta.

23 Are there other members seeking recognition to speak on the
24 amendment?

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1 Seeing none, are there any members who seek recognition to
2 offer an amendment to the amendment in the nature of a substitute?

3 Okay. Seeing none, if there is no -- if there is no further
4 debate, we will -- we will proceed to a vote on the amendment.

5 All those in favor of the amendment will signify by saying
6 aye.

7 All those opposed, no.

8 In the opinion of the chair, the ayes have it, and the
9 amendment -- the amendment is agreed to.

10 I am sorry. Did I miss something?

11 Okay. Being my first markup, I am -- okay. The amendment
12 then in the nature of a substitute to H.R. 2211 is agreed to.

13 The question is now on forwarding H.R. 2211 as amended to
14 the full committee.

15 All those in favor of forwarding H.R. 2211 as amended to
16 the full committee will signify by saying aye.

17 All those opposed, nay.

18 And in the opinion of the chair, the ayes have it and the
19 -- and H.R. 2211 as amended is favorably forwarded to the full
20 committee.

21 Okay. The chair now calls up H.R. 3172, the Safe Sleep Act.

22 The clerk will report the title of the bill.

23 The Clerk. H.R. 3172, a bill to prohibit the manufacture
24 for sale, offer for sale, distribution and commerce, or

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1 importation in the United States of any inclined sleeper for
2 infants and for other purposes.

3 [The Bill H.R. 3172 follows:]

4

5 *****INSERT 3*****

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1 Ms. Schakowsky. So without objection, the first reading
2 of the bill will be dispensed -- actually, we didn't dispense
3 with it. We heard it. And the bill is now considered as read.

4 Without objection, the bill is considered as read and open
5 for amendment at any point. So I recognize myself then for five
6 minutes to strike the last word.

7 I am proud to speak in support of Congressman Cardenas's
8 bill, the Safe Sleep for Babies Act, which will finally ban
9 inclined sleepers.

10 These products have been the source of all kinds of confusion
11 for consumers. More often than not, parents and other care givers
12 are unaware that children have died while using the many versions
13 of these products.

14 There have been many recalls of these products over the
15 years. But just recently in the face of dozens of deaths from
16 the Rock n' Play, it took our hearing on this bill to get the
17 CPSC to recall that product.

18 But the Rock n' Play and the other inclined sleepers that
19 are still on the market should never have been sold in the first
20 place. There has been so much evidence that these products are
21 dangerous but that -- but that evidence, unfortunately, was
22 ignored.

23 We cannot ignore the death -- these deaths and we cannot
24 allow the CPSC to continue to ignore the problem.

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1 So Congressman Cardenas, I want to say a special thank you
2 to him for introducing this bill and I urge my colleagues to
3 support this bill and save lives.

4 So are there other members seeking recognition to offer a
5 bipartisan amendment?

6 The Chairman. Madam Chair?

7 Ms. Schakowsky. Yes, for what purpose does the chairman
8 seek recognition?

9 The Chairman. I'd like to offer an amendment on behalf of
10 Mr. Cardenas that basically changes the name of the act.

11 Ms. Schakowsky. What is your amendment -- what is his
12 amendment labeled?

13 The Chairman. It looks like it's just Amendment 1 -- BJY
14 01.

15 Ms. Schakowsky. All right. The clerk will report the
16 amendment.

17 The Clerk. Amendment to H.R. 3172 offered by Mr. Pallone
18 on behalf of Mr. Cardenas. Page 2, begin on line four, strike
19 Safe Sleep Act --

20 [The Amendment offered by Mr. Cardenas follows:]

21

22 *****INSERT 4*****

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1 Ms. Schakowsky. Without objection, the reading of the
2 amendment will be dispensed with. The gentleman is recognized
3 for five minutes.

4 The Chairman. Thank you, Madam Chair.

5 The -- basically, what the amendment does is just change
6 the name of the bill. As you can see, strike Safe Sleep Act of
7 2009 and insert Safe Sleep Act for Babies Act of 2019.

8 Ms. Schakowsky. Oh, okay. Mr. Pallone yields back.

9 Are there other members seeking recognition to speak on the
10 amendment?

11 Okay. Okay. If there is no further debate, we will proceed
12 to a vote on the amendment.

13 All those in favor of the amendment will signify by saying
14 aye.

15 All those opposed, no.

16 So in the opinion of the chair, the ayes have it. The
17 amendment is agreed to. Are there any further amendments to this
18 legislation?

19 Okay. So the question now occurs on favorably forwarding
20 H.R. -- okay.

21 The question now occurs on favorably forwarding H.R. 3172
22 to the full committee.

23 All those in favor of forwarding H.R. 3172 to the full
24 committee will signify by saying aye.

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1 All those opposed, no.

2 And in the opinion of the chair, the ayes have it and the
3 legislation will be forwarded -- H.R. 3172 is forwarded to the
4 full committee.

5 Okay. Moving along, the chair calls up H.R. 3170, the Safe
6 Crib Act of 2019. The clerk will report the title of the bill.

7 The Clerk. H.R. 3170, a bill to prohibit the manufacture
8 for sale, offer for sale, distribution --

9 [The Bill H.R. 3170 follows:]

10

11 *****INSERT 5*****

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1 Ms. Schakowsky. Without objection, the first reading of
2 the bill will be dispensed with. The bill is now -- will now
3 be considered as read.

4 Without objection, the bill is considered as read and open
5 for amendment at any point.

6 Mrs. Rodgers. Madam Chair, I have a bipartisan amendment
7 at the desk. It's titled Bumper 01.

8 Ms. Schakowsky. The clerk will report the amendment.

9 The Clerk. Amendment to H.R. 3170 offered by Mrs. Rodgers
10 of Washington. Page 2 on 16 strike and insert a semicolon. Page
11 2, beginning on line 18, strike --

12 [The Amendment offered by Mrs. Rodgers follows:]

13

14 *****INSERT 6*****

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1 Ms. Schakowsky. Without objection, the reading of the
2 amendment will be dispensed with. The gentlewoman is recognized
3 for five minutes.

4 Mrs. Rodgers. I offer this bipartisan amendment to H.R.
5 3170, the Safe Cribs Act, to ensure that we are focused on
6 addressing the specific suffocation risk padded crib bumpers
7 present.

8 I agree with the goal of the bill -- to protect infants from
9 suffocation risk associated with crib bumpers. However, as
10 introduced, 3170 banned all crib bumpers including safe mesh
11 liners.

12 There is no evidence that nonpadded mesh liners pose a
13 suffocation risk to infants. In fact, banning mesh liners would
14 have actually increased the risk of injury to infants.

15 While new crib standards prevent infants from being able
16 to get their heads stuck, there is still a risk of them trapping
17 their arms and legs.

18 We have the data clearly showing this is a hazard. There
19 are hundreds of instances of hospital trips for infants with
20 dislocated or broken limbs that got stuck in between the crib
21 slats.

22 This has been recognized by every state or locality that
23 has banned the sale of crib bumpers. Each has included an
24 exception for mesh liners like this amendment.

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1 We must make sure that parents have safe tools to protect
2 their families not only from suffocation hazards but also from
3 limb injuries. This bipartisan amendment exempts nonpadded mesh
4 crib liners from the ban in H.R. 3170.

5 I would like to thank the majority and the bipartisan
6 co-sponsors for joining me in crafting this amendment based on
7 real-world data.

8 This is a common sense amendment and I strongly urge all
9 of my colleagues to support it.

10 Thank you, and I yield back.

11 Ms. Schakowsky. I thank our ranking member.

12 And are there other members seeking recognition to speak
13 on the amendment?

14 Okay. If there is no further debate, we will proceed to
15 vote on the amendment.

16 All those in favor of the amendment will signify by saying
17 aye.

18 All those opposed, nay.

19 In the opinion of the chair the ayes have it and the amendment
20 is agreed to.

21 Are there further amendments to this -- to this legislation?

22 Okay. If not, then I recognize myself for five minutes to
23 strike the last word on the underlying bill.

24 For years pediatricians have given very clear

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1 recommendations for keeping babies safe while they sleep. Bare
2 is best. Nothing should be in the crib with your baby. Blankets,
3 pillows, and crib bumpers in the crib create unnecessary danger
4 of suffocation.

5 The CPSC has known about this problem for a long time. But
6 it has put out warning statements noting that -- the dozens of
7 infant deaths caused every year from soft bedding in the crib.

8 Four commissioners even released a joint statement urging
9 parents not to use padded crib bumpers. But despite numerous
10 deaths, yet again CPSC stopped short.

11 Parents believe they are doing the best that they can for
12 their children. They believe that the products on the store
13 shelves must be safe or they wouldn't be allowed to be sold.

14 We can no longer sit by and let that confusion continue.

15 The Safe Crib Act will finally take the step that the CPSC has
16 failed to do and ban crib bumpers.

17 As with the other bills before us, this bill will save lives
18 and I encourage my colleagues to vote yes.

19 So the question is now on forwarding H.R. 3170 as amended
20 -- as amended to the full committee.

21 All those in favor of forwarding H.R. 3170 to the full
22 committee will signify by saying aye.

23 All those opposed will signify by saying no.

24 In the opinion of the chair, the ayes have it and -- excuse

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1 me -- H.R. 3170 as amended is favorably reported to the full
2 committee.

3 Okay. So the chair will now call up H.R. 1618, the Nicholas
4 and Zachary Burt Carbon Monoxide Poisoning Prevention Act of 2019.

5

6 The clerk will report the title of the bill.

7 The Clerk. H.R. 1618, a bill to encourage states to require
8 the installation of residential carbon monoxide detectors in
9 homes --

10 [The Bill H.R. 1618 follows:]

11

12 *****INSERT 7*****

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1 Ms. Schakowsky. Without objection, the first reading of
2 the bill will be dispensed with. The bill is now considered as
3 read.

4 Without objection, the bill is considered as read and open
5 for amendments at any point.

6 I will now recognize myself to offer an amendment in the
7 nature of a substitute. The amendment is labeled SLW 29.

8 The clerk will report the amendment.

9 The Clerk. Amendment in the nature of a substitute to H.R.
10 1618 offered by Ms. Schakowsky. Strike all after the enacting
11 clause and insert --

12 [The Amendment offered by Ms. Schakowsky follows:]

13

14 *****INSERT 8*****

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1 Ms. Schakowsky. Without objection, the reading of the
2 amendment will be dispensed with. I now recognize myself for
3 five minutes.

4 This bill takes an important step to curb carbon monoxide
5 poisoning and I support this bill. I am offering a small
6 amendment to remove an unnecessary provision related to the
7 funding of an unrelated agency.

8 It in no way limits or weakens the bill. I support advancing
9 this bill forward to the full committee and to the floor, and
10 to encourage my colleagues to do so as well.

11 And I yield back.

12 And are there others who wish to --

13 Mr. Carter. Madam Chair?

14 Ms. Schakowsky. -- speak on the amendment?

15 Mr. Carter. Madam Chair?

16 Ms. Schakowsky. Yes. Mr. Carter is recognized.

17 Mr. Carter. Madam Chair, I move to strike the last word.

18 Madam Chair, it's no surprise that carbon monoxide poisoning
19 is something that can impact all Americans regardless of where
20 you live.

21 However, we have seen in Georgia the effects of carbon
22 monoxide poisoning on people. In early January, the Savannah
23 Fire Department responded to a home where a mother and her children
24 were experiencing the symptoms of carbon monoxide poisoning.

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1 It occurs much more frequently than many of us realize.
2 According to the CDC, 50,000 people a year in the United States
3 experience carbon monoxide poisoning.

4 Of those, at least 430 people die from accidental carbon
5 monoxide poisoning. That is why I join my friend, Ms. Kuster,
6 in introducing H.R. 1618, the Nicholas and Zachary Burt Carbon
7 Monoxide Poisoning Prevention Act in March.

8 This legislation would establish a grant program for states
9 to help assist them in carrying out CO poisoning prevention
10 actions.

11 Those grants can be used for everything from installing
12 alarms in the units of elderly individuals to training officials
13 in the installation of such alarms.

14 While I am happy to see this legislation sponsored by my
15 good friend move through committee, I was disappointed to learn
16 that the pay for included in the underlying legislation would
17 be struck under this amendment.

18 I believe it is good fiscal practice to ensure we can fund
19 these very programs we are here to help stand up. While this
20 legislation can still be funded through the discretionary
21 appropriations, I hope that we can continue to work together in
22 a fashion that will ensure that these programs can be a benefit
23 to the people who need it the most -- the American public.

24 I look forward to working with my colleagues to improve

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1 safety and provide the tools and resources needed to combat this
2 horrible statistic.

3 Carbon monoxide poisoning is a terrible occurrence and
4 working together to lower injuries and especially deaths is a
5 step in the right direction.

6 And I yield back.

7 Ms. Schakowsky. I thank the gentleman.

8 And are there other members seeking recognition to speak
9 on the amendment?

10 Okay. Once again, are there any members who seek
11 recognition to offer an amendment to the amendment in the nature
12 of a substitute?

13 Okay. Seeing none, if there is no further discussion or
14 any further amendment, we will proceed to vote on the amendment
15 in the nature of a substitute that I introduced.

16 All those in favor of the amendment in the nature of a
17 substitute to H.R. 1618 will signify by saying aye.

18 All those opposed, signify by saying no.

19 In the opinion of the chair, the ayes have it. The amendment
20 in the nature of a substitute to H.R. 1618 is agreed to.

21 The question now occurs on forwarding H.R. 1618 as amended
22 to the full committee.

23 All those in favor of forwarding H.R. 1618 as amended to
24 the full committee will signify by saying aye.

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1 All those opposed will say no.

2 In the opinion of the chair, the ayes have it and H.R. 1618
3 as amended is favorably forwarded to the full committee.

4 All right. Moving on, the chair now calls up H.R. 806, the
5 Portable Fuel Container Safety Act of 2019, and the clerk will
6 report the title of the bill.

7 The Clerk. H.R. 806, a bill to require compliant flame
8 mitigation devices to be used on portable fuel containers for
9 flammable and liquid fuels, and for other purposes.

10 [The Bill H.R. 806 follows:]

11

12 *****INSERT 9*****

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1 Ms. Schakowsky. Without objection -- oh, that is the full?

2 Okay. And the first reading of the bill is complete and
3 without objection the bill is considered as read and open for
4 amendment at any point.

5 Mr. Latta. Madam Chair?

6 Ms. Schakowsky. I now recognize Mr. Latta.

7 Mr. Latta. Well, thank you very much, Madam Chair. I have
8 an amendment at the desk in the nature of a substitute.

9 Ms. Schakowsky. Mr. Latta, what is your amendment labeled?

10 Mr. Latta. I believe the last four digits are 0027.xml.

11 Ms. Schakowsky. Okay. I also have SLW 27. Okay.

12 So the clerk will report the amendment.

13 The Clerk. Amendment in the nature of a substitute to H.R.
14 806 offered by Mr. Latta. Strike all after the enacting clause
15 and insert --

16 [The Amendment offered by Mr. Latta follows:]

17

18 *****INSERT 10*****

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1 Ms. Schakowsky. Without objection, the reading of the
2 amendment will be dispensed with. Mr. Latta is now recognized
3 for five minutes.

4 Mr. Latta. Well, thank you very much, Madam Chair.

5 And I -- my amendment in the nature of a substitute to H.R.
6 806 will make technical corrections based off of the assistance
7 provided by the Consumer Product Safety Commission.

8 This legislation originally introduced by the gentleman from
9 California, Mr. Thompson, would direct the CPSC to issue a
10 consumer product safety rule to require flame mitigation devices
11 in portable fuel containers in an effort to prevent terrible
12 accidents caused by jet flaming.

13 If it is determined that there are voluntary standards that
14 would prevent the propagation of flames into containers then the
15 CPSC would -- I should say could adopt these standards as their
16 rule.

17 We have heard the heart-wrenching stories here in this
18 subcommittee what happens to a loved one when one of the
19 jet-flaming incidence occurs.

20 With this legislation, it is my hope that we will educate
21 the public and prevent these injuries from happening in the future
22 and I encourage my colleagues to support this amendment in the
23 nature of a substitute, and yield back the balance of my time.

24 Ms. Schakowsky. Thank you, Mr. Latta.

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1 Are there other members seeking recognition to speak on Mr.
2 Latta's amendment?

3 Okay. Are there any members who seek recognition to offer
4 an amendment to the amendment in the nature of a substitute?

5 If there is no further discussion and no further amendments,
6 we will proceed to a vote on the amendment in the nature of a
7 substitute introduced by the gentleman from Arizona.

8 All those -- all those in -- sorry about --

9 Mrs. Rodgers. It is Ohio.

10 Ms. Schakowsky. It is Ohio. Yes. Sorry about that. I
11 know that.

12 All those in favor of the gentleman from Ohio's amendment
13 in the nature of a substitute to H.R. 806 will signify by saying
14 aye.

15 All those opposed, say no.

16 In the opinion of the chair, the ayes have it. The amendment
17 in the nature of a substitute to H.R. 806 is agreed to.

18 The question now occurs on favorably forwarding H.R. 806
19 as amended to the full committee.

20 All those in favor of forwarding H.R. 806 as amended to the
21 full committee will signify by saying aye.

22 All those opposed will say nay -- no.

23 In the opinion of the chair, the ayes have it and H.R. 806
24 as amended is forwarded to the full committee.

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1 Okay. Last but not least, the chair calls up H.R. 2647,
2 the Safer Occupancy Furniture Flammability Act, or SOFFA. The
3 clerk will report the title of the bill.

4 The Clerk. H.R. 2647, a bill to adopt a certain California
5 flammability standard as federal flammability standard to protect
6 against the risk --

7 [The Bill H.R. 2647 follows:]

8

9 *****INSERT 11*****

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1 Ms. Schakowsky. Without objection, the first reading of
2 the bill will be dispensed with. The bill is now considered as
3 read.

4 Without objection, the bill is considered as read and open
5 for amendment at any point.

6 Are there any members seeking recognition to offer a
7 bipartisan amendment?

8 Ms. Matsui. Madam Chair?

9 Ms. Schakowsky. For what purpose does the member seek
10 recognition?

11 Ms. Matsui. To strike the last word.

12 Ms. Schakowsky. The member may proceed.

13 Ms. Matsui. Thank you very much, Madam Chair, for including
14 the SOFFA Act that I introduced with Congressman Griffith in this
15 markup.

16 As many of you know, commonly used flame retardant chemicals
17 in furniture have been found to be associated with adverse health
18 effects including fertility complications, certain types of
19 cancer, heart defects, and hormone disruption.

20 My home state of California has addressed this issue through
21 Technical Bulletin 117 by amending the law in 2013 to reduce the
22 need for these potentially dangerous chemicals in household
23 furniture products while continuing to enforce strong
24 flammability standards that will ensure American safety.

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1 However, a lack of comprehensive action has, unfortunately,
2 allowed for a patchwork of regulations across the country on
3 flammability requirements, creating a difficult and burdensome
4 regulatory framework for furniture manufacturers.

5 Our bill would direct CPSC to take the California standard,
6 which is already almost a de facto federal standard, and apply
7 it nationally.

8 I am pleased that Mr. Griffith and I have put forward a common
9 sense solution that will ensure the integrity of our flammability
10 standards, provide certainty in the market, and reduce the threat
11 of exposure to health-harming chemicals.

12 This bill enjoys broad support from stakeholders, including
13 furniture companies, firefighters, and consumer protection
14 advocates.

15 I thank the subcommittee for including this important bill
16 in this markup, and I do look forward to continuing to work with
17 all interested parties as SOFFA moves through the process to
18 ensure it will pass Congress and benefit American consumers.

19 And with that, I yield back.

20 Ms. Schakowsky. I thank the gentlewoman.

21 Are there any members who seek recognition to offer an
22 amendment?

23 Mrs. Rodgers. Madam Chair, I move to strike the last word.

24 Ms. Schakowsky. The gentlewoman is recognized for five

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1 minutes.

2 Mrs. Rodgers. Madam Chair, as I made clear earlier, I want
3 to move forward in a bipartisan manner, if possible. I agree
4 with the policy objectives of H.R. 2647, the SOFFA Act.

5 Providing national uniformity is critical to ensure
6 certainty for furniture manufacturers and retailers who support
7 jobs across the country.

8 However, I do have concerns with how H.R. 2647 was drafted.
9 The bill incorporates a state technical bulletin into federal
10 statute by reference.

11 As far as I know, this is unprecedented -- codifying a
12 standard into statute. That could have significant implications
13 for how it would be enforced.

14 We should also learn about more specific concerns that have
15 been raised within the CPSC about enforcement. I believe we can
16 move forward and provide certainty and set a national standard.

17 That needs to be our goal.

18 I am committed to working with you and the rest of our
19 colleagues on this bill, moving forward, and hope we can find
20 a bipartisan solution before the bill is marked up at the full
21 committee.

22 Thank you, and I yield back.

23 Ms. Schakowsky. I thank the gentlewoman and ask if there
24 are any members who seek recognition to offer an amendment.

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1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

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1 Okay. Therefore, the question now occurs on favorably
2 forwarding H.R. 2647 to the full committee.

3 All those in favor of favorably forwarding H.R. 2647 to the
4 full committee will signal -- will signify by saying aye.

5 All those opposed will signify by saying no.

6 In the opinion of the chair, the ayes have it and the --
7 H.R. 2647 is favorably forwarded to the full committee.

8 That is it. I hope all of our markups are like this, going
9 forward. I would really appreciate it.

10 Without objection, the staff is authorized to make technical
11 and confirming changes to the bills that we are forwarding today
12 consistent with the actions taken by the subcommittee.

13 Let us see. I ask unanimous consent to enter the following
14 statements into the record: a letter of support from Public
15 Citizen for the STURDY Act -- without objection; a joint statement
16 from child health and consumer advocacy groups supporting the
17 Safe Cribs Act; a joint statement from child health and consumer
18 advocacy groups supporting the Safe Sleep Act; a letter of support
19 from consumer groups for the STURDY Act.

20 Without objection and so ordered.

21 [The information follows:]

22

23 *****COMMITTEE INSERT*****

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1 Ms. Schakowsky. Any comments? Okay.

2 Thank you, everybody, and with that, the subcommittee is
3 adjourned.

4 [Whereupon, at 10:58 a.m., the subcommittee was adjourned.]

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