



September 17, 2019

U.S House of Representatives  
Washington, D.C. 20515

Dear Representative:

Consumer Reports, the independent, non-profit member organization, urges you to **vote yes on H.R. 2211, H.R. 1618, and H.R. 806**, three bills that would help protect consumers from product safety hazards in their homes. CR testified before the House Energy and Commerce Committee in support of these bills in June,<sup>1</sup> and urges their passage today for the reasons below.

### **H.R. 2211, the STURDY Act**

Consumer Reports strongly supports H.R. 2211, the “Stop Tip-overs of Unstable, Risky Dressers on Youth Act,” or the STURDY Act, and urges its swift passage. The bill would require the Consumer Product Safety Commission (CPSC) to establish a strong mandatory safety standard to improve the stability of dressers and similar clothing storage furniture and help prevent deaths and injuries resulting from when they tip over onto children. Long a hidden hazard in the home,<sup>2</sup> tip-overs send thousands of people to the emergency room annually.<sup>3</sup> Dressers and other clothing storage units are particularly lethal, accounting for at least 206 reported deaths since the year 2000, with most of the victims being children younger than age 6.<sup>4</sup>

CR has found that the most effective and most widely touted tip-over prevention strategy available today—anchoring a dresser to the wall using brackets and straps—is not an easy fix for the majority of consumers. Our nationally representative survey last year of 1,502 U.S. adults found that only 27% of Americans had anchored furniture in their homes, and among Americans

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<sup>1</sup> CR, “Written Testimony of William Wallace, Manager, Home and Safety Policy, U.S. House of Representatives Committee on Energy and Commerce, Subcommittee on Consumer Protection and Commerce” (June 13, 2019) (online at: [docs.house.gov/meetings/IF/IF17/20190613/109635/HHRG-116-IF17-Wstate-WallaceW-20190613.pdf](https://docs.house.gov/meetings/IF/IF17/20190613/109635/HHRG-116-IF17-Wstate-WallaceW-20190613.pdf)).

<sup>2</sup> CR, “Furniture Tip-Overs: A Hidden Hazard in Your Home” (Mar. 22, 2018) (online at: [www.consumerreports.org/furniture/furniture-tip-overs-hidden-hazard-in-your-home](http://www.consumerreports.org/furniture/furniture-tip-overs-hidden-hazard-in-your-home)).

<sup>3</sup> Adam Suchy, CPSC staff, “Product Instability or Tip-Over Injuries and Fatalities Associated with Televisions, Furniture, and Appliances: 2018 Report” (Oct. 2018) (online at: [www.cpsc.gov/s3fs-public/Product%20Instability%20or%20Tip%20Over%20Report%20Oct%202018\\_STAMPED.pdf](http://www.cpsc.gov/s3fs-public/Product%20Instability%20or%20Tip%20Over%20Report%20Oct%202018_STAMPED.pdf)).

<sup>4</sup> CR, “Dressers Exempt from Industry Safety Standard Fail Consumer Reports’ Tests” (Nov. 1, 2018; last updated Nov. 16, 2018) (online at: [www.consumerreports.org/furniture/furniture-dressers-exempt-from-industry-safety-standard-fail-consumer-reports-tests](http://www.consumerreports.org/furniture/furniture-dressers-exempt-from-industry-safety-standard-fail-consumer-reports-tests)).

with kids under age 6 at home, 40% anchored their furniture.<sup>5</sup> Fundamentally, because a child's life should not rely on consumer skill at anchoring a dresser to a wall, CR has called on the furniture industry to consistently produce dressers and other clothing storage units that are designed to be more stable and that better resist tipping over onto children.

Over the past two years, CR has conducted extensive research, analysis of incident and injury data, and comparative testing of a cross-section of dressers in the marketplace. Based on our investigation, we found that the industry's voluntary standard leaves too many children at risk. Our results demonstrated that it is feasible for dressers at all price points to pass a more rigorous test.<sup>6</sup> CR bought 42 dressers for evaluation, and put them through a series of three progressively tougher stability tests. While 13 dressers failed all but the first of the tests, 20 dressers passed all the testing, underscoring that manufacturers are capable of successfully designing more stable dressers. The failures reinforce why a stronger standard is necessary to protect consumers. The 20 dressers that passed all our tests cost various amounts, and were representative of all price points in the market.<sup>7</sup>

In light of the unreasonable risk of death or injury to children and the findings of our investigation, CR and others have been advocating for the CPSC to develop and implement a strong mandatory safety standard with performance requirements for the stability of dressers and other clothing storage units. While both Republican and Democratic CPSC commissioners have expressed support for measures to strengthen the current safety framework around furniture tip-overs,<sup>8</sup> the agency has so far failed to act, and commissioners have recognized that CPSC rulemaking under its Consumer Product Safety Act Section 7 and 9 authority is likely to take several years, if not a full decade, to complete. To account for the weight of children under age 6 and the feasibility demonstrated by CR's test results, CR has said the standard should, at a minimum, include a loaded stability test of 60 pounds. We also have said that it is critical for the standard to be mandatory, not voluntary, for several reasons, including because:

- Under the current system of safety oversight, consumers essentially must place their trust in manufacturers that they will produce a reasonably stable dresser;
- Wall anchors and other tip-over restraint devices, while important, are no substitute for adequate stability performance testing;
- A mandatory standard is justified under the Consumer Product Safety Act—with the CPSC able to find that such a rule is reasonably necessary and in the public interest;
- CR's testing shows that manufacturers are capable of incorporating appropriate design changes to their products that yield adequate stability, and of offering units for sale to consumers that are affordable and do not sacrifice utility; and
- Such a standard would allow the CPSC to enforce requirements, including performance standards, and more readily gain industry cooperation for recalls; historically, companies

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<sup>5</sup> CR, "Furniture Anchors Not an Easy Fix, as Child Tip-Over Deaths Persist" (Nov. 5, 2018) (online at: [www.consumerreports.org/furniture/furniture-anchors-not-an-easy-fix-as-child-tip-over-deaths-persist](http://www.consumerreports.org/furniture/furniture-anchors-not-an-easy-fix-as-child-tip-over-deaths-persist)).

<sup>6</sup> *Supra* notes 2 and 4.

<sup>7</sup> *Id.*

<sup>8</sup> CPSC, "Commission Meeting: FY2020 Performance Budget Request to Congress," video (Mar. 13, 2019) (online at: [www.cpsc.gov/Newsroom/Video/commission-meeting-fy2020-performance-budget-request-to-congress](http://www.cpsc.gov/Newsroom/Video/commission-meeting-fy2020-performance-budget-request-to-congress)).

have not carried out tip-over-related dresser recalls unless they face overwhelming CPSC and public pressure, or their product is linked to a death or failed CPSC stability test.

Enactment of the STURDY Act would help ensure the fastest possible implementation of a strong stability standard, and the reduced delay could save children's lives. In addition to CR, the bill has the support of [Parents Against Tip-Overs](#) and a broad coalition of 75 pediatrician, safety, and consumer groups.<sup>9</sup> A bipartisan majority of CPSC commissioners also has expressed support for the STURDY Act and enactment of a legislative solution that would permit the CPSC to take faster action to help prevent tip-overs than the promulgation of a rule under its traditional rulemaking authority and procedures.<sup>10</sup>

The hazard to children of furniture tip-overs has been insufficiently addressed by both the furniture industry and the CPSC for years. Congress, today, has the chance to finally force a more protective stability standard to take effect. We urge members to seize this opportunity for leadership on behalf of child safety and pass H.R. 2211, the STURDY Act, without delay.

### **H.R. 1618, the Nicholas and Zachary Burt Carbon Monoxide Poisoning Prevention Act**

Consumer Reports supports H.R. 1618, the Nicholas and Zachary Burt Carbon Monoxide Poisoning Prevention Act of 2019. According to the CDC, during 2010–2015, a total of 2,244 deaths resulted from unintentional carbon monoxide (CO) poisoning, with 393 of those deaths occurring in 2015.<sup>11</sup> CR often stresses the importance of installing and maintaining CO detectors, and offers a buying guide and ratings to give consumers comparative information about different products that CR has tested. To help keep consumers safe, CR also has published stories about how to ensure that smoke and carbon monoxide detectors function properly.

H.R. 1618 would establish a grant program for CO poisoning prevention, administered by the CPSC. The grants would help push states to require that up-to-date carbon monoxide detectors be installed in all dwelling units and numerous other facilities with the capacity to hold a large number of people, and encourage states to develop a strategy to protect vulnerable populations such as children, the elderly, or low-income households. With hundreds of people dying each year from carbon monoxide poisoning, it is appropriate to establish a modest CPSC-administered grant program to promote the installation of CO detectors, especially for vulnerable populations. This grant program can be an important part of a broader, multi-pronged strategy to significantly reduce injuries and deaths associated with carbon monoxide poisoning, and Congress should pass the bill.

### **H.R. 806, the Portable Fuel Container Safety Act**

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<sup>9</sup> Letter from 75 organizations urging the House of Representatives to pass strong product safety legislation (Sept. 11, 2019) (online at: [consumerfed.org/wp-content/uploads/2019/09/House-Child-Product-Safety-Letter.pdf](https://consumerfed.org/wp-content/uploads/2019/09/House-Child-Product-Safety-Letter.pdf)).

<sup>10</sup> See, e.g., U.S. House Committee on Energy and Commerce, Subcommittee on Consumer Protection and Commerce, "Protecting Americans from Dangerous Products: Is the Consumer Product Safety Commission Fulfilling Its Mission?" (Apr. 9, 2019); CPSC, "Public Hearing on Commission Agenda and Priorities for Fiscal Years 2020 and 2021" (May 1, 2019) (online at: [www.youtube.com/watch?v=hu8j7f5UNAI](https://www.youtube.com/watch?v=hu8j7f5UNAI)).

<sup>11</sup> CDC, Quick Stats: Number of Deaths Resulting from Unintentional Carbon Monoxide Poisoning (online at: [www.cdc.gov/mmwr/volumes/66/wr/mm6608a9.htm](https://www.cdc.gov/mmwr/volumes/66/wr/mm6608a9.htm)).

Consumer Reports supports H.R. 806, the Portable Fuel Container Safety Act of 2019. According to National Fire Protection Association estimates, fire departments responded to an average of 160,910 fires per year in the 2007-2011 period that started with ignition of a flammable or combustible liquid, resulting in an estimated 454 civilian deaths, 3,910 civilian injuries, and \$1.5 billion in direct property damage per year.<sup>12</sup> Manufacturers and safety experts have identified a portion of the death and injury toll to address through product design: incidents involving flame jetting from portable fuel containers intended for reuse by consumers.

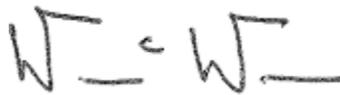
Despite the fact that people should never pour fuel such as gasoline, kerosene, or diesel over a flame or use such fuel for fire-starting purposes, people do—creating a foreseeable scenario that this Act would help address. The Portable Fuel Container Safety Act would require flame mitigation devices, or flame arrestors, to prevent flame from entering these containers and igniting the gases inside. This requirement is consistent with a new voluntary standard recently finalized by ASTM International that the CPSC could decide to treat as a mandatory standard under the bill if the agency determines that it meets the bill’s minimum conditions.

The new ASTM standard represents a step forward for safety, and all portable fuel containers intended for reuse by consumers should conform to its provisions. Congress should pass H.R. 806 to ensure this standard or a similar standard becomes mandatory. Consumers should have assurance that any new portable fuel container they may buy—which they or someone else may use or misuse—will contain an effective flame mitigation device, and that the CPSC can readily take action if a manufacturer fails to follow the law.

## Conclusion

Consumer Reports thanks all members of the House of Representatives for their consideration of these important bills to improve safety around the home for millions of people nationwide. We urge you to **vote yes on H.R. 2211, H.R. 1618, and H.R. 806**, and look forward to working together in the future to ensure a safe marketplace for all consumers.

Sincerely,



William Wallace  
Manager, Home and Safety Policy  
Consumer Reports

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<sup>12</sup> National Fire Protection Association, “Fires Starting with Flammable Gas or Flammable or Combustible Liquid” (Feb. 2014) (online at: [www.nfpa.org/News-and-Research/Data-research-and-tools/Hazardous-Materials/Fires-Starting-with-Flammable-Gas-or-Flammable-or-Combustible-Liquid](http://www.nfpa.org/News-and-Research/Data-research-and-tools/Hazardous-Materials/Fires-Starting-with-Flammable-Gas-or-Flammable-or-Combustible-Liquid)).