



E. SCOTT PRUITT  
ADMINISTRATOR

May 10, 2017

The Honorable Ann Marie Buerkle  
Acting Chairman  
U.S. Consumer Product Safety Commission  
4330 East West Highway  
Bethesda, Maryland 20814

Dear Ms. Buerkle:

The U.S. Environmental Protection Agency understands that the U.S. Consumer Product Safety Commission is concerned that some consumers ignore warning labels and operate portable generators indoors, causing dangerous levels of carbon monoxide and leading to a number of deaths.

We do not have any information about the generators that were used in these situations and whether any of them had been certified to meet the EPA's current CO emission standards, but we know that the CPSC is concerned that these standards may not adequately reduce the risk posed by the improper use of portable generators indoors.

On November 21, 2016, premised under the Consumer Product Safety Act, CPSC proposed to establish emission limits that are more stringent than the standards the EPA has established under section 213 of the Clean Air Act.<sup>1</sup> However, it appears that section 31(a) of the CPSA prohibits the CPSC from setting such standards when the risks identified by the Commission could be eliminated or adequately reduced under the Clean Air Act. Specifically, section 31(a) of the CPSA states:

The Commission shall have no authority under this chapter to regulate any risk of injury associated with a consumer product if such risk *could* be eliminated or reduced to a sufficient extent by actions taken under ... the Clean Air Act.<sup>2</sup>

The EPA would be pleased to work with the CPSC to evaluate the current emission standards for portable generators and determine whether it would be appropriate for the EPA to use its authority under section 213 of the CAA to modify them in order to address the risk that

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<sup>1</sup> 81 Fed. Reg. 83556, 83577 (November 21, 2016)

<sup>2</sup> 15 USC § 2080(a)

CPSC has identified. We believe that the statutory factors the EPA must consider in setting standards for such generators under section 213 of the CAA would allow us to modify our current standards if this would be the most cost-effective way of addressing this risk.

Thank you for your attention to this matter, and we look forward to working with you consistent with the direction from Congress and the applicable laws.

Respectfully yours,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over a horizontal line. The signature is stylized and somewhat cursive.

E. Scott Pruitt

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