



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

ACTING CHAIRMAN ANN MARIE BUERKLE

August 16, 2017

The Honorable E. Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code 1101A
Washington, DC 20460

Dear Administrator Pruitt:

This letter is in response to your May 10, 2017 letter regarding carbon monoxide (CO) emissions from portable generators. I agree with your view that section 31(a) of the Consumer Product Safety Act potentially restricts CPSC's authority to regulate these emissions. The EPA undoubtedly has the authority under the Clean Air Act to regulate CO emissions from the engines associated with portable generators—it promulgated such emission standards many years ago. EPA's primacy in this area is one reason I voted against our proposed rule.

I am pleased to report that an industry trade association, the Portable Generator Manufacturers Association (PGMA), is currently developing a voluntary standard that would, I believe, allow us to avoid any jurisdictional issue entirely. Instead of prescribing tighter emissions limits, the PGMA voluntary standard would require portable generators to shut themselves off if carbon monoxide concentrations build up too much (as, for example, where they are inappropriately used in a confined or semi-confined space). Although this approach is still under development, it appears very promising. I visited several generator manufacturers in late June to learn more about the technology, and I was impressed with the progress being made. The manufacturers believe that the shut-off approach will actually be much more effective in preventing deaths and injuries from CO poisoning than CPSC's proposal requiring lower CO emissions. Moreover, it looks to me as though this approach will avoid any interference with EPA's primary jurisdiction over engine emissions.

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I greatly appreciate your offer to work with CPSC on addressing this issue. I hope that PGMA will be able to finalize a standard quickly, making it unnecessary for CPSC to regulate in this area, much less to disturb EPA's more complex, multi-pollutant regulatory scheme. I hope, too, that you will share my belief that a voluntary standard requiring CO-concentration-based shut-off technology does not conflict with EPA's emissions standards and indeed merits your Agency's strong support for its lifesaving potential.

If you have any question about this matter, please do not hesitate to contact me. I will continue to keep you informed regarding the development of the shut-off technology, which I trust will address the jurisdictional concern that you have outlined. I would also welcome an excuse to visit you on this and other regulatory matters if your schedule ever permits.

Thank you again for your time and attention to this matter. Please let me know if I can ever be of any assistance to you.

Sincerely,



Ann Marie Buerkle
Acting Chairman

cc: Mr. Robert S. Adler, Commissioner, CPSC
Ms. Marietta S. Robinson, Commissioner, CPSC
Mr. Elliot F. Kaye, Commissioner, CPSC
Mr. Joseph Mohorovic, Commissioner, CPSC