

114TH CONGRESS
2D SESSION

S. 3046

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.

IN THE SENATE OF THE UNITED STATES

JUNE 9, 2016

Mr. CASEY (for himself, Ms. KLOBUCHAR, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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 FREE-STANDING**
3 **CLOTHING STORAGE UNITS.**

4 (a) **FREE-STANDING CLOTHING STORAGE UNIT DE-**
5 **FINED.**—In this section, the term “free-standing clothing
6 storage unit” means any piece of furniture manufactured
7 in the United States or imported for use in the United
8 States that is intended for the storage of clothing, includ-
9 ing furniture items that—

10 (1) are commonly referred to as a chest, door
11 chest, chest of drawers, dresser, or bureau; or

12 (2) may contain a chest, door chest, chest of
13 drawers, dresser, or bureau.

14 (b) **CONSUMER PRODUCT SAFETY STANDARD RE-**
15 **QUIRED.**—

16 (1) **IN GENERAL.**—Except as provided in sub-
17 section (c)(1), not later than 540 days after the date
18 of the enactment of this Act, the Consumer Product
19 Safety Commission shall promulgate, in accordance
20 with section 553 of title 5, United States Code, a
21 final consumer product safety standard for free-
22 standing clothing storage units to protect children
23 from tip-over-related death or injury.

24 (2) **TREATMENT OF STANDARD.**—A consumer
25 product safety standard promulgated under para-
26 graph (1) shall be treated as a consumer product

1 safety rule promulgated under section 9 of the Con-
2 sumer Product Safety Act (15 U.S.C. 2058).

3 (c) ASTM STANDARD.—

4 (1) IN GENERAL.—Subsection (b)(1) shall not
5 apply if the Commission determines that a voluntary
6 ASTM standard relating to free-standing clothing
7 storage units—

8 (A) adequately protects children from tip-
9 over-related death or injury from free-standing
10 clothing storage units;

11 (B) is or will be published not later than
12 180 days after the date of the enactment of this
13 Act;

14 (C) was developed by Subcommittee
15 F15.42 on Furniture Safety of ASTM Inter-
16 national; and

17 (D) is likely to be substantially complied
18 with by furniture manufacturers.

19 (2) PUBLICATION OF DETERMINATION.—The
20 Commission shall publish each determination made
21 under paragraph (1) in the Federal Register.

22 (3) TREATMENT OF ASTM STANDARD FOR PUR-
23 POSES OF ENFORCEMENT.—If the Commission de-
24 termines that a voluntary ASTM standard meets all
25 of the conditions described in paragraph (1), the re-

1 requirements of such ASTM standard shall be treated
2 as a consumer product safety rule promulgated
3 under section 9 of the Consumer Product Safety Act
4 (15 U.S.C. 2058) beginning 180 days after the date
5 on which the Commission's determination is pub-
6 lished under paragraph (2).

7 (4) REVISION OF ASTM STANDARD.—

8 (A) IN GENERAL.—If ASTM International
9 revises an ASTM standard after the Commis-
10 sion makes a determination under paragraph
11 (1) with respect to such standard, ASTM Inter-
12 national shall notify the Commission not later
13 than 60 days after the final version of such re-
14 vised standard is published.

15 (B) TREATMENT OF REVISED ASTM
16 STANDARD.—

17 (i) IN GENERAL.—Except as provided
18 in clause (ii), the requirements of the re-
19 vised standard described in subparagraph
20 (A) shall become enforceable as a rule pro-
21 mulgated under section 9 of the Consumer
22 Product Safety Act (15 U.S.C. 2058), in-
23 stead of the prior version of such standard,
24 beginning on—

1 (I) the date that is 180 days
2 after the date on which ASTM Inter-
3 national notifies the Commission of
4 such revision; or

5 (II) such later date as the Com-
6 mission considers appropriate.

7 (ii) NONCONFORMING ASTM STAND-
8 ARDS.—If the Commission determines, not
9 later than 90 days after the date on which
10 ASTM International notifies the Commis-
11 sion of a revised ASTM standard, that the
12 requirements of the revised ASTM stand-
13 ard do not improve the safety of the con-
14 sumer product covered by the standard
15 with respect to the condition described in
16 paragraph (1)(A), the Commission shall
17 continue to enforce the prior version of
18 such standard in accordance with para-
19 graph (3).

20 (d) SUBSEQUENT RULEMAKING.—

21 (1) IN GENERAL.—At any time subsequent to
22 the publication of a consumer product safety stand-
23 ard under subsection (b)(1) or a determination re-
24 garding an ASTM standard under subsection (c)(1),
25 the Commission may initiate a rulemaking, in ac-

1 cordance with section 553 of title 5, United States
2 Code—

3 (A) to modify the requirements of the con-
4 sumer product safety standard described in sub-
5 section (b)(1) or (c)(1); or

6 (B) to include any additional provision in
7 such consumer product safety standard that the
8 Commission determines is reasonably necessary
9 to protect public health or safety.

10 (2) TREATMENT OF RULES.—Any rule promul-
11 gated under paragraph (1) shall be treated as a con-
12 sumer product safety rule promulgated under section
13 9 of the Consumer Product Safety Act (15 U.S.C.
14 2058).

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