



Can STURDY Beat the Clock? Mid-Terms May Hold the Answer

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- CPSC moving forward with Notice of Proposed Rulemaking
 - Public Comment Period Closed April 2022
- ASTM F 15.42 Subcommittee in process of revising voluntary standard
 - Balloting process is underway
- AHFA, parent and consumer groups, and Senate staff negotiated revised version of the STURDY Act



WHAT'S NEW?

Why Now?

- Uncertainty around CPSC Rulemaking
- Growing consensus at ASTM
- Looming end to congressional session brings urgency to the issue
- AHFA offered several amendments/language to the STURDY Act during previous debates
- Senate Democrats called a broader stakeholder meeting to negotiate compromise language



Revised STURDY Act

Key Provisions

- **Sec. 2(c)(2)**

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

(A) tests that simulate the weight of children up to 60 pounds;

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

(C) testing of all clothing storage units, including those 27 inches and above in height; and

(D) warning requirements based on ASTM F2057–19, or its successor at the time of enactment, provided that the Consumer Product Safety Commission may strengthen the warning requirements of ASTM F2057–19, or its successor, if reasonably necessary to protect children from tip-over-related death or injury.

(d) Adoption of Voluntary Standard.—

(1) IN GENERAL.—If a voluntary standard exists that meets the requirements of paragraph (2), the Commission shall, not later than 180 days after the date on which such determination is made and in accordance with section 553, United States Code, promulgate a final consumer product safety standard that adopts the applicable performance requirements of such voluntary standard related to protecting children from tip-over-related death or injury. A consumer product safety standard promulgated under this subsection shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058). Such standard shall take effect 180 days after the date of the promulgation of the rule, or such a later date as the Commission determines appropriate. Such standard will supersede any other existing standard for clothing storage units to protect children from tip-over related death or injury.

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

(A) includes performance requirements that protect children from tip-over-related death or injury and meet the requirements described in subsection (c)(2);

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

(C) is developed by ASTM International or such other standard development organization that the Commission determines is in compliance with the intent of this Act.

STURDY Act Heads For Senate Vote

May 12, 2022 - Washington, D.C.

A revised STURDY Act with the collective support of industry, parents, consumer advocates and safety experts passed the Senate Committee on Commerce, Science and Transportation yesterday.

The measure now heads for the full Senate, not only with the support of its diverse group of

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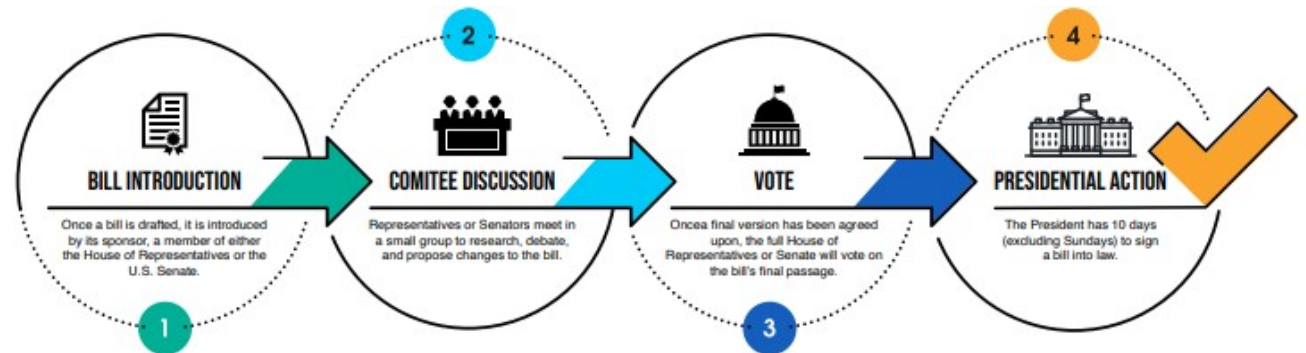
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Senate Commerce Committee Action

- On May 11th, the revised STURDY Act was approved by the Senate Commerce Committee via voice vote (no opposition)
- Awaiting final Committee report for next step towards full Senate consideration

How STURDY Becomes Law

- Senate Commerce Committee Report must be finalized
 - Critical step to definitively state congressional intent
- Senate could pass the revised STURDY Act via unanimous consent ('hotline')
 - Could be held up by any Senator for any reason
- Need to reconcile differences with House passed STURDY Act
 - Conversations underway
- Could be included in year end package



What to Watch in September

THIS SESSION, SENATE DEMOCRATS DELIVERED:



CHIPS and Science Act



Honoring Our PACT Act



Safer Communities Act



**Admission of Sweden and
Finland to NATO**



Inflation Reduction Act

- With these other issues cleared, provides better opportunity for STURDY consideration in the Senate in September 2022



Impact of the Midterm Elections

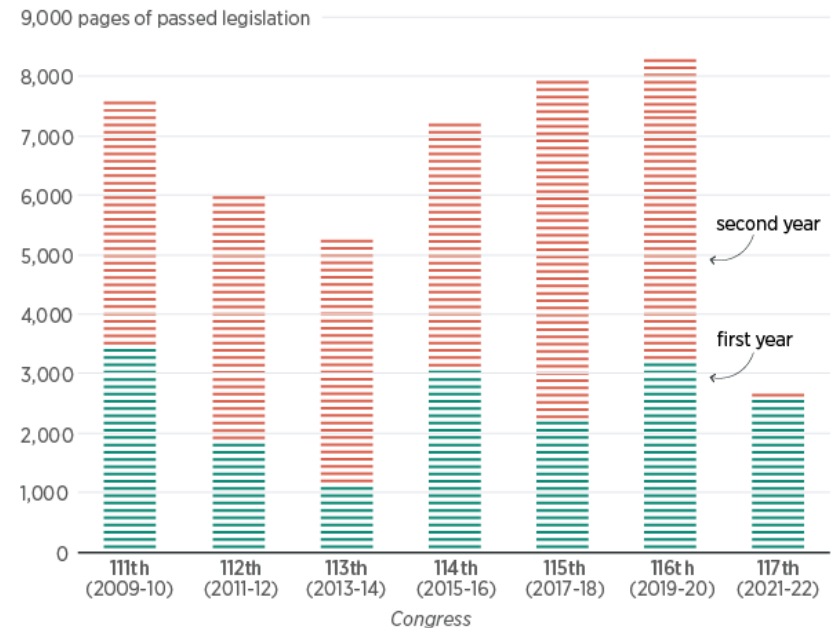
- House Republicans still favored to win majority
- Democrats still have a *slight* advantage in maintaining Senate majority
 - Will come down to AZ, GA, NV, PA
- Democrats are promoting recent legislative victories with CHIPS and Science Act and Inflation Reduction Act
- Economic headwinds of inflation and challenging labor market continue to plague Biden Administration and congressional Democrats

STURDY's Fate

- More momentum on the issue than in previous years
- Broad stakeholder alignment and commitment from congressional sponsors
- Moving legislation never a guarantee but this is positioned to at least be in the conversation for passage before the end of the year
 - Timing is important given the pending CPSC action on its proposal
- Republican majority in the House and/or Senate would diminish chance of passage next Congress

On paper, legislative productivity is up

While the public laws enacted in the 1950s added up to roughly 1,900 pages each Congress, that page count has climbed in recent decades.



Source: Brookings Institution and analysis by Jim Saksa