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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

January 14, 2022

The Honorable Alexander Hoehn-Saric
Chair
U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

Dear Chair Hoehn-Saric,

On Sunday, 17 people were killed—and dozens were injured—in a reported accidental high-rise fire in the Bronx that local officials believe was started by an electronic space heater.¹ Of those who perished, eight were children.

Your agency has estimated that portable space heaters cause approximately 1,700 fires and 80 deaths annually. Space heaters are covered under the National Fire Protection Association's ("NFPA") voluntary codes; and starting in 2002, due to the rise in residential fires involving space heaters, the Consumer Product Safety Commission ("CPSC") worked with Underwriters Laboratories, Inc. ("UL") to develop a voluntary standard for electric heaters.² Their overall safety is reliant on a number of factors, including proximity to combustible materials, such as curtains or furniture, the use of an extension cord, the length of time the space heater has been used, whether the space heater has been left unattended, and the number of space heaters in use per electrical circuit.³

The UL standard that has since been developed requires space heaters to have an automatic tip-over switch and a cage to protect the unit's heating elements. Unfortunately, this standard remains voluntary, and families, including the most vulnerable who struggle to afford to heat their home and stay warm, are reliant on space heaters—and yet it remains unclear whether these space heaters are UL certified.

¹ <https://www.washingtonpost.com/business/2022/01/10/space-heaters-safety-risk/>

² UL Standard 1278, Edition 4

³ <https://jsheld.com/insights/articles/common-causes-of-electric-space-heater-fires-methods-of-prevention>

Moreover, consumers often do not know to look for these critical safety features. Accessing a new, UL-certified product, or even using it “correctly” may be unaffordable or unattainable for these individuals, inviting a tragedy.

These tragedies hit minority communities especially hard; although your agency has not published data specifically on space heater fire injuries by race and ethnicity, your research does show that Black Americans are about twice as likely to be injured or die in residential fires.⁴ In Washington state, at least 364 fires were caused by heating equipment from January to March 2019 alone.⁵ These statistics highlight the need to redouble government efforts to reduce these risks and we are calling on the CPSC to take action to protect consumer safety.

We are pleased that the CPSC has made the important decision to work with local fire department officials to investigate the fire. The CPSC’s decision follows a history of CPSC efforts to mitigate the dangers caused by space heaters, including 8 recalls of approximately 925,000 units since 2010. Authorities will have more information in the coming days about what exactly caused the fire in the Bronx. But the tragedy of this moment requires more action to keep consumers safe from any and all avoidable risk stemming from these appliances.

First, we urge the CPSC to review the voluntary safety standard relating to space heaters, ANSI/UL 1278, to ensure that the standard reflects consumer usage of the product (such as the actual amount of time that a heater is left on).

Second, we ask the CPSC to share with the public any information that the CPSC has on the safety of space heaters currently on the market, including the prevalence of electric heaters that are UL-certified and whether the CPSC has identified counterfeit electric heaters that claim to be UL-certified.

Third, we ask that the CPSC provide the public with readily accessible information on the number of injuries and deaths from portable heaters by geographic location and demographic attributes, as well as any relevant contributory factors: recalled product use, use of extension cord, placement of product, etc. Better data on the instances of these fires, where they are occurring, and why, will help manufacturers, consumers, and the government reduce these risks.

Fourth, we ask that the CPSC review safety disclosures and usage instructions on packaging, retailer websites, and online platforms to ensure such disclosures are prominent and clear. The CPSC should make such findings available to the public as soon as possible.

Finally, we ask that the CPSC consider promulgating a mandatory safety standard for electronic space heaters if data indicates continued non-compliance in the market and failure of the current voluntary standard to safeguard consumers. No mandatory safety standard currently exists to protect consumers from risk of harm by portable heaters and a mandatory safety standard would provide the Commission stronger tools to ensure high levels of safety.

⁴ https://www.cpsc.gov/s3fs-public/2016-to-2018-Residential-Fire-Loss-Estimates-Final_0.pdf.

⁵ <https://www.wsp.wa.gov/wp-content/uploads/2021/10/Fire-Fatality-Jan-Sept-2021.pdf>;
<https://www.wsp.wa.gov/2020/02/06/home-heating-safety/>.

The Hon. Alex Hoehn-Saric
January 13, 2022
Page 3 of 3

Please provide a summary of the work you will undertake to resolve the above matters to the Committee no later than January 28, 2022.

Sincerely,

A handwritten signature in blue ink that reads "Maria Cantwell". The signature is fluid and cursive.

MARIA CANTWELL
Chair
U.S. Senate Committee on Commerce, Science, and Transportation

A handwritten signature in blue ink that reads "Richard Blumenthal". The signature is fluid and cursive.

RICHARD BLUMENTHAL
Chair
Subcommittee on Consumer Protection,
Product Safety, and Data Security
U.S. Senate Committee on Commerce, Science, and Transportation