

Calendar No. 503

117TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 117-161

STOP TIP-OVERS OF UNSTABLE, RISKY
DRESSERS ON YOUTH ACT

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 3232



SEPTEMBER 27, 2022.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

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STOP TIP-OVERS OF UNSTABLE, RISKY DRESSERS ON YOUTH ACT

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Ms. CANTWELL, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 3232]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (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, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

The purpose of S. 3232 is to require the Consumer Product Safety Commission (CPSC or 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 adopt a qualifying voluntary safety standard.

BACKGROUND AND NEEDS

According to CPSC data, an estimated 22,500 people suffer a medically treated injury related to a furniture tip-over every year. While tip-over incidents injure people across all age groups, the vast majority of furniture tip-over fatalities involve young children. Since 2000, hundreds of children have died in furniture tip-over incidents, and every day an average of six children are rushed to

emergency treatment after a storage chest, bureau, or dresser tips over onto them.¹

The CPSC defines a clothing storage unit (CSU) as a “free-standing furniture item, typically with drawer(s) and/or door(s), that may be reasonably expected to be used for storing clothing. Some common names for CSUs include, but are not limited to, chests, bureaus, dressers, armoires, wardrobes, chests of drawers, drawer chests, chifferobes, and door chests.”²

The ASTM Furniture Safety Subcommittee was formed over 20 years ago to address tip-over hazards. CPSC staff, consumer groups, and parent advocates are active participants in the consensus-based subcommittee. Historically, the safety standard has not accounted for real-world factors that contribute to CSU instability, such as placement on carpeting and known child interactions like climbing on the unit or pulling on the top drawer.³ Many revisions over the years have been relatively minor; notably, two of the very few significant revisions that were approved—(1) requiring anchoring kits⁴ and (2) extending the standard’s scope to shorter dressers⁵—coincided with the introduction of legislation addressing CSU safety.⁶ In their evaluation of the existing voluntary standard, ASTM F2057–19, Standard Safety Specification for Clothing Storage Units, CPSC staff determined that because it does “not account for the real-world factors” that contribute to instability, including “multiple open and filled drawers, children’s interactions with the CSU (such as climbing and opening drawers), or carpeting,” the standard is inadequate to protect children.⁷ CPSC staff also determined, noting that anti-tip restraints have proven ineffective as a “primary method” for preventing tip-overs, that CSUs should be inherently more stable to account for the lack of consumer use of anti-tip restraints and additional barriers to their proper installation and use.⁸

S. 3232 as amended reflects active and growing consensus among parent advocates, consumer groups, and furniture industry stakeholders participating in the ASTM F15.42 Furniture Safety Subcommittee that the revised version of the existing voluntary standard for clothing storage unit tip-over safety currently in development could meet the legislative requirements within section 2(c)(2) of the Act. It is the intent of the sponsors of S. 3232 and the Commerce Committee that the CPSC adopt this revised ASTM furniture tip-over standard for clothing storage units as a mandatory final consumer product safety standard as specified in the Act, if the standard meets the requirements of the bill.

¹ Adam Suchy, *Product Instability or Tip-Over Injuries and Fatalities Associated with Televisions, Furniture, and Appliances: 2021 Report*, Consumer Product Safety Commission, February 2022 (http://www.cpsc.gov/s3fs-public/2021_Tip_Over_Report_POSTED.pdf).

² Consumer Product Safety Commission, “Safety Standard for Clothing Storage Units,” Notice of Proposed Rulemaking, *Federal Register*, vol. 87, no. 23, 6246–6322 (docket no. CPSC–2017–0044), February 3, 2022 (<https://www.govinfo.gov/content/pkg/FR-2022-02-03/pdf/2022-01689.pdf>).

³ CPSC, *supra* note 2 at 6255.

⁴ Revision published in ASTM F2057–09.

⁵ Revision published in ASTM F2057–19.

⁶ Congress.gov, “H.R. 4266—Katie Elise and Meghan Agnes Act” (introduced in House on December 4, 2007) (www.congress.gov/bill/110th-congress/house-bill/4266?s=1&r=89); Congress.gov, “H.R. 2211—Stop Tip-overs of Unstable, Risky Dressers on Youth Act” (introduced in House on April 10, 2019) (www.congress.gov/bill/116th-congress/house-bill/2211).

⁷ CPSC, *supra* note 2 at 6291.

⁸ CPSC, *supra* note 2 at 6255.

LEGISLATIVE HISTORY

S. 3232 was introduced on November 18, 2021, by Senator Casey (for himself and Senators Klobuchar, Blumenthal, Cotton, Markey, Cortez Masto, Smith, Warren, Coons, Feinstein, Baldwin, Cardin, and Durbin) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. Senator Luján was added as a cosponsor on January 12, 2022. On May 11, 2022, the Committee met in open Executive Session and, by voice vote, ordered S. 3232 reported favorably with an amendment (in the nature of a substitute).

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 26, 2022.

Hon. MARIA CANTWELL,
*Chair, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.*

DEAR MADAM CHAIR: The Congressional Budget Office has prepared the enclosed cost estimate for S. 3232, the STURDY Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Katie Zhang.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

| S. 3232, STURDY Act | | | |
|--|------|-------------------------------------|-------------------------|
| As ordered reported by the Senate Committee on Commerce, Science, and Transportation on May 11, 2022 | | | |
| By Fiscal Year, Millions of Dollars | 2022 | 2022-2027 | 2022-2032 |
| Direct Spending (Outlays) | 0 | 0 | 0 |
| Revenues | 0 | 0 | 0 |
| Increase or Decrease (-) in the Deficit | 0 | 0 | 0 |
| Spending Subject to Appropriation (Outlays) | 0 | 1 | not estimated |
| Statutory pay-as-you-go procedures apply? | No | Mandate Effects | |
| Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2033? | No | Contains intergovernmental mandate? | No |
| | | Contains private-sector mandate? | Yes, Under Threshold |

S. 3232 would require the Consumer Product Safety Commission (CPSC) to examine voluntary safety standards for clothing storage units and issue a standard to protect children from tip-over-related death or injury. Based on information provided by the CPSC, CBO estimates that costs associated with enforcing the safety standard

would total less than \$1 million over the 2023–2027 period. Such spending would be subject to the availability of appropriated funds.

S. 3232 would impose a private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA) by requiring manufacturers of clothing storage units to conduct safety and stability tests in compliance with a safety standard to be issued by CPSC. According to information from the furniture manufacturing industry, safety and stability tests are conducted under an existing voluntary standard. The bill directs CPSC to adopt the voluntary standard if it meets the requirements established under the bill. Because pending revisions to the voluntary standard would satisfy that requirement, CBO expects that most covered manufacturers would comply voluntarily with the new standard. Therefore, CBO estimates that the cost of the mandate would not exceed the annual private-sector threshold established in UMRA (\$184 million in 2022, adjusted annually for inflation).

The CBO staff contact for federal costs is Katie Zhang and for mandates, Andrew Laughlin. The estimate was reviewed by Leo Lex, Deputy Director of Budget Analysis.

REGULATORY IMPACT STATEMENT

Because S. 3232 does not create any new programs, the legislation will have no additional regulatory impact, and will result in no additional reporting requirements. The legislation will have no further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

This section would provide that the bill may be cited as the “Stop Tip-overs of Unstable, Risky Dressers on Youth Act” or the “STURDY Act”.

Section 2. Consumer product safety standard to protect against tip-over of clothing storage units.

Paragraph (a) would define the term “clothing storage unit”.

Paragraph (b) would provide that the CPSC shall specify the types of furniture items within the scope of subsection (a) as part of a standard promulgated under this section, as reasonably necessary to protect children up to 72 months of age from injury or death.

Paragraph (c) would provide that the mandatory standard promulgated by the CPSC must protect children from tip-over related death or injury. The standard would require at a minimum: (1) tests that simulate the weight of children up to 60 pounds; (2) tests that simulate real-world use including combinations of placement

on carpeted surfaces, drawers with items in them, multiple open drawers, and dynamic force; (3) testing of all clothing storage units, including those 27 inches and above in height; and (4) warning requirements. This section would provide that the rule be promulgated pursuant to section 553 of the Administrative Procedure Act.⁹

Paragraph (d) would require the CPSC to adopt a voluntary standard as a mandatory standard if such standard exists and meets at least the requirements described in subsection (c)(2) of the Act. The voluntary standard would be required to be developed by ASTM International or such other standard development organization that the Commission determines is in compliance with the intent of the Act, and published not later than 120 days after the date of enactment of the Act.

Paragraph (e) would require that the CPSC be notified if an organization subsequently revised the voluntary standard. The revision would take effect no later than 180 days after the CPSC is notified, unless the CPSC determines that the revised voluntary standard does not meet the requirements necessary to be an exception to the rule promulgated by this Act.

Paragraph (f) would provide that, beginning 5 years after the date of enactment of this Act, the CPSC may initiate a rulemaking to modify the requirements of this Act to include any additional provisions that it deems reasonably necessary to protect children from tip-over related death or injury. This paragraph would also establish a process by which the Commission may consider petitions for new or revised tests that permit incorporated safety features under certain circumstances.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.



⁹Public Law 79-404; 60 Stat. 237.