

117TH CONGRESS
1ST SESSION

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.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2021

Mr. CASEY (for himself, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. COTTON, Mr. MARKEY, Ms. CORTEZ MASTO, Ms. SMITH, Ms. WARREN, Mr. COONS, Mrs. FEINSTEIN, Ms. BALDWIN, Mr. CARDIN, and Mr. DURBIN) 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 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) for
13 purposes of the standard promulgated under subsection
14 (c) based on tip-over data as reasonably necessary to pro-
15 tect children 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 (d)(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, promulgate a final con-
5 sumer product safety standard for clothing
6 storage units to protect children from tip-over-
7 related death or injury that includes—

8 (i) tests that simulate the weight of
9 children up to 60 pounds;

10 (ii) objective, repeatable, and measur-
11 able tests that simulate real world use and
12 account for any impact on clothing storage
13 unit stability that may result from place-
14 ment on carpeted surfaces, drawers with
15 items in them, multiple open drawers, or
16 dynamic force;

17 (iii) testing of all clothing storage
18 units, including those 27 inches and above
19 in height;

20 (iv) tests that permit incorporated
21 safety features (excluding tip restraints) to
22 work as intended if the features cannot be
23 overridden by consumers in normal use
24 and provide an equivalent or greater level

1 of safety as tests developed pursuant to
2 clauses (i) through (iii); and

3 (v) warning requirements based on
4 ASTM F2057–19, or its successor at the
5 time of enactment, provided that the Con-
6 sumer Product Safety Commission shall
7 strengthen the requirements of ASTM
8 F2057–19, or its successor, if reasonably
9 necessary to protect children from tip-over-
10 related death or injury.

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

16 (d) SUBSEQUENT RULEMAKING.—

17 (1) IN GENERAL.—At any time subsequent to
18 the publication of a consumer product safety stand-
19 ard under subsection (c)(1), the Commission shall
20 initiate a rulemaking, in accordance with section 553
21 of title 5, United States Code to modify the require-
22 ments of the consumer product safety standard de-
23 scribed in subsection (c)(1) if the Commission deter-
24 mines that such modifications are reasonably nec-

1 essary to protect children from tip-over-related death
2 or injury.

3 (2) REVISION OF RULE.—

4 (A) IN GENERAL.—If the Commission re-
5 ceives a petition for a new or revised test under
6 subsection (c)(1)(B)(iv), the Commission shall
7 determine within 120 days—

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

15 (ii) whether the petition demonstrates
16 that the test could reasonably meet the re-
17 quirements of subsection (c)(1)(B)(iv), and
18 if so, the Commission shall determine by
19 recorded vote, within 60 days after the de-
20 termination, whether to initiate a rule-
21 making, in accordance with section 553 of
22 title 5, United States Code, to revise the
23 consumer product safety standard de-
24 scribed in subsection (c)(1) to include the
25 new or revised text.

1 (B) REVISIONS BASED ON GROWTH
2 CHARTS.—If, after the date of the enactment of
3 this Act, the Centers for Disease Control and
4 Prevention revises its Clinical Growth Charts,
5 the consumer product safety standard described
6 in subsection (c)(1) shall, on the date that is
7 180 days after such revision, be revised to in-
8 clude tests that simulate the weight of children
9 up to the 95th percentile weight of children 72
10 months in age, as depicted in the revised Cen-
11 ters for Disease Control and Prevention Clinical
12 Growth Charts, unless the Commission deter-
13 mines the modification is not reasonably nec-
14 essary to protect children from tip-over-related
15 death or injury.

16 (3) TREATMENT OF RULES.—Any rule promul-
17 gated under paragraph (1) or revision made pursu-
18 ant to paragraph (2) shall be treated as a consumer
19 product safety rule promulgated under section 9 of
20 the Consumer Product Safety Act (15 U.S.C. 2058).

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