

Klobuchar_Substitute



AMENDMENT NO. _____

Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. 3232

To require the Consumer Product Safety Commission to promulgate a consumer product safety rule for free-standing clothing storage units to protect children from tip-over related death or injury, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Ms. KLOBUCHAR (for herself, Mr. BLUMENTHAL, Mr. CASEY, and Mr. BLUNT)

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 3 **SECTION 1. SHORT TITLE.**
- 4 This Act may be cited as the “Stop Tip-overs of Un-
- 5 stable, Risky Dressers on Youth Act” or the “STURDY
- 6 Act”.

1 **SEC. 2. CONSUMER PRODUCT SAFETY STANDARD TO PRO-**
2 **TECT AGAINST TIP-OVER OF CLOTHING**
3 **STORAGE UNITS.**

4 (a) **CLOTHING STORAGE UNIT DEFINED.**—In this
5 section, the term “clothing storage unit” means any free-
6 standing furniture item manufactured in the United
7 States or imported for use in the United States that is
8 intended for the storage of clothing, typical of bedroom
9 furniture,

10 (b) **CPSC DETERMINATION OF SCOPE.**—The Con-
11 sumer Product Safety Commission shall specify the types
12 of furniture items within the scope of subsection (a) as
13 part of a standard promulgated under this section based
14 on tip-over data as reasonably necessary to protect chil-
15 dren up to 72 months of age from injury or death.

16 (c) **CONSUMER PRODUCT SAFETY STANDARD RE-**
17 **QUIRED.**—

18 (1) **IN GENERAL.**—Except as provided in sub-
19 section (f)(1), not later than 1 year after the date
20 of the enactment of this Act, the Consumer Product
21 Safety Commission shall—

22 (A) in consultation with representatives of
23 consumer groups, clothing storage unit manu-
24 facturers, craft or handmade furniture manu-
25 facturers, and independent child product engi-
26 neers and experts, examine and assess the ef-

1 fectiveness of any voluntary consumer product
2 safety standards for clothing storage units; and

3 (B) in accordance with section 553 of title
4 5, United States Code, and paragraph (2), pro-
5 mulgate a final consumer product safety stand-
6 ard for clothing storage units to protect chil-
7 dren from tip-over-related death or injury; that
8 shall take effect 180 days after the date of pro-
9 mulgation or such a later date as the Commis-
10 sion determines appropriate.

11 (2) REQUIREMENTS.—The standard promul-
12 gated under paragraph (1) shall protect children
13 from tip-over-related death or injury with—

14 (A) tests that simulate the weight of chil-
15 dren up to 60 pounds;

16 (B) objective, repeatable, reproducible, and
17 measurable tests or series of tests that simulate
18 real-world use and account for impacts on
19 clothing storage unit stability that may result
20 from placement on carpeted surfaces, drawers
21 with items in them, multiple open drawers, and
22 dynamic force;

23 (C) testing of all clothing storage units, in-
24 cluding those 27 inches and above in height;
25 and

1 (D) warning requirements based on ASTM
2 F2057-19, or its successor at the time of en-
3 actment, provided that the Consumer Product
4 Safety Commission may strengthen the warning
5 requirements of ASTM F2057-19, or its suc-
6 cessor, if reasonably necessary to protect chil-
7 dren from tip-over-related death or injury.

8 (3) TESTING CLARIFICATION.—Tests referred
9 to in paragraph (2)(B) shall allow for the utilization
10 of safety features (excluding tip restraints) to work
11 as intended if the features cannot be overridden by
12 consumers in normal use.

13 (4) TREATMENT OF STANDARD.—A consumer
14 product safety standard promulgated under para-
15 graph (1) shall be treated as a consumer product
16 safety rule promulgated under section 9 of the Con-
17 sumer Product Safety Act (15 U.S.C. 2058).

18 (d) ADOPTION OF VOLUNTARY STANDARD.—

19 (1) IN GENERAL.—If a voluntary standard ex-
20 ists that meets the requirements of paragraph (2),
21 the Commission shall, not later than 180 days after
22 the date on which such determination is made and
23 in accordance with section 553 of title 5, United
24 States Code, promulgate a final consumer product
25 safety standard that adopts the applicable perform-

1 . ance requirements of such voluntary standard re-
2 lated to protecting children from tip-over-related
3 death or injury. A consumer product safety standard
4 promulgated under this subsection shall be treated
5 as a consumer product safety rule promulgated
6 under section 9 of the Consumer Product Safety Act
7 (15 U.S.C. 2058). Such standard shall take effect
8 180 days after the date of the promulgation of the
9 rule, or such a later date as the Commission deter-
10 mines appropriate. Such standard will supersede any
11 other existing consumer product safety standard for
12 clothing storage units to protect children from tip-
13 over-related death or injury.

14 (2) REQUIREMENTS.—The requirements of this
15 paragraph with respect to a voluntary standard for
16 clothing storage units are that such standard—

17 (A) includes performance requirements
18 that meet the requirements described in sub-
19 section (c)(2);

20 (B) is, or will be, published not later than
21 120 days after the date of enactment of this
22 Act; and

23 (C) is developed by ASTM International or
24 such other standard development organization

1 that the Commission determines is in compli-
2 ance with the intent of this Act.

3 (3) NOTICE REQUIRED TO BE PUBLISHED IN
4 THE FEDERAL REGISTER.—The Commission shall
5 publish a notice in the Federal Register upon begin-
6 ning the promulgation of a rule under this sub-
7 section.

8 (e) REVISION OF VOLUNTARY STANDARD.—

9 (1) NOTICE TO COMMISSION.—If the perform-
10 ance requirements of a voluntary standard adopted
11 under subsection (d) are subsequently revised, the
12 organization that revised the performance require-
13 ments of such standard shall notify the Commission
14 of such revision after final approval.

15 (2) TREATMENT OF REVISION.—Not later than
16 90 days after the date on which the Commission is
17 notified of revised performance requirements of a
18 voluntary standard described in paragraph (1) (or
19 such later date as the Commission determines ap-
20 propriate), the Commission shall determine whether
21 the revised performance requirements meet the re-
22 quirements of subsection (d)(2)(A), and if so, mod-
23 ify, in accordance with section 553 of title 5, United
24 States Code, the standard promulgated under sub-
25 section (d) to include the revised performance re-

1 requirements that the Commission determines meet
2 such requirements. The modified standard shall take
3 effect after 180 days or such later date as the Com-
4 mission deems appropriate.

5 (f) SUBSEQUENT RULEMAKING.—

6 (1) IN GENERAL.—Beginning 5 years after the
7 date of enactment of this Act, subsequent to the
8 publication of a consumer product safety standard
9 under this section, the Commission may, at any
10 time, initiate rulemaking, in accordance with section
11 553 of title 5, United States Code, to modify the re-
12 quirements of such standard or to include additional
13 provisions if the Commission makes a determination
14 that such modifications or additions are reasonably
15 necessary to protect children from tip-over-related
16 death or injury.

17 (2) PETITION FOR REVISION OF RULE.—

18 (A) IN GENERAL.—If the Commission re-
19 ceives a petition for a new or revised test that
20 permits incorporated safety features (excluding
21 tip restraints) to work as intended, if the fea-
22 tures cannot be overridden by consumers in
23 normal use and provide an equivalent or greater
24 level of safety as the tests developed under sub-
25 section (c)(2) or the performance requirements

1 described in subsection (d)(2)(A), as applicable,
2 the Commission shall determine within 120
3 days—

4 (i) whether the petition meets the re-
5 quirements for petitions set forth in sec-
6 tion 1051.5 of title 16, Code of Federal
7 Regulations, or any successor regulation
8 implementing section 9(i) of the Consumer
9 Product Safety Act (15 U.S.C. 2058(i));
10 and

11 (ii) whether the petition demonstrates
12 that the test could reasonably meet the re-
13 quirements of subsection (e)(2)(B), and if
14 so, the Commission shall determine by re-
15 corded vote, within 60 days after the deter-
16 mination, whether to initiate rulemaking,
17 in accordance with section 553 of title 5,
18 United States Code, to revise a consumer
19 product safety standard promulgated
20 under this section to include the new or re-
21 vised test.

22 (B) DEMONSTRATION OF COMPLIANCE.—
23 Compliance with the testing requirements of a
24 standard revised under paragraph (2)(A) may
25 be demonstrated either through the perform-

1 ance of a new or revised test under paragraph
2 (2)(A) or the performance of the tests otherwise
3 required under a standard promulgated under
4 this section.

5 (3) TREATMENT OF RULES.—Any rule promul-
6 gated under this subsection, including any modifica-
7 tion or revision made under this subsection, shall be
8 treated as a consumer product safety rule promul-
9 gated under section 9 of the Consumer Product
10 Safety Act (15 U.S.C. 2058).