

111TH CONGRESS
1ST SESSION

H. R. 418

To confirm the jurisdiction of the Consumer Product Safety Commission with respect to releasing systems on residential window bars and to establish a consumer product safety standard ensuring that all such bars include a quick-release mechanism.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2009

Ms. LEE of California introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To confirm the jurisdiction of the Consumer Product Safety Commission with respect to releasing systems on residential window bars and to establish a consumer product safety standard ensuring that all such bars include a quick-release mechanism.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Access in Fire
5 Emergencies Act of 2009”.

1 **SEC. 2. CONGRESSIONAL FINDINGS.**

2 The Congress finds the following:

3 (1) The United States Fire Administration
4 (USFA) of the Department of Homeland Security
5 encourages prevention, fire sprinklers, smoke detec-
6 tors, and planned escape routes as main goals of
7 avoiding casualties in residential and commercial
8 fires.

9 (2) Window bars are most prevalent in low-in-
10 come areas and high crime areas, where other secu-
11 rity risks often overshadow fire safety standards.

12 (3) According to the USFA, children, the elder-
13 ly, persons who are mobility-impaired, and fire-
14 fighters are especially vulnerable to fatalities or inju-
15 ries involving residential window bars.

16 (4) Persons have died in residential fires as a
17 result of being trapped by window bars in at least
18 14 States, including Alabama, Arizona, California,
19 Florida, Georgia, Kansas, Michigan, Mississippi,
20 Missouri, New Jersey, Oklahoma, Pennsylvania,
21 Tennessee, and Texas.

22 (5) Some States, including Mississippi, Cali-
23 fornia, Texas, and, most recently, Oklahoma, have
24 established safety standards for window bars.

25 (6) On June 12, 2005, five children were killed
26 in a house fire in Philadelphia, Pennsylvania, when

1 their escape was prevented by ground-level, residen-
2 tial window bars.

3 (7) Collecting information on a national basis
4 regarding the risks and casualties caused by window
5 bar entrapment during residential fires will help in
6 raising public awareness of such risks and casual-
7 ties.

8 **SEC. 3. DEFINITION OF WINDOW BARS.**

9 For purposes of this Act, the term “window bars”
10 means any metal or other bars, grills, grates, heavy-duty
11 screens, glazing, or other barriers that are designed—

12 (1) to cover exterior and interior escape win-
13 dows in residential dwelling units; and

14 (2) to deter any physical security threats to the
15 home, including threats from burglars.

16 Such term does not include any such barriers that (A)
17 protect children from falling from open windows in upper
18 floors of buildings, and (B) protect nonresidential or com-
19 mercial properties.

20 **SEC. 4. SAFETY STANDARD FOR WINDOW BARS.**

21 (a) RULEMAKING REQUIRED.—The Consumer Prod-
22 ucts Safety Commission (in this Act referred to as the
23 “Commission”) shall initiate a rulemaking proceeding
24 under section 553 of title 5, United States Code, within
25 90 days after the date of the enactment of this Act to

1 establish a consumer product safety standard under sec-
2 tion 7(a) of the Consumer Product Safety Act (15 U.S.C.
3 2056(a)) for window bars, except that the Commission
4 may extend such 90-day period for good cause. Notwith-
5 standing any other provision of law, including chapter 5
6 of title 5, United States Code, the Commission shall pro-
7 mulgate a final rule establishing such consumer product
8 safety standard within 12 months after the date on which
9 the rulemaking pursuant to this subsection is initiated, ex-
10 cept that the Commission may extend such 12-month pe-
11 riod for good cause. Such consumer product safety stand-
12 ard shall take effect upon the expiration of the 6-month
13 period beginning on the date on which the final rule estab-
14 lishing such standard is promulgated.

15 (b) **RELEASING SYSTEM REQUIREMENT.**—The stand-
16 ard established pursuant to subsection (a) shall—

17 (1) require all window bars that are manufac-
18 tured or installed in the United States to incorporate
19 releasing systems that meet the minimum standards
20 under subsection (c); and

21 (2) address releasing systems for interior- and
22 exterior-based window bars.

23 (c) **MINIMUM STANDARDS FOR RELEASING SYS-**
24 **TEMS.**—The minimum standards under this subsection for

1 releasing systems for window bars shall require that such
2 systems—

3 (1) when actuated, can move such bars and
4 provide egress to occupants of residential dwelling
5 units equipped with such bars; and

6 (2) at a minimum, can be actuated manually
7 from the interior of a residential dwelling unit and
8 provide escape through the protected opening.

9 (d) CONSULTATION.—In developing the standard
10 pursuant to subsection (a), the Commission shall consult
11 with experts, including manufacturers of window bars,
12 housing and building codes authorities, and representa-
13 tives of the United States Fire Administration, the Na-
14 tional Fire Protection Association, Underwriters Labora-
15 tories, Inc., officials in States that have in effect window
16 bar safety standards, and other similar public safety-re-
17 lated organizations.

18 (e) ENFORCEMENT.—Compliance with the consumer
19 product safety standard established pursuant to this sec-
20 tion shall be enforced under the Consumer Product Safety
21 Act.

22 **SEC. 5. LABELING REQUIREMENT.**

23 The Consumer Products Safety Commission shall re-
24 quire each manufacturer selling, or offering for sale, in
25 the United States, any window bars to include in the pack-

1 aging for the window bars a written statement clearly ex-
2 plaining how the window bars are to be configured and
3 installed and the inclusion and operation of the releasing
4 system incorporated pursuant to section 4(b).

5 **SEC. 6. FEDERALLY ASSISTED HOUSING.**

6 It is the sense of the Congress that all public housing
7 dwelling units, all dwelling units assisted under section 8
8 of the United States Housing Act of 1937, all manufac-
9 tured housing units, and all homes purchased using any
10 loan made, insured, or guaranteed under the National
11 Housing Act or title 38, United States Code, should meet
12 a minimal standard for use of window bars that requires
13 such bars to incorporate an emergency releasing system.

14 **SEC. 7. PROVISION OF DATA.**

15 The Commission shall establish and maintain a Na-
16 tional Electronic Injury Surveillance System (NEISS)
17 code and system for collection of information and statistics
18 on casualties associated with window bars.

19 **SEC. 8. NO EFFECT ON STATE LAW.**

20 Notwithstanding section 26 of the Consumer Product
21 Safety Act (15 U.S.C. 2075), this Act may not be con-
22 strued to annul, alter, impair, affect, or exempt any person
23 subject to the provisions of this Act from complying with
24 any provision of the law of any State or any political sub-
25 division thereof, except to the extent that such provisions

1 of State law are inconsistent with any provision of this
2 Act, and then only to the extent of the inconsistency. A
3 provision of State law may not be considered to be incon-
4 sistent with this Act if such provision applies more strin-
5 gent requirements with respect to window bar releasing
6 systems than is afforded by this Act.

7 **SEC. 9. NOTICE.**

8 The Commission shall promptly, upon the enactment
9 of this Act, take such actions as may be appropriate to
10 inform all manufacturers of window bars distributed in
11 interstate commerce or installed within the United States
12 of the provisions of this Act.

13 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated to the Con-
15 sumer Product Safety Commission for carrying out this
16 Act such sums as may be necessary for each of fiscal years
17 2010 through 2014.

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