

June 20, 2023

Alberta E. Mills,
Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

RE: Supplemental Notice of Proposed Rulemaking – Safety Standard for Portable Generators (Docket No. CPSC–2006–0057)

Dear Secretary Mills:

The National Retail Federation welcomes the opportunity to provide comments on the U.S. Consumer Product Safety Commission’s Supplemental Notice of Proposed Rulemaking – Safety Standard for Portable Generators (Docket No. CPSC–2006–0057).

The National Retail Federation has represented retail for over a century. Every day, we passionately stand up for the people, policies and ideas that help retail succeed. As the nation’s largest private-sector employer, retail contributes \$3.9 trillion to the annual GDP. No other industry comes close. Wherever the industry goes, the nation follows — so we’re committed to helping retail go further.

NRF members represent some of the largest retailers and they know the importance of portable generators to their customers in times of emergency. Retailers will usually see long lines and high demand for portable generators before and immediately following natural disasters, extreme cold weather, and during high heat and fire season as customers seek to protect themselves and their families from the impacts of power outages. NRF members recognize that the misuse of portable generators can have tragic consequences. The majority (or all) of NRF members that sell portable generators already require compliance with either of the two voluntary standards, ANSI/PGMA G300-2018 (“PGMA Standard”) or ANSI/UL 2201 (“UL 2201 Standard”), in order to sell portable generators in their stores and on their websites. As a result, the Portable Generator Supplemental Notice of Proposed Rulemaking (“Portable Generator SNPR”) as proposed by CPSC is unnecessary as the industry is already well on its way to substantial compliance with effective voluntary safety standards.

If the CPSC chooses to implement additional requirements above the two voluntary industry standards, as well as require elements of both standards in a mandatory rulemaking, NRF understands that there are no current portable generators on the market that would meet the requirements of the Portable Generator SNPR. Additionally, we understand that there are very few models available at retail or ecommerce in compliance with the UL 2201 Standard, while there are over 200 models compliant with the PGMA Standard. Additionally, we are not aware of any portable generators over 5000 watts compliant with the UL 2201 standard, despite larger generators being very important for use by consumers for backup power needs.

If the CPSC requires implementation of elements of the UL 2201 standard in the Portable Generator SNPR, NRF is very concerned that the result will be the unavailability of generators after the effective date of CPSC's new standard because of the time needed to implement such extensive changes to these complex engine products. And it is unclear whether any portable generator brands will ever be able to provide portable generators over 5000 watts, as needed by our members' customers.

NRF and its members want to highlight for the Commission the following negative impacts from the Portable Generator SNPR:

1. Lack of availability of essential emergency power equipment for sale to U.S.

consumers. The generator industry estimates it can take up to three years to develop products compliant with the new emissions requirements of the proposed rule, if even it is possible. As a result, the supply of portable generators available at retail will be disrupted for as much as three years. NRF is concerned that the proposed timeline of this rule will likely result in severe gaps in availability of generators when needed for potential natural disasters next year and the following year. Portable generators are needed by millions of Americans to provide backup power when the electricity grid fails in response to severe weather and other events. This backup power is a necessity for critical home electronics, refrigeration, climate control and continued use of medical devices when the power goes out.

Even once available, retail customers would likely see portable generator price increases of hundreds of dollars, which will be challenging to many retail customers living paycheck to paycheck. The price difference is reflected in comparison of one of the very few UL 2201 Standard generators currently in the market to a PGMA Standard compliant generator of approximately the same size and specifications. For comparison, UL 2201 listed model # RYi4022VNM - Ryobi 4000 Watt gasoline-powered digital inverter generator with CO shutdown is sold for \$999 at one retailer as opposed to model #201049 Champion Power Equipment Open Frame CO Shield Quiet Technology 4500-Watt Gasoline Portable Inverter Generator sold for \$664.05 at another retailer. If the current rule is implemented as written, the impact on generator pricing would be considerable, making these products unaffordable for many consumers. That is, if manufacturers are even able to manufacture products that comply with the rule.

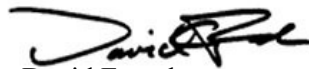
- 2. Proposed requirements do not distinguish between generator sizes.** NRF is also concerned that the Portable Generator SNPR would also severely impact the availability of larger generators because the requirements do not distinguish between the size of generators. Requiring all generators to meet a carbon monoxide emissions level of 150 grams/hour, even though no products over 5000 watts in the market today meet that standard, would remove a key product from retailers that is relied upon by consumers. We are also concerned about the potential impacts that the lower CO emissions will have on the durability of portable generators, which may increase the product returns and customer complaints received directly by our retail members.

- 3. Special concerns for California retail customers due to challenges in meeting CARB 2024 HC+NOx emissions and durability standards.** Last year, the California Air Resources Board (CARB) adopted sweeping restrictions on outdoor power equipment, including generators, effective as of January 2024. While the manufacture of many gas-powered lawn and garden equipment will be prohibited in California as of 2024, CARB recognized the continued need for portable generators as a backup power source and, rather than banning the sale of generators, implemented reduced greenhouse gas and increased durability requirements for portable generators as of 2024. Manufacturers have indicated to NRF members that there is no current method to achieve both the required California level of greenhouse gas (HC+NOx) emission reductions with the requisite durability hours and achieve the CO emissions level of 150 g/hr required by the SNPR.

NRF urges the CPSC to consider these concerns and recognize that the portable generator industry, and the retailers at which portable generators are sold, have already adopted the existing voluntary safety standards. The potential risks and harm from the Portable Generator SNPR to retailers and their customers outweigh the incremental benefits that CPSC believes will be achieved by taking various pieces of each voluntary standard. We encourage the CPSC to not adopt the SNPR.

If you have any questions, please contact Jonathan Gold (goldj@nrf.com), NRF's Vice President, Supply Chain and Customs Policy.

Sincerely,



David French
Senior Vice President
Government Relations