



UNITED STATES  
**CONSUMER PRODUCT SAFETY COMMISSION**  
4330 EAST WEST HIGHWAY  
BETHESDA, MD 20814  
COMMISSIONER PETER A. FELDMAN

**STATEMENT OF COMMISSIONER PETER A. FELDMAN REQUESTING  
COMMENTS ON PROPOSED SAFETY STANDARD FOR GAS FURNACES**

**OCTOBER 11, 2023**

Today, the U.S. Consumer Product Safety Commission (CPSC) voted to publish a proposed safety standard to reduce carbon monoxide (CO) injuries and deaths caused by residential gas furnaces and boilers. I voted to advance this rulemaking because of the deadly hazard CO presents, and to seek public input to strengthen it.

There are aspects of this rulemaking that merit further discussion. First, the cost-benefit analysis is lopsided, with costs outweighing benefits. The Consumer Product Safety Act requires that a rule's benefits "bear a reasonable relationship to its costs." The word "reasonable" is undefined. In this proposed rulemaking, our staff found that there are 59 cents of benefit for every dollar of cost. Staff conducted alternative cost-benefit analyses, and in none of those did quantifiable benefits exceed the quantifiable costs.

I am concerned that, however we calculate it, the difference between cost and benefit is large and may subject this rulemaking to legal challenge. I would be particularly interested in hearing from stakeholders regarding two questions: What factors should the Commission use to determine when a cost-benefit relationship is "reasonable?" And how should the Commission apply such factors in this specific rulemaking?

Second, our staff discussed European and Japanese standards for similar products to establish the technical validity of a standard based on CO shutoff technology. Staff conceded that adopting those standards would be inappropriate due to design differences among the markets. This raises technological feasibility concerns that I'm confident stakeholders will address. I am also interested in comments regarding the appropriate use of foreign standards in the promulgation of this rule, particularly in light of the D.C. Circuit's recent opinion in *WCMA v. CPSC*.

Finally, CPSC must find that any rule we write "imposes the least burdensome requirement which prevents or adequately reduces the risk of injury for which the rule is being promulgated." Given the cost-benefit and feasibility issues I have discussed, I am interested to hear from stakeholders how this rulemaking meets the least burdensome requirement. In particular, I look forward to comments regarding other options that might be less burdensome for consumers, while still providing the requisite reduction in the risk of injury or death.