S. HRG. 110–436

VEHICLE SAFETY FOR CHILDREN

HEARING

BEFORE THE

SUBCOMMITTEE ON CONSUMER AFFAIRS, INSURANCE, AND AUTOMOTIVE SAFETY

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

FEBRUARY 28, 2007

Printed for the use of the Committee on Commerce, Science, and Transportation

U.S. GOVERNMENT PRINTING OFFICE

35–958 PDF WASHINGTON : 2008

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

DANIEL K. INOUYE, Hawaii, *Chairman*

JOHN D. ROCKEFELLER IV, West Virginia
JOHN F. KERRY, Massachusetts
BYRON L. DORGAN, North Dakota
BARBARA BOXER, California
BILL NELSON, Florida
MARIA CANTWELL, Washington
FRANK R. LAUTENBERG, New Jersey
MARK PRYOR, Arkansas
THOMAS R. CARPER, Delaware
CLAIRE MCCASKILL, Missouri
AMY KLOBUCHAR, Minnesota

TED STEVENS, Alaska, *Vice Chairman*
JOHN MCCAIN, Arizona
TRENT LOTT, Mississippi
KAY BAILEY HUTCHISON, Texas
OLYMPIA J. SNOWE, Maine
GORDON H. SMITH, Oregon
JOHN ENSIGN, Nevada
JOHN E. SUNUNU, New Hampshire
JIM DEMINT, South Carolina
DAVID VITTER, Louisiana
JOHN THUNE, South Dakota

MARGARET L. CUMMISKY, *Democratic Staff Director and Chief Counsel*
LILA HARPER HELMS, *Democratic Deputy Staff Director and Policy Director*
MARGARET SPRING, *Democratic General Counsel*
LISA J. SUTHERLAND, *Republican Staff Director*
CHRISTINE D. KURTH, *Republican Deputy Staff Director*
KENNETH R. NAHIGIAN, *Republican Chief Counsel*

SUBCOMMITTEE ON CONSUMER AFFAIRS, INSURANCE, AND AUTOMOTIVE SAFETY

MARK PRYOR, Arkansas, *Chairman*
JOHN D. ROCKEFELLER IV, West Virginia
BILL NELSON, Florida
MARIA CANTWELL, Washington
FRANK R. LAUTENBERG, New Jersey
THOMAS R. CARPER, Delaware
CLAIRE MCCASKILL, Missouri
AMY KLOBUCHAR, Minnesota

JOHN E. SUNUNU, New Hampshire, *Ranking*
JOHN MCCAIN, Arizona
TRENT LOTT, Mississippi
OLYMPIA J. SNOWE, Maine
GORDON H. SMITH, Oregon
DAVID VITTER, Louisiana
JOHN THUNE, South Dakota

CONTENTS

	Page
Hearing held on February 28, 2007	1
Statement of Senator Carper	6
Statement of Senator Klobuchar	49
Statement of Senator Pryor	1
Statement of Senator Sununu	2

WITNESSES

Campbell, Hon. W. Packy, Former Representative from New Hampshire	7
Prepared statement	8
Claybrook, Hon. Joan, President, Public Citizen; Former Administrator, National Highway Traffic Safety Administration	19
Prepared statement with attachments	21
Gulbransen, Dr. Greg, Pediatrician, Syosset, New York	10
Prepared statement	12
McCurdy, Hon. Dave, President/CEO, Alliance of Automobile Manufacturers; accompanied by Robert Strassburger, Vice President, Safety and Harmonization	38
Prepared statement	40
Medford, Ronald, Senior Associate Administrator for Vehicle Safety, National Highway Traffic Safety Administration	4
Prepared statement	5

APPENDIX

Association of International Automobile Manufacturers, Inc. (AIAM), prepared statement	69
Fennell, Janette E., President, KIDS AND CARS, prepared statement	84
Greenberg, Sally, Senior Product Safety Counsel, Consumers Union of U.S., Inc., prepared statement	71

VEHICLE SAFETY FOR CHILDREN

WEDNESDAY, FEBRUARY 28, 2007

U.S. SENATE,
SUBCOMMITTEE ON CONSUMER AFFAIRS, INSURANCE, AND AUTOMOTIVE SAFETY,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:10 a.m. in room SR–253, Russell Senate Office Building, Hon. Mark Pryor, Chairman of the Subcommittee, presiding.

OPENING STATEMENT OF HON. MARK PRYOR, U.S. SENATOR FROM ARKANSAS

Senator PRYOR. Thank you all for being here today. It is my pleasure to welcome you to our Consumer Affairs, Insurance, and Automotive Safety Subcommittee hearing on vehicle safety for children. This is our first meeting of the year, and I want to thank my colleague, the Ranking Member, Senator John Sununu, who does a fantastic job on this issue and many others. We look forward to having a productive couple of years. We anticipate some of our colleagues will come and go today, because there are a lot of committee hearings going on right now, but I just wanted to say good morning, thank everyone for being here to talk about auto safety for children.

We have jurisdiction over a wide range of issues that are important to the daily lives of consumers, and Senator Sununu and I have already discussed some other hearings that we'll have in the future. Some of those relate to children, some of those relate just to the general public, but I'm very pleased that we're taking this first hearing, at Senator Sununu's request, to talk about the subject matter today.

In 2005, 1,451 children ages 14 and younger died as passengers in motor vehicle crashes, and approximately 203,000 were injured in the United States. That's an average of four deaths and 556 injuries each day. We both feel that we need to work to reduce those numbers. And I know that Senator Sununu has shown a great commitment to this issue and, as I said, many others. I have two children myself and I feel the compulsion to try to make our vehicles and our roads safer for our children.

I also want to thank the witnesses for being here this morning, providing testimony, for working with the Subcommittee staff on a variety of topics, in terms of scheduling and statements, *et cetera.*

Today, we'll have five witnesses. They'll discuss a variety of topics and issues related to auto safety for children, including the

Cameron Gulbransen Kids and Cars Safety Act of 2007 that was introduced yesterday by Senator Clinton and Senator Sununu. And I hope that today's discussion will begin that process of dialogue that we're famous for, sometimes infamous for, here in the U.S. Senate. I hope that it definitely leads to more safety for our children and our other auto passengers.

With that, I'd like to hear from Senator Sununu.

STATEMENT OF HON. JOHN E. SUNUNU, U.S. SENATOR FROM NEW HAMPSHIRE

Senator SUNUNU. Thank you very much, Senator Pryor. I certainly appreciate the fact that you've made the commitment to make this our first hearing of the year. As you indicated, Senator Clinton and I introduced legislation yesterday that would address, in particular, non-traffic fatalities. Over 1,000 children in the last 5 years have been killed in non-traffic accidents, and thousands more have been injured. And it's not just children, but, of course, when it happens to the youngest among us, I think anyone, whether you're a parent or not, can't help but feel the enormity of the loss.

Representative Peter King has introduced legislation on the House side, and I certainly want to thank him for his great leadership on this issue. As well, Packy Campbell will be joining our panel today, a good friend of mine from New Hampshire who has dealt very personally with the impact that non-traffic auto fatalities can have on a family. This has been a long process, especially for a lot of the advocates and the coalition of partners that have worked on this legislation. We introduced legislation at the end of the 1st session in 2005, but obviously weren't able to see it completed on the floor, and this hearing, I think, is an important and early beginning to the process in the new session of the 110th Congress.

You spoke about the impact accidents have. We're talking about thousands of lives, thousands of families. And anytime we talk about regulation, whether it's with auto safety or any other area, we have to be mindful of the cost. But the important thing, I think, in the construction of the legislation that we've introduced is that—in two of the key areas, making automatic windows safer, and ensuring that cars can't inadvertently be put into gear without the knowledge of the driver—the costs to implement these improvements are less than $10 on a car. And that is really significant, that existing technologies are there to make a huge difference in this area.

And regarding the visibility behind a vehicle, where someone may unknowingly back over or back into a child, the technology exists that can certainly prevent tragic accidents. There's no question it's more than $10 a car to implement today. But there are different options and opportunities to both improve that technology and to bring down its cost.

Equally important, we are mindful that changes and improvements in auto safety don't happen overnight. The auto industry has implemented significant improvements in past years, ranging from antilock brakes to side airbags. And this is done because it makes good business sense, because it makes good safety sense, because

it makes a difference in the lives of the consumers that drive those vehicles. Things don't necessarily happen overnight, but I feel—and I think the supporters of this legislation feel—there are improvements that can, and need, to be made. We provide a window for NHTSA to develop new rules in these areas, and then to implement those rules over a 3-year window. And I think that is realistic, it's doable, it's achievable, and ultimately it will have a huge impact on both the fatalities and the injuries that we see in these three key areas.

Our bill doesn't mandate any particular approach to dealing with brake-shift interlock or window safety or rear visibility. We don't tell the auto manufacturers how to do it. We don't tell NHTSA how to develop the standard. But we simply say that standards in these areas are essential, because they will have a material benefit for consumers. So, this is the beginning of the process, this session. I want to certainly thank all of those that have been involved in the KIDS AND CARS coalition for the advocacy work that they've done, and the work that they've done in helping to gather information. One of the things we realized early on was that we don't have good collection of data in this area. And NHTSA, represented by Mr. Medford today, I think is making strides in improving the process for data collection. So, we've already had a good impact in that area.

I look forward to the testimony of all of our panelists today. I hope this Subcommittee and the full Commerce Committee can move the legislation as one of its first orders of business this year.

Thank you, Mr. Chairman.

Senator PRYOR. Thank you.

Now, typically what we will do is, we'll allow government officials to testify on a separate panel, but, by agreement with Senator Sununu and also with the permission of Ron Medford, who's going to be our first witness, we'd like to consolidate the panels today.

So, let me introduce the panelists. Y'all come on up, grab a seat, all the panelists, and, as y'all are taking your seats, I'll introduce you. I'll recognize Mr. Medford first.

Mr. Medford is the Senior Associate Administrator of Vehicle Safety of the National Highway Traffic Safety Administration, NHTSA. He'll be talking about NHTSA's effort to enhance automobile safety for children, and he'll give us a progress report on some of the studies under SAFETEA–LU.

And we'll also hear stories from two parents whose children were tragically killed in separate non-traffic automobile accidents. Mr. Packy Campbell, whose son, Ian, was the victim of a runaway car, and also Dr. Greg Gulbransen, who accidentally backed over and killed his 2-year-old son, Cameron. I appreciate you all being here and your willingness to testify.

Also, we'll have Joan Claybrook, the President of Public Citizen. She brings a wealth of experience and insight into the area of automobile safety. She was the NHTSA Administrator during the Carter Administration and has remained active in this area ever since. She'll talk about a variety of auto safety issues.

And, finally, we'll have Mr. David McCurdy, on behalf of the automobile industry. He's the President of the Alliance for Automobile Manufacturers, and he'll talk about some of the advances

made in child safety standards by the industry. He will provide an update on safety measures taken by the industry.

So, with that, what I would like to do is acknowledge Mr. Ron Medford and ask him to make his opening statement.

We're going to do 5 minutes on the opening statement. I'd love for y'all to watch the time. And then we'll have a series of questions after that.

Mr. Medford?

STATEMENT OF RONALD MEDFORD, SENIOR ASSOCIATE ADMINISTRATOR FOR VEHICLE SAFETY, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Mr. MEDFORD. Thank you, Mr. Chairman, Senator Sununu. I appreciate the opportunity to appear before the Subcommittee this morning to discuss the important issue of improving vehicle safety for children. I regret that Administrator Nason could not appear before you because of a prior commitment to testify at a House hearing this morning.

I ask that my written statement be submitted for the record.

While every highway-related death is a tragedy, the loss of a child is particularly devastating. Administrator Nason, the mother of two young daughters herself, has made protecting children one of her top priorities. Earlier this month, NHTSA hosted a public meeting to discuss ways to increase the use of Lower Anchorages and Tethers for Children, or a system known as LATCH. LATCH is a system of anchorages built into newer vehicles that is designed to make it easier to install child seats. This meeting came about as a result of a new survey conducted by NHTSA which found that 40 percent of parents with LATCH-equipped vehicles still rely on seatbelts to secure their child seats. The survey also found that many parents are unaware of either the existence or the importance of LATCH. As a result of this public meeting, NHTSA is now working with vehicle and car seat manufacturers, consumer advocates, and others to develop a national education campaign to better inform parents on proper child seat installation. Installing a child seat should not be a daunting task for parents, and NHTSA is committed to making LATCH better known and easier to use.

Regarding back-over crashes, last November NHTSA released a comprehensive study on this problem. As a part of the study, NHTSA tested camera-based systems currently available, to evaluate their performance and effectiveness in mitigating back-over crashes. Our study found that, while rear-facing cameras helped drivers better see pedestrians in the back of the vehicle, the presence of fog, rain, or glare, can significantly reduce their effectiveness. We also found that cameras were not effective at night. And, finally, our research showed that, even if the camera can clearly discern the object, preventing the crash is still dependent on the driver observing the video display and reacting quickly enough. Although our studies show that cameras have limitations in preventing crashes, NHTSA believes this technology holds great promise. And, accordingly, we are continuing our research this year on examining the human-factors issues related to camera effectiveness.

Regarding the entrapment hazard posed by power windows, the Senators may recall that in 2004 NHTSA finalized a regulation mandating all vehicles sold beginning October 1, 2008, have recessed window switches to prevent their inadvertent activation. Last year, NHTSA added to this rule, pursuant to a mandate in SAFETEA–LU, requiring that power-window switches have to be pulled up or out to work. We were pleased to complete this mandate nearly a year ahead of the deadline set by Congress. We believe that, once in effect, these new rules will significantly help reduce the likelihood of these incidents.

Mr. Chairman, it is the worst fear of every parent to lose a child. The good news is that child safety in vehicles has come a long way. In 1975, the fatality rate for children 5 years old and younger was 4.5 per 100,000 children. Today, the fatality rate for children under 5 is 2.27, a record low. However, moreover, current statistics show that children 9 years of age and younger had the least amount of fatalities among any age group. These improvements in child safety are attributable to a combination of innovative safety features on the vehicle, widespread use of child safety seats, and enhanced drunk-driving enforcement. NHTSA is committed to making additional safety improvements to further protect children. Of all of the lifesaving work NHTSA does, I consider this our most important duty.

Thank you for your consideration and for this Committee's ongoing effort to improve highway safety. I'd be glad to answer any questions that you may have.

[The prepared statement of Mr. Medford follows:]

PREPARED STATEMENT OF RONALD MEDFORD, SENIOR ASSOCIATE ADMINISTRATOR FOR VEHICLE SAFETY, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Mr. Chairman, my name is Ron Medford, and I am the Senior Associate Administrator for Vehicle Safety at the National Highway Traffic Safety Administration (NHTSA). I appreciate the opportunity to appear before this Subcommittee to discuss the important issue of improving vehicle safety for children. I regret that NHTSA Administrator Nicole R. Nason could not appear before you because of a prior commitment to testify at a House subcommittee hearing.

The mission of NHTSA is to reduce fatalities and injuries on our Nation's roads. In 2005, the last year for which complete data are available, there were 43,443 highway-related fatalities and 2.7 million injuries. Vehicle crashes are the leading cause of death for the age group of 4 to 34.

While every highway-related death is a tragedy, the loss of a child is particularly devastating.

Administrator Nason, the mother of two young daughters herself, has made protecting children one of her top priorities. Earlier this month, Administrator Nason hosted a public meeting with industry leaders and consumer advocates to discuss ways to increase the use of Lower Anchorages and Tethers for Children, or the LATCH system. LATCH is a system of anchorages built into newer vehicles that is specifically designed to make it easier to properly install child seats. This meeting came about as a result of a new survey conducted by NHTSA which found that 40 percent of parents with LATCH-equipped vehicles still rely on seat belts to secure their child seat. The survey also found that many parents are unaware of either the existence or the importance of the LATCH system.

As a result of this meeting, NHTSA is working with vehicle and car seat manufacturers, child seat installation instructors, and consumer advocates to develop a national education campaign to better inform parents on proper child seat installation. Installing a child safety seat should not be a daunting task for parents, and NHTSA is committed to making LATCH better known and easier to use.

Additionally, NHTSA is currently working to revise its ease-of-use ratings for child seats. We believe this new rating system will serve as a strong incentive for child seat manufacturers to make proper installation of car seats easier for parents.

Another area of concern that NHTSA is active in addressing is back-over crashes. Last November, NHTSA released a comprehensive study on this problem. This study estimated that back-over crashes cause at least 183 fatalities and up to 7,419 injuries annually. Thankfully the majority of these injuries are relatively minor, meaning that the victims are treated in the emergency room and released.

As part of this study, NHTSA tested several systems currently available to evaluate their performance and potential effectiveness in mitigating back-over crashes. Our tests found that the performance of ultrasonic and radar parking aids in detecting children behind the vehicle was typically poor.

Our study also looked at camera-based systems and found that they provide drivers with the ability to see pedestrians in the majority of rear blind spot zones. However, we found that rain, fog or glare from the sun can significantly reduce the camera's ability to show drivers a clear view of an object in back of the vehicle. The cameras are also not effective at night. Finally, our research showed that even if the camera can clearly discern the object, preventing the crash is still dependent on the driver observing the video display and reacting quickly enough.

Although our study showed that cameras have limitations in preventing back-over crashes, NHTSA believes this technology holds promise. Accordingly, we are continuing our research in this area.

Regarding the entrapment hazard posed by power windows, the Subcommittee may recall that in April 2004, NHTSA finalized a rule mandating that all vehicles sold in MY 2008 have recessed window switches to prevent their inadvertent activation. Last year, NHTSA added to this rule pursuant to a mandate in SAFETEA–LU requiring that power window switches not only be recessed, but have to be pulled "up or out" to work. We were pleased to be able to meet this mandate nearly a year ahead of the deadline set by Congress. Although a child fatality due to a power window is an extremely rare occurrence (approximately one to two children a year on average) we believe that once in effect, these rules will significantly reduce the likelihood of these incidents.

Mr. Chairman, it is the worst fear of every parent to lose a child. The good news is child safety has come a long way. A generation ago it was not uncommon for children of all ages to be sitting anywhere in the car, completely unrestrained. Through our educational efforts, and the passage of Anton's Law and other similar legislation, now 98 percent of children under 1 year old are buckled up.

More important, these changes in law presaged a change in society toward child safety in vehicles. Apart from being illegal in all 50 states, most parents now would never consider not buckling up their child. This focus on child safety by parents is paying dividends, as NHTSA data shows that children 9 years of age and younger have the least amount of fatalities among any age group.

NHTSA is committed to making additional safety improvements to further protect children. Of all the lifesaving work NHTSA does, I consider this our most important duty.

Thank you for your consideration, and for this Subcommittee's ongoing effort to improve highway safety. I would be pleased to answer any questions.

Senator PRYOR. Thank you, Mr. Medford.

We've been joined by Senator Tom Carper, of Delaware. And he's decided not to give an opening statement, right?

Senator CARPER. Could I just make one really, really short statement?

STATEMENT OF HON. THOMAS R. CARPER, U.S. SENATOR FROM DELAWARE

Senator CARPER. Mr. Chairman, thank you for holding the hearing and for letting me step in for a little while. I have three hearings going on at the same time, so I'm not going to burden you for long with my presence.

I'm delighted to see my old colleague—not "old"——

[Laughter.]

Senator CARPER.—but my colleague of longstanding, Dave McCurdy. For those of you who follow baseball, I think today may be the first day of spring training.

[Laughter.]

Senator CARPER. And Dave McCurdy and I used to play on the Congressional baseball team, and a couple of years, I remember, when I was nominated for Most Valuable Player by the Republicans—I'm a Democrat.

[Laughter.]

Senator CARPER. Tom Ridge was the outfielder for the Republicans for a while. A couple of years, I think we've picked him as our Most Valuable Player. This guy can handle himself well behind the witness stand, and he is also pretty good with a baseball. Real good with a bat. But it's great to see you.

And thank you all for being here and testifying with us this morning.

Thank you, David. Welcome.

Senator PRYOR. Thank you, Senator. And thank you for joining us.

Our next witness is Packy Campbell, former State Representative for the State of New Hampshire.

STATEMENT OF HON. W. PACKY CAMPBELL, FORMER REPRESENTATIVE FROM NEW HAMPSHIRE

Mr. CAMPBELL. Good morning. A little nervous this morning. It's my first time in front of the—what I call the "real Congress." I've been in front of the Senate in New Hampshire a whole bunch of times in the panels, so——

It's an honor to be here with the Members of this Committee, and it's an honor to be one of the advocates, but also a politician who realizes that sometimes it takes an act of Congress to save lives. And it's going to take an act of Congress to save more lives.

My story, of losing my young son, and literally having my child die in my arms, is tragic. It's heart-wrenching. It can keep you awake nights. I'm not here to pull at your heartstrings, although this is an emotional issue for me and all of the family advocates. I'm here to tell you that this is a good commonsense measure. As a Republican in the New Hampshire House in the "Live Free or Die" State, I've never voted for a helmet bill or a mandatory seatbelt bill. What are we talking about? And sometimes, the safety advocates have to tap me and say, "Remember, safety is a good thing."

I know safety is a good thing, and I know this is a good bill, because it's reasonable, it's cost-effective. You know, my story relates to a brake-shift interlock or a brake transmission, which they call BTSI, or "Betsy" is the word I'm supposed to learn. But no matter what the issue is, whether it's power windows or rear visibility standards, as a parent and as a compassionate Congress, as human beings, sometimes we need to regulate. This is one of those times.

The industry and NHTSA has been excellent. I came down and met with NHTSA and had over 12 people in the room, with the help of Congressman Bass. We had a great meeting. Out of that meeting came real, productive measures. Those measures were the first step in the right direction of this thing. I realize there are things that happen in SAFETEA–LU. It was SAFETEA–LU that motivated me to come here, because, quite frankly, as a parent, I was angry, because I said, "It's not enough." But then, as a legislator, I calmed down and said, "It's a step in the right direction.

We're moving the ball forward." This bill is good legislation. I hope that all the Committee members will join Senator Sununu and Senator Clinton and cosponsor this bill. I think it would be a great statement, politically, that we need to care about our children, and we need to protect our children.

I obviously failed in reading my statement here. But it's just sometimes something you've got to speak from the heart. I hope that this Committee and this Senate will do an act of Congress to save other parents and to save lives. I know there are other measures that could have happened, or should have happened. The bottom line is, my son's death wasn't counted, it hasn't been counted, that—the rules that NHTSA can make up, they can't make with those statistics. Those statistics have not been gathered to a degree that allowed them to do rulemaking. Those statistics need to be gathered. This bill, unfortunately, needs to hammer that point home so that NHTSA, who is willing to do their job, who's trying to do their job, will have clear direction that this data needs to be tracked so that we have a reason—a justified reason—I mean, they do a cost-benefit analysis, as morbid as that is, with these safety features. Since we don't have the data, we can't do that analysis. That's why we need an act of Congress to say, "These are important safety features, and we should enact them."

I thank you very much, and—I lost track of time, but I think my 5 minutes is up. And I appreciate it, Mr. Chairman.

[The prepared statement of Mr. Campbell follows:]

PREPARED STATEMENT OF HON. W. PACKY CAMPBELL, FORMER REPRESENTATIVE FROM NEW HAMPSHIRE

Thank you, Mr. Chairman and Members of the Consumer Affairs, Insurance, and Automotive Safety Subcommittee of the Senate Committee on Commerce, Science, and Transportation, for the opportunity to provide this testimony on the need for improved efforts to protect children from vehicle-related injury.

My name is Packy Campbell. I live in the small town of Farmington, New Hampshire with my lovely wife Brenda, and our children Ryan, Sarah, Adam and our infant child Sean. Also in that town is the grave of my son Ian Joseph, who tragically died at our house on April 14, 2004 just shy of his second birthday.

I am a politician by choice, an advocate by circumstance. I served two terms in the New Hampshire House of Representatives. It was during my first term in the House that my son Ian was killed in a non-traffic non-crash incident in our driveway. Ian was killed when his then 4 year old brother was able to knock my company's F–350 pickup truck out of park without either turning the vehicle on or touching the brakes, a feat believed to be impossible due to the fact that the vehicle was equipped with brake transmission shift interlock (BTSI). When purchasing that vehicle I intentionally sought to buy one with safety features that would keep myself, family and others safe.

However, although equipped with some safety features, my 4 year old son Adam was able to put the truck key in the ignition and, without starting the vehicle or touching the brakes, shift the truck out of park and into either neutral or reverse. That nearly 8,000 pound truck then rolled in our driveway and crushed Adam's best buddy, our toddler son Ian, who died in my arms on the front porch of our home.

I have become aware of that our family's tragic accident is not all that unusual. On April 12, 2005 Milan Richard Hedmark died in a startlingly similar situation. It was this revelation that motivated me on my current course of action to seek legislation, as I realize my responsibility now is to protect children and families from experiencing this type of tragedy.

Our accident involved a vehicle equipped with brake shift interlock. What is brake shift interlock? It is a mechanical or electrical design in a vehicle steering column that prevents a car from coming out of park unless the brake petal is depressed. Virtually every car made has these features. However some cars are designed so that the safety feature only works in four out of five key positions.

Since the accident occurred I have worked with NHTSA, with the automobile industry, and with advocacy groups like KIDS AND CARS, to make known the risks to children posed by cars that do not contain simple, cost effective safety measures proposed in the Act, and to mandate such features in all vehicles sold in the U.S. by 2010. In my discussions with NHTSA even some of their representatives were shocked to learn of what Mr. Keith Brewer at NHTSA called a "sweet spot" where a BTSI equipped car can be put into neutral without touching the brake.

Through the combined efforts of those groups, and others, a voluntary agreement (NHTSA–2006–25669–2; "Reducing the Risk of Inadvertent Automatic Transmission Shift Selector Movement and Unintended Vehicle Movement; a Commitment for Continued Action by Leading Automakers") was reached to promote public consciousness of the fact that brake transmission shift interlock (BTSI) is not foolproof right now, by disclosing which vehicles do or do not have BTSI safety features to prevent inadvertent roll-away accidents, and to work to make sure that all vehicles sold in the U.S. by 2010 are fully protected against roll-away incidents such as the one that took the life of my son Ian, and hundreds of other children.

When first presented with the agreement, I was hesitant to support it, as I thought that the Cameron Gulbransen 2005 bill should have been passed to mandate both disclosure and changes to vehicle design standards. I was convinced to support the voluntary agreement, however, by the promises of design changes by 2010 and immediate disclosure by the industry and NHTSA of vehicles that complied, and with a *personal commitment to me by key members of NHTSA* to produce a list of vehicles that DID NOT comply. At the time, I thought that doing something now to save some lives in 2010 was autos worth supporting the voluntary agreement. I wanted a list of non-compliant auto's so that it could be provided as part of the law enacted by the New Hampshire Legislature and signed by Governor Lynch to mandate the disclosure of all vehicles that did not have complete brake shift interlock features.

With all due respect, in regards to the agreement I quote Ronald Reagan who said "trust, but verify." If there is a commitment on the part of industry what is wrong with holding industry accountable for that commitment.

On a more personal level, my 9 year old son said to me regarding this proposed law that "people are more likely to break their promises than they are to break the rules."

When the list of compliant vehicles was released by NHTSA and industry in September, I contacted NHTSA for two reasons. The first was that the F–250 was on the list but did NOT comply with BTSI. Some 6 weeks later, Ford amended their list to delete the F–250. This was presumably only done as a result of my contacting NHTSA about the problem with Ford's list. The second was that I wanted to see what I was promised, namely what I call the "non-compliant list." The response I received was that there is no such list, and that I would need to figure it out on my own. I therefore joined Janette Fennell of KIDS AND CARS in writing to NHTSA on October 2, 2006 requesting that NHTSA publish such a list, just as it publishes the list of compliant cars.

On February 16th, just 9 short days ago, NHTSA finally produced the list. Upon being advised of the newly created list this past weekend, it only took me a minute to confirm that the voluntary agreement is still insufficient. Specifically, the same F–250, and the F–350 that killed my son, *are not on either list.* Every vehicle manufactured and/or sold in the U.S. is supposed to be on the list, and I found two that are not in just about a minute, approximately the time it took my 4 year old son to run into daddy's truck only slightly ahead of my wife and I and get the vehicle to roll-over his baby brother. I will not be surprised to find that other vehicles are, for whatever reasons, omitted from the list; for example, I am told that the Chevy SSR and Saab 9.2 are on neither list.

Regardless of why these errors, and perhaps others, were made, the point is that this voluntary system is just not an adequate way for this Nation to take reasonable steps to protect our children. When industry and the marketplace are unable to come to grips with a problem, it is sometimes necessary for the government to step in and mandate such reasonable steps to promote the public safety.

These examples show that without an act of Congress industry and NHTSA will be unlikely to provide the type of information promised.

Additionally, that agreement only deals with one of the issues addressed in the Gulbransen bill, namely the brake transmission shift interlock. It does not deal with auto reverse power windows, nor with rear visibility standards, both of which have caused death and injury, both of which are easily avoidable and equally deserving of action by Congress.

As a parent who is a member of a group of parents who are forced to deal with the loss of their child, the principal is simple: *safety features are not luxury items,*

nor should the be optional equipment. Further, the absence of safety features is not something that should be hidden from consumers. It is not the fault of parents that accidents, otherwise preventable, happen. Great parents suffer great tragedies. The only way to ensure that fatalities will not happen is to design them out. This proposed Act will design out, with reasonable affects to the cost structure on the industry, defect's that costs the lives of children.

PLEASE UNDERSTAND THAT MY SON IAN WOULD BE ALIVE IF HE AND HIS BROTHER HAD JUMPED INTO THE OTHER VEHICLE IN MY DRIVEWAY AT THE TIME OF THE ACCIDENT. That vehicle, a 2002 GMC Envoy, was equipped with BTSI in all key positions, making the roll-away accident impossible for a 4-year old to cause. The fact that I purchased both of those cars with the expectation that they would behave in the same way shows why we need Congress to act on this bill.

Finally, the agreement does nothing to require industry or NHTSA to compile statistical data of non-traffic, non-crash situations involving bodily injury or death. It will take an act of Congress to change the reporting requirements of law enforcement across the company. NHTSA did a 2004 study of death certificates my sons death certificate was not reported in a way that it was calculated in that study. It will take an act of Congress to make relevant statistics a possibility.

When my little son Ian died in the little town of Farmington in the little State of New Hampshire in April 2004, his death was not tracked, recorded or counted by any governmental agency in this country. His death, and hundreds of other deaths in such non-traffic non-crash situations, should not go un-noticed. They should be heard by this Congress, and NHTSA, and industry, as a call, or more appropriately *a cry,* to take reasonable steps to avoid such needless deaths and injuries in the future.

NHTSA may suggest to this Congress that it is working on these issues through rulemaking. In fact, prior to offering the voluntary agreement NHTSA offered to put the issue in rulemaking, and asked me to petition for such a rule. I declined that request.

Although NHTSA has the authority to make rules with the force of law when circumstances warrant, rulemaking requires NHTSA to perform a cost-benefit analysis on any proposal to require a safety feature. However, without any accurate data on non-traffic non-crash related deaths, such an analysis is impossible.

More importantly, it is a morally reprehensible analysis to do in the first place. One child's death is enough when it can be so reasonably avoided by the common sense, reasonable and affordable safety measures proposed by this Act. Congressional action circumvents this morbid "cost-benefit" analysis. Congressional action is needed now.

It is only by enacting this law that the Federal Government will begin to collect data on such incidents, and will force the industry to implement reasonable measures to avoid the deaths of hundreds of children in the future. It is my hope, and my prayer, that my little Ian's death does not go unnoticed by this Congress, but that instead you hear his cry, and the cry of his family and hundreds of family's across this great Nation, and enact the Cameron Gulbransen Kids and Cars Safety Act of 2007.

I thank you for the opportunity to speak and submit testimony to you on behalf of my son Ian, his brothers and sister, my wife Brenda, and on behalf of the hundreds of other families who look to this Committee and this Congress to learn from our tragedy and do the best you can to prevent such needless deaths in the future.

Senator PRYOR. Thank you.

Our next witness is Dr. Greg Gulbransen.

Doctor?

STATEMENT OF DR. GREG GULBRANSEN, PEDIATRICIAN, SYOSSET, NEW YORK

Dr. GULBRANSEN. Mr. Chairman, good morning.

I'm Dr. Greg Gulbransen. I'd like to start by saying thank you for taking on this challenge.

I wish to thank you and Members of the Consumer Affairs, Insurance, and Automobile Safety Subcommittee for inviting me to appear before you today to testify on the important issue of child safety as it relates to the vehicles that we drive.

I'm here today to speak to you as a dad, a pediatrician, a board member of KIDS AND CARS, and a concerned citizen in an attempt to make vehicles safer for the American family. My wife, Leslie, and I, along with hundreds of other families, are determined to prevent our tragedy from happening again and again to so many other families.

On October 19, 2002, a preventable, but unthinkable, tragedy struck our family. It was 9:30 p.m., and I stepped out to move my SUV into the driveway. Inside my home were my—the babysitter, Leslie, my wife, and my two young sons, or so I thought. It was a habit of mine to back the SUV into the driveway in the evening, because in the morning the streets are congested with children playing and people walking their dogs. Cameron was not in the driveway when I got into my SUV. While driving in reverse, I remember looking over my shoulder and using the rearview and both side mirrors, and backing slowly into my parking space. I thought I was driving a safe vehicle and doing the right thing, until I suddenly felt the front wheel go over a bump. I had no idea what I had run over. I knew I couldn't have hit the curb, and it was too early for the newspaper. Out of concern, I jumped out, and there in the headlights was my 2-year-old son, Cameron, in his baby-blue pajamas, holding his blanket, face up, dying of massive, profuse head injuries. I knew immediately it was too late, but I did everything I could to save my dying son.

I can't begin to describe the sickening shock and devastation. How could this have happened? I looked where I was driving, but yet I never saw him. I never had a chance of seeing Cameron, because he was too small—too small for the large blindspots that are built into the design of our vehicles. While SUVs, minivans, and pickup trucks have become more popular, they pose a greater danger for our children. These vehicles have huge blind zones that have led to tragedies for many families, because drivers simply cannot see who or what is behind them when they are driving. These technologies will continue—I'm sorry—these tragedies will continue, if something isn't done.

I learned, later, that there are technologies, like cameras and sensor systems, that would have warned me that my son was behind my vehicle. As a pediatrician who advocates for children's safety, and as a father who has lost a child, I can't stress enough how important it is to get these lifesaving technologies into vehicles.

While the Government is responding for collecting accident data and recognizing safety issues affecting our daily lives, at the present time the Government hasn't even set up a database to collect information about non-traffic injuries. Yes, my son was also not a statistic. No one ever even counted his death. It was an unevent.

Without data collection, how can we expect the Government and the automobile industry to appreciate the need to make the necessary safety improvements in our vehicles? I find it curious that it's taken the efforts of a nonprofit agency, such as KIDS AND CARS, to bring this issue to the public attention. If not for their work—if not for their efforts to inform the public about these dangers, I'm certain we would not have—we would not be here today,

trying to work together to solve this grave public health and safety issue.

Yes, the ultimate responsibility for operating a vehicle lies with the driver. I feel that pain every single day. However, the automobile industry is responsible for designing safe vehicles, and the Government has both the duty and the obligation to protect children in and around motor vehicles by setting reasonable safety standards.

The truth is that when drivers are backing their vehicles, they are forced to put blinders on that prevent them from seeing large areas behind their vehicle. Parents know the driver should not be required to bear the burden for this problem alone, especially when motor vehicles come equipped with large blind zones as standard equipment, blind zones that cannot be eliminated by mirrors and cannot be made safe by educational messages alone. Only technology that provides drivers with visibility behind the vehicle can shine a light into the blind zone and ensure that our children are protected.

I'm not talking about futuristic, pie-in-the-sky developments that are years away. I'm talking about stuff that already exists, that's already being offered as either standard or optional equipment on many current production vehicle models. Until the Government acts to provide that technology in every vehicle, drivers will have little chance of preventing back-over crashes, and our children will remain at risk even near their own homes. That's why the Cameron Gulbransen Kids and Cars Safety Act of 2007 is so important.

While my son's name is on the bill, it's not about him at all. It's about every single child that's ever been backed over, inadvertently left in a vehicle, or accidently trapped in a power window. This legislation honors all of them, and shows how much we are trying to make vehicles safer for the American family.

For some reason, there's a little confusion. The press seems to think that all we want to do is advocate that cameras are on the rear of all these vehicles. It's not that. We want safety performance standards for rearward visibility.

So, thank you for your time and giving me the honor to crusade here today for safety of children. I thank you for the past support for this legislation and your efforts to get it enacted last year before Congress adjourned. I hope that passage of this legislation will be of—a priority of the Subcommittee, and I want to help in any way I can. I think this is my fifth time down here, and I'll continue to keep coming down.

I'm happy to answer any questions you have. I also have included attachments to the testimony to illustrate the enormous blind zones behind some vehicles, a fact sheet on the major provisions in the legislation, and information about the growing number of child deaths.

Please remember the motto from KIDS AND CARS, "Be sure you can see before you turn the key."

[The prepared statement of Dr. Gulbransen follows:]

PREPARED STATEMENT OF DR. GREG GULBRANSEN, PEDIATRICIAN, SYOSSET, NEW YORK

Mr. Chairman, good morning. I am Dr. Greg Gulbransen and would like to start by saying thank you for taking on this challenge. I wish to thank you and the members of the Consumer Affairs, Insurance, and Automotive Safety Subcommittee for inviting me to appear before you today to testify on the important issue of child safety as it relates to the vehicles we drive. I am here today speaking to you as dad, a Pediatrician, a board member of KIDS AND CARS, and a concerned citizen in an attempt to make vehicles safer for the American family. My wife Leslie and I, along with hundreds of other families are determined to prevent our tragedy from happening again and again to so many other families.

On October 19, 2002 a preventable but unthinkable tragedy struck our family. It was 9:30 p.m. and I stepped outside to move my SUV into the driveway. Inside my home were the babysitter, Leslie, and my two young sons; or so I thought. It was a habit of mine to back the SUV into the driveway in the evening because in the morning the streets were congested with children playing and people walking their dogs. Cameron was not in the driveway when I got into my SUV. While driving in reverse I remember looking over my shoulder and using the rear view and both side mirrors and backing slowly into my parking space. I thought I was driving a safe vehicle and was doing the right thing until I suddenly felt the front wheel go over a bump. I had no idea what I had run over. I knew I couldn't have hit the curb. Out of concern I jumped out and there in the headlights was my 2-year-old son, Cameron, in his baby blue pajamas holding his blanket, face up, bleeding profusely from a massive head injury. I knew immediately it was too late but I did everything I could to save my dying son.

I can't begin to describe the sickening shock and devastation. How could this have happened? I looked where I was driving but yet I never saw him! I never had a chance of seeing Cameron because he was too small. Too small for the large blind zones that are built into the design of our vehicles.

While SUVs, minivans and pickup trucks have become more popular they pose a greater danger for our children. These vehicles have huge blind zones that have led to tragedies for many families because drivers simply cannot see who or what is behind us when we drive. These tragedies will continue if something isn't done. I learned later that there are technologies, like cameras and sensor systems that would have warned me that my son was behind my vehicle. As a pediatrician who advocates for children's safety and as a father who has lost a child, I can't stress enough how important it is to get these life-saving technologies into all vehicles.

While the government is responsible for collecting accident data and recognizing safety issues affecting our daily lives, at the present time the government hasn't even set up a database to collect information about non-traffic injuries. Without data collection how can we expect the government and the automobile industry to appreciate the need to make the necessary safety improvements in our vehicles? I find it curious that it has taken the efforts of a nonprofit agency, KIDS AND CARS, to bring this issue to public attention. If not for their efforts to inform the public about these dangers, I'm certain we would not be here today trying to work together to solve this grave public health and safety issue. Yes, the ultimate responsibility for operating a vehicle lies with the driver. I feel the pain of that every day. However, the automobile industry is responsible for designing safe vehicles, and the government has both the duty and the obligation to protect children in and around motor vehicles by setting reasonable standards for safety. The truth is that when drivers are backing their vehicles they are forced to put blinders on that prevent them from seeing large areas behind their vehicle. Parents and other drivers should not be required to bear the burden for this problem alone, especially when motor vehicles come equipped with large blind zones as standard equipment. Blind zones that cannot be eliminated by mirrors and cannot be made safe by educational messages alone. Only technology that provides drivers with visibility behind their vehicle can shine a light into the blind zone and ensure that our children are protected.

I am not talking about futuristic, pie-in-the-sky developments that are years away, I am talking about existing technology that is already offered either as standard or optional equipment on many current production vehicle models. Until government acts to provide that technology in every vehicle, drivers will have little chance of preventing back-over crashes, and our children will remain at risk even near their own homes.

That's why the Cameron Gulbransen Kids and Cars Safety Act of 2007 is so important. While Cameron's name is on the bill, let's remember this isn't just about Cameron. This bill is about every single child that has been backed over, inadvertently left in a vehicle or accidentally trapped in a power window. This legislation

honors all of them and shows how much we are trying to make vehicles safer for the American family.

Thank you for your time and giving me the honor to crusade here today for the safety of children. I thank you for your past support for this legislation and your efforts to get it enacted last year before Congress adjourned. I hope that passage of the legislation will be a priority of the Subcommittee and I want to help in any way I can. This is my fifth trip to Capitol Hill to urge passage and I will come as often as you like to see this important bill enacted.

I am happy to answer any question you have. I also have included attachments to my testimony that illustrate the enormous blind zones behind some vehicles, a fact sheet on the major provisions in the legislation and information about the growing number of child deaths and injuries.

Please remember the motto from KIDS AND CARS when you get behind the wheel of your vehicle today, *"Be sure you can see before you turn the key."*

THE CAMERON GULBRANSEN KIDS AND CARS SAFETY ACT OF 2007 FACT SHEET

At least four young children are killed in a non-traffic automobile incident every week. The age of victims in these cases is usually less than 5-years-old. These tragedies are truly heart-wrenching—but also preventable. This bill addresses the leading causes of these needless deaths and injuries by directing the Secretary of Transportation to issue safety standards and take other action to reduce the incidence of child injury and death inside or outside of parked passenger motor vehicles.

The Need To Protect Children In and Around Vehicles

Since 2001, over 1,000 children have died in non-traffic incidents and this statistic has been steadily rising. Preliminary data indicate 219 documented fatalities in 2006. The government currently does not collect data about non-traffic incidents, so we know that the real fatality numbers are much higher. (data provided by Kids and Cars, *www.KidsAndCars.org.*)

A 2002 Centers for Disease Control and Prevention (CDC) study (July 2000–June 2001) reported that over 9,160 children are treated in hospital emergency rooms due to non-traffic incidents.

The Bill

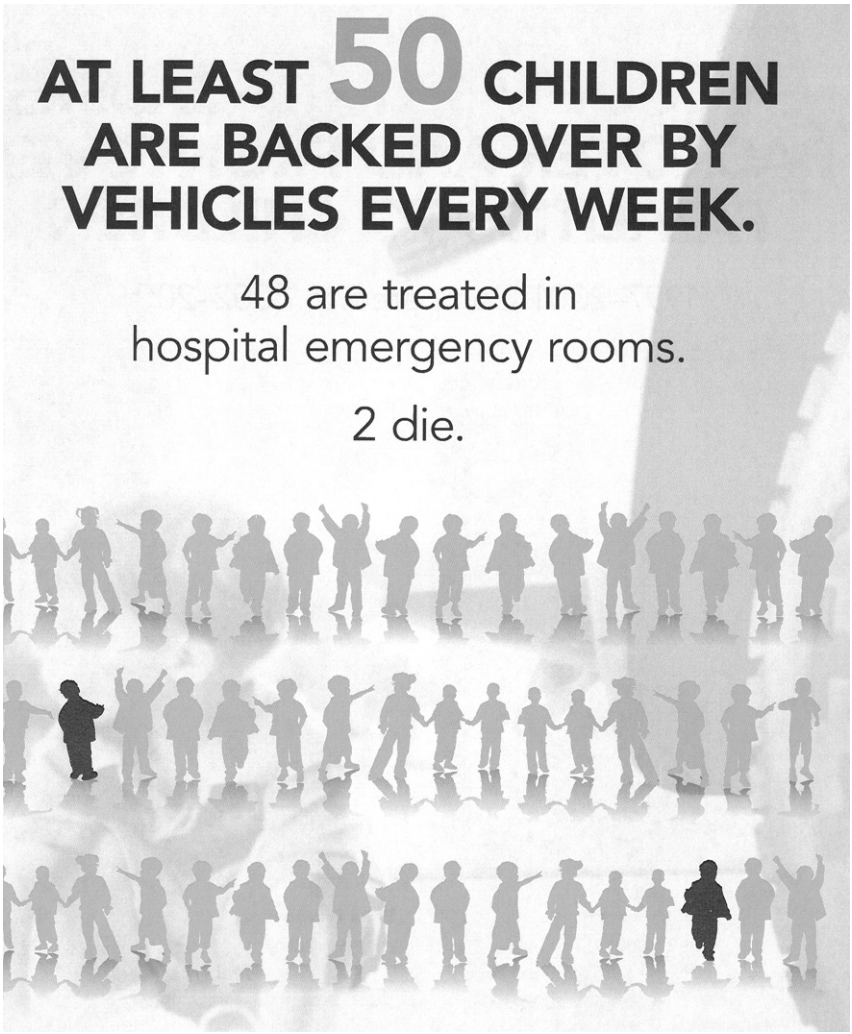
The Cameron Gulbransen KIDS AND CARS Safety Act of 2007 directs the Secretary of Transportation to issue safety standards to decrease the incidence of child injury and death. The Act:

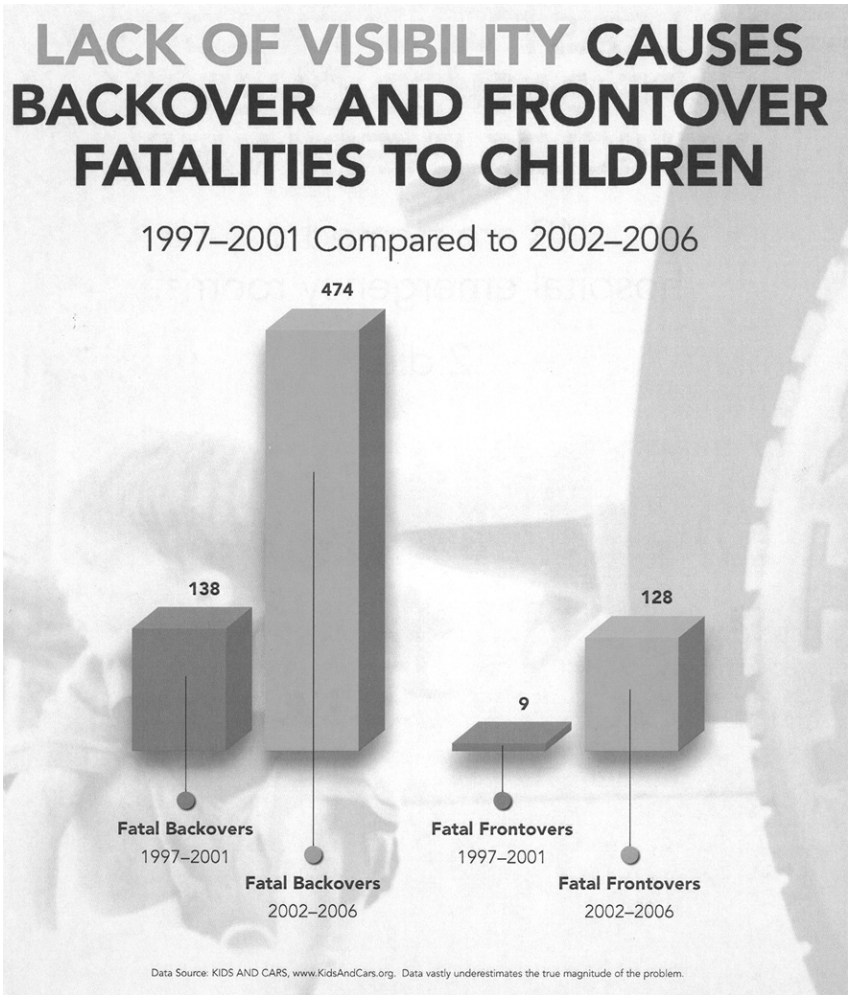
- Establishes reasonable rulemaking deadlines regarding child safety, applicable to all passenger motor vehicles, in three ways:
  - —Ensures that power windows and panels automatically reverse direction when they detect an obstruction to prevent children from being trapped, injured or killed.
  - —Requires a rearward visibility performance standard that will provide drivers with a means of detecting the presence of a person behind the vehicle in order to prevent backing incidents involving death and injury, especially to small children and disabled people.
  - —Requires the vehicle service brake to be depressed whenever the vehicle is taken out of park in order to prevent incidents resulting from children disengaging the gear shift and causing vehicles to roll away.
- Establishes a child safety information program, administered by the Secretary of Transportation. This will involve collecting non-traffic incident data, informing parents about these hazards to children and ways to mitigate them, as well as making this information available to the public through the Internet and other means.

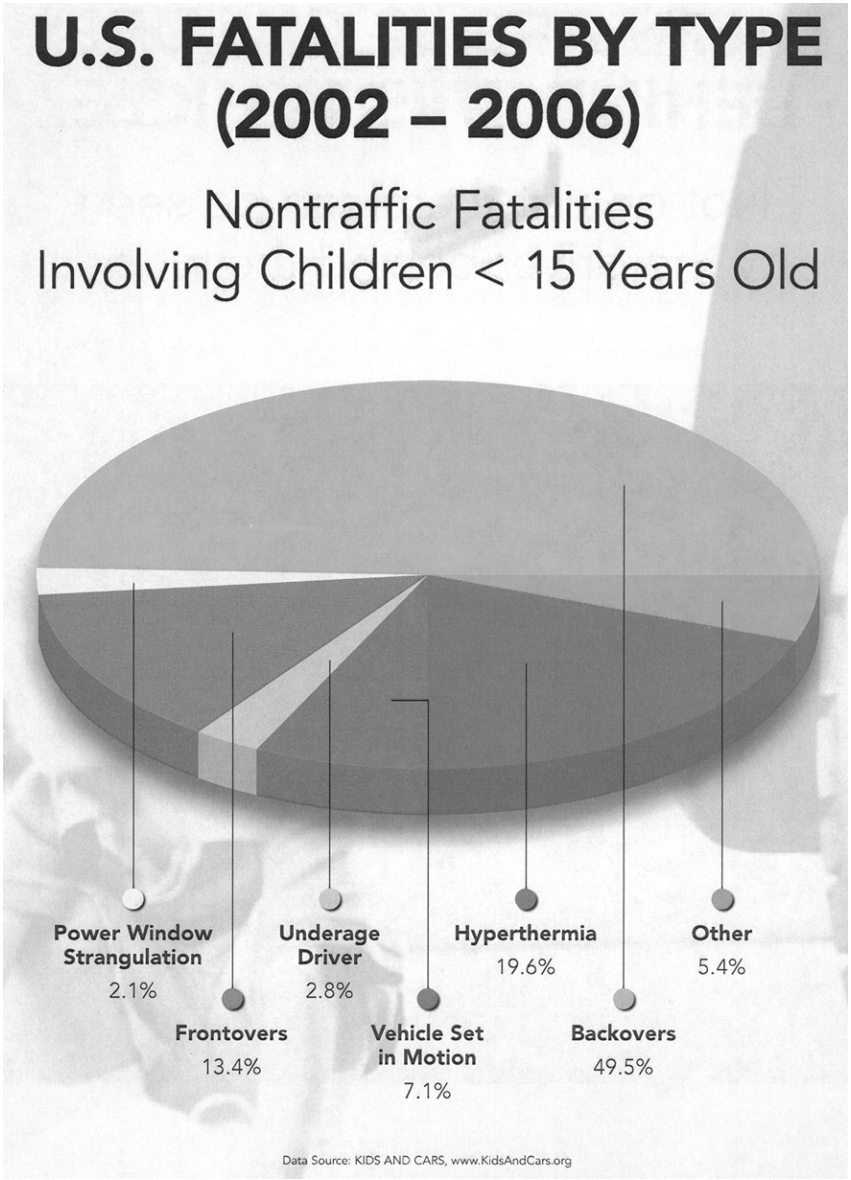
Support

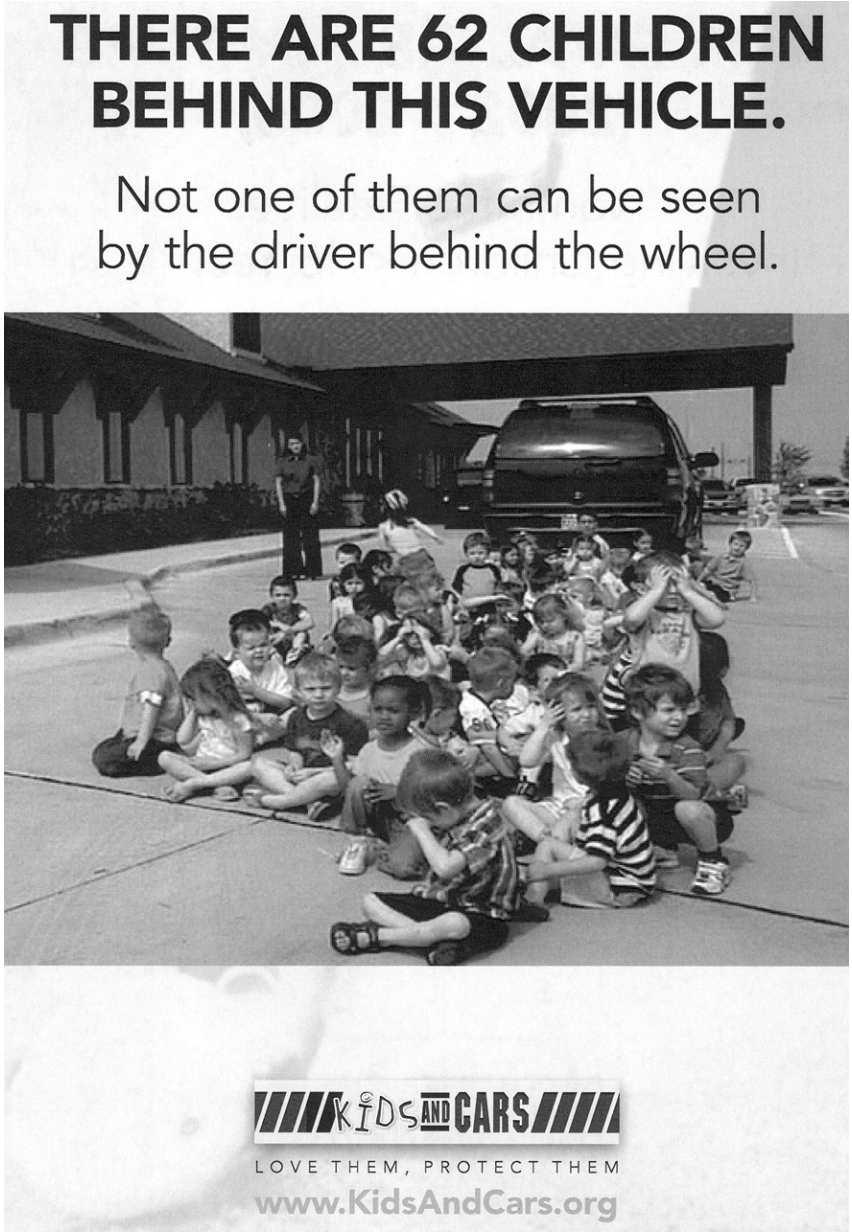
Senators John E. Sununu (R–NH) and Hillary Rodham Clinton (D–NY) are the prime senate sponsors; the House of Representatives companion bill is sponsored by Congresswoman Jan Schakowsky (D–IL) and Congressman Peter King (R–NY)

Groups supporting the bill include: KIDS AND CARS, Consumers Union, Advocates for Highway and Auto Safety, the American Academy of Pediatrics, Public Citizen, Kids in Danger, Trauma Foundation, The Zoie Foundation, Adrianna's Rule Foundation, Veronica's Eyes Foundation, Craig's Crusade and more.


AT LEAST 50 CHILDREN ARE BACKED OVER BY VEHICLES EVERY WEEK.
48 are treated in hospital emergency rooms.
2 die.


LACK OF VISIBILITY CAUSES BACKOVER AND FRONTOVER FATALITIES TO CHILDREN
1997–2001 Compared to 2002–2006
474
138
128
9
Fatal Backovers
1997–2001
Fatal Backovers
2002–2006
Fatal Frontovers
1997–2001
Fatal Frontovers
2002–2006
Data Source: KIDS AND CARS, www.KidsAndCars.org. Data vastly underestimates the true magnitude of the problem.


U.S. FATALITIES BY TYPE
(2002 – 2006)
Nontraffic Fatalities
Involving Children < 15 Years Old
Power Window Strangulation
2.1%
Frontovers
13.4%
Underage Driver
2.8%
Vehicle Set in Motion
7.1%
Hyperthermia
19.6%
Backovers
49.5%
Other
5.4%
Data Source: KIDS AND CARS, www.KidsAndCars.org



Senator PRYOR. Thank you.
Ms. Joan Claybrook, Public Citizen.

STATEMENT OF HON. JOAN CLAYBROOK, PRESIDENT, PUBLIC CITIZEN; FORMER ADMINISTRATOR, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Ms. CLAYBROOK. Thank you very much, Mr. Chairman.

First, I'd like to acknowledge the role of this Committee in passage of the SAFETEA–LU bill for which we are very appreciative. It's a wonderful piece of legislation, and it's made a huge difference already in safety.

Second, I'd like to acknowledge the work that was done on the TREAD Act, although some of you weren't here then. This committee did pass the TREAD Act in 2000, and it also has made important improvements in the activities of the National Highway Traffic Safety Administration.

Third, I'd just like to direct the Senators to some of the families that are in the first rows here who have come to Capitol Hill to lobby for the legislation, and to thank Senator Sununu for your cosponsorship of this important bill.

Mr. Chairman, I have divided my statement into three parts: the importance of protecting children inside cars, the importance of protecting children outside of vehicles, and school bus safety. And because there's so much to say, I'm going to have to urge that you pay attention to the testimony as its whole, but I'm just going to mention a few items in it.

First, I do want to support the enactment of the Cameron Gulbransen legislation. It's really an important piece of legislation, and it needs to be passed.

But the question of what the Committee is going to do in terms of its decisions in the legislative process beyond that legislation, I think, need to be addressed in terms of the number of deaths to children in the different types of crashes that occur.

And it's amazing, I just got this data yesterday from NHTSA—late yesterday—and so, I don't have it included in my testimony, but I do have—it's being distributed today—a sheet that pictures a car that describes the different crash sources/modes, and where these deaths and injuries occur. The data are for 2005. In frontal-crash impacts—these are 0- to 8-year-old children who are—there are 241 deaths in frontal-impact crashes. There are 257 deaths of children in rollover crashes. There are 61 deaths in rear-impact crashes. There are 200 deaths in side-impact crashes. There are 339 deaths of child pedestrians. And there are 226 deaths that would be prevented were the Gulbransen law to pass.

So, there you have the importance of that bill spelled out by the statistics and the data. Incredibly, incredibly important. And it's no less important than front-, rear-, rollover, or side-impact crashes that occur.

Now, the other interesting piece of information that I got from NHTSA late yesterday was the relationship between the deaths of children and the deaths of adults in those modes of crashes. And—in terms of percentages, because the numbers are quite different—but if you compare the 0- to 8-year-old children in these modes of crashes to adults age 13 and above, they're 33 percent for rollovers, where children are killed; and 34 percent for adults. Same thing. For frontal, you have 31 percent for the 0- to 8-year-old, and 38 percent for adults, so it's very close. For the side, it's 26 percent

and 22 percent—26 for children, 22 for adults. And in the rear, there's a bigger difference, 8 percent and 3 percent.

Now, what does that say to us, in terms of what's needed? Well, first—cars are not made for children. They're just not made for children. Motor vehicles are made for adults. And so, the items that are addressed in our testimonies jointly today are ones that say, "These are the most important areas where there are simple remedies." Most of them are incredibly inexpensive, like the brake-shift interlock, which is voluntarily offered by the auto industry, but only 80 percent of the vehicles comply with it today, and less used to when this voluntary deal was first agreed to in the 1990s. It costs a couple of dollars, and it means that no kid can shift that gearshift out of park and into neutral, and let the car roll away, because they can't reach the brake. And so, the brake-shift interlock requires you to put your foot on the brake before you can shift. And I will say that when I was 5 years old, I did that in my parents car, and, as a result, I almost died, because the car almost rolled over a cliff. And if some woman hadn't seen it happen and stopped it, I would be dead, at 5 years old. So, this is a really important, but small, item.

But if you look at the back-over, which is where the largest number of deaths are occurring, and which is really unnecessary, I want to say two things. One is that in 1980 I issued a conspicuity standard, a standard which measures what a person inside the vehicle can see all around, 360°. And that standard took 10 years to develop, and it was never implemented. NHTSA never implemented it. And, as a result, we have vehicles that are designed so that—and Consumer's Union has documented this—so you cannot see children for many, many feet, particularly if you're short. And many women who drive these SUVs are short. You cannot see your children. And even if you're taller, you can't. So, there's got to be something done. And what this bill has in it is a safety performance standard. It's not a requirement for any particular technology. It's a safety performance standard. So, I think that this bill is well-warranted.

In terms of power windows, when I was at NHTSA in the 1960s, we started working on power windows. They were just coming into vehicles and—in a widespread way. And no one knew what to do. Well, now we have the methods for raising and lowering the window changed. The auto reverse in Europe costs $10 to $12 a window. If you ask any parent would they spend $10 to $12 per window to protect their kids from being strangled or their arms or hands being cut off, you wouldn't find a parent in this nation that wouldn't pay that amount of money. And when you think about the cost of fancy radios and all the rest of it that are put in cars that cost much more, then you know that these are cheap, very cheap, by comparison.

And when the industry does something in mass production, the costs go way down. They always complain about it, and then they give you the optional equipment price, but when they put it in mass production, the price goes down.

There are several other things that I mention in my testimony. I'll just briefly say that child restraints are only tested for frontal crashes, they're not tested for side, rear, or rollover crashes. They

should be. The rear seatbacks often fall down on children, because they're not built in a strong enough way, and the standard for vehicle seats is 35 years old. And we tell people to put their kids in the back seat, and, when we do, the seat can go back and harm them. When NHTSA did crash tests for the rear-impact tests that they were going to raise to 50 miles an hour, almost every seat back fell backward. Now, who doesn't go 50 miles an hour down the highway, right? You may not crash at 50 miles an hour, but it could be at 40 in the rear. NHTSA did nothing to issue a new standard to require that seat backs don't fall back. And yet, we tell all people to put their kids in the back seat. If that seat back falls backward, what happens is, the front seat passenger goes zooming backward, because your belt doesn't hold you in a rearward crash, and you become a quadriplegic or paraplegic, and you crush your child. Terrible. And that data is generally not collected.

So, I urge you to pass this bill. I urge you to look at these other issues. They're very minor costs, most of them. The seat-back cost couldn't be $15 or $20 to fix per car. And I urge you to consider all of these issues, because they're really critically important, and children deserve it.

Thank you.

[The prepared statement of Ms. Claybrook follows:]

PREPARED STATEMENT OF HON. JOAN CLAYBROOK, PRESIDENT, PUBLIC CITIZEN; FORMER ADMINISTRATOR, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Thank you, Mr. Chairman and Members of the Consumer Affairs, Insurance, and Automotive Safety Subcommittee of the Senate Committee on Commerce, Science, and Transportation, for the opportunity to provide this testimony on the need for improved efforts to protect children from vehicle-related injury. I am Joan Claybrook, the president of Public Citizen, a national non-profit public interest organization with over 150,000 members nationwide. We represent the interests of consumers and ordinary citizens through lobbying, litigation, regulatory oversight, research, and public education.

Child safety issues first gained the spotlight in the 1990s, with the discovery that auto manufacturers were installing cut-rate airbags that were killing children. I had alerted manufacturers in 1980 of research pointing to the need to consider designs and technologies such as top-mounted, vertically deploying airbags, dual inflation, technical folds, and tethers in order to reduce risks to children and small-statured adults, but most automakers failed to follow through on this information. Although automakers had known for a dozen years that the child/airbag relationship was delicate, they neither warned the public against placing children in the front seats nor designed airbags to protect children. Instead, they exploited the discretion granted them by the National Highway Traffic Safety Administration's (NHTSA) broad performance standard and abused it. It took Congressional action to force NHTSA to require the automakers to accommodate children in airbag design. This story, unfortunately, is paradigmatic of the child safety issue.

Motor vehicle crashes are the leading cause of death for children ages 3 to 14 in the United States.[1] NHTSA reports that in 2005, 1,946 children were killed and 234,000 children were injured in motor vehicle crashes.[2] That means that each day an average of 5 children are dying in motor vehicle crashes while another 640 are injured.[3] Moreover, children are also at serious risk in and around motor vehicles in non-traffic related incidents, and these data are completely missing from state and Federal safety databases. In the absence of government data collection, KIDS AND CARS, a national nonprofit safety organization, maintains a database of child fatalities from motor vehicle events other than crashes on the Nation's roadways. These non-traffic motor vehicle related events—which include children being backed over by vehicles, being inadvertently left in hot vehicles, being strangled by power windows, and setting cars in motion when left unattended in a vehicle—killed at least 226 children in 2005 alone.[4] (We suspect these numbers could be even higher, because NHTSA does not currently collect non-traffic death and injury data; KIDS AND CARS is the only source for these data.)

What is even more tragic about these bleak statistics is that many of these deaths and serious injuries could have been prevented. When I refer to preventability, let me be clear that I am not blaming parents; instead, I am referring to the failures of industry to design motor vehicles for children and of our Federal Government to use the resources at its disposal to gather data and set standards to protect children from needless harm. I am sure that we will undoubtedly hear today about the need to educate parents, or that many of the deaths and injuries we will discuss today are attributable to parental neglect. I caution you to reject these arguments, for they are simply the child safety equivalent of the "nut behind the wheel" argument that industry raised for years in order to avoid accepting responsibility for its design failures. We know that children must be driven to school, the doctor, and so on; we know as well that parents do not have fifteen arms or eyes in the backs of their heads, and that children can get into enormous danger in a split second. Vehicles must be designed with some recognition of these simple facts of life, and NHTSA must ensure that they are. As NHTSA and manufacturers continue their pattern of neglect, then we must turn to Congress to make sure children are protected.

I. Child Safety Is Undermined by Unnecessary Information Gaps

A core issue for child safety is how little information is available to guide policymakers and help the public hold NHTSA and the motor vehicle industry accountable. One problem is that information which NHTSA has at its disposal is not readily accessible to the public. For example, a researcher interested in learning the number of children killed in rear-impact crashes or side-impact crashes in a given year cannot find this information through the public interface for NHTSA's Fatality Analysis Reporting System (FARS). NHTSA can and will generate reports from that data, but only upon request.

NHTSA's data gathering systems have focused on injuries and deaths from crashes on the Nation's roadways and have never tracked the deaths and injuries related to motor vehicles in non-traffic incidents. The invisibility of non-traffic incidents in NHTSA data has resulted in decades of neglect of several kinds of alarming yet preventable child deaths and injuries, such as back-overs in driveways and strangulations in power windows of parked vehicles. Thanks to the enterprising work of KIDS AND CARS, we know much more about the gravity of these risks to children. NHTSA is only now taking the initial steps to begin gathering this kind of data systematically, thanks to Congress's decision in 2005's Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) to require NHTSA to do so.

Meanwhile, the agency is undermining our ability to know about potential defects in child safety seats. Outraged by the revelation that NHTSA had known of the Ford-Firestone deaths but failed to act, Congress demanded in the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act of 2000 that NHTSA create an early warning system—a database to alert the public of trends suggesting a potential safety defect. NHTSA has created that system, but it has inexplicably opted in its implementing rule to keep most of that data secret from the public. (In fact, when NHTSA created the database and starting gathering information from manufacturers in 2003, it kept *all* such data secret, pending the outcome of litigation challenging the agency's first rule to exempt the data from public disclosure. After NHTSA lost in court, it returned to the drawing board and proposed a rule that would keeps *most* of this data secret. Meanwhile, at present none of this data is yet available to the public.)[5]

In addition to monitoring NHTSA's efforts to implement the data gathering requirements of SAFETEA–LU, I encourage Congress to hold the agency's feet to the fire on its decision to keep the TREAD Act's early warning data (including data on child safety) a dark secret. I also call on Congress to require the agency to close the information gap by compiling the latest safety data on children and other vulnerable populations (such as seniors and pregnant women) in readily available periodic reports.

II. Children Are Unnecessarily at Risk From Insufficient Motor Vehicle Safety Standards

It is no easy task to try to catalogue all the vehicle-related harms that children face. Of course, there are all the risks that are specific to children, such as unsafe booster seats, inadequate child restraints, and vehicle back-overs. There are also all the risks that adults face—frontal, rear, side-impact, and rollover crashes—which may be magnified for children. I want to focus on a few of the most urgent risks, and I believe it would be useful to group them in three categories: risks children face *inside* the vehicle, those they face *outside* the vehicle, and those they face when they are entrusted to school buses.

A. Protecting Children Inside the Vehicle

Children face a range of harms while they are inside the vehicle—as passengers in cars on the road, and as occupants (often active occupants) in cars that have been parked. I want to focus on a few core issues that are most in need of oversight and legislative action.

1. The Child Safety Gap in Motor Vehicle Safety Standards

Federal motor vehicle safety standards protect all of us, including children, every day. The increase in the number of passenger vehicles and drivers since 1966 is substantial, yet both the number of deaths and the death rate have declined dramatically in the last 40 years. NHTSA's motor vehicle safety standards have played a large role in achieving these savings. Nonetheless, there are significant gaps in existing and developing safety standards: just as manufacturers fail to design vehicles to protect children, NHTSA is not doing enough to develop safety standards that will adequately address the particular needs of children.

Side impact crashes. Perhaps the most important example is side-impact crash protection. The current side-impact crash protection standard (FMVSS No. 214) does not address rear occupants. NHTSA proposed in 2004 to amend the side-impact standard to include demanding new tests for front seat occupants, essentially requiring the use of upper and lower interior side-impact air bags. The proposed rule's requirements for rear seat occupants, however, are far less demanding and can be met with foam padding instead of dynamic side-impact airbags, which offer greater protection. What does this inadequate proposal mean for children? Simple: parents are instructed to place children in the rear seats, precisely where the current and proposed side-impact standards fail to offer sufficient protection.[6] Moreover, the proposed rule endangers children under 12 who are in the front seat of a vehicle, because side-impact airbags for front seat occupants that comply with the proposed rule still allow children to be ejected from the vehicle. In short, NHTSA's new proposal offers no protection for children whether they ride in the front or back seat.[7] Meeting the needs of children in side-impact crashes should be a higher priority, given that side-impact collisions account for 42 percent of vehicle-related child fatalities for rear-seated children ages 0–8.[8]

Rollover crashes. The safety gap for children also means that weak standards will be doubly weak for children. A significant portion of vehicle-related child fatalities—around 30 percent of child deaths from motor vehicle crashes—is attributable to rollover crashes.[9] Unfortunately, NHTSA has proposed a standard for roof strength in rollover crashes that will not adequately protect anyone, much less children. Among its problems: it maintains the static platen test, which fails to accurately replicate the damage and forces a vehicle is subjected to during a rollover crash, and its inadequacy will not mitigate the deaths and injuries specifically attributable to the cascading effects of a weak roof, which include the creation of ejection portals when the window glazing fails, belt failure, door retention failure, and injury from the violent intrusion of the roof itself. I look forward to this particular issue being addressed in more detail in the months to come, as this Committee conducts oversight of the Administration's implementation of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), which requires NHTSA to issue roof crush and ejection mitigation standards.

Seat backs. Unmet needs for adult safety protection can put children at particular risk. One case in point is the need for stronger seat backs. In a rear-impact crash, the vehicle's front seats can collapse rearward. The result is not just back injury, paraplegia, and quadriplegia for the front-seat occupant: the rearward collapse of the back of the front seat injures any occupants behind it, in the rear seat. All too often, the rear seat occupants injured or killed in cases of seatback collapse are the vehicle owners' own children. NHTSA does currently have a seat strength standard, but it remains so pathetically inadequate that some believe vehicle seats are held to a weaker standard than lawn chairs. Manufacturers are well aware of the dangers of seat back failures in crashes,[10] and NHTSA is likewise aware[11]—although it nonetheless aborted its proposal in 2000 to remedy the problem.[12] Congress must insist that NHTSA make necessary updates to this important rule.

2. Child Restraints

The revolution that was supposed to fill, or at least bridge, this safety gap for the youngest children was the widespread use of child restraints and booster seats. Child restraints have definitely had a positive effect on child safety, even when they are misused. Nonetheless, there is much more NHTSA can do to improve child safety by focusing its safety and consumer information programs on child restraints.

The Need for Safety Standards

Under FMVSS 213, the only test child safety restraints must pass is a standard for 30 mile per hour frontal-impact crashes. Children are at risk in all crashes, not just frontal-impact crashes. For example, side-impact collisions account for 42 percent of child fatalities for rear-seated children ages 0–8,[13] and on average 32 percent of children killed in motor vehicle crashes die in rollovers.[14] Federal motor vehicle safety standards are designed to ensure that our motor vehicles meet a very basic level of safety and are capable of protecting occupants from common crashes and other safety concerns. Is it unreasonable to expect these standards to require basic protections for children, the most precious cargo our vehicles will ever carry, in common vehicle crashes?

In 2000, Congress instructed NHTSA in section 14 of the TREAD Act to initiate a rulemaking on side-impact crash test standards for child restraints, which was supposed to be completed 2 years later. After considering the issuance of such a rule NHTSA decided that more research was necessary and then promptly abandoned the rulemaking it was explicitly required to complete. Congress never authorized NHTSA to abandon this rulemaking. Congress must ensure that NHTSA does not continue to stall on this important issue but instead pushes forward with research and the timely issuance of a much needed standard.

In addition to failing to issue safety standards for child restraints in even the most basic of vehicle crashes, NHTSA also fails to guarantee that child restraints are safe and appropriate for the upper age/size range recommended to use them. FMVSS 213, the only standard applicable to child restraints, which includes booster seats used by older children, is severely limited because it tests safety seats only for children weighing up to 65 pounds, even though booster seats are recommended for children up to 80 pounds.[15]

Finally, it is essential for NHTSA to issue standards for child restraints for the crash types discussed above, while including a full range of representative child test dummies, including the 10-year-old child test dummy for children up to 80 pounds which the agency has developed but not included in performance standards. Currently, the one standard test required for child restraints only requires child restraints to perform adequately in frontal crash tests at 30 miles per hour. This is dangerously inadequate. NHTSA must also test child safety seats in side-impact, rear-impact, and rollover crashes in order to guarantee that children are properly protected.

The Need for Built-In Restraints

Properly installed child restraints can reduce the chance of a fatality in a vehicle crash by 71 percent for infants and by 54 percent for children 1–4 years old.[16] A recent NHTSA study that evaluated the effectiveness of a new standardized installation method, however, found that many parents still improperly install child restraints in vehicles.[17] Child car seats are the only consumer product mandated by law that requires a 32-hour training course to learn how to install correctly.

In 2002, a new safety technology known as LATCH (Lower Anchors and Tethers for Children) became mandatory in new vehicles. NHTSA mandated these new child restraint attachment standards in order to end confusion about installation methods and to help parents safely install restraints for their children. In December 2006, however, NHTSA released a final report on the study it conducted to evaluate the LATCH system. The results show that the system is so confusing that many parents and caregivers are not properly using the system, and the need for education about the system is great.[18]

To NHTSA's credit, the agency has acknowledged that there is a widespread problem with poor child restraint installation, and it has promised to work to eliminate this confusion so that all children can be properly restrained in vehicles.[19] Working to educate people about proper installation methods, however, does not go far enough to address the many installation difficulties and confusion surrounding child restraint systems. Only with built-in child restraint systems can parents avoid the problem of mis-installation.

Built-in child restraint systems, also known as integrated child restraints, when combined with 5-point harness systems are the most effective way to safely restrain children in motor vehicles. Currently, integrated child restraints can accommodate children other than infants over the age of one. Their mandatory installation in all new vehicles would eliminate widespread restraint mis-installation problems for forward-facing seats, ensuring that children over the age of one are properly restrained in motor vehicle crashes.

Furthermore, integrated child restraints would ensure easy notification if a safety defect is discovered. Currently, child seat purchasers must register themselves for notice in case of a recall, in contrast to the automatic registration that takes place

when a vehicle is purchased. Built-in restraints eliminate the need for self-registration, which can reduce parents' likelihood of receiving timely recall notification.

Finally, integrated restraints would instantly make it possible that child safety seats could be included in all the safety standards for which the vehicle is tested.

The Need for Consumer Information

In the absence of any requirement for integrated child restraints, NHTSA should at a minimum provide consumers more information about the child restraints on the market. The New Car Assessment Program (NCAP), which NHTSA launched under my watch in 1978, provides consumers information about vehicle performance under conditions which are more stringent than those used for safety standards. NCAP has been quite successful in creating market incentives for manufacturers to improve safety. Additionally, NCAP's most important success has been in educating consumers about the safety of available vehicles, empowering consumers to make educated choices about the vehicles they choose to purchase for themselves and their families.

Despite NCAP's importance to consumers and the program's success at motivating manufacturers to strive for higher safety ratings, NHTSA has failed to include child restraint systems in its NCAP testing. The only evaluation rating NHTSA conducts on child restraint systems for consumers is an ease-of-use rating. Although important for consumers, the ease-of-use rating should not be NHTSA's top rating priority for child restraints when the safety of these restraint systems is left unevaluated. NHTSA's failure to test child restraints through the NCAP program leaves parents and caregivers at a great loss and children at great risk. Parents and caregivers are denied information necessary to make safe and educated decisions about the restraint systems they choose, and a valuable opportunity is squandered to encourage manufacturers to build safer restraint systems. (Of course, with built-in child restraints, the child systems would be tested every time the vehicle itself is put through its paces.) NHTSA should inform consumers about child restraint performance in frontal, side, rear, and rollover crashes.

Europe and Japan administer programs similar to NCAP in order to inform consumers about the safety of available vehicles.[20] In both of these programs, child restraints are tested, and consumers are provided with a safety rating system that informs them of the different products' safety performance levels.[21] In Europe, child restraints are tested and rated in both frontal and side-impact crashes, and in Japan child restraints are tested and rated in frontal-impact tests.[22] Although it would be ideal for these programs to test and rate child restraint performances in a greater variety of crash scenarios, these programs are still admirably providing people with an important and necessary service. If Europe and Japan can provide their citizens with this valuable safety information, the United States can do so as well.

3. Power Windows and Strangulation

Child safety is not a static issue: as motor vehicle technology develops and evolves, potential safety hazards themselves evolve. Power windows are a case in point: as this technology has added convenience, it has also added risk. Power windows pose a serious threat to children who, time and again, are killed or injured when they are trapped in a power window as it rises.

Congress moved forward to force NHTSA to address one factor of this risk. In the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), Congress required all power window switches in motor vehicles to have safer pull-up designs rather than the dangerous rocker or toggle switch designs. The risk from rocker and toggle switches was that children would unintentionally engage the window by pushing on the switch and then kill or injure themselves from the rising window.

These new switches, however, will not completely eliminate the risk of a child being injured or killed by a power window. Even with safer designs for window switches, children are still at risk if someone begins to close a power window without realizing that the child's head or other body part is in the way of the rising window. A child has been killed by a power window every month for the last 3 months: one in Canada this month, one in New Mexico last month, and one in Detroit in December. The Detroit incident is particularly noteworthy because the vehicle involved was a Pontiac Vibe, which has the safer power window switches. (In fact, protecting children from being trapped in power windows could also protect adults in some cases—such as, for example, the Illinois paramedic who was injured when his arm was trapped in the window of a vehicle attempting to drive around an ambulance.)[23]

One solution to prevent these tragic injuries and deaths is to require automatic reversal technology in power windows when the window meets an obstruction. Automatic reversal technology would ensure that power windows would reverse direction whenever they detect a trapped object. This simple, lifesaving technology is already widely available throughout Europe, and it is even included as a feature in many of the same vehicle models that do not include this feature in the United States.

Currently pending in the Senate and the House of Representatives, the Cameron Gulbransen Kids and Cars Safety Act of 2007 would address this need with a requirement for a performance standard that could be met by auto-reverse technologies.

4. Brake-Transmission Shift Interlock

Another danger children face in motor vehicles is the risk of shifting a parked vehicle into gear and causing it to roll away and crash. Since 1998, over 100 children have died in vehicle roll-away incidents, though this statistic is likely an undercount.[24]

A proven way to prevent roll-away incidents is with Brake-Transmission Shift Interlock (BTSI), a basic safety feature for automatic transmission vehicles that requires the brake pedal to be depressed before the driver can shift out of park. Since most children cannot reach the brake pedal, BTSI prevents them from putting the vehicle into gear, thus preventing the vehicle from rolling and crashing. NHTSA has recommended since 1980 that manufacturers include BTSI in all vehicles, yet to date only about 80 percent of new vehicles include this necessary safety feature.[25] Additionally, many of the vehicles that do include BTSI do not include BTSI versions that work in all ignition key positions.

Since the 1980s, auto manufacturers have opposed mandatory BTSI standards and have attempted to avoid them by proffering voluntary standards. Voluntary standards rarely work and are often just a tactical delay employed by manufacturers to avoid regulations. Automakers' repeated failure to include BTSI in all vehicles is another example that voluntary standards are unreliable, subject to manufacturer caprice, set without a public process, and not subject to compliance requirements.

The Cameron Gulbransen Kids and Cars Safety Act of 2007 would require that BTSI be included in the vehicle safety standards for all light vehicles and in all ignition key positions.

B. Protecting Children Outside the Vehicle

Children also face serious vehicle-related hazards outside the vehicle. We are familiar, of course, with back-over deaths, which occur when a parent is backing out a driveway and cannot see a child who has appeared in the path of the car. Children are also, like all of us, exposed to potential danger as pedestrians. Further action is needed to protect children from these risks.

1. Improving the Driver's Ability To See Children in the Path of the Vehicle

Drivers must be able to view the environment in which they are operating their vehicles. It is a simple premise, one that takes on a tragic dimension when children are hurt or killed simply because the driver could not see them.

Among the dangers vehicles pose to child pedestrians are back-over incidents. Backovers occur when a motor vehicle backs up and hits or rolls over a child. These terrible tragedies occur because drivers can't see the children behind their vehicles. Many light trucks and SUVs have blind zones behind the vehicles that can be startlingly large: in fact, the latest Consumers Union analysis shows that the worst offender is the 2006 Jeep Commander Limited, which has a blind zone of 44 feet for a driver who is 5 feet 8 inches tall, or 69 feet for a driver 5 feet one inch tall.[26] Dozens of children could fit in such a large blind zone and be hidden from the driver's view.

Because of NHTSA's historical failure to assess these risks, we have relied on other sources to reveal the magnitude of the problem. KIDS AND CARS has found evidence pointing to 100 children killed in back-overs each year, and the Centers for Disease Control and Prevention report 7,500 children treated in hospital emergency rooms between 2001 and 2003 for back-overs.[27] NHTSA has subsequently confirmed the gravity of this risk in a November 2006 report (which was mandated by SAFETEA–LU) on technology designed to prevent back-over incidents from occurring. NHTSA concluded that, every year, thousands of children are injured and at least 183 people die in back-overs. The study also found that camera-based detection systems were much more effective than sensor-based systems at helping drivers detect child pedestrians behind their vehicles.[28]

Children are also at risk precisely where everyone assumes they must be most visible: in *front* of vehicles. Especially with the rise in popularity of large SUVs,

drivers cannot see the area immediately in front of them, which puts small children in intersections and driveways at increased risk.

Children are like the canary in the coal mine, their heightened risk alerting us to a problem that affects all of us: the need for standards to secure drivers' ability to see the environment in which vehicles are operated. When I was the administrator of NHTSA, I supervised the completion of a decade-long effort to develop a conspicuity standard. I issued this standard in 1980, but it was revoked before it could take effect. NHTSA has not relaunched the rulemaking in the 20 years since.

The Cameron Gulbransen Kids and Cars Safety Act of 2007 would require a performance standard for rearward visibility to help end the tragedy of back-overs. In addition to a rearward visibility standard, however, Congress should require NHTSA to issue a general conspicuity standard. Clearly, the importance of driver visibility has been recognized for sometime, and the issuance of a new standard is long overdue.

2. Improving Protection for Child Pedestrians

In 2005, 339 child pedestrians were killed, and an estimated 16,000 child pedestrians were injured.[29] In addition to visibility standards, NHTSA also needs to address the design of motor vehicles, which through proper engineering can minimize the injuries inflicted on pedestrians hit by a moving motor vehicle.

In Japan and Europe, motor vehicles are routinely tested and rated for their performance in crashes with pedestrians. Vehicles receive stars based on their ability to inflict the least amount of possible injury on a pedestrian. These ratings, which are a part of Europe and Japan's New Car Assessment Programs (NCAP), help to encourage auto manufacturers to invest in design and technology innovations for pedestrian safety. Additionally, the European Union has also issued a pedestrian safety directive, in which European, Japanese, and Korean (but not, notably, U.S.) auto manufacturers have agreed to voluntarily improve pedestrian protections in their vehicles.

Although a voluntary agreement is inadequate to address the importance of pedestrian safety (and European safety groups, accordingly, are advocating mandatory pedestrian safety standards), the European Union is still taking greater steps to address the importance of pedestrian safety than the United States. Pedestrian protection is not rocket science: numerous technologies already exist which auto manufacturers could incorporate into new vehicles, such as sensor systems that detect pedestrians and automatically reduce vehicle speeds and vehicle hoods that give way, thereby reducing impact forces, when they collide with pedestrians. I challenge Congress to follow the lead of the rest of the world by taking a far more aggressive stand against the dangers vehicles pose to pedestrians. Congress should instruct NHTSA to issue safety standards to protect all pedestrians, including children.

C. Protecting Children on School Buses

We have NHTSA safety standards to thank for the nationwide implementation of safety features that school buses have enjoyed for so long it is difficult to remember a time without them. Among the important safety features are the stop sign arm that extends out when the bus is loading or unloading children and improvements to fuel tanks. The statistics bear out these benefits: according to NHTSA, between the years of 1990 to 2000, an estimated 26,000 school buses crashed each year, with only 10 children dying and 9,500 children being injured each year.[30]

The leading safety feature on school buses for several decades has been *compartmentalization:* the design of the seats as compartments that contain children in a crash. Historically, compartmentalization has served as an effective safety measure in frontal school bus crashes; however, in other crash modes, children have been left unprotected and unrestrained. For compartmentalization, seats are positioned close together so that in frontal crashes children impact into deformable seatbacks that absorb the impact force. In other crash modes, such as side-impacts and rollovers, compartmentalization is ineffective and children can be thrown around the bus and hit their heads on unpadded structures. In crashes of this nature, specially designed restraints can be effectively used to protect children, but no Federal standard exists to require restraints in school buses.

Currently, states have been left to themselves to develop laws for school buses, with no guidance from the Federal Government. The only Federal standards regulating school bus crashworthiness require occupant protection only in frontal crashes, and even for frontal crashes the standards do not require dynamic testing with child dummies.

In the absence of Federal guidance, the states are embarking upon their own policy plans, with the result that we are on the brink of seeing a confusing mish-mash of different laws in all of the states, rather than one uniform law that provides com-

prehensive safety for all child passengers. At this point there are five states with school bus seat belt laws, including Florida, where most safety advocates fear that the law will cause more harm than good. Restraints cannot simply be retrofitted into existing bus designs.

State policymakers have requested guidance from NHTSA on developing these laws, but NHTSA has declined to offer any assistance, claiming that 3 years (minimum) of research and development are necessary before any recommendations can be made. The Federal Government's failure to address this issue is unacceptable.

The only way to ensure that children are safe in school buses is to pass comprehensive Federal standards that will protect children in all crash modes and require appropriately designed restraint systems in all school buses. With states left to themselves to develop these regulations on a state by state basis, the country will be left with an inconsistent hodgepodge of school bus restraint systems, which would hinder and confuse school bus safety developments.

III. Congress Must Improve NHTSA's Capacity To Protect Children

I want to conclude by reiterating the very important role NHTSA has played and should be playing in improving safety for children, and for us all, in and around motor vehicles. I have advocated for motor vehicle safety improvements for 40 years, from the very birth of NHTSA to today. We cannot ever forget how far we have come from the time that people were routinely impaled by steering columns and air bags were an achievable but nonetheless neglected safety technology. After 40 years of being caught in a tug of war between industry interests and its statutory mission, NHTSA still has much to do to protect the public, especially children. Unfortunately, this important agency has been pulled away from its mission and stuck in a morass of analyses, reviews, and indifference for far too long.

If Congress expects that this hearing, or the Cameron Gulbransen Kids and Cars Safety Act of 2007, will result in a renewed dedication to child safety, then it will have to take additional steps to improve NHTSA's capacity to meet these compelling needs. Throughout my testimony, I have already identified many specific steps that are needed to address particular issues for children. What I want to address now is the bigger picture: what Congress can do to ensure that any of the specific remedies discussed so far will actually result in improved protections for children.

Most important, of course, is that NHTSA needs funds for testing and analysis of child dummies and the development of performance tests for needed safety standards. Moreover, as we have found repeatedly over the years, NHTSA also needs specific mandates and clear deadlines in order to make issuance of new or improved standards a real priority. I would like to conclude by discussing a factor that Congress will need to address but which often goes unmentioned: the need to shield the agency from the political interventions of the Office of Information and Regulatory Affairs (OIRA) in the White House Office of Management and Budget.

Although Congress delegates authority to act directly to the Department of Transportation, which acts through NHTSA to meets its safety obligations, the White House has for over 20 years asserted the right to interfere with that delegation and impose its political priorities in the rulemaking process. Through Exec. Order No. 12,866, the successor to Exec. Order No. 12,291, the White House arrogates to itself the power to weaken or eliminate proposed motor vehicle safety standards, power it executes by requiring the agency to submit its draft regulations to OIRA.

OIRA has long stood in the way of improved motor vehicle safety. For example, OIRA ordered NHTSA to weaken its proposed rule for tire pressure monitoring systems—the telltales that alert drivers whenever their tires are dangerously underinflated. Although Congress required NHTSA to mandate a TPMS that alerts drivers whenever a tire is under-inflated, OIRA intervened to force the agency to produce a weak rule that would fail to alert drivers whenever all four tires were underinflated or if two tires diagonal from each other were under-inflated. OIRA's interference has resulted in unnecessary harm to the Nation's motoring public and litigation that is still being waged to force the agency to do what Congress told it to do.

I fear that, even if the Cameron Gulbransen Kids and Cars Safety Act of 2007 were passed, and even if Congress were to require NHTSA to address the other issues I have identified, children will still be in unnecessary danger because of the political machinations of OIRA. The White House signaled its hostility to any further improvements in safety standards by nominating Susan Dudley, an anti-regulatory extremist from the industry-funded Mercatus Center, to head OIRA. Dudley has been no friend to motor vehicle safety; in fact, she opposed advanced air bag standards, based incredibly on the argument that if consumers truly valued air bag protections they would have already compelled recalcitrant auto makers to install them.[31] Dudley's history of regulatory comments and other public pronouncements

has led me and others in the public interest community to conclude that she would, as OIRA administrator, demand the impossible of agencies, standing in their way until they prove a case for regulating that Dudley will ensure cannot be proven.

Although the Senate wisely declined to allow Dudley's nomination to leave committee in the 109th Congress, the White House decided to renominate her in the 110th—and to put her in office through the backdoor, while her nomination is officially pending, as an appointed "senior advisor." The Bush Administration then moved to give her even more power by releasing, on January 18, Exec. Order No. 13,422 and the Final Bulletin on Good Guidance Practices. These proclamations, combined, give OIRA the power to review not just regulations but also "guidance," an amorphous category of agency information that apparently includes any "pronouncement about the conditions under which [an agency] believes a particular substance or product is unsafe."[32] The new order and bulletin give Dudley a powerful new ax she can use to chop this Congress off at the knees.[33] Whatever this Congress decides to do for the important issues of the day—global warming, fuel economy, and, yes, child safety—Dudley will be able to undo.

Conclusion

Members of the Subcommittee, I thank you for this opportunity today to testify on these critical needs of children for improved motor vehicle safety. I am eager to address your questions.

ENDNOTES

[1] National Highway and Traffic Safety Administration, 2005 Traffic Safety Facts: Children *available at http://www-nrd.nhtsa.dot.gov/pdf/nrd-30/NCSA/TSF2005/2005TSF/810_623/810623.htm*.

[2] *Id.*

[3] *Id.*

[4] *See* KIDS AND CARS, National Data Base of Non-Traffic Incidents, *available at http://www.kidsandcars.org/* .

[5] Public Citizen's comments on the latest rulemaking to keep the data secret outline the legislative, rulemaking, and litigation history of this disastrous plan. *See http://www.citizen.org/documents/EarlyWarningCBIComments.pdf*.

[6] Consider other deficiencies regarding back seats: we lack reminder telltales alerting drivers when backseat passengers are unbelted, and we have no reminder systems to alert parents that a child has been left in the backseat of a parked vehicle, where the child could overheat and die.

[7] Meanwhile, although it is beyond the scope of child safety issues, it is also worth noting that the 2004 proposal came out before Congress required, in 2005's SAFETEA–LU, that NHTSA upgrade the side-impact standard for occupants in all seating positions. The proposed rule clearly does not meet that test.

[8] Children's Hospital of Philadelphia, *Researchers Release New Findings on Protecting Children in Side Impact Crashes*, Press Release, Sept. 13, 2005.

[9] From 1993 to 1998, 31.8 percent of children who died in motor vehicle crashes died in rollovers. *See* F.P. Rivera, P. Cummings & C. Mock, *Injuries and Death to Children in Rollover Motor Vehicle Crashes in the United States*, 9 Injury Prevention 76 (2003).

[10] Internal GM documents obtained by CBS News reveal that General Motors (GM) knew of the dangers of weak seats in 1966. *See* CBS, "Collapsing Car Seats," Nov. 19, 2002. Also, in a recent court case, a former Chrysler manager responsible for minivan safety issues testified that his investigation team determined that Chrysler seat backs needed to be redesigned. Chrysler, however, did not redesign the seats and disbanded the investigation team. Experts at the trial also testified that minivan seats collapsed in nearly every rear-impact crash test that Chrysler conducted. In the case, the jury ultimately awarded $105.5 million to the parents of an infant who died when the seat back collapsed and a family friend was thrown backward into the child. *See* R. Robin McDonald, *$105 Mil. Verdict Returned Over Minivan Seats*, THE LEGAL INTELLIGENCER, Dec. 2, 2004.

[11] NHTSA has long acknowledged the need to improve Federal seating system requirements. Over 30 years ago, NHTSA proposed a rulemaking that would address seating system safety and consolidate FMVSS No. 202 "head restraints" and No. 207 "seating systems." Most recently, in a 2000 Notice of Proposed Rulemaking (NPRM), NHTSA stated that in crash tests the agency conducted "the values of head and neck injury criteria . . . were much higher than acceptable thresholds. Direct contact of the head of the dummy with the interior of the vehicle compartment, which occurred when the front seat rotated backward excessively due to the high impact, contributed to these high values." 65 Fed. Reg. 67,702. Additionally, fuel integrity crash tests revealed significant seat back failures that caused the front seat occu-

pants to become projectiles into the rear seat. However, to this day, the agency has not updated Federal safety standards to adequately protect occupants from seat back failure.

[12] NHTSA spokesman Rae Tyson stated that "the seatback rulemaking was terminated for the simple reason that we believe it may be wiser to approach the seat as part of an integrated unit rather than treat it as a separate part." Jeff Plungis, *$106 Million Judgment Against Chrysler and New Safety Studies Intensify the Debate Over Federal Standards*, DETROIT NEWS, Dec. 19. 2004. This is what NHTSA proposed to do in 1974. It appears that the agency has dragged its feet hardly an inch in three decades.

[13] *See* Children's Hospital of Philadelphia, *supra* note 8.

[14] *See* Rivera *et al.*, *supra* note 9.

[15] For more information about children in this vulnerable category, see Public Citizen, *The Forgotten Child: The Failure of Motor Vehicle Manufacturers to Protect 4- to 8-Year-Olds in Crashes* (April 2002).

[16] National Highway and Traffic Safety Administration, 2005 Traffic Safety Facts: Children *available at <http://www-nrd.nhtsa.dot.gov/pdf/nrd-30/NCSA/TSF2005/2005TSF/810_623/810623.htm>*.

[17] Lawrence E. Decina, Kathy H. Lococo, and Charlene T. Doyle, *Child Restraint Use Survey: LATCH Use and Misuse*, National Highway Traffic Safety Administration, December 2006.

[18] National Highway Traffic Safety Administration, *LATCH Child Safety Seat System Confusing Says NHTSA Study*, News Release, December 12, 2006.

[19] Nation's Top Highway Safety Official Calls on Manufacturers, Retailers and Consumer Groups to Make Child Safety Seats Easier to Install, NHSTA news release.

[20] Vehicle Safety Opportunities Exist to Enhance NHTSA's New Car Assessment Program, Government Accountability Office, April 2005.

[21] Japan NCAP: *http://www.nasva.go.jp/mamoru/english/2006/child/howto.html;* European NCAP: *http://www.euroncap.com/content/safety_ratings/ratings.php?id1=6.*

[22] *Id.*

[23] *See* EMS Network, *Woman Assaults Paramedic With Car—Illinois*, Dec. 5, 2006, *available at <http://www.emsnetwork.org/artman/publish/article_24279.shtml>*.

[24] Automakers Agree to Add Break-to-Shift Interlocks *The Safety Record* September/October 2006, Volume 3 issue 5.

[25] *Id.*

[26] *See* Attachment 1.

[27] *See id.*

[28] NHTSA's report is not, despite this positive conclusion, the last word on back-over issues. See Attachment 3 for safety groups' response to NHTSA's inexplicable conclusions that back-over avoidance technologies, such as cameras, are somehow other than cost-effective.

[29] NHTSA Traffic Safety Fact Sheet 2005 Child Safety.

[30] School Bus Restraint Study National Highway Traffic Safety Administration, 2000 PowerPoint presentation.

[31] *See* Public Citizen & OMB Watch, *The Cost Is Too High: How Susan Dudley Threatens Public Protections* (Sept. 2006), *available at <http://www.citizen.org/documents/dudleyreport.pdf>*.

[32] OMB, Final Bulletin on Good Guidance Practices, *available at <http://www.whitehouse.gov/omb/memoranda/fy2007/m07-07.pdf>*, at 10.

[33] More information is included in Attachment 2.

ATTACHMENT 1—CONSUMERS UNION RELEASE ON BLIND ZONES

Consumer Reports Releases New Vehicle Blind Zone Data, Listing 2006 Jeep Commander Limited as Worst Overall

CR cautions: the area behind your vehicle can be a danger zone for youngsters.

YONKERS, NY—*Consumer Reports'* latest examination of vehicle blind zones—the area behind a car or truck that's hidden from the driver's view—shows that the 2006 Jeep Commander Limited ranks as the worst vehicle overall.

Consumer Reports measured the blind zone behind the Commander at 44 feet for a driver who is five feet, eight inches tall and a stunning 69 feet for a shorter driver (five feet, one inch tall) with all three rows of seats raised. The Commander's blind zone is considerably larger than that for other mid-sized and large sport-utility vehicles (SUVs).

Until now, the vehicle with the worst blind zone in *Consumer Reports'* tests was the 2002 Chevrolet Avalanche 1500, a pickup truck, which had a blind zone of 29 feet for a five-foot, eight-inch driver and 51 feet for a five-foot, one-inch driver. But the redesigned, 2007 Chevrolet Avalanche LT has no blind zone when equipped with the optional rearview camera. Without the camera, the vehicle had a 31-foot blind zone for a five-foot, eight-inch driver and 50 feet for a short driver. The Commander also offers an optional rearview camera, which CR's test vehicle lacked. This camera can significantly reduce or eliminate the blind zone.

To help consumers understand how large some blind zones are, *Consumer Reports* has been measuring the blind zones on vehicles that it tests and rates since 2003. CR's database now covers about 200 vehicles from model years 2002 through 2007. To measure the blind zones, a 28-inch traffic cone was positioned behind the vehicle at the point where the driver could just see the top. This cone simulates the height of a small child.

"Consumer Reports findings illustrate that the danger of vehicle blind zones correlates with the use of large SUVs, minivans and pickups trucks as common family vehicles. Consumers must be cognizant of this danger—and the value of rearview cameras—when going out to purchase a new vehicle," said Don Mays, Senior Director for Product Safety and Consumer Science at *Consumer Reports.*

KIDS AND CARS, the safety group, estimates that more than 100 children were killed by vehicles whose drivers simply could not see them in the blind zone behind the vehicle. According to the Centers for Disease Control and Prevention in Atlanta, nearly 7,500 children were treated in United States emergency rooms between 2001 and 2003 for back-over injuries. Many of these incidents could have been prevented if drivers had a way to see or detect what is behind them while backing up. Every vehicle has blind zones. Side and rearview mirrors are insufficient to combat them. *Consumer Reports* tests show that, in general, the longer and higher the vehicle, the bigger the blind zone is likely to be.

There are no Federal Government requirements for back-up warning sensors or rearview cameras on any passenger vehicle sold in the United States.

"Unfortunately, the few vehicles that now come with this technology are higher-end models, and most devices are available as an extra-cost option—often requiring the purchase of other equipment like an expensive navigation system," said Sally Greenberg, Senior Product Safety Counsel for Consumers Union in Washington, D.C. "We believe that back-up technologies, such as rearview cameras are essential, and should be a requirement by Federal law. Their cost is small compared to the cost of a child's life. And once this technology becomes standard equipment in vehicles, systems will become more economical for manufacturers to produce."

"Without these devices, parents and families will continue to suffer the terrible tragedy of accidentally backing over a child," Greenberg said. "That is why it is critical that Congress pass the Cameron Gulbransen Kids and Cars Safety Act of 2005—to require a rearward visibility standard that will provide drivers with a means of detecting a child behind the vehicle."

Consumers who wish to improve the safety of their current vehicle can add an aftermarket rearview camera. *Consumer Reports* tests have shown that most work well. Such cameras typically cost several hundred dollars and are best installed by a professional.

To learn more about the vehicle blind zones, and see measurements for models tested by *Consumer Reports*, visit *www.ConsumerReports.org.*

Consumer Reports is one of the most trusted sources for information and advice on consumer products and services. It conducts the most comprehensive auto-test program of any U.S. publication or website; the magazine's auto experts have decades of experience in driving, testing, and reporting on cars. To subscribe to Consumer Reports, call 1–800–234–1645. Information and articles from the magazine can be accessed online at *www.ConsumerReports.org*.

CONSUMER REPORTS Tested Best & Worst Rear Blind Zones

Vehicle Class	Driver Height	Best	Worst	Average
Small Sedans	5′ 8″	2006 Subaru Impreza 2.5i (6′)	2003 Suzuki Aerio GS (23′)	12′
	5′ 1″	2006 Subaru Impreza 2.5i (11′)	2003 Suzuki Aerio GS (49′)	24′
Mid-sized Sedans	5′ 8″	2006 Hyundai Sonata GLS (9′)	2005 Cadillac STS (21′)	13′

CONSUMER REPORTS Tested Best & Worst Rear Blind Zones—Continued

Vehicle Class	Driver Height	Best	Worst	Average
			2004 Ford Taurus SES (21′)	
			2005 Mitsubishi Galant GTS (21′)	
	5′ 1″	2004 Acura TSX (12′)	2006 Mercury Milan (35′)	22′
Large Sedans	5′ 8″	2003 Lexus LS430 (9′)	2004 Audi A8L (20′)	12′
	5′ 1″	2003 Lexus LS430 (16′)	2006 Cadillac DTS (30′)	22′
Wagons & Hatchbacks	5′ 8″	2004 Chevrolet Aveo LS (5′)	2005 Chevrolet Malibu LS Maxx (17′)	10′
	5′ 1″	2004 Chevrolet Aveo LS (10′)	2005 Chevrolet Malibu LS Maxx (23′)	16′
Small SUVs—Four Door	5′ 8″	2006 Subaru Forester 2.5X (9′)	2003 Honda Element EX (18′)	13′
			2006 Toyota RAV4 Base (18′)	
	5′ 1″	2006 Subaru Forester 2.5X (12′)	2003 Honda Element EX (35′)	21′
Midsized SUVs	5′ 8″	2004 Volkswagen Touareg (11′)	2006 Jeep Commander Ltd. (44′)	18′
	5′ 1″	2005 Nissan Pathfinder LE (18′)	2006 Jeep Commander Ltd. (69′)	29′
Large SUVs	5′ 8″	2002 Toyota Sequoia Ltd. (14′)	2004 Dodge Durango Ltd. (19′)	17′
	5′ 1″	2004 Dodge Durango Ltd. (24′)	2007 Chevrolet Tahoe (38′)	27′
		2004 Nissan Armada LE (24′)		
Minivans	5′ 8″	2005 Dodge Grand Caravan SXT (12′)	2005 Saturn Relay FWD (19′)	15′
	5′ 1″	2004 Ford Freestar SEL (16′)	2005 Toyota Sienna XLE (28′)	26′
Pickups	5′ 8″	2005 Nissan Frontier LE (16′)	2004 Ford F–150 XLT (34′)	23′
	5′ 1″	2005 Dodge Dakota SLT (24′)	2007 Chevrolet Avalanche (50′)	35′
Coupes	5′ 8″	2003 Hyundai Tiburon GT (10′)	2005 Chevrolet Cobalt SS (23′)	15′
	5′ 1″	2004 Mazda RX–8 (19′)	2005 Chevrolet Cobalt SS (32′)	23′
		2006 Honda Civic Si (19′)		

In this chart *Consumer Reports* identifies the length, in feet, of the blind zone for each listed vehicle. The distance noted is how far behind the vehicle a 28-inch traffic cone had to be before the person, sitting in the driver's seat, could see the cone's top by looking through the rear window. Distances are provided for vehicles that are currently sold with no major changes from the vehicle *CR* tested. This chart does not include tests performed on vehicles using rear view camera systems, either standard or optional.

ATTACHMENT 2—INFORMATION ON NEW EXECUTIVE ORDER AND GUIDANCE BULLETIN—LATEST WHITE HOUSE POWER GRAB PUTS PUBLIC AT RISK—PROBLEMS OF THE JAN. 2007 EXECUTIVE ORDER AND BULLETIN ON GUIDANCE (JANUARY 2007)

The White House released a double whammy attack on the public interest on Jan. 18, 2007: (1) a new executive order increasing burdens on the regulatory process, and (2) a final bulletin creating new burdens on agencies ability to inform the public. Together, this double whammy is an enormous challenge to the ability of the Federal Government to protect and inform the public.

Market Failure . . . and New Excuses for Failing the Public

The White House already demanded, under Exec. Order No. 12,866 (1993), that agencies state the reason for a new regulation in an economic impact assessment. The new Bush executive order now changes the language, putting the spotlight on "market failure" as the chief rationale—and adding that the purpose of the justification is "to enable assessment of whether any new regulation is warranted."

Exec. Order No. 12,866	Revised Text
Each agency shall identify	Each agency shall identify in writing
the problem that it intends to address (including, where applicable, the failures of private markets or public institutions that warrant new agency action)	the specific market failure (such as externalities, market power, lack of information) or other specific problem that it intends to address (including, where applicable, the failures of public institutions) that warrant new agency action,
as well as assess the significance of that problem.	as well as assess the significance of that problem,
	to enable assessment of whether any new regulation is warranted.

Market failure is an economics term describing situations in which private markets, left to themselves, fail to bring about results that the public needs. This order, however, will be enforced by Susan Dudley, the radical extremist that the White House is setting up for a recess appointment to become the administrator of the Office of Information and Regulatory Affairs (OIRA) in the White House Office of Management and Budget. Based on an evaluation of Dudley's record in a report released last year, Public Citizen has concluded that, in her hands, the market failure provision will become a barrier to the protections that the public needs.

Deputy Dudleys in Every Agency

Although Congress delegates power directly to the agencies themselves, thereby diffusing authority throughout the Executive Branch and preventing any single office from becoming all-powerful, the White House has claimed yet more power to control agencies and distort regulatory policy with political goals. The new executive order commands every agency to designate a Presidential appointee to serve as the "Regulatory Policy Officer." Agencies will not be allowed to add new regulatory initiatives to their annual plans without the approval of the new officer.

Putting Industry Costs Above the Public Interest

The new order requires agencies to develop annual plans for upcoming rulemakings that identify "the combined aggregate costs and benefits of all regulations planned for that calendar year to assist with the identification of priorities." This new requirement will make cost/benefit analysis the central factor in setting priorities for needed protections of the public interest. These cost/benefit analyses are notoriously biased against regulation, especially long-term goals such as preventing global warming or cancers that manifest years after exposure to toxic substances.

From Guidance to Darkness

The executive order and the new bulletin on guidance work together to create a new bureaucratic bottleneck that would slow down agencies' ability to give the public information it needs.

Guidance

agency policy other than a rulemaking which sets forth:

- a policy on a statutory issue
- a policy on a regulatory issue
- a policy on a technical issue
- an interpretation of a statutory issue
- an interpretation of a regulatory issue

Significant Guidance

guidance which:

- leads to an annual effect of $100 million or more or materially and adversely affects the economy
- creates inconsistencies with another agency's activities

- materially alters budgetary impact of grants, entitlements, *etc.*
- raises novel legal or policy issues
- implicates the President's priorities

The bulletin requires significant guidance to be approved by a senior-level agency official, and the executive order adds another layer of review by the White House itself. By requiring White House approval of important guidance, the White House will insert its political agenda and pro-business bias into every level of agency policy, so that our Federal Government will handcuff itself instead of the companies that violate the law and put the public in danger.

The bulletin also requires the agencies to create a webpage listing all significant guidance and creating a public challenge process, for industry to demand changes to the policy statements, interpretations, and so on that it opposes.

So Much for the New Congress

The upshot of this whole executive order is that the White House is already working to undermine not just agencies but also the new Congress' ability to protect the public. Whatever gains might come to consumers and other public interest sectors in the 110th Congress are already vulnerable to being rendered meaningless by the powers the White House is giving itself.

ATTACHMENT 3—SAFETY GROUPS' RESPONSE TO NHTSA BACKOVER REPORT—REVIEW AND RESPONSE OF SAFETY GROUPS TO NHTSA'S *VEHICLE BACKOVER AVOIDANCE TECHNOLOGY STUDY, REPORT TO CONGRESS*—AGENCY'S CONCLUSIONS CONTRADICT STUDY FACTS

The National Highway Traffic Safety Administration (NHTSA) Study, *Vehicle Backover Avoidance Technology Study, Report to Congress* (Nov. 2006), reaches a number of negative conclusions about the state of back-over detection technology, even though the Study itself contains many positive factual findings—findings that support both the need to adopt this technology and the readiness of the technology for use in motor vehicles. This review and response evaluates the major conclusions reached by NHTSA and shows why those conclusions are not backed up by the facts in the Study.

Scope of the Safety Problem

The Study admits that estimates of almost 200 people killed and thousands injured each year in back-over crashes is too low, NHTSA does not yet collect data on this issue.

The Study uses available sources of data to estimate that each year at least 183 people are killed and between 6,700 and 7,400 are injured, at least 1,000 seriously enough to need hospitalization, in back-over crashes. The Study estimate is based on samples taken in a single year and on older data (1998) that does not capture the full effect of the sales of larger vehicles over the past decade. The Study acknowledges that in light of current data limitations the reported deaths and injuries are only a rough estimate. Yet, NHTSA dismisses the data collected by KIDS AND CARS which has documented news reports of back-over incidents indicating that the annual death toll of children continues to rise.

Due to limitations of available data on back-over crashes, NHTSA asserts that it "is unable to conclude . . . that there is an increasing trend in back-over crashes." This does not mean, however, that back-over crashes are not on the rise. NHTSA does not have annual data on back-over and other non-traffic deaths and injuries, and only began to consider how to collect such data in response to a mandate from Congress in SAFETEA–LU (2005). The Study admits that "there are no accurate trend data specifically for the non-traffic incidents" in Federal databases, and also acknowledges that "the extent and nature of back-over crashes are difficult to determine because many crashes are not reported in currently available crash databases." Without comparative data, collected over a number of years, no conclusive determination can be made about whether there is an increasing trend in back-over crashes.

The Study confirms that young children are at greatest risk. Yet, NHTSA has not developed plans to use technology currently available in many high-end vehicle makes and models to protect these children.

The Study confirms the KIDS AND CARS data showing that children under 5 years old, especially toddlers up to age 2, are the highest risk group. Despite information dating back to 1971 that children are at risk in back-over crashes, NHTSA relies on general education messages that are not part of an overall strategy to pre-

vent back-over crashes. Moreover, NHTSA has not included this issue as part of its crash avoidance program or its advanced vehicle safety technology (AVST) initiative.

The Study also confirms that many, if not most, back-over crashes involve parents or neighbors, people who are highly motivated to avoid injuring their children. Yet, NHTSA mistakenly concludes that technology is not currently an appropriate remedy.

The Study points out that people in their 20s and 30s have a greater exposure as drivers in back-over crashes because they are parents of young children and are involved in more backing situations when young children are present. The Study also cites data from Utah indicating that 48 percent of back-over incidents involve a family member and another 24 percent involve a neighbor. These drivers can be expected to be highly motivated to avoid such incidents, probably have greater awareness of nearby children and many may already heed some or all of the existing educational messages intended for their benefit. Such drivers are also highly motivated to use back-over prevention technology properly.

Feasibility of Backover Prevention Technology

The Study finds existing back-over prevention technology can detect children and other objects in the rear blind zone. Yet, as child deaths continue to mount NHTSA dithers and concludes much more research is needed.

The Study found that camera systems provide drivers with a clear image of most of the rear blind zone behind their vehicle and that these systems "have the potential of providing a good field of view of the objects including pedestrians behind the vehicles." Also "[t]he rearview camera systems examined had the ability to display pedestrians or obstacles behind the vehicle clearly in daylight and indoor lighted conditions." The Study found these facts even though it reviewed only a limited number of so-called "parking aids" and did not evaluate technology specifically designed for use as a back-over prevention system.

Even though the Study finds that rearview camera systems allow drivers to see pedestrians in "the majority of the rear blind zone areas[,]" NHTSA concludes that more research is necessary because current sensor and video/camera systems do not *always* provide a view of obstacles in the *entire* rear blind zone. However, drivers without any back-over avoidance technology have absolutely no warning that pedestrians are in the rear blind zone. Backover prevention technology would at least provide drivers with an opportunity to avoid backing collisions.

NHTSA is actively engaged in developing and promoting other, similar radar- and sensor-based crash avoidance technologies, such as advanced cruise control which is already in the market, lane departure warning systems which are now being field tested and used in some commercial vehicles, as well as intersection collision warning systems. Despite this active effort to use the same type of technology to provide driver warnings in other crash modes, NHTSA is highly negative about the use of back-over prevention systems despite the fact that a version of that technology is already standard equipment in many vehicle lines and is already being used by drivers for that purpose.

Detection Technology Testing

The Study finds that existing rear visibility technology provides drivers with a view of rear blind zones that prevents back-over crashes even when children move into the vehicle path. Yet, NHTSA surprisingly concludes that these technologies are not effective.

The Study cites research to show that some rear object detection systems were successful in detecting and preventing impact with rear objects most of the time. Sixty five percent of drivers avoided unexpected obstacles that appeared suddenly during backing when relying on a combination of existing technologies. Another study showed "Rear video cameras [are] effective in 23 percent of rear backing maneuvers when [an] "unexpected" obstacle is placed 2–3 feet behind the vehicle." Thus, nearly one-fourth and possibly as many as two-thirds of incidents, including those in which a child runs immediately behind the vehicle while it is backing, may be prevented by existing back-over prevention technology. This would represent a vast safety improvement and could save as many as 46 (23 percent) or 123 (65 percent) lives annually based on NHTSA's rough estimate of 183 deaths each year (an estimate that may understate the problem).

The Study documents that in 2006 there were already 36 vehicle makes and 100 model lines offering some form of back-over "parking aid" technology as *standard equipment.* The use and installation of such technology is clearly feasible as back-over detection technology. Many drivers are already using "parking aids" for this

purpose. The widespread proliferation and use of these systems to improve rearview visibility appears to have a high level of driver acceptance. The Study cites survey results of drivers who own "parking aid" equipped vehicles. The majority of drivers found the systems to be helpful in parking, at least 85 percent felt the systems are effective or very effective in giving warnings, and 80 percent thought that the system would lower their risk of being in a backing crash. Overall, it appears these drivers know how to properly use the technology.

The Study also mentions that the effectiveness of back-over prevention systems, especially cameras, could be diminished as a result of practical problems caused by weather conditions such as snow, rain, fog and glare from the sun. However, this is largely a red herring. Based on a review of cases in NHTSA's databases the Study finds that "[t]he weather did not appear to be a major factor in these back-overs, as the weather was classified as 'normal' in the majority of crashes. . . ."

The Study also combines two research and testing issues. The first is whether the technology itself can perform the function required, that is, provide the driver with visual notice of obstacles in the rear blind zone. Statements in the Study support a conclusion that current camera-based or combination video-sensor systems do provide drivers with a view of obstacles in the rear blind zone. As the Study admits, the existing technology is capable of detecting objects in the blind zone behind the vehicle and warning the driver.

The second issue is whether the technology will be properly used by drivers, *i.e.,* the human factors issue common to all technological applications. While both issues are related to the overall effectiveness of the system, the human factors issue goes beyond the evaluation of whether the technology itself can perform the task required. Human factors evaluation is highly dependent on the complexity of the system, clear user instructions, the amount of time permitted to become familiar with the system, and repeated use. In this respect, use of a back-over avoidance system is analogous to use of the required vehicle rearview mirror system, including the need to properly arrange and pay frequent attention to the inside as well as both the driver and passenger outside rearview mirrors. The same type of attention and appropriate response is required for back-over prevention technology.

Rearward Visibility Standard:

The Study documents the need for a rearview visibility performance standard. Yet, NHTSA defers and delays while children are at risk.

Large rear blind zones exist that threaten everyone—children, seniors, the disabled, and all pedestrians—despite a Federal safety standard for rearview mirrors, intended to reduce the number of deaths and injuries that occur when the driver does not have a clear view to the rear of the vehicle. The Study acknowledges that "[a]lmost all vehicles have rear blind zones that could obscure the driver's visibility of small children." This confirms research conducted by Consumers Union showing the size of the average blind zone behind different types of vehicles. The Study also documents that current back-over technologies are, to varying degrees, effective in providing drivers with a view of the rear blind zone. Still, NHTSA presents no plans to conduct rulemaking on a rearward visibility performance standard to limit the size of the vehicle blind zone and enhance the ability of drivers to see behind their vehicle. Furthermore, there is no stated timeline for agency action to develop specifications for the performance of the technology to prevent back-over crashes and no intention to make the specifications mandatory.

Backover Crash Education:

The Study finds that current back-over awareness and educational efforts are not scientifically sound countermeasures that have proven effective. NHTSA concludes that such educational efforts have value but available technology does not.

The Study finds that current back-over prevention programs "have been designed based on specific back-over incidents rather than on a data-driven, research-based back-over strategy." Despite the disconnect in logic, NHTSA promotes these types of education and awareness efforts even though the agency states that none of the programs have an evaluation component to establish their effectiveness as a countermeasure. NHTSA concludes that such efforts may make drivers sensitive to the problem and provide common sense safety tips. At the same time, NHTSA disapproves of requiring the use of available technology that has shown positive results in tests and already is in wide use, as part of a comprehensive approach to back-over prevention.

The educational programs reviewed in the Study, as well as in NHTSA's "Safety Tips for Parents" found on their website in *Preventing Backovers in America's Driveways,* call for checking the area around the vehicle *before* backing the vehicle. The

Study, however, relies on research testing of rearview back-over prevention technology that uses "surprise" or "unexpected" obstacles that are introduced *after* backing has begun or near the end of a backing maneuver. Merely education and awareness programs that rely on checking around the vehicle before backing begins cannot address such dynamic situations. Backover prevention technology systems that detect people and objects in the vehicle blind zone are needed to allow drivers to continuously check behind their vehicle during backing.

The educational messages also caution parents to "know where your children are and have them stay in your full view and well away from your vehicle" and to listen for children who may have dashed behind your vehicle suddenly" while you are backing up ("Safety Tips for Parents").

First, parents are highly motivated to protect their children and may be already aware of these educational safety tips. Second, some of these safety tips may actually divert the driver's attention from the driving task during backing by constantly trying to keep children in full view with conventional mirrors or turning your head. Third, reliance on your sense of hearing (auditory cues) to detect children who have moved into the vehicle path during backing is not only unreliable but can be masked by other interfering sounds. This safety tip ignores the fact that children often assume that they can be seen and may make no sound to attract attention. Although these safety tips may be good advice for drivers with no other means of detecting children and objects in the vehicle blind zone when backing, they are an inadequate substitute when far more direct and effective detection and warning technology systems are available.

Education and awareness are not an adequate substitute for lifesaving technology to prevent back-over deaths and injuries. Legislation is necessary to direct NHTSA to advance a comprehensive strategy that couples reasonable information with back-over detection technology to assist drivers.

Cost-Effectiveness Analysis:

The Study states that, at present, meaningful estimates of safety benefits and cost-effectiveness cannot be calculated. In contradiction NHTSA offers up an unsupported conclusion that back-over systems will have low effectiveness and do not appear to be particularly cost-effective.

The Study clearly asserts that data on which to base accurate benefit/cost assessments of back-over detection technology is not available. Therefore, no conclusions can be drawn. Nevertheless, the Study attempts to analyze the cost-effectiveness of existing "parking aids" as a surrogate for back-over prevention systems. The analysis, however, is based on a series of assumptions that are not supported by data or evidence, including assumptions about incremental system cost, the cost of system repairs due to damage, crash speed distribution and human reaction using the system. No data was collected or presented to support any of these assumptions.

The Study also failed to include any estimate of savings from reduced damages and costs avoided as a result of rear-end collisions prevented by the "parking aids." The failure to include any such savings was based on the unsupported reasoning that "parking aids only mitigate the cost of the smaller number of minor backing crashes which tend to have smaller total costs." However, no data was collected from drivers using "parking aids" to determine the accuracy of this conclusion.

Finally, this analysis also assumes that there are no safety benefits, that is, potential deaths and injuries that would be prevented, because the agency believes that "parking aids" are not intended to function as back-over prevention systems and, therefore, would not provide such benefits. In actuality, reports indicate that drivers with "parking aid" systems are in fact using the systems for back-over prevention purposes as well as to avoid damages from low-speed backing crashes. Thus, NHTSA uses its analysis of "parking aids" to eliminate the inclusion of safety benefits and to conclude that none of the currently installed rear object detection systems are cost-effective.

As a result, the Study casts a pall over the cost-effectiveness of back-over detection systems even though it readily admits that without studying a true back-over crash detection technology system "meaningful estimates of death and injury benefits and cost effectiveness cannot be calculated."

Senator PRYOR. Thank you.

David McCurdy?

STATEMENT OF HON. DAVE McCURDY, PRESIDENT/CEO, ALLIANCE OF AUTOMOBILE MANUFACTURERS; ACCOMPANIED BY

ROBERT STRASSBURGER, VICE PRESIDENT, SAFETY AND HARMONIZATION

Mr. McCURDY. Thank you, Mr. Chairman. Mr. Chairman, Senator Sununu, and other Senators—Senator Carper—thanks for the comments, earlier.

I am President and CEO of the Alliance of Automobile Manufacturers. The Alliance represents the BMW group, DaimlerChrysler, Ford Motor Company, General Motors, Mitsubishi, Porsche, Toyota, and Volkswagen, close to 85 percent of the manufacturers. Now, I will tell you, unlike some of my colleagues here, I've only been in this job 3 weeks. So——

[Laughter.]

Mr. McCURDY. But I come to—so, this is somewhat of a baptism—but I come to the industry from the tech community, having been the CEO of the Electronic Industries Alliance and then previously served with my colleagues. But I first want to commend, actually, the advocates and the parents who are pushing this. And we all, I think, have heartfelt sympathy and concern, and can't imagine the horrific images and memories that they have to deal with on a daily basis. My wife, by the way, is a child psychiatrist, and I would tell you, children are a top priority for us, as well.

Mr. Chairman, in your office you have a little plaque that says, "Arkansas comes first." Well, Mr. Chairman, for automakers, "Safety comes first." And it's seen as a public health challenge. Our industry invests more in research and development than any other industry, including pharmaceuticals and computers. And I encourage the Chairman and the Ranking Member, plus staff—and, as a matter of fact, I extended an invitation to Representative Campbell this morning, to visit one of the test and safety facilities. I did it yesterday, flew to Detroit to a 4,000-acre facility with 5,000 employees there dedicated to testing and safety. I saw crash tests. They didn't set them up for me. They have two a day. There's a regular ongoing process. Got to test drive for—to see electronic stability control, antilock brake systems. I saw demo on backup technology. I looked at this almost—incredible army of test dummies that they now have, each of them costing well over 100-and-some-odd-thousand dollars per piece, saw the deployment of side airbags, some of these new technologies. And so, I would encourage you to actually visit. We could arrange that.

Despite some of the common perception and—I think the recent record proves that safety developments often happen faster through market-based initiatives rather than just legislative mandates. Our companies' intense competitiveness has already accelerated safety feature introductions to speeds faster than would be developed through regulation. And I want to point to one thing that Senator Sununu, as an engineer, knows: data, data, data. And I think it's really critical. And actually, the parts of the bill, the Gulbransen bill, we support wholeheartedly, and that is collection of much of this information and data, because I don't think you can get enough.

Recent technologies, like side airbags and stability control, have been introduced ahead of Federal legislation or a legislative mandate. As I stated, safety is our highest priority. Ours is a high-tech industry, using cutting-edge safety technology to put people first. In 2005, automakers invested $40 billion in research and development, roughly $2,400 for every car and light truck sold in the United States that year. The challenge is that the development costs may total up to a billion dollars for a new product—I'm not talking about some of these—but it may take 3 to 5 years to bring a product to market. Automakers lead legislative and regulatory initiatives with the invention, development, and implementation of advanced technologies focused upon safety improvements, including dual-stage frontal airbags. History of airbags—let me tell you, I saw the introduction, and see the difference between a dual-stage; de-powering of airbags, which were serious reasons for injuries in the past; side-impact airbags; safety-belt pre-tensioners—didn't know exactly what that was—saw it in action yesterday in a crash test; load-limiting retractors; side-curtain airbags; advanced lighting; adaptive speed control; lane-departure warnings; brake-assist systems; and much more. And those were not—and most of these are voluntary, implemented by the manufacturers. These items were not mandated. Antilock brakes, stability control, side airbags for head and chest protection, side curtains, pre-crash occupant positioning, which is a very important thing—pre-crash occupant positioning, especially with children—lane-departure warnings, radar use for collision avoidance. Seatbelts and restraint systems, by the way, as you see the statistics, 43,434 people killed in the United States, fatalities in automobiles, a huge portion of those, because the occupant was unrestrained, didn't use seatbelts.

We've supported the 10-year Air Bag and Seatbelt Safety Campaign. We've seen progress in the States. We believe there should be more. The Alliance is also actively participating in blue-ribbon panels, and working in conjunction with NHTSA. The LATCH provision that Mr. Medford mentioned, helped standardize the way children restraints attach to vehicles, is an important step from that. I actually saw demonstrations on that, as a matter of fact, yesterday.

Last summer, alliance members joined others in developing and implementing brake-transmission shift interlock systems, in response to some of the concerns of this Committee, that work in all key positions. There is real progress there, and we will continue to make progress.

In the end, Mr. Chairman, I would just say that market-driven innovation, combined with comprehensive and current data, are necessary to make insightful and sound public-policy decisions. And with regard to the bill, the thing, I think, that's important—and the Senator mentioned it in his opening statement—that they're not trying to prejudge the rulemaking by picking the technology. That was a very important statement, and one that opens up, I think an, opportunity for manufacturers to work with this Committee and the authors of this bill to—and NHTSA—to make sure that we achieve an objective that I think we share.

Mr. Chairman, I could go into detail, but, perhaps in questions, with regard to S. 1948 that was introduced yesterday, I think the

Committee would be interested to know the manufacturers' position with regard to that bill, and I'll be glad to go into it in detail, but my time has run out, so I will stop at that point.

[The prepared statement of Mr. McCurdy follows:]

PREPARED STATEMENT OF HON. DAVE MCCURDY, PRESIDENT/CEO, THE ALLIANCE OF AUTOMOBILE MANUFACTURERS; ACCOMPANIED BY ROBERT STRASSBURGER, VICE PRESIDENT, SAFETY AND HARMONIZATION

Thank you Mr. Chairman. My name is Dave McCurdy and I am President and CEO of the Alliance of Automobile Manufacturers. Within Alliance membership, safety is our highest priority. Ours is a high-tech industry that uses cutting-edge safety technology to put people first. In fact, automakers invest more in research and development than any other industry, including pharmaceuticals and computers, according to the National Science Foundation. In 2005 alone, automakers invested $40 billion, roughly $2,400 for every car and light truck sold in the U.S. that year. The Alliance of Automobile Manufacturers (Alliance) is a trade association of nine car and light truck manufacturers including BMW Group, DaimlerChrysler, Ford Motor Company, General Motors, Mazda, Mitsubishi Motors, Porsche, Toyota and Volkswagen.

Industry, Consumers and Motor Vehicle Safety

Automakers lead legislative and regulatory initiatives with the invention, development and implementation of advanced technologies focused upon safety improvements. Consider for example the installation of: dual stage frontal air bags, side-impact air bags, safety belt pretensioners, load limiting retractors, side curtain air bags (for side-impact and some with roll over capacity), advanced lighting, adaptive speed control, lane departure warnings, brake assist systems, adjustable torso belts for small passengers, child security door locks, automatic door locks, electronic stability control systems, battery isolation in severe collisions, automatic post collision notification to emergency responders, engineered structures for car to truck collisions and other crash modes. All of these technologies are voluntarily installed by manufacturers on their own initiative.

The automobile industry engineers, manufacturers, and markets the most complex consumer product that is offered for sale in the global economy. It is a product of great utility, essential to the day-to-day flow of people, goods and services in developed and developing economies and a key contributor to economic growth. Motor vehicle manufacturers' institutional successes are contingent upon the desire of individual consumers to purchase the products our manufacturers offer for sale. In making their independent purchase decisions, consumers balance many considerations, style, color, fuel economy, performance, reputation, safety, technology content, interior noise levels, accommodation for passengers, cargo, pets and all those things we transport frequently or rarely.

The industry is brutally competitive with little margin for error. A new product program may consume as much as $1B in development, take 3 to 5 years to bring a product to market and in a strong economy, may sometimes actually have a chance to earn a positive return on investment. Globally and here in the U.S., manufacturing capacity significantly exceeds market demand. This condition makes for great consumer choice, value and competative/lower product prices. We have seen the effects of global and local excess capacity in our market here in the U.S. reflected by real lower prices for vehicles that are increasing equipped with more performance and technology content. Much of that additional performance and technology content is safety related. Consumers expect more safety performance and technology content and manufacturers respond to those customer needs and demands.

Before addressing specific performance conditions and technology installations, it is important to understand the industry's approach to motor vehicle safety. There are several principles to which the industry adheres and it's important to explain these precepts.

First, we consider motor vehicle safety to be a public health challenge. Collisions result in a human toll and in direct economic loss. This is why we work to improve safety. In every respect, it is in the interest of the industry and society to reduce these losses.

Second, as with any public health challenge, it is essential to base policy and improvement initiatives on good scientific understandings of the priorities, cause and pathology of specific concerns. It is also important to use good science in identifying and prioritizing specific opportunities for improvement. To do so, good solid data

about the human victim and injury morphology, the environment in which collision events occur (roadways), and the vehicle are necessary. Therefore, we support the collection and analysis of collision data and the prioritization of collision problems by measures of harm (numbers of fatalities, serious injuries, total economic cost, lost days of productivity, *etc.*). Ideally, with a good understanding of collision related injury patterns, problem areas can be identified, prioritized and addressed in sequential order to ensure the maximum safety return and to facilitate continued improvement.

Third, there are many public institutions with an interest in improving motor vehicle safety; think of this effort as injury control. Auto makers have an interest in injury control as do many public institutions and classes of individuals: drivers, other roadway users, law enforcement agencies, municipal and state governments responsible for roadway safety, medical practitioners, first responders, legislative bodies, government regulators, and various nongovernmental organizations. All of these institutions and groups are partners in injury control and our common interests are to improve motor vehicle safety.

Fourth, safety resources should be expended so as to maximize the safety return and injury reduction consequent to the expenditures.

Alliance Members Are Aggressively Pursuing Safety Advancements, Collectively and Individually

Advancing motor vehicle safety remains a significant public health challenge—one that automakers are addressing daily, both individually and collectively. Alliance members make huge investments in safer vehicle design and technology. Most of the new, significant safety features currently available on motor vehicles—antilock brakes, stability control, side airbags for head and chest protection, side curtains, pre-crash occupant positioning, lane departure warnings, radar use for collision avoidance—in the U.S. were implemented voluntarily by manufacturers, not as a result of any regulatory mandate. While the industry is engaged in high-tech research and implementation of new safety technologies, it continues to add safety features voluntarily, even such mundane features as right-hand side mirrors for passenger cars, obstacle detection devices for sliding doors and automatic liftgates, automatic lights on with wiper use, *etc.* Those who claim that vehicle safety will not be advanced in the absence of regulatory requirements are living in the past and are not paying attention to today's marketplace.

The Alliance also has engaged in collective activities, not only of its member companies, but also with other vehicle manufacturers and interested safety partners. A number of these initiatives are intended to enhance child safety directly or indirectly. However, it is important to state here: Auto manufacturers, as well as all other safety advocates, implore parents and caregivers to NEVER leave children unattended either in or around automobiles and NEVER leave the key in the ignition.

Vehicle Safety for Children—Traffic Related

According to Federal Government statistics, in 2005 there were a total of 43,443 traffic fatalities in the United States. The 14 and younger age group accounted for 4 percent (1,946) of these traffic fatalities. The majority of young children riding in motor vehicles in the United States are restrained by some type of child safety seat or seat belt, with 98 percent of infants and 89 percent of children ages 1 to 3 so restrained in 2006. Children between the ages of 4 and 7 are also restrained at somewhat lower rates than younger children, with 78 percent of these children restrained by a safety seat or seat belt in 2006. Most children now ride in the rear seat of vehicles. In 2006, 93 percent of infants, 94 percent of children ages 1 to 3, and 91 percent of children ages 4 to 7 rode in the rear seat. National fatality data show, however, that of the more than 400 tweens—children 8 to 12 years old—killed in crashes each year, nearly 50 percent are unrestrained and one-third were riding in the front seat. In 2004, a Partners for Child Passenger Safety (PCPS) study found that 35 percent of 9 to 12 year-olds were riding in the front seat, compared to only 7 percent of 4 to 8 year-olds. Research shows that children are 40 percent more likely to be injured in a front seat than if they had been seated in back. Finally, child restraint use continues to be lower when the driver was unbelted than for belted drivers. National fatality data show when adult drivers are not restrained 91 percent of 8 to 15 year-old fatals are unrestrained. However, when adult drivers are restrained, 48 percent of 8 to 15 year-old fatals are restrained.

Research has shown that lap/shoulder belts, when used, reduce the risk of fatal injury to front seat occupants (age 5 and older) of passenger cars by 45 percent. For light-truck occupants, safety belts reduce the overall risk of fatal injury by 60 percent. But in light truck rollover crashes, seat belts reduce the risk of being killed by 80 percent. Research on the effectiveness of child safety seats has found them

to reduce fatal injury by 71 percent for infants (less than 1 year old) and by 54 percent for toddlers (1–4 years old) in passenger cars. For infants and toddlers in light trucks, the corresponding reductions are 58 percent and 59 percent, respectively.

Alliance members' support of the Air Bag and Seat Belt Safety Campaign conducted over the last decade has worked to get children in back seats properly restrained in a restraint appropriate for their age and size. Moreover, the Campaign has been very successful in increasing seat belt usage—20 percentage points in the last 10 years. Further still, the Campaign has been successful in securing the adoption of primary enforcement seat belt laws. States with primary enforcement laws have average safety belt usage rates approximately 11 percentage points higher than states having secondary enforcement laws. NHTSA estimates that a single percentage point increase in safety belt use nationwide would result in an estimated 280 lives saved per year. In 1996, 11 states had primary enforcement laws covering 38 percent of the population. As of 2006, 25 states and the District of Columbia have primary enforcement laws covering 65 percent of the population. When an adult restraint is used, it is far more likely that children riding with that adult are restrained as well.

Alliance members were also active participants in two Blue Ribbon Panels on child passenger safety. The Automotive Coalition for Traffic Safety (ACTS), at the request of the U.S. Department of Transportation, served as the facilitator for both Panels. The first endeavor was the Blue Ribbon Panel on Child Restraint and Vehicle Compatibility. This panel was announced in February 1995 and recommendations were released that May. One key recommendation resulted in the new LATCH (Lower Anchors and Tethers for CHildren) system created to help standardize the way child restraints are attached to vehicles without using a seat belt. All child restraints and most new vehicles manufactured on or after September 1, 2002 were required by NHTSA to include hardware components designed to simplify child seat installation and to reduce the incidence of misuse and incorrect installation of child safety seats. A study released by NHTSA in December 2006 concluded that LATCH, "appear(s) to be helping to reduce insecure installation of child safety seats." The study further concluded that people who have experience with LATCH appear to prefer its use over the conventional method using the vehicle seat belt. Finally, the study concluded that the primary reason that people do not use LATCH is that they don't know about it or because LATCH was not available in some center-rear seats. The Alliance has committed to work with NHTSA to resolve these and other questions about LATCH.

The second panel, the Blue Ribbon Panel on Protecting Our Older Child Passengers was announced in November 1998. Panel members focused recommendations on getting 4 to 16 year-olds into the correct restraint systems and seating positions for their age and size.

Please see *http://www.actsinc.org/blueribbon.cfm* for more information about both of these Panels.

To address the large number of tweens who are needlessly at risk when riding in motor vehicles because they are not always wearing seat belts and many sit in front seats, the Alliance turned to ACTS. According to research released by ACTS, parents have more influence on tween behavior than many people realize. Tweens are well aware of safety messages, including the benefits of buckling up and dangers associated with sitting in front of a deploying air bag. However, safety awareness alone has limited influence on how tweens ride in vehicles because other factors may be more important to them. Even though tweens are becoming more independent, they still need parental guidance to ensure their safety in cars.

Surveys showed when parents take control, tweens tend to sit in the back. Two-thirds of tweens sit in a back seat when parents make the decision, compared to only half of tweens who independently decide where to sit. When tweens in two pilot sites were asked what might encourage them to sit in a back seat, most said being told by a parent or the vehicle's driver. This was especially true for those tweens who were less likely to buckle up. To reach out to tweens, their parents and others who influence their behavior—to increase the number of tweens who are properly restrained in back seats—ACTS established a new interactive website, *http://www.tweensafety.org*.

In 2005, a total of 414, or 21 percent, of the fatalities among children age 14 and younger occurred in crashes involving alcohol. Another 48 children age 14 and younger who were killed in traffic crashes in 2005 were pedestrians or pedalcyclists who were struck by drinking drivers (BAC of 0.01 g/dL or higher). The Alliance's support of MADD's Campaign to Eliminate Drunk Driving—described below—is aimed at ending drunk driving in the United States and the associated fatalities and injuries including those involving children.

Vehicle Safety for Children—NonTraffic Related

Turning to the issues that were before this Committee in the 109th Congress as presented in S. 1948, "The Cameron Gulbransen Kids and Cars Safety Act of 2005," the Alliance supports the establishment of a data collection system for non-traffic, non-crash events involving motor vehicles. Good solid data about the human victim, injury morphology, the environment in which events occur, and the vehicle are a necessary first step to identifying possible interventions that might be effective. However, before determining whether action by this Committee on this point is needed, please consider that Congress has already acted on this issue with the provisions of Sections 2012 and 10305 of Pub. L. 109–59 (119 Stat. 1539 and 1941 (2005)) that was enacted as part of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU).

Similarly, the Alliance supports the establishment of a consumer information program to provide information about hazards to children in non-traffic, non-crash incident situations. However, implementation of such a provision(s) could and should be timelier that the 18 months proposed in S. 1978. The Alliance believes 90 days following enactment may be possible. Such a directive could, for example, complement SAFE KIDS Worldwide's "Spot the Tot" program designed to prevent injury to children in non-crash events. The program is a nationwide expansion of the successful program of the same name created by SAFE KIDS Utah. It is designed to raise parents' awareness of the risk of vehicle back-overs in driveways and parking lots by providing a few simple tips for adults and kids to make sure the area around the vehicle is safe before driving away.

With regard to the mandated rulemakings on vehicle technology, we offer the following.

The 109th Congress specifically addressed power window switches in motor vehicles. Power window safety has been addressed by Congress previously. Section 10308 of SAFETEA–LU directed:

> "The Secretary [of Transportation] shall upgrade Federal Motor Vehicle Safety Standard 118 to require that power windows in motor vehicles not in excess of 10,000 pounds have switches that raise the window only when the switch is pulled up or out. The Secretary shall issue a final rule implementing this section by April 1, 2007."

In April 2006, NHTSA implemented the changes to FMVSS No. 118 that were required by SAFETEA–LU. See 71 *Fed. Reg.* 18673, April 12, 2006. ("The agency is amending . . . the standard to require that any actuation device for closing a power-operated window must operate by pulling away from the surface in the vehicle on which the device is mounted [*i.e.,* "pull-to-close" switches]. This provision implements the mandate of section 10308 of SAFETEA–LU.")

NHTSA's April 2006 final rule also responded to petitions for reconsideration received in response to the agency's September 2004 power window final rule. Whether the installation of automatic reversal systems for power windows and panels should be mandated was evaluated by NHTSA in response to separate petitions for rulemaking submitted to the agency seeking such a mandate. NHTSA denied these petitions to include an automatic reversal requirement under FMVSS No. 118 in part because the petitioners did not provid any new data regarding the incidence of fatalities and injuries for inadvertent or intentional actuation of power window switches. NHTSA concluded that their most recent amendments to the standard ". . . will prevent the types of power-window incidents that have been documented." The agency further rejected some hypothetical scenarios offered by petitioners by stating, ". . . there is not any documentation that any such cases have actually occurred. Even so, the risk of unintentional switch operation . . . is already addressed by the safer switch requirement of the final rule . . . we do not believe that the speculative arguments in the Advocates, *et al.,* petition about magnitude of risk justify their request for the agency to require automatic reversal systems, absent data demonstrating a safety problem. *It is not feasible to eliminate all potentially conceivable risks through regulation*." (emphasis added).

Regarding rearward visibility, again Congress has addressed the issue of back-over incidents by requiring several studies on the magnitude of the problem and the potential effectiveness of different technologies to address the problem. A report on one such study was released by NHTSA in November 2006. That study concluded that back-over crashes involving all vehicle types, "are estimated to cause at least 183 fatalities annually . . . [and] between 6,700 and 7,419 injuries per year . . ." The report also described the results of tests conducted by NHTSA involving several systems currently available as original equipment on vehicles and aftermarket products to evaluate their performance and potential effectiveness. The report concluded that, "the performance of sensor-based (ultrasonic and radar) parking aids in detect-

ing child pedestrians behind the vehicle was typically poor, sporadic and limited in range." The testing by NHTSA did find that camera based systems, "may have the greatest potential to provide drivers with reliable assistance in identifying people in the path of the vehicle when backing." However, NHTSA cautions, "readers of this report about relying on the results of our testing or other published test results to promote such systems as an effective means to address the back-over crash risk." The agency cited numerous reasons for this caution, including the need to better understand the environmental factors (*e.g.,* rain, fog, or other inclement weather, or sun glare) that limit the effectiveness of cameras and the limits of driver performance using such systems. The report observed that: "Even if cameras allow the driver to identify an object in the back of a vehicle, the driver must look at the display and have the capability to identify an object or person in the path when backing up, and to react and brake quickly enough to prevent the incident. The speed being traveled, the level of driver attention and reaction time all play significant roles in estimating the systems' effectiveness." Therefore, the Alliance believes that a mandate to require technology that may or may not be effective in addressing a problem whose exact nature is not objectively known would be premature.

Finally a mandate to require brake transmission shift interlocks (BTSI) to work in all ignition key positions is simply not needed. A BTSI requires the operator of the vehicle to be positioned in the driver's seat and to depress the service brake pedal in order to shift the automatic transmission control out of the "Park" position. Virtually all automatic transmission-equipped cars and light trucks have a BTSI, but not all of them work in all ignition key positions. In August 2006, Alliance members, and others, completed development of and immediately began implementing an initiative to further reduce the incidents of shift selector movement in vehicles equipped with automatic transmissions in circumstances where an unsupervised and unattended child has gained access to both a vehicle and its ignition keys by requiring that the vehicle's service brake be depressed, in all key positions, before the transmission can be shifted out of "Park". Approximately 80 percent of 2006 model year cars and light trucks are already equipped with an all-key-position BTSI and all new vehicles will have it no later than September 1, 2010. More information about this agreement can be found at *http://www.nhtsa.dot.gov* under "Agreement on Brake Transmission Shift Interlock" or by entering docket number "25669" in the search box found at *http://dms.dot.gov/search/searchFormSimple.cfm*.

Other Alliance initiatives are providing real-world safety benefits to the public, including children. These are described below.

In December 2003, auto manufacturers committed to a plan developed by an international group of safety experts for enhancing the crash compatibility of passenger cars and light trucks. The plan established new performance criteria for further enhancing occupant protection in front and side crashes between cars and light trucks. It also defined research programs to investigate future test procedures and performance criteria. The Insurance Institute for Highway Safety (IIHS) facilitated the development of this plan with the sponsorship of the Alliance.

By September 2009, 100 percent of each participating manufacturer's applicable vehicles will be designed to these criteria. However, participating auto manufacturers began implementing the front-to-front and front-to-side performance criteria immediately upon industry's agreement. Manufacturers' recent progress in implementing this commitment is described below.

Approximate Percentage of Production Designed in Accordance w/Performance Criteria

Crash Mode	Production Year 2005	Production Year 2006
Front-to-Front Criteria	62%	75%
Front-to-Side Criteria	33%	53%

The frontal component of the commitment established criteria to further reduce the potential for vehicle override and under-ride in serious front-to-front crashes between cars and light trucks by requiring sufficient overlap between the primary energy-absorbing structures (PEAS) of the two vehicle types. This may be achieved by "geometric matching" or alignment of these structures or by providing additional structure in light trucks (called secondary energy absorbing structures (SEAS)) for this purpose. In November 2005, new test procedures were added by safety experts to measure the performance of the SEAS. An updated version of the December 2003 compatibility commitment, reflecting this change, was submitted to NHTSA on May 10, 2006.

In 2006, IIHS completed an analysis of the safety benefits of the front-to-front compatibility agreement.

In front-to-front crashes involving light trucks into passenger cars, IIHS found that the passenger car driver was 16 percent less likely to be killed if struck by a sport utility vehicle (SUV) with a front-end design that met the compatibility performance criteria. Similarly, the passenger car driver was 20 percent less likely to be killed if struck by a pickup truck with a front-end design that met the compatibility performance criteria. The overall reduction in passenger car driver deaths in front-to-front crashes involving both SUVs and pickup trucks was 19 percent.

In front-to-side crashes involving light trucks into passenger cars, IIHS found that the passenger car driver was 30 percent less likely to be killed if struck by a sport utility vehicle (SUV) with a front-end design that met the front-to-front compatibility performance criteria. The passenger car driver was 10 percent less likely to be killed if struck by a pickup truck with a front-end design that met the front-to-front compatibility performance criteria. The overall reduction in passenger car driver deaths in front-to-side crashes involving both SUVs and pickup trucks was 19 percent.

The front-to-side crash component of the commitment established performance criteria that further enhances head protection for people riding in passenger vehicles that are struck in the side. Manufacturers have voluntarily agreed to engineer their vehicles using two test options: (1) the Federal Government's (NHTSA) optional side-into-pole test (see FMVSS 201), or (2) the Insurance Institute for Highway Safety (IIHS) test for consumer information, using a moving deformable barrier with front-end geometry to simulate an SUV or pickup. Use of the NHTSA pole test option will sunset in 2009, and all manufacturers will then have to use the IIHS test.

In 2006 the IIHS updated its estimate of the real-world benefits of side airbags in reducing struck vehicle driver fatalities. The results show that side airbags that protect people's heads are reducing driver deaths in cars struck on the driver side by an estimated 37 percent. Airbags that protect the chest and abdomen but not the head are reducing deaths by 26 percent. The results also show an estimated 52 percent reduction in fatality rates for drivers of SUVs equipped with side airbags with head protection. These real-world findings corroborate the good crash test performance of these devices in crashes simulating an SUV striking the driver side of a vehicle and suggest that the manufacturer's voluntary front-side commitment will lead to significant reductions in struck vehicle driver fatality rates.

To learn more about the Crash Compatibility initiative, please see *http://www.autoalliance.org/safety/* or visit *http://dms.dot.gov/search/searchFormSimple.cfm* and enter docket number "14623" in the search box.

Another voluntary initiative led to the establishment of test procedures and performance criteria to assure that in the event an occupant is out-of-position at the time of deployment of a side air bag, the risk of serious injury is limited to 5 percent. In response to concerns about potential injury risk to out-of-position (OOP) women and children from deploying side airbags, the Alliance, the Association of International Automobile Manufacturers (AIAM), the Automotive Occupant Restraints Council (AORC), and IIHS used a joint working group to develop test procedures with injury criteria and limits to ensure that the risk of injury to OOP occupants from deploying side airbags would be very limited. The initiative produced recommended procedures for evaluating occupant injury risk from deploying side air bags that were finalized in August 2000 and updated in September 2003. Currently, 90 percent of Alliance member company side airbags have been designed in accordance with the recommended procedures. More importantly, the field performance of side air bags remains positive. For more information, please visit *http://twg.iihs.org/* or visit *http://dms.dot.gov/search/searchFormSimple.cfm* and enter docket number "5098" in the search box.

In July 2006, Canada's Minister of Transport, Infrastructure and Communities (The Honourable Lawrence Cannon) announced the signing of three memoranda of understanding (MOUs) with vehicle manufacturers. Each of the agreements will advance the safety by:

- updating the side-impact protection requirements to better protect children who sit next to an air bag;
- improving compatibility between vehicles of different sizes to reduce the severity of occupant injury in side and frontal collisions; and
- promoting the use of new technologies in the design and manufacture of vehicles to ensure optimal seatbelt fit for front seat passengers.

Each of these MOUs are based on voluntary agreements first initiated and developed by the Alliance. In announcing these agreements, Transport Canada stated

that, "The department continues to modernize its system of regulatory governance by making smarter regulations through innovative consultation mechanisms and processes, harmonized initiatives and voluntary agreements with the transportation industry."

These efforts to develop voluntary standards to enhance motor vehicle safety, when combined with an industry commitment to design vehicles in accordance with them, is a model for responsible industry action. These programs are proven to be a very effective way to bring significant safety improvements into the fleet faster than has been historically possible through regulation. The voluntary standards process also has the flexibility to produce rapid modifications should the need arise.

The Alliance has also developed a set of principles to address the safety aspects of driver interactions—often called "driver distraction"—with new in-vehicle telematics systems. The Alliance's Driver Focus—Telematics Guidelines relate to the design, use, and installation of invehicle information and communications systems. The Guidelines contain 24 principles to enhance the safety of driver interaction with telematics systems. Each principle includes verification procedures and performance criteria for the safe operation of advanced in-vehicle information and communications systems intended for use by the driver while the vehicle is in motion. The Guidelines were first issued in draft form in 2002 and continue to be updated as research, field data, and technology become available. Alliance members are voluntarily using the Guidelines to minimize driver distraction and collaborate with NHTSA on efforts to further enhance efficiency using in-car systems. Transport Canada is also in negotiations with automakers to establish a Memorandum of Understanding (MOU) which would set out the general terms and conditions with regard to limiting driver distraction from in-vehicle telematics devices pursuant to the Alliance Guidelines. Finally, the United Nations Inland Transport Committee has accepted these Guidelines and has presented them to its World Forum for the Harmonization of Vehicle Regulations (WP.29), the internationally-recognized governmental body that helps set the future direction of global motor vehicle safety activities. For more information, please visit *http://www.autoalliance.org/safety/*.

Alliance members are also individually pursuing initiatives to enhance motor vehicle safety. One such initiative that has received widespread support is the installation of vehicle-based technologies to encourage safety belt usage. Preliminary research on one system deployed in the United States by one Alliance member found a statistically significant 5 percentage point increase in safety belt use for drivers of vehicles equipped with that system compared with drivers of unequipped vehicles. NHTSA estimates that a single percentage point increase in safety belt use nationwide would result in an estimated 280 lives saved per year. Beginning in model year 2004, all members of the Alliance began deploying various vehicle-based technologies to increase safety belt use. Eighty-five percent of model year 2006 cars and light trucks were equipped with safety belt reminder systems.

Significant Progress Has Been Made to Reduce Fatalities and Injuries From Motor Vehicle Crashes, but Challenges Remain

Over the past 25 years, significant progress has been made in reducing the traffic fatality rate. In 1981, the number of fatalities per 100 million vehicle miles traveled stood at 3.17. By 2005, this rate had been driven down by 54 percent to 1.45 fatalities per 100 million vehicle miles traveled. The level of competitiveness among automakers has helped to accelerate the introduction of safety features in the absence of regulation, aiding in the progress made. In fact, all of the most recent technologies like side airbags and stability control have been introduced ahead of Federal regulation or legislative mandate.

Safety is an area in which manufacturers compete and seek competitive advantage. Manufacturers leverage their safety performance and equipment in efforts to distinguish their products from competitors. Manufacturers continue to make innovative safety features available to consumers across their entire product line. For example, side airbags with head protection were available on 84 percent of model year cars and light trucks. Two-thirds of these air bags were side curtains and one-quarter were rollover-activated devices. Another example: electronic stability control was available on 63 percent of model year 2006 cars and light trucks. These two breakthrough technologies, as well as the others mentioned and the growing use of electronics and radar to take advantage of the time prior to a crash to either eliminate it or reduce its severity through automatic braking, demonstrate the commitment of manufacturers to improving safety.

Despite the progress made, however, data show that 43,443 people lost their lives on U.S. highways in 2005 and almost 2.7 million were injured. Tragically, 55 percent of vehicle occupants killed in crashes were not restrained by safety belts or

child safety seats. Alcohol was a factor in 39 percent of all fatalities. This is unacceptable. As a Nation, we simply must do better.

As the General Accounting Office reaffirmed, vehicle factors contribute less often to crashes and their subsequent injuries than do human or roadway environmental factors.[1] We will never fully realize the potential benefits of vehicle safety technologies until all vehicle occupants are properly restrained and all impaired drivers are off the road.

Increased Safety Belt Usage and Preventing Impaired Driving Are Needed Today To Prevent Needless Fatalities and Injuries

The single most effective way to reduce traffic fatalities and serious injuries in the short-term is to increase the proper use of safety belts and child safety seats. Alliance members have a long and proud record of working to increase safety belt usage. Over the past two decades, efforts, nearly totally funded by automakers, have lead to a 44 percentage point increase in safety belt usage; from 37 percent in 1986 to 81 percent in 2006, resulting in an estimated 12,000 additional lives saved annually.

However, we are still working to make that number higher, and with good reason. Safety experts say an additional 3,000 lives a year could be saved if the safety belt usage rate increased to 92 percent. Belt use in 5 states and one jurisdiction (CA, HI, MI, OR, WA, and PR) currently exceed 92 percent confirming that high belt usage is possible. The proper use of safety belts and child safety seats is the single most effective way to reduce traffic fatalities and serious injuries.

The significant increase in belt use over the years is largely due to high visibility enforcement mobilizations. Last May, the most successful mobilization ever was conducted with more than 10,000 law enforcement agencies providing stepped up enforcement and close to $31 million in state and national paid advertising to augment the enforcement effort. Funding for the enforcement ads, both national and state, comes from funds earmarked by Congress for this purpose. These mobilizations have consistently achieved dramatic increases in safety belt use. We believe that it is important for Congress to continue to provide funding for these law enforcement mobilizations and the paid ads informing the public about them.

Primary enforcement safety belt use laws are significantly correlated with higher safety belt usage levels. States with primary enforcement laws have average safety belt usage rates approximately 11 percentage points higher than states having secondary enforcement laws. Currently, only 25 states and the District of Columbia have primary safety belt laws. Efforts to enact primary enforcement laws are now being enhanced by the Section 406 incentive grants Congress provided in SAFETEA–LU for states passing primary enforcement laws or achieving high belt use rates. Primary enforcement bills have been introduced in at least a dozen states this year and the Alliance is actively working to secure their enactment.

Impaired driving is also a significant highway safety problem. While substantial progress in reducing impaired driving has been made in the last quarter century, more must be done to prevent these needless tragedies. Just one-half of 1 percent of the trips taken annually in the United States by personal motor vehicles are made by alcohol-impaired drivers. Yet, these trips result in nearly 40 percent of all motor vehicle fatalities occurring in the United States each year.

In November 2006, the Alliance joined with the U.S. Department of Transportation, the Insurance Institute for Highway Safety (IIHS), the Governors Highway Safety Association, The Century Council, the Distilled Spirits Council of the United States (DISCUS), and the International Association of Chiefs of Police, to support MADD's Campaign to Eliminate Drunk Driving. There is no single solution that will eliminate drunk driving. Drunk driving remains a behavioral challenge, a law enforcement challenge and a challenge requiring innovative new approaches, including exploring new technologies. Recognizing this, the Campaign has initiated a bold new 4-point plan intended to end drunk driving in the United States. The plan is leading the Nation toward the goal of eliminating drunk driving through:

1. *Intensive high-visibility law enforcement,* including twice-yearly crackdowns and frequent enforcement efforts that include sobriety checkpoints and saturation patrols in all 50 states.

2. *Full implementation of current alcohol ignition interlock technologies*, including efforts to require alcohol ignition interlock devices for all convicted drunk drivers. A key part of this effort is working with judges, prosecutors and state driver's license officials to stop repeat offenders.

[1] "Highway Safety—Research Continues on a Variety of Factors That Contribute to Motor Vehicle Crashes." U.S. General Accounting Office, GAO–03–436, March 2003.

3. *Exploration of advanced vehicle technologies* through the establishment of a Blue Ribbon Panel of international safety experts to assess the feasibility of, the potential benefits of, and the public policy challenges associated with a range of advanced technologies that might help prevent drunk driving. These technologies must be moderately priced, absolutely reliable, and unobtrusive to the sober driver. This element of the Campaign is being led by the Alliance.

4. *Mobilization of grassroots support*, led by MADD and its 400+ affiliates, to make the elimination of drunk driving a reality. MADD is uniting drunk driving victims, families, community leaders, and policymakers in the fight to eliminate drunk driving.

Comprehensive and Current Data Are Necessary To Make Insightful and Sound Public Policy Decisions

Sound science provides the foundation on which we build true progress. Data collection is critical to assessing a promising idea's expected real-world benefits. Our extensive research starts with knowledge of human behavior and how people act—and react—in autos.

The Alliance sponsors a significant amount of safety research that is shared with the safety community. The Alliance is sponsoring a program to collect-real world crash data on the performance of de-powered and advanced air bags at three sites around the U.S. (Dade County, Florida; Dallas County, Texas; and Chilton, Coosa, St. Clair, Talledega, and Shelby Counties in Alabama). This program adds valuable information about air bag performance to the extensive crash data already being collected by NHTSA through NASS. The Alliance project observes all the NASS data collection protocols so that the Alliance funded cases can be compared with, and evaluated consistently with, other cases in the NASS dataset. For more information, please visit *http://groups.iihs.org/brp/*.

In December 2006, NHTSA issued a technical report, titled *An Evaluation of the 1998–1999 Redesign of Frontal Air Bags.* The Alliance estimates that approximately 25 percent of the crash investigations considered as part of this evaluation were cases investigated by the Alliance. The report finds that, compared to first-generation air bags, redesigned air bags reduced fatalities to infants and children by 83 percent and to out-of-position drivers by 70 percent in low-to-25 moderate speed crashes. Yet they entirely preserved the overall life-saving benefits of first-generation air bags for belted drivers and for passengers age 13 and up.

Consistent with need for more real-world data, some Alliance members have voluntarily installed Event Data Recorders (EDRs) that provide improved data to assist safety researchers, auto engineers, government researchers and trauma doctors in their work. EDRs can improve our collective understanding of crash events and lead to improvements in vehicle safety systems. Recording certain data elements in the moments just prior to and during a crash can contribute to the breadth and reliability of the crash data already gathered by state and Federal governments and widely used by public and private entities to study and improve transportation safety. NHTSA and NTSB have noted the important safety benefits of EDRs and NHTSA has recently issued a regulation federally mandating performance and disclosure requirements for voluntarily installed EDRs. NHTSA's regulation, acknowledging the importance of consistent EDR requirements and encouraging the continued voluntary installation of EDRs by automakers, preempts conflicting state and local requirements and any requirement that would affect EDR performance, design, or operation, including "On/Off Switches".

Mandated EDR "On/Off Switches," which were considered and dismissed by NHTSA as technically unfeasible, have, nonetheless, been proposed in a recent House bill. As certain parties fail to acknowledge, the EDR's in today's vehicles are typically integrated into the air bag control module. They are not stand-alone devices that can be deactivated without disabling the airbag system. Disabling the EDR would also be prohibited by Federal law. Federal motor vehicle safety standards (FMVSS) No. 208 requires that "[a]n occupant protection system that deploys in the event of a crash shall have a monitoring system with a readiness indicator." (49 CFR Part 208, S4.5.2). These monitoring systems are integrated with EDR functions. And, it would also violate Federal law to install a switch that would disable the airbag system.[2]

[2] Section 30122 of Title 49, United States Code, forbids a manufacturer, dealer, or motor vehicle repair business from "making inoperative" anything that is installed in a motor vehicle to comply with a Federal motor vehicle safety standard.

The Potential Benefits of Vehicle Safety Technologies Can Not Be Fully Realized Until Vehicle Occupants Are Properly Restrained and Impaired Drivers Are Off the Road

Motor vehicle safety is a shared responsibility among government, consumers and vehicle manufacturers. Auto manufacturers are more committed than ever to developing advanced safety technologies to reduce fatalities and injuries resulting from motor vehicle crashes. But as a nation, we will never fully realize the potential benefits of vehicle safety technologies until occupants are properly restrained and impaired drivers are off the road.

Senator PRYOR. Thank you.

I want to thank all the panelists for your opening statements.

And I have two very quick motions. First is that all the written testimony and exhibits offered by the witnesses be made part of the record.

Is there any objection?

[No response.]

Senator PRYOR. If not, so ordered.

Senator PRYOR. And, second, that Senator Stevens, from Alaska, will be added as an original cosponsor to the Clinton-Sununu bill that we've been talking about today.

Is there any objection to that?

[No response.]

Senator PRYOR. If not, then so ordered.

We've been joined by Senator Klobuchar, of Minnesota, who, by the way, thinks that we're all wimpy here in Washington when our kids don't have school when there's 3 inches of snow on the ground.

[Laughter.]

Senator KLOBUCHAR. That would be correct.

[Laughter.]

Senator PRYOR. But, Senator, we normally allow Senators to make an opening statement of a couple of minutes. If you'd like to, feel free.

STATEMENT OF HON. AMY KLOBUCHAR, U.S. SENATOR FROM MINNESOTA

Senator KLOBUCHAR. Well, thank you, Mr. Chairman. And I'm very pleased to be on this subcommittee. My background involves work as a prosecutor, and I've dealt with public safety issues before, and I wanted to be on this committee for that reason.

I thank you also for holding this important hearing. I know, from my own experience with car safety for kids—my daughter is now 11, but I had many difficult situations with car seats. I thought I'd have them installed right, and then I would turn and she would be halfway over in the car seat. And I think it just shows—and I had tried my best and pulled those seatbelts as tight as I could, and then trained and done everything—that clearly there is more work to be done. I also remember going on vacation and trying to get, when she was a little older, one of those booster seats from a car rental place, and they only had ones for little kids, and we had to go to Target and buy one. I have found it to be a confusing area, and I think it's something that is ripe for making sure that we do everything that we can to protect kids in cars, because I appreciated the work that's been done with education efforts with seatbelts, Mr. McCurdy, but the issue for these kids is, they're just relying on adults to take care of them, and manufacturers to take

care of them, and they don't have as much say in what's happening.

And I've read the statistics about how a child dies in this country almost every other year from a non-traffic accident. They're backed over, strangled by—or every other day—they're backed over, strangled by a power window, killed when a car is accidentally shifted into gear. And the CDC has found that more than 9,000 children were treated in a single year in hospital emergency rooms for non-traffic-related issues with cars. And, most of the time, a parent or other family member is involved, and clearly they didn't intend to do this, but we need to put every safety measure we have in place, so this doesn't happen.

Senator Clinton and Senator Sununu's bill calls upon the Secretary of Transportation to craft and implement some of those tools to create new rules that regulate rearward visibility, power-window performance, and shifting from park to drive. And I fully support this bill and look forward to asking some questions.

Thank you.

Senator PRYOR. Thank you, Senator.

Mr. Medford, let me start the questions by asking you one. In 2000, under the TREAD Act, Congress directed NHTSA to initiate a rulemaking to consider whether to require more comprehensive safety tests for child restraints in side-impact and rear-impact crashes. But, ultimately, the agency concluded that there were too many uncertainties to issue a proposed rule. What uncertainties are out there?

Mr. MEDFORD. Thank you, Senator. The uncertainties that were considered at the time that rule was issued in an ANPR, advanced notice of proposed rulemaking, in 2002, as the agency began to look at it, and got comments from the public, there was no performance standard. Remember, child seats are actually tested on a simulator or a sled, not in a vehicle, *per se.* So, there are some challenges in developing a test for a sled, which generally uses a frontal crash simulation. So, there was test method development that hadn't been worked out. Then there were no side-impact dummies that could actually measure the injuries sustained to children effectively. And then, there was a lack of injury criteria for those dummies. So, the agency—it was the time before I was there—but the agency withdrew that and continued to do research. And just in the past few months we've continued to do research, and—as have most other parts of the world—looking at an effective standard for side-impact for children. And we think we're close, and expect, this year, to have a test method and at least one 3-year-old dummy that we can use to begin to consider rulemaking in this area. But it has been a technical challenge, and that was why it was withdrawn at the time.

Senator PRYOR. So, in other words, it sounds like you're in the process of coming up with a new test that you feel would provide you the data that would be helpful.

Mr. MEDFORD. Yes, sir. We don't have the final test results, and we haven't finished the research, but we will finish it this year and make a decision this year.

Senator PRYOR. Great. At this point, I'm going to turn it over to my colleague Senator Sununu, because it's his bill that we're talking about today. And then we'll turn it over to Senator Klobuchar.

Senator SUNUNU. Thank you very much.

Mr. McCurdy, you spoke a little bit, generally, about improvements that have been made in safety over the last 10–15 years, and Ms. Claybrook used the phrase—and I think we understood what she meant when she used it—that cars aren't designed for kids. In other words, we're adults, we buy the cars, we drive the cars, we're concerned about safety, generally speaking, but, historically, all the design criteria haven't focused on 5-year-olds—or 10-year-olds, for that matter. But the LATCH system was mentioned in some of the earlier testimonies. That's obviously focused on children. Could you expand a little bit on systems that either have been implemented, or that you believe the industry is close to implementing, that are focused on child safety?

Mr. MCCURDY. Well, thank you, Senator. As we mentioned, the BTSI voluntary work that this alliance led and—in conjunction on the brake-transmissions interlock, I think is an important step. I saw, yesterday, as a matter of fact—and, again, that's why I want to encourage you all to take advantage of this—you know, side airbags that, when you look at some of the test results—and I watched a number—not only the live ones, but some previous ones—a lot of the injuries would not have been protected—or prevented from existing technologies, because young—adults average, you know, the size of—that they replicate with dummies, and children often become flying objects within vehicles if it's a rollover or something. That's why both the head protection airbags development, I think, is critical. The LATCH system a children were young, there wasn't such thing, but—you know, it may be a little cumbersome, quite frankly, and I think they're working to try to find out how to make that more usable. But it is a serious restraint.

We're actually working—and I think the manufacturers are coordinating—with the car seat manufacturers, that are separate from the auto manufacturers. And I think that's an area that probably needs to have some focus to see if there are—is some compatibility there, and some standards, and so that they can work together to ensure that they are secured there.

The dual-stage airbags and the de-powering of airbags for young children, I think, was particularly designed to protect them, because we saw, in the first iteration of airbags, that—such explosive force—that small adults and children were often injured severely and fatally because of that. They actually had to go back and get some real changes, I believe, so that they could go through a process of de-powering. So, again, the unintended consequences of a well-intended, you know, objective, but we actually had to go back through the rulemaking process and change that in order to see that it was amended and workable to actually save lives. So, there are a number of those kinds of developments. Again, I—this is my third week, so I probably don't have the complete compendium, but I can—I will gladly find more specifics and provide those to you and to the Committee.

Senator SUNUNU. Thank you.

Mr. Medford, you spoke little bit about the testing or review of some of the camera systems that are available now on many vehicles, some as standards equipment on cars that are sold today, some as optional equipment. But as I think you're well aware, the legislation doesn't require cameras, it doesn't require any specific piece of equipment. It simply calls for NHTSA to establish a rulemaking to create a visibility standard so that we have good definition of how big a blind spot is, or should be, or how much visibility we have on the rear of the vehicle.

Have you tested other systems, devices, or technology for improving visibility around a car? What types of approaches have you looked at to date?

Mr. MEDFORD. Yes, Senator, we have tested, and included in the report in November, the available technology that we are aware of. And, at that time, it was sensor technology, which was both ultrasonics and radar-based systems that were often included in vehicles today, more-expensive vehicles, for parking aids, as you're backing slowly into a parking spot. It would—it's really intended by the manufacturers to provide an aid for you in backing into those spots. We looked and examined those, and, quite frankly, found there are many dead zones, and we don't believe they're reliable for this purpose, and wouldn't recommend them for protecting children, identifying them, because of the blind spots.

We also looked at a couple of different mirror systems, one actually used by Toyota, in the rear pillar portion, which is a mirror system that allows you to look from your rearview mirror to the pillar mirror, and then, that provides some view of the back area, some of the blind spot—and found that the images were so distorted that they were not helpful for people. We also looked at an after-market mirror that would actually be placed on the rear window, and you'd look—you'd actually turn your head and look through that, and also found that to be distorted.

And when we looked at the camera systems, we did find these are systems with good cameras that basically reveal almost the entire area behind the vehicle. And so, they have that capability of providing good views behind the vehicle. What we did also say in that report, as you probably know, sir, was that until we understand how effectively people will actually use those systems—because it—an average backing speed is about 3 miles an hour, and, as you go in reverse, there's a little bit of a delay, and the camera comes on, you look—if you look quickly in there, and you recognize there's something there, and you detect it, you should stop, and you put on your brake, everything works perfectly—when you're backing at 3 miles an hour, within a little over 2 seconds you've actually traveled almost 10 feet. So, these systems are relying completely on human behavior, as they currently exist. And what—we're not saying, at the moment, that that's not good. What we're saying is, we'd like to understand how effective human behavior is with the systems that exist. And we're studying that this year in our laboratories.

Senator SUNUNU. What about the collection of non-traffic data? I mean——

Mr. MEDFORD. Right. We're——

Senator SUNUNU.—obviously, to any person who has experienced, or knows someone who has experienced one of these accidents, I'm sure it comes as a surprise that we haven't collected good information on non-traffic injuries or fatalities. What are we doing to improve that now? And——

Mr. MEDFORD. We——

Senator SUNUNU.—what should we be doing?

Mr. MEDFORD. We are aggressively expanding our data systems. There was a requirement in SAFETEA–LU that the agency develop a surveillance system and publish, every 2 years, data, to the Congress and to the public, about non-traffic injuries. We have a series of pilot studies going on now to make sure that—we're actually trying to identify systems that are going to be effective in identifying these non-traffic injuries. NHTSA's data systems that were originally put in play really were never intended for—to collect data on these systems. The census data that we do for fatal crashes—the FARS, Fatal Accident Reporting System—has a census of every death that occurs in a vehicle. Some of that data actually captures non-traffic injuries, and we're trying to do all we can to ensure that we're capturing those cases. We're also expanding our state data systems to include police action reports that include non-traffic injuries, which were typically excluded from our collection system, to see how valuable they are. We've entered into a program with the Consumer Products Safety Commission that has an all-trauma data system, which collects from—daily—from hospital emergency rooms around the country, all incidents that are treated, regardless of whether or not they involve vehicles or any other consumer products, to see what value they have. We've initiated a special crash investigation initiative on back-over crashes, where we do detailed investigations to try to understand exactly how the—what the circumstances are for the back-over crashes, something we're very concerned about. So, those are the initiatives. And we'll have—be revealing the results of those pilot studies this year, as the analysis gets completed.

Senator SUNUNU. Thank you. I have one final question, and I appreciate Chairman Pryor being very lenient with my time. Collection of data, I think, is absolutely essential, and I think that's one of several areas where, I think, there's very strong consensus on the value of the provisions in this bill. One of the things that we require to be collected, and, even more importantly, disclosed, are vehicles that do and do not have the brake-shift interlock safety feature that we've discussed here.

Representative Campbell, after your son's death, I'm curious to know, How were you able to determine whether your car had this or, in this case, didn't have this feature? Was the information available? And what did you do to finally get the answer to your questions?

Mr. CAMPBELL. The information was not available. And when my accident—my tragedy happened, I had no idea that this was possible. And, no, the information wasn't available. I then contacted NHTSA, honestly, about—almost a year after my son's death, because I thought either my car was broken or I was a bad parent, because I let my child die. And I realized that great parents suffer great tragedies, and that I'm not a bad parent, that the only way

to prevent these types of accidents is to design them out. Because whether it was me or some of the unfortunate families that are here today, statistically, if you don't design out these very hidden—very hidden safety problems, we will not start saving lives.

I went down to Washington, contacted your office, and your staff. I had a great meeting with NHTSA. I remember it really well because it was—December 8th was my birthday—and there were about 12 people from NHTSA there. And that's when I began to understand that this was actually a design feature, that 80 percent of the cars didn't have it. You know, we talked a little bit about the voluntary agreement. I—you know, and the data in that says that they'll give me a list of vehicles that will have it. We actually didn't get a list of vehicles that didn't have it until just recently. And it took writing a letter and putting it on the docket to say, "Hey, we need this information."

I went so far as to pass a bill in New Hampshire and say, "Hey, we need to disclose—the automobile dealers need to tell people that BTSI doesn't work in every key position," because I haven't met a person who hasn't said to me, "In a million years, I never thought that would happen." Even the people at NHTSA said, I quote, the term "sweet spot," from Keith Brewer—I don't know his job there—but he—one of the first people I met with at NHTSA—and was surprised that his 2001 Ford didn't work in every key position. And that's when I realized that this is a big, big problem, and a big, big tragedy that—look, I'm not mad at the industry, I'm not mad at NHTSA. I'm trying to be forgiving and understanding. I wouldn't want to tell people, "Here's some of the dangerous things about my product," when I'm selling it. But we have an obligation, as Congress, as leaders, to say, "I'm sorry. You must tell consumers." There was no disclosure in the owner's manual, there was no information from dealers.

When Michael Harrington asked the big three, "Hey, can I have this list?" they said, "No." That was back in November of 2005. When I got a list, it was, "Yes, we have that in all our cars." Untrue statement. You have it in four out of five key positions. So, when I ask you, "Does your car have BTSI?" and you say, "Oh, yes, it does," I expect that means it has it in every key position, not four out of five. And we were left with a situation where it was—and I—this is in my written testimony, and I hope you'll read it—but it's important to restate it—my children beat me out the door by about a minute. My excited little 4-year-old and his younger brother, 2 years old, ran out and got in the car, and they were able to roll it in a matter of seconds. If they had gotten in the other vehicle in my driveway, a 2002 Envoy that had BTSI in every key position, which was the normal car that we normally use for our family, my son would be alive, because that type of accident was impossible in a car that had BTSI in every key position. Because they got in my Ford F–350, four-door, that accident was designed in to happen on purpose. And I could go into what I've discovered and why it happened, but I hope that's—all that stuff will come to light when we have this process, this process of getting legislation. You will see, there is no alternative.

I appreciate the voluntary agreement, but it wasn't until this Committee hearing that we got the follow-up information of what

happened. I appreciate the industry, and I quote, "a shared responsibility of manufacturers, consumers, and government." This is a big step. But when we get into all the nitty-gritty of that issue, you'll find that it correlates the same way of not enough disclosure, not enough people understanding what a blind zone is, or people not realizing their windows don't go back down. They think that they do. I mean, this is a—this is a problem.

So, I thank this Committee, and I thank everyone who's supporting this bill.

Senator SUNUNU. Thank you very much.

Senator PRYOR. Senator Klobuchar?

Senator KLOBUCHAR. Thank you.

And thank you, Mr. Campbell, for being here, and sharing this, and trying to take your grief to help other parents and other families.

I had some questions, for you, Administrator Medford, and they relate to the back-over avoidance and the recent NHTSA study that found that it wasn't cost-effective. And then you said, just now, that the cameras might work, but that we're not sure if people would use it practically. Many consumer groups have conducted their own studies that have challenged the results of that initial NHTSA study, and I just wondered how you responded to those challenges.

Mr. MEDFORD. I just got, this morning, a copy from Consumer's Union, one of the responses to their studies so, I must apologize, I haven't read the responses. But we don't know whether the systems are cost-effective or not. We've not made a determination. What we have said is, this is how much they cost. We think they provide a very good field of view in back of the vehicle. We're positive about that. We just don't know how effectively consumers will use them, in terms of doing the steps that they must do, in the limited time that they have, at the speed for which they back, to actually prevent the tragedy. We are very serious and very interested in solving this problem. We grieve terribly at the deaths of these children. We share that concern.

Senator KLOBUCHAR. All right, thank you.

Mr. MCCURDY. Senator?

Senator KLOBUCHAR. Mr. McCurdy?

Mr. MCCURDY. Senator, could I respond? Yes, if—thank you. Yesterday, I met with Dr. Green, who has been conducting some of these human-factor studies on back-ups with these different systems, including video. And I would implore and ask that, perhaps in later hearings or independently, we can get a copy of some of those tests and actually show you the video of individuals who were put in those situations, to test their reaction time to obstacles or objects that appeared in the back. And I will also tell you, kind of personally and anecdotally, I happen to have three different vehicles, I have three different types of sensors right now. One is a camera, one is a more sophisticated kind of combination of radar, and one is the traditional sound-based. None of them work perfectly, and each have flaws. My wife told me—she would kick me, but, after 35 years, I guess I can get by on this one—she has the car that has the camera in the back—or that has the rear view—and it was new, and so she started focusing, kind of, on that, in

the back-up mode, was at the grocery store and was pulling back, but was so focused on the camera, forgot to look to the right, and another car was coming from an angle—you know, typically you're supposed to look both directions, and—but got so focused on the camera, forgot that, and backed into the side of that car. So, there's——

Senator KLOBUCHAR. But why would they be putting them in models, then, though, if they're——

Mr. MCCURDY. No, because——

Senator KLOBUCHAR.—perceived to be ineffective—I'm just——

Mr. MCCURDY. No, they're not—they are effective for certain things. They're not effective for every conceivable situation. And what—the technology, I think, that NHTSA and others are going to have to look at is, there are other blind spots, there are other areas, there are 360s. Some of these incidents would not have been prevented by having a backup camera. And if they're front wheels, you have other kinds of potential risks. But, you know, I tell you, from the industry standpoint, because—actually, safety sells. If you look at the J.D. Power listing, nine of the ten top criteria are safety features that people want. I think surround-sound kind of snuck in there somewhere, but the rest of them were all safety features. But, again, they're not a panacea. That's why we do say it's shared responsibility. We accept responsibility. It's shared. But you also have to have the educational awareness and, again, information, and probably some training. I'm a passionate advocate of technology, but, I will tell you technology does not solve all problems.

Senator KLOBUCHAR. You know, and I understand, now, that the manufacturers have agreed with—Mr. Campbell's tragedy here—that they will agree, voluntarily, to equip all the new vehicles with the all-key-position BTSI, which is great. But what I'm wondering about is, with this agreement in place, what objection would there be to have a mandatory rule?

Mr. MCCURDY. I've already told the Senator that if the goal posts are not moved, that we will—I think we have a lot of room to work together on this bill. I come as an honest broker. I am new to this position. But I would tell you, in the——

Senator KLOBUCHAR. I'm new to mine, too.

Mr. MCCURDY. Pardon?

Senator KLOBUCHAR. I'm new to mine, too.

Mr. MCCURDY. Yes. And—but having worked on both sides of this daises, or these dais, on Capitol Hill, I would tell you that, to the extent that—where there are reasonable and actionable items, we're going to work with them, and we think there areas that we can continue to support——

Senator KLOBUCHAR. OK.

Mr. MCCURDY.—and will actively support.

Senator KLOBUCHAR. Good.

Mr. MCCURDY. It's not a perfect bill, but, again, we will work to try to see that this goes through the process.

Senator KLOBUCHAR. OK. And thank you.

Administrator Medford, the issue I was raising earlier, in my opening comments about the car seats, and you talked about the fact that the LATCH system is designed to make it easier to properly install seats. But I think something like 40 percent of parents

are still using seatbelts instead of the LATCH system. You've also said before that NHTSA is working with vehicle and car seat manufacturers, child-seat installation instructors, and consumer advocates to develop a better education campaign. I wondered if you've explored the idea of an actual built-in child-restraint system or other steps that we can take beyond education to make sure that kids are properly restrained when riding in cars?

Mr. MEDFORD. We have. As a part of that February 8th meeting that I mentioned in my testimony, Senator, we also are looking at changing the LATCH regulation to see if there are ways to make it easier and actually changing the ease-of-use ratings that we're currently giving to car seat manufacturers. We have a system where we actually give star ratings, or grades, to car seat manufacturers about how easy it is to install their seats. We're going to revise that system this year. We think we're giving too high of grades for current seats. So, we're taking a number of steps to make it easier.

I think, in 1995, we had a survey that showed that 89 percent of the car seats that were installed in cars were incorrectly installed. Today, we're—we've reduced that number to about 39 percent, but there's still a lot of work to be done. Car seats are, by far, the most important piece of safety device for children in a vehicle, but it has to be properly installed, and they have to be in the right seat. But if those two things are done, they provide tremendous safety benefit to kids.

Ms. CLAYBROOK. Can I comment on that?

Senator KLOBUCHAR. Ms. Claybrook?

Ms. CLAYBROOK. First of all, integrated seats are those that would actually be built into the vehicle, and——

Senator KLOBUCHAR. You mean, so I wouldn't have to do all the——

Ms. CLAYBROOK. So, you wouldn't have——

Senator KLOBUCHAR.—seatbelt?

Ms. CLAYBROOK.—to buy an extra seat, so you wouldn't have to worry about which LATCH you had in, or seatbelt you were using, so that when the car is tested for adult crash tests, it would also be tested—you could put a child dummy in the child seat and test it at the same time, so it would reduce the cost of testing. If there was a defect recall, you'd have the name of the owner of the vehicle, you do not often have the name of the owner of the child restraint, because it is sold separately. And so, you would have a seat that fits, that's tested with that vehicle, and the parents can know and rely on that. And there are systems that have been designed that are built in, so that when you buy that car, you have it. And if you don't have children, but you still carry children because you're an aunt or an uncle or a grandparent, you have that seat, as well, so you don't have to go buy a separate seat yourself. And there have been systems that have been designed for 1- to 10-year-olds. And Volvo has done some, Chrysler did at some point. So the industry has not really addressed this issue—although it's been talking about it since the 1970s—because it hasn't been required to do so. It's a perfect example of how cars are not built for children.

Senator KLOBUCHAR. One last question before—Mr. McCurdy, you want to respond to that?

Mr. MCCURDY. The information I have received on that—we actually asked those questions yesterday when we were looking at the car seats, and, I will tell you, that LATCH system is hard—was not an easy one to hook up. And, again, I think that's where we have to work with the car seat manufacturers. I'm not trying to dispute Ms. Claybrook's claim, but reports that I've actually heard is that parents have not been pleased with some of those built-in systems, that they are not as convenient and not as uniformly accepted. So, again, consumers ultimately make the decision which vehicle, which—and I don't think government is in a position to design those features in. And I think we need to have the data and work with those manufacturers to understand that.

Senator KLOBUCHAR. OK. I'll be honest. I just can't believe, in this day and age that there isn't some easier way to design this system. And I don't believe that, you know, anyone wants to hurt children. I just think that we need to make this more of a priority, because this is, again, based on my own experience, and we all bring our own experiences to the Senate, but it seemed to me that there must be an easier way to make these seats so that they're in the cars, *yourself* instead of having to pull all these belts and trying to do it yourself, and then you're not strong enough, and then they fall over on the side.

Thank you.

Senator PRYOR. Thank you.

Let me follow-up, if I may. Ms. Claybrook, when I asked my first question earlier to Mr. Medford about the TREAD Act and the comprehensive safety test with child restraints, *et cetera,* you communicated that they were working on something. I'd like to hear your comments. I should have asked for your comments, as well.

Ms. CLAYBROOK. I appreciate that, Mr. Chairman.

First of all, the TREAD Act said, in 2000, that, within 2 years, they had to issue a child-safety standard that protected children in side-impact crashes. And in 2002, before that deadline occurred, the agency issued a notice, which said that they just couldn't do it. They were going to issue an advance notice, and then they were going to work on it. But they never really had a all-points call for help on this, they didn't have a public hearing on it, they had a notice, but that's it. They didn't inform the Committee. And it's now been 7 years since that—almost 7 years since that law was passed, and it's just, to me, an example of how this issue is not a priority.

Now, there is a safety standard for side-impact protection that Dr. Runge issued in a proposed form in 2004, for adults, that because of the way that it's written—at least the proposal was written—would require side-head airbags for adults. But in that side-impact standard, it doesn't have them in the rear seat, which is where we have children, including older children, 12-year-old children, for example; and in the front seat design for the side-head airbags, it says that children under 12 would submarine and could be ejected from the vehicle, the way they've got the proposed rule written. So, there are two side-impact issues here, and I think that the agency definitely ought to put a priority on them. I don't know

how much money they've spent. I haven't had a chance to analyze their budget for this and whether they've put as much money as they should have into it.

But clearly, the integrated seat is really, to me, the answer to this issue, because a lot of parents don't realize that, in a side-impact crash—it's one of the worst crashes you can have for a child, because the child is thrown sideways in a side-impact crash. They have very small bones in their backbone, and so, they are very often likely to be quadriplegic and paraplegic as a result, and, if they're put in seatbelts, which some children at those ages are, then they're really in deep trouble.

So, I'm not telling Mr. McCurdy how to design his integrated seats. That's the genius of the auto industry. And I defer to the genius of the auto industry. But what happens is that when you have a standard that is required in performance terms, the industry stops lobbying against it, and they start settling down and letting the engineers do their work. That's the real issue here. And on the voluntary standards, by the way, on the brake interlock, I don't understand why it shouldn't just be required, because a voluntary standard means the public is excluded from any participation in the rulemaking process, there's no enforcement, the agency has no responsibility to do anything, and the companies can change their mind. And they've changed their minds all sorts of times, and the whole issue of a voluntary standard is, "Don't regulate—don't require us to do it now. We'll take care of it." And then, if they don't do it later, well, there's no legislation pending at that moment, so nothing happens. And no one knows they've stopped complying. I'll submit to the Committee a list of when the industry has promised to do something voluntarily, which is an avoidance-maneuver device, as opposed to a real sincere interest in putting them in.

[The information referred to follows:]

AUTOMAKERS: SAFETY JUST ANOTHER "OPTION"

The Industry's False Promises to Voluntarily Improve Vehicle Compatibility and Side Impact Safety

Voluntary "Standards" Are Not Standards

Voluntary safety "standards" do not work, and the historical path of automakers' voluntary efforts is paved with broken promises. In fact, Congress rejected them almost three decades ago when it passed the National Traffic and Motor Vehicle Safety Act in 1966. As the Senate Committee Report stated:

> The promotion of motor vehicle safety through voluntary standards has largely failed. The unconditional imposition of mandatory standards at the earliest practicable date is the only course commensurate with the highway death and injury toll.[1]

Not only were the 1966 Congressional legislators right, but voluntary "standards" violate core principles of democratic accountability and transparency:

- *Involve no mechanisms for accountability:* If the voluntary proposal proves dangerously deficient, automakers shirk liability because there is no recourse for injured consumers, nor for the government to initiate a defect investigation or compel the industry to perform a recall;
- *Involve closed, secret processes and meetings:* The public, which is at risk, is shut out of the development of the proposal, which instead is designed in secret by industry working groups who are not subject to oversight, compliance with

[1] Committee Report on S. 3005, The Traffic Safety Act of 1966, June 23, 1966, at 271, 273, 274.

statutory requirements, responsibility for explaining the basis for their decisions, or judicial review of their decisions;

- *Lack transparency:* The public has no means to secure an independent evaluation of the quality of the industry's voluntary tests or standards. The public receives no verification that a particular vehicle actually complies with the industry's voluntary tests, as they do with government standards that are subject to public compliance testing and enforcement, and there is no vehicle sticker at the point-of-sale to indicate that a standard is met;
- *Lack a baseline for safety:* High-income purchasers, who can afford safety extras may be protected, but low-income purchasers remain vulnerable to cost-based decisions by manufacturers; and
- *Produce weak and non-binding results:* Proposals are invariably weak because they represent the lowest common denominator among companies looking out for their own costs and product plans, and there is no obligation to install technology in compliance with the group standard, meaning that companies can change their minds at will and decide to withdraw any protection offered by the voluntary "standard."

History of Broken Promises

When it comes to voluntary agreements, automakers have reneged or retreated on promises for decades. From General Motors' promises in 1970 to voluntarily put air bags in all its vehicles by the mid-1970s (GM installed just 10,000 in model year 1974 and 1975 vehicles, and then discontinued the program), to Ford, DaimlerChrysler and GM's recent recanting of their widely publicized 2001 promises to voluntarily improve the fuel economy of their light trucks by 25 percent (withdrawn after the threat of Congressional action on fuel economy receded), "voluntary" is often just another name for the manufacturers' tactical maneuvers and delay.

The industry's approach to interior vehicle head protection illustrates how, for automakers, safety is optional. In 1970s, General Motors began to improve head protection in its vehicles with such technologies as air gap head protection padding installed in critical interior roof areas. However, by the 1980s GM had discontinued designing in such protections in most of its vehicles, preferring to focus on more marketable performance characteristics, such as horsepower and acceleration.

In 2003, as part of a supposed effort to improve vehicle compatibility, automakers announced a voluntary plan to test and install side air bags in most new vehicles. The plan, however, does not make any specific commitment to redesigning vehicles to improve side-impact safety. Moreover, there is no requirement that all vehicles become compliant with the plan, and no outside body will verify vehicle compliance. In fact, even the safety tests developed for the side air bags are voluntary and unbinding. The plan—developed in closed, secret deliberations—involves no procedural or judicial oversight, provides no mechanisms for accountability, and offers no baseline for safety.

Just the year before, General Motors, in cost-cutting measures, made side-air bags—as well as anti-lock breaks—optional equipment in a number of models where they had been standard.[2]

Industry's Refusal To Improve Safety of "Cash Cows"

Why should the industry be trusted on safety when auto manufacturers have unblinkly faced the carnage inflicted on other motorists from light trucks' high bumpers and menacing front grilles, building ever-more heavy and terrible SUVs over time and continuing to market them militaristically, such as with ads calling the Lincoln Navigator an "urban assault vehicle." In fact, General Motors' new Hummer is a direct adaptation of a military vehicle. The chief designer of the upcoming 2006 Toyota Tundra brags that his aggressive design reflects "the power of the fist."[3]

In 1998, the auto industry promised the NHTSA Administrator Dr. Ricardo Martinez that it would make modifications to achieve safer designs, mainly by adjusting vehicle suspension, but the industry refused to provide any details of their plans. Consequently, the promise rang hollow as vehicles continued to be designed large and aggressive, and the resulting highway carnage continued.

In December 2003, auto manufacturers announced a voluntary initiative to address incompatibility and aggressivity. The plan, which would be phased in on most

---

[2] Incantalupo, Tom. "A Drive For Safer Autos Advocates Press For Action As U.S. Weighs Costs, Benefits." *Newsday* Long Island, NY) May 14, 2003.

[3] Rechtin, Mark. "Toyota Concept Truck hints at next Tundra." *Automotive News* January 4, 2004. *<http://www.autonews.cominews.cms?newsId=7421&bt=fistT1>.*

vehicles by September 2009, would phase in side air bags and lower bumpers of SUVs or add a barrier to prevent them from riding over cars.

Yet the Alliance makes no specific commitments to redesign vehicles to protect consumers, despite the fact that it has known for decades that pickup trucks act as battering rams in crashes, and that that the height and stiffness of SUVs makes them major killers on the highway. Moreover, there is no requirement that all vehicles become compliant with the plan, and no outside body will verify vehicle compliance.

A voluntary "standards" program is a particularly inapt solution where, as here, thousands of lives are at stake, the manufacturers have long been on notice of the serious safety hazards in these vehicles, and the externalities of their marketing-driven decisions to produce ever-more aggressive and deadly vehicles are imposing needless suffering and costs on all of us.

Ms. CLAYBROOK. I'm not saying, in this case, they're not sincerely interested. I'm not saying you haven't done a great job, Mr. McCurdy, in designing these systems. I applaud you for that. Thank you. But let's just make sure that everyone knows that they're in every vehicle. That's all. We just want to make sure they're in every vehicle.

So, I—the other point that I'd—if I could take one or more minutes——

Senator PRYOR. Sure.

Ms. CLAYBROOK.—on the child restraints, which is that the NCAP, the New Car Assessment Program, which tests cars at approximately 5 miles an hour above the standard, the only NCAP program, New Car Assessment Program, for child restraints is whether the restraints fit. They don't test it at a higher speed than the standard. So, they don't have a front, rear, rollover, side, or any kind of vehicle test under the New Car Assessment Program. Now, there's a hearing next week at NHTSA which—at which this will be raised, but I just wanted the Committee to realize that, again and again, the children are treated as second-class citizens in both the NHTSA rulemaking and in the auto industry decisionmaking.

Senator PRYOR. Thank you.

Mr. Medford, let me also say, after the hearing, I'll look closer at that report that we've been talking about regarding the rear-facing cameras. We actually have a vehicle that has one, and one of the things I believe you said earlier is, the effectiveness at night is in question. I find that to be opposite, because when you put the car in reverse, the reverse lights, which are white, come up, and they illuminate the back side. But, again, I'll look at your findings there. And you also mentioned that a lot of this depends on the user, the consumer, the person who's driving. And that's exactly right. But you could make the same argument about rearview mirrors. If they don't use those properly, and if they don't, you know, pay close enough attention, there's no point in having a rearview mirror. So, I'll look at that, and we'll follow up with that separately.

Dr. Gulbransen——

Dr. GULBRANSEN. Yes.

Senator PRYOR.—I'm sorry I butchered your name earlier. I really——

Dr. GULBRANSEN. No, I——

Senator PRYOR.—did not intend to do that. Let me ask, just on a personal note, Was—the tragedy that you faced—was that on private property?

Dr. GULBRANSEN. Yes, it was. I lived in a townhouse at the time, and it was in the driveway.

Senator PRYOR. And do you know if that was reported in——

Dr. GULBRANSEN. Well, I filled out a police report, but it didn't become a statistic——

Senator PRYOR. It did not.

Dr. GULBRANSEN.—from what I was told.

Senator PRYOR. That was my question.

Dr. GULBRANSEN. That's what I——

Senator PRYOR. Did not become——

Dr. GULBRANSEN.—was told.

Senator PRYOR.—a statistic.

Dr. GULBRANSEN. Right.

Senator PRYOR. OK. And so, when we were talking about statistics earlier——

Dr. GULBRANSEN. Wasn't in there.

Senator PRYOR.—you would agree that we need a better——

Dr. GULBRANSEN. Right.

Senator PRYOR.—statistical collection——

Dr. GULBRANSEN. In order to make changes, you have to learn from information. You've got to collect the information.

I just wanted to make one comment. I know I'm just a——

Senator PRYOR. Sure.

Dr. GULBRANSEN.—study of one, or "an" of one, and I'm just, you know, sort of a grassroots general pediatrician. And I wouldn't want to be in the position of Mr. McCurdy, of going back to the automobile industry, or Mr. Medford, who's got to design these studies, which are very difficult to design, I can imagine. As a pediatrician who reads a lot of research, a lot of stuff is very flawed when you're reading it, and I can only imagine how difficult this is going to be for him to design the stuff. But just sort of like in a grassroots level, having been an operator of a vehicle for many years without a camera, and then with a camera, I can tell you, it definitely makes a difference. It's not going to save everybody, but it's definitely going to make a difference. It's remarkable how now I don't want to drive a vehicle without a camera, because I use it as, you know, an additional device. Yes, you've got to look everywhere, plus now the camera. But it's really helpful. I'm actually afraid to go in reverse if the car doesn't have a camera. And in my practice, I think the patients are afraid to tell me they don't have cameras. They park down the block or something. But most of them will come in now, and they say, "You know, I got a camera. Now I wouldn't go"—the comment is always the same, "I can't drive without one." And it's not perfect, but certainly it's going to be helpful. I mean, I used to be a kindergarten teacher, believe it or not, and there are actually—I'd call your—to your attention to this one handout here. Sixty-two children behind this one vehicle. It's a well-known, very popular American-made SUV. And there's actually three classrooms worth of children behind that vehicle that can't be seen by somebody who's driving in reverse. So, you know, that's—it's just scary.

So, I can only tell you, from someone who actually lived through the trauma, drove without a camera, drove with a camera, it definitely makes a difference. I can only imagine, if I had to, sort of,

look forward, that the best technology would probably envision—probably involve audio and visual at the same time, because some people don't hear as well, some people don't—or may not look—they may not look, because they're looking somewhere else. So, it's going to have to be a combination. But that's only my speculation.

Senator PRYOR. Thank you.

Mr. McCurdy, let me follow up with a question earlier, and that is about the Alliance of Automobile Manufacturers' voluntary agreement on the brake-transmission shift interlock. That's a voluntary agreement that your companies have entered into. Was there anything that prompted that?

Mr. MCCURDY. Well, I—I'll have to ask the staff, because it was before my time. It may have been awareness on this particular incident. I don't recall. If I could ask Rob?

Senator PRYOR. Sure.

Mr. MCCURDY. He's our——

Senator PRYOR. Yes.

Mr. MCCURDY.—safety expert.

Mr. STRASSBURGER. Yes, it was Mr. Campbell—Representative Campbell, working with Congressman Bass, coming to us, asking us to look at the issue and take it on. And we did.

Senator PRYOR. Great. And could you identify yourself, for the record, please?

Mr. STRASSBURGER. Rob Strassburger, with the Alliance of Automobile Manufacturers.

Senator PRYOR. Thank you.

And, Mr. McCurdy, this agreement that you've entered into, does it require all of your association's vehicles to have that device?

Mr. MCCURDY. All have agreed to participate in that, yes.

Senator PRYOR. Does that mean every single vehicle will have it?

Mr. MCCURDY. Yes.

Senator PRYOR. OK. And I've heard some discussion earlier about "in key positions," which I'm not 100-percent sure I understand. Does that mean——

Mr. MCCURDY. I've spent a lot of time asking that same question, Senator, trying to understand the acronym and make sure that it's there. And I've been, again, kind of tutored by my staff that one of the reasons there appear to be some differences in the language is that actually, believe it or not, the nature of the keys are changing so dramatically. What you and I probably think of as a traditional key, that concept is changing, they're moving to start buttons and they're going more electronic. So, they wanted to get away from just kind of the standard vision of a key, but they are talking about it in all positions.

Senator PRYOR. OK, so they're talking about it. It'll work all the time, no matter what the key position, or whatever, may be?

Mr. MCCURDY. That's my understanding, yes, sir.

Senator PRYOR. And——

Ms. CLAYBROOK. Mr. Chairman, could I comment on one question you asked——

Senator PRYOR. Yes.

Ms. CLAYBROOK.—very briefly, which is, the auto industry——

Senator PRYOR. Microphone, please.

Ms. CLAYBROOK. Sorry. The auto industry has been sued for not having it's break-shift interlock for a number of years. This is not something they didn't know about. I would say it goes back 15 years. And the foreign industry, in 1995, pretty much agreed to put the brake-shift interlock in, and the Detroit manufacturers would not. And then, there were *20/20* and *60 Minutes* programs—I can't remember which ones—disclosing this. So, there's been a lot of pressure about this issue. It's not a brand-new issue. I am deeply grateful that Representative Campbell and Congressman Bass pushed the companies to take it the next step. But it's not a brand-new issue. I just wanted——

Senator PRYOR. Right.

Ms. CLAYBROOK.—to—for the record.

Senator PRYOR. I understand that, and I think the Committee does, as well.

But here's my last question, Mr. McCurdy. On this issue—would the manufacturers be opposed to a statutory requirement that this be done? And if so, why?

Mr. MCCURDY. Senator—and I indicated this in personal conversations with Senator Sununu, that if the Senator believes it's essential to memorialize this agreement, then we would be supportive of doing so.

Senator PRYOR. OK.

Mr. MCCURDY. Is that clear? I mean, I——

Senator PRYOR. Yes. No, I just didn't know if there was a good reason why we shouldn't do that. But, OK, we'll continue to work with you on that.

And the last question I had was on the auto-reverse windows. We've talked a little bit about those today. But, as I understand it, the technology exists, they've been using these, I guess, in Europe. I don't know if they're required in Europe. I don't know their exact circumstances. But, as I understand, it's $10 to maybe $15, on average, a window, something like that. Is this something that your alliance would consider doing on a voluntary basis, or, there again, is it something that NHTSA thinks should be done by regulation, or should we——

Mr. MCCURDY. Senator, we've worked with NHTSA and—on the changing of the nature of the shift on the—and activator—on the power windows. Before, it was one that could be accidentally suppressed—or depressed, that, therefore, continued engagement. And so, the design changes were to make those that they were suppressed—or leveled out. And then, last year, it was amended again to make sure it had to be a lift-up-and-out——

Senator PRYOR. Right.

Mr. MCCURDY.—in order to raise the window. And that's becoming the standard. That's where auto manufacturers are going.

I actually asked a question, trying to understand, too, on the auto-reverse situation—some automakers—first of all, it's not required, to the best of my members' recollection, in Europe or in Japan, even though it's—I think, Ms. Claybrook's correct that in Japan it appears to be more widely used. In some vehicles—in the vehicle I was riding in yesterday, in the express position, it is an automatic reverse. But in some situations, believe it or not, you don't want it having auto-reverse, because if someone were trying

to actually reach into your car, and you didn't want them to be reaching into your car—criminal act or something—they could actually force the window down. So, that's why the lift-up-and-out—so, it's only in the express position that it would—that it goes down. On others, you actually have it where it would—where you couldn't force that down. So, there are some trade-offs there. I'm not providing an excuse. I'm just telling you that—just some of the technical questions that have been raised. And, again, I think we'll—we're willing to work with the Senate and the leaders and NHTSA to try and find out what is that best approach.

Senator PRYOR. Thank you.

Mr. MCCURDY. And, again, you know—I apologize—this is where data really is critical, just really understanding the full impact of that. It does sound easy. I don't think it is as much a cost issue as it is some other factors. But, again, we're open to working with the Senate on this.

Senator PRYOR. Thank you.

Now, Senator Sununu, do you have any other questions?

Senator SUNUNU. Just a follow-up to the question of cost that you asked, for Mr. Medford, because I do want to be clear about the cost of the—as clear as we can be about the cost of the auto-reverse. Ten years ago, I think NHTSA's estimate was that it would be $100 a window to implement. I think their current estimate, or the 2004 estimate, was $8 to $12.50 a window. So, don't you think it's reasonable to assume, not only can that cost profile be beaten today, but that if this is established as a standard feature, we can expect it to be significantly less than that $8 figure?

Mr. MEDFORD. Certainly, Senator, that—if the volume were to increase, the prices are likely to be reduced. I think the—there are two types of auto-reverse systems. NHTSA actually has an optional requirement in its window standard that is more severe and stringent than the one that exists in the European standard. And so, they think there may be some differences in cost, if you had to comply with that one, versus the other one. And the figures that you quoted, that were in the 2004 notice, or before that more stringent one than currently exists as an option in our standard today. And it would be less for the Europeans, we think.

Senator SUNUNU. Thank you for the clarification.

Ms. Claybrook?

Ms. CLAYBROOK. Yes, I just wanted to comment that 80 percent of all the vehicles in Europe today have the auto-reverse in every window. So, I just want the record to be clear on that.

And, second, for Mr. McCurdy, if we're going to have data—we don't collect data as well as we should yet—but in 2004 at least eight children were strangled by power windows. And I have never heard of a complaint yet, either in Europe, or in the United States to the few equipped vehicles that are here, where someone said that some criminal tried to get into their vehicle and killed them because they had auto-reverse. So, if we're going to rely on data, let's rely on data. And I know we have that. And I'd love to have, you know, any further answer to that, that you might have.

Mr. MCCURDY. Well, I appreciate the gentlelady for the clarification. And, again, for—this is my third week, so I——

Ms. CLAYBROOK. I know it is. And I know——

Mr. MCCURDY.—I've got to——

Ms. CLAYBROOK. I know it is. I want to come visit you, so we can talk some more.

Mr. MCCURDY. Yes. No, I——

Ms. CLAYBROOK. Right, OK.

Mr. MCCURDY. We've had some previous experience, but it's been a number of years. You know, and this is not meant in any way—I asked, probably, a naive question yesterday when I was in Detroit at this 4,000-acre facility, where 5,000 people are doing safety and testing on automobiles, and been there for decades, and looking at people who are so committed to the purpose of safety. And if you listen to them, there is a real commitment. And no one is there trying to design things that intentionally cause harm. And I understand that NHTSA—I don't know what your budget is on testing, but I know that you do some in Ohio, and there's a lot of contract—it's a huge amount—as do other auto manufacturers. And my naive question was, Where does Public Citizen do their testing? And I got this blank look. And the fact of the matter is, you do not have a budget for that. And there's literally millions of dollars spent on this.

So, I'm offering, again, an invitation for you all, as Members and staff and advocates, to actually come and observe and see. And some people will never, you know, be totally convinced. Perfect is often the enemy of the good. We want to have some good results here. We want to work with you on those. And that's the commitment that I give you. And I can't speak for everybody. And I appreciate everybody saying, "Well, thank you for this." It's not me. It's that—it's been the work of these manufacturers and literally hundreds of thousands of people that have—making this commitment.

Ms. CLAYBROOK. You know, Mr. McCurdy raises a point, which is, there's no budget in this bill for NHTSA to do this work. And there's no authorization amount. And Public Citizen, of course, does not have a testing budget. Wish we did. We'd love to do that. But we rely on the government. And so, one of the things that we do do, Mr. McCurdy—and we'd love to do this with you—is, we lobby for more money for NHTSA to do its testing work. And I'd love to join hands with you and do this together. Thank you.

Senator SUNUNU. Well, I appreciate that very much. I'm going to conclude my time, there. I know you can be counted on to lobby for more money for NHTSA——

[Laughter.]

Senator SUNUNU.—when the authorization period—when we come to the authorization period. And when we have those discussions here in this Subcommittee and the full Committee, I think we need to take into consideration, and we will take into consideration, everything that we're asking NHTSA to do, whether it's through SAFETEA–LU or TREAD or this legislation here.

I want to thank all of the panelists for taking the time to be here. This hearing, I think, was very detailed, was—went even a little bit longer than I had expected. But that's a good thing, because that means we at least gave everyone a chance to weigh in on the things that they think are of greatest concern to all of us. And we—I think everyone here on the Committee and the staff understand, whether they've been to facilities at the auto manufactur-

ers or not, that you've got great people working at those companies. They're smart, they're capable. They have families, they have kids. And there are probably more than a few that have dealt with the kinds of issues and problems that we're talking about here. So, I think everyone recognizes that, when you're talking about children and families, these issues do cut very close to home—through family, through friends, through stories that you've heard, and as we've heard here today.

Dr. Gulbransen and Packy Campbell, very grateful for you being here, willing to speak on behalf of many, many others, some of whom sitting behind you today. No one who hasn't been as close to this as you have can really appreciate the difficulties and the courage that it takes for you to share your family's story. So, we're grateful for that.

Mr. Medford, we know you've got a challenging job, whatever level we authorize for you, and we wish you well in your work.

And, Ms. Claybrook, thank you for being here today, for your advocacy.

Thank you, Mr. Chairman.

Senator PRYOR. Well, I want to thank Senator Sununu for his leadership on this issue. It's very important.

Thank all the members—all the witnesses on the panel today.

And I also want to say that the record will remain open for 2 weeks for Senators to offer written questions, and we'll work with the staff on getting those responses back.

But, with that, I want to thank you all very much, and the hearing's adjourned.

[Whereupon, at 11:45 a.m., the hearing was adjourned.]

APPENDIX

PREPARED STATEMENT OF THE ASSOCIATION OF INTERNATIONAL AUTOMOBILE MANUFACTURERS, INC. (AIAM)

The Association of International Automobile Manufacturers (AIAM) appreciates this opportunity to provide its views on vehicle safety for children, the subject of a February 28 hearing and of legislation now before the Commerce, Science, and Transportation Committee. AIAM is a trade association representing 14 international motor vehicle manufacturers who account for 40 percent of all passenger cars and light trucks sold annually in the United States. AIAM members include Aston Martin, Ferrari, Honda, Hyundai, Isuzu, Kia, Maserati, Mitsubishi, Nissan, Peugeot, Renault, Subaru, Suzuki and Toyota. AIAM also represents original equipment suppliers and other automotive-related trade associations. For more information, visit our website at *www.aiam.org*.

The focus of the Subcommittee's February 28 hearing was Senate bill S. 694, introduced on February 27 by Senators John Sununu and Hillary Clinton. Main elements of the bill are requirements for—

- A NHTSA rulemaking to mandate that power windows have an automatic reverse feature.
- A NHTSA rulemaking to establish a rearward visibility performance standard.
- A NHTSA rulemaking to establish a vehicle roll-away standard. This standard would assure that light vehicles having an automatic transmission may not be shifted out of the "Park" position unless the service brake pedal is depressed. This requirement would apply in all ignition key positions in which the transmission can be shifted out of "Park."
- NHTSA to establish a database of injuries and deaths in non-traffic, non-crash events involving passenger motor vehicles.
- NHTSA to establish a consumer information program relating to child safety in non-traffic, non-crash incidents.

AIAM supports the establishment of child safety as a high priority for the Subcommittee, and vehicle manufacturers view it as a high priority for their own research and product development initiatives. We also support NHTSA's efforts to obtain data on non-crash vehicle-related events. We believe that such data provides the necessary, rational starting point and the only appropriate basis for establishing program priorities for new safety initiatives to address non-crash events. The alternative of relying upon anecdotal information or intuitive assessments could well lead to shifting of NHTSA and manufacturer resources away from initiatives that have greater life-saving potential, toward actions with lesser potential benefits. We also support, as a necessary corollary to legislative direction for new data collection efforts, the provision of adequate budget and staff resources for NHTSA to collect and analyze the data. Without such resources and staff, the data collection and analysis process could be impaired or delayed.

We also support the establishment of a consumer information program of the type included in the bill, to bring market incentives to bear in promoting child safety. Reliance on such market-based approaches (based upon previously developed and reliable data and analysis) can provide safety benefits more quickly than regulatory approaches in many instances. Ongoing efforts to educate parents and care-givers as to the need to use child restraints and the proper use of those restraints have been highly effective. We continue to support efforts to enhance the performance of child restraint systems, including efforts to make restraints easier to use. Extension of such consumer education programs to include non-crash risks is a reasonable step.

Our specific comments on S. 694 are as follows:

Section 2(a)—Power Window Safety

Consistent with direction under the 2005 SAFETEA–LU legislation, NHTSA completed a rulemaking to modify power window operating switch design to require that the switches would operate to close a window only if the switch were pulled up. See 71 Fed. Reg. 18673, April 12, 2006. In responding to petitions for reconsideration of that rule, the agency stated that, based on available data, the measures adopted by the agency would "prevent the types of power window incidents that have been documented." See 71 Fed. Reg. 18679. The agency went on to state that risk scenarios presented by safety advocacy organizations "lacked any documentation that any such cases have actually occurred." Id. Without any documented evidence that a safety problem beyond that addressed by the 2006 NHTSA rule exists, the redirection of agency and manufacturer resources to implement automatic reverse features across-the-board cannot be justified. However, as noted above, we support the enhancement of NHTSA's data collection capability for non-crash incidents, and we would be open to reconsidering our opposition to mandating auto-reverse if new data were to show a safety need. If Congress deems it necessary to direct further action by NHTSA on this matter, we urge that it direct NHTSA to conduct a review of the newly acquired non-crash data in 2 years, and pursue further rulemaking if justified based upon that review.

Section 2(b)—Rearward Visibility Performance Standard

If Congress mandates improvements in rearward visibility for light vehicles, we support a true performance-based approach. For example, a standard could specify an area behind a vehicle that must be visible to the driver by some means. In this way, manufacturers may implement the most suitable visibility systems, which could involve technology that does not yet exist and could well vary among vehicle types. However, we have two concerns with the language in S. 694 in this regard. First, although the language of the bill on this point is not clear, the section 2(f) definition of "rear blind zone" could be interpreted to prevent manufacturers from relying on mirrors or enhanced rear window design to achieve compliance. Section 2(f) appears to require that areas beyond those visible through windows and mirrors must be visible, even if such areas are not safety critical. (The existing bill language could also be interpreted as excluding mirror and window performance only in establishing phase-in priorities.) In either case, it is not clear why visibility provided by windows and mirrors should automatically be excluded from consideration. Second, NHTSA's November 2006 report on rear visibility technology identifies significant shortcomings in existing systems. It would be a mistake to mandate the implementation of new technology until there is a reasonable basis to conclude that the technology will perform well. Therefore, we urge Congress to allow NHTSA to extend the time for completing rulemaking and mandating compliance, based on the availability of effectively performing rear visibility systems.

Section 2(d)—Preventing Vehicles From Rolling Away

S. 694 establishes the same "brake-transmission shift interlock (BTSI)" performance criteria, with the same September 1, 2010, effective date as the industry Voluntary Agreement to implement BTSI that was submitted to NHTSA on August 7, 2006. The bill would require manufacturers to report and NHTSA to publish the identification of vehicle models that do not comply with the BTSI criteria; the voluntary agreement includes a comparable commitment to publish this information. The industry estimated that 80 percent of model year 2006 light vehicles complied with BTSI criteria, and 98 percent of model year 2009 light vehicles are projected to comply.

All light vehicles produced by AIAM member companies already comply. Although we would not oppose a requirement for BTSI, we do not see a substantive safety benefit that would result from enactment of section 2(d). We note that requiring a NHTSA rulemaking as in section 2(d) would, to some degree, divert agency resources away from activities that would presumably have a greater safety benefit.

Section 2(e)—Database on Injuries and Deaths in Non-Traffic, Non-Crash Events

The provisions of S. 694 regarding the establishment of a NHTSA database of non-crash events are somewhat more detailed than the comparable provisions in section 2012 and 10305 of SAFETEA–LU, but we doubt that these minor differences would lead to any substantive changes in the data system that NHTSA develops. As stated previously, we support the development of this database. A more effective step that Congress could take, however, would be to include in the bill an authorization of appropriations in an amount NHTSA projects to be necessary to implement

the database, and to support inclusion of the necessary funding in the Fiscal Year 2008 budget for the agency.

Section 3—Child Safety Information Program

We support the child safety information program described in section 3. We also support NHTSA's ongoing effort to make the LATCH system for child restraints more effective and easy to use, and the provision of consumer information to encourage proper use of child restraint systems.

PREPARED STATEMENT OF SALLY GREENBERG, SENIOR PRODUCT SAFETY COUNSEL, CONSUMERS UNION OF U.S., INC.

Introduction

Consumers Union (CU),[1] nonprofit publisher of *Consumer Reports* (CR), welcomes the opportunity to submit comments to members of the Senate Commerce Subcommittee on Consumer Affairs, Insurance, and Automotive Safety. CU has been testing cars and reporting our findings to readers since the organization's founding in 1936. CU regularly testifies before Congress on issues ranging from automotive safety to health care to telecommunications and financial privacy.

The topic for discussion this morning, vehicle safety for children, is a top legislative priority for Consumers Union. This Senate Commerce Committee has a proud history of enacting legislation that has provided critical protections for children and adults riding in passenger vehicles. It is not an exaggeration to say that had this Committee not acted on seat belts, air bags, child car seats, roof crush, rollover and many other auto safety issues, many thousands of people would either not be alive today or would have suffered grievous injury.

This hearing provides us with a welcome opportunity to share with Members of this Subcommittee concerns about the unfinished business of keeping children safe in and around cars. Our testimony focuses on four key areas of interest for us both in terms of our testing and our public policy work: blind zones, LATCH car-seat installation system, power window switches, and brake-shift interlock.

The Problem of Backing Over Children

Every year, thousands of children are hurt or die because a driver backing up couldn't see them. Consumers Union has studied the problem and has found that all vehicles today have blind zones that prevent drivers from being able to see what is behind them. We also learned that some vehicles have far larger blind zones than others.

Several years ago, *Consumer Reports* began measuring blind zones for every car and truck we test at our Auto Test Division in Connecticut. (see CR's Best and Worst Blind zone chart in the Appendix) We put a 28″ cone behind the vehicle that approximates the size of a 1–2 year-old child and asked a 5′8″ male driver and a 5′1″ female driver to use their rear view and side mirrors to attempt to see what is behind them as they back up. The results of our testing have been startling. While all vehicles have blind zones that are dangerous, some vehicles have blind areas as large as 69 feet, a sure recipe for disaster if a child is in back of that car or truck. Back-overs are not "freak" accidents—they happen all too often and most important, are completely preventable.

Currently, there are three sources of data on backing-over incidents that provide insights into the dimensions of this problem:[2]

- According to a 2005 report from the Centers for Disease Control and Prevention (CDC), 7,475 children were treated in hospital emergency rooms after being struck or rolled over by a vehicle moving in reverse during the 2001–2003 period.

---

[1] *Consumer Reports*® is published by Consumers Union, an expert, independent nonprofit organization whose mission is to work for a fair, just, and safe marketplace for all consumers and to empower consumers to protect themselves. To achieve this mission, we test, inform, and protect. To maintain our independence and impartiality, Consumers Union accepts no outside advertising and no free test samples, and has no agenda other than the interests of consumers. Consumers Union supports itself through the sale of our information products and services, individual contributions, and a few noncommercial grants.

[2] With the enactment of SAFETEA in 2005, NHTSA is now required to collect these data. Section 255 of that law directs the National Highway Traffic Safety Administration (NHTSA) to establish a method for collection of "non-traffic non-crash data" on "back-overs, power window incidents, hyperthermia, fires and other related incidents."

- KIDS AND CARS[3] own data—which is the only database that currently tracks non-traffic incidents—shows at least 550 fatal back-over incidents occurred from 2000–2007, primarily involving children under the age of 5. Most of these incidents took place in residential driveways or parking lots. An injury or death occurred in 99 percent of cases documented in the database. Over 60 percent of backing-up incidents involved a larger size vehicle, (truck, van, SUV). Tragically, in over 70 percent of these incidents, a parent or close relative was behind the wheel.
- NHTSA's recent report, *"Vehicle Backover Avoidance Technology Study,"* [hereinafter Backover Report] released in November 2006, used 1998 death certificate data to estimate that there were 183 fatalities per year from back-over incidents, and between 6,700 and 7,419 injuries.[4]

Young children are impulsive and unpredictable and they have little understanding of danger. They do not recognize boundaries such as property lines, sidewalks, driveways or parking spaces. Toddlers have established independent mobility between the ages of 12–23 months, and because of their relatively small size, they are often not easily visible to caregivers. Their concept of personal safety is also minimal. Back-overs are often the predictable consequence of a child following a parent into the driveway without the parent's knowledge. That is the story parents tell us time again—they did not know the child had followed them out of the house.

The tragic consequences of a parent or caregiver not seeing a child and backing over that child are enormous. Dr. Greg Gulbransen, a pediatrician, is here today to describe from personal experience the tragic result of his inability to see his little son Cameron as Dr. Gulbransen backed his car into his own driveway.

CU is committed not only to educating parents to the dangers of blind zones through our publication, *Consumer Reports,* but to working for the enactment of legislation that will require that all cars to meet a rearward visibility standard. CU believes that if technology exists to prevent these terrible incidents and the cost is reasonable, such technology should be standard equipment for all vehicles. This is the provision in the Kids and Cars Safety Act (S. 1948, 109th Congress) pertaining to back-over prevention:

> (b) REARWARD VISIBILITY—Not later than 18 months after the date of enactment of this Act, the Secretary shall issue regulations, applicable to all passenger motor vehicles, requiring a rearward visibility performance standard that will provide drivers with a means for detecting the presence of a person or object behind the vehicle in order to prevent backing incidents involving death and injury especially to small children and disabled persons.

Does the technology exist? Yes, technology exists to allow drivers to see behind them as they back up and has been used for years. The legislation we are supporting, the Cameron Gulbransen Kids and Cars Safety Act of 2007, doesn't require a particular technology—it simply calls for a rearward visibility performance standard which the automakers can meet using any technology that satisfies the standard.

Consumer Reports has tested both rear bumper sensors that beep when they detect an object in the vehicle path and rearview cameras. CR found cameras to be the most effective for preventing a collision with an object or person behind the vehicle. Automakers are experimenting with new technologies all the time, including sensor systems that will actually park the car.

---

[3] KIDS AND CARS is a nonprofit safety organization based in Kansas whose founder and president, Janette Fennell, has maintained a database of statistics on back-over and other non-traffic incidents since 1999. The government has never gathered these data. Non-traffic, non-crash incidents occur when a car is either parked or backing up or moving forward slowly and not driving on the roadways or thoroughfares. KIDS AND CARS data indicate that back-over incidents have grown each year as the popularity of longer, higher vehicles like SUVs, pickup trucks and to a lesser extent, minivans has grown. (NHTSA disputes that the numbers are growing, while acknowledging it doesn't have good data to prove or disprove that assertion. *Vehicle Backover Avoidance Technology Study,* p. 13.)

[4] NHTSA's report notes the agency's problem in sizing-up the dimensions of the problem: "The magnitude of the back-over problem has been estimated based on available data. Much of the difficulty in determining an exact count of back-over crashes is due to the fact that NHTSA databases mainly cover traffic crashes, which excludes back-over crashes that occur outside of the traffic-way (*e.g.,* on private property). In response to Sections 2012 and 10305 of SAFETEA–LU, NHTSA is currently in the process of exploring alternate ways of developing a system to improve the collection of non-traffic vehicle-related incidents. Information on the development is contained in the section on 'Plans to improve data collection in the United States' of this report." Page 13, NHTSA Backover Study.

Is the cost reasonable? NHTSA estimates the cost of cameras, the most effective technology in current use for seeing what is behind the vehicle, to be approximately $325. If the vehicle already has a monitor for a navigation system, or other purpose, the cost is substantially lower. Put that cost into perspective. A car DVD system costs $1,295–$2,097, a moon or sun roof costs $700–$1,595, seat warmers cost $645–$895. These are all options that many auto buyers are actively seek out when buying a new car. Surely the cost of this technology is worth the price if it saves a child's life.

Back-overs can happen in any vehicle because all vehicles have blind zones—the area behind a vehicle you can't see from the driver's seat. The danger tends to increase with larger vehicles. As CU's Auto Test Site Director David Champion has noted the longer and higher the vehicle, the more difficult it is to see a child or something on the ground behind.

Consumer Reports also advises our readers that "it's always best to look carefully behind the vehicle before you get in and again before you put the car in gear and back up. Remember to back up slowly, and pay attention to your mirrors."

Consumers Union joins with other safety groups—including KIDS AND CARS, Advocates for Highway and Auto Safety, Public Citizen, US PIRG, the American Academy of Pediatrics, in urging Senators to support legislation to require a rearward visibility standard in all vehicles. That measure is included in a bill that is co-sponsored by Senators Hillary Clinton and John Sununu, S. 1948 in last year's Congress and will be introduced on February 27, 2007 during the 110th Congress.

We also endorse KIDS AND CARS' recommendations to keep children safe as well.

These recommendations include:

- Walk around and behind a vehicle prior to moving it.
- Know where your kids are. Make children move away from your vehicle to a place where they are in full view before moving the car and know that another adult is properly supervising children before moving your vehicle.
- Teach children that "parked" vehicles might move. Let them know that they can see the vehicle; but the driver might not be able to see them.
- Consider installing cross view mirrors, audible collision detectors, rearview video camera and/or some type of back-up detection device.
- Measure the size of your blind zone (area) behind the vehicles you drive. A 5′1″ driver in a pickup truck can have a rear blind spot of 7 feet wide by 50 feet long.
- Be aware that steep inclines and large SUV's, vans and trucks add to the difficulty of seeing behind a vehicle.
- Hold children's hand when leaving the vehicle.
- Teach your children to never play in, around or behind a vehicle.
- Keep toys and other sports equipment off the driveway.
- Never leave children alone in or around cars; not even for a minute.
- Keep vehicles locked at all times; even in the garage or driveway.
- Keys should never be left within reach of children.
- Always make sure all child passengers have left the car after it is parked.
- Be especially careful about keeping children safe in and around cars during busy times, schedule changes and periods of crisis or holidays.

LATCH Car Seat Installation System

Consumers Union has long been concerned about the safety of child passengers in cars. We know that when families with children are in the market for a car, child safety is one of their top priorities. We also know that parents and caregivers have struggled for years to install car seats securely enough to ensure that their children will be safe in the event of a crash. For many parents, getting a secure fit remains a challenge.

Lower Anchors and Tethers for Children (LATCH), an installation system created to help standardize the way child restraints are attached to vehicles without using a seat belt, has been in operation since the NHTSA-promulgated regulation (Federal Motor Vehicle Safety Standard 225) became fully effective on September 1, 2002. All child restraints and most new vehicles manufactured as of that date were required to include hardware components designed to simplify child safety seat installation and to reduce the continuing high incidence of misuse and incorrect installation of child safety seats.

CR also noted in the article attached herein that "The [LATCH] system doesn't work equally well in all vehicles. In many cars, the new attachment points are obscured or difficult to reach, so it's not easy to use them even with some of the newest child seats. In other models, the LATCH anchors are positioned too far out from the vehicle's seat, making it difficult to secure the child seat tightly against the rear seat's back cushion. Try your child seat in the vehicle before you buy."

In 2005 NHTSA conducted a survey to collect information about the types of restraint systems being used to keep children safe while riding in passenger vehicles. In particular, NHTSA was interested in whether drivers with were using LATCH to secure their child safety seats to the vehicle, and if so, were these seats properly installed. This is what they found, which we thought was quite instructive:

- 55 percent of child safety seats, located in a seating position equipped with an upper anchor were attached to the vehicle using an upper tether. 45 percent of parents and caregivers, however, are still not using the upper tethers.
- 13 percent of the time child safety seat was placed in a seat position in the vehicle not equipped with lower anchors—the seat belt was used to secure the child safety seat to the vehicle—of course, since we're all taught to put kids in the middle seat.
- Among the 87 percent who do place the child safety seat at a position equipped with lower anchors, 60 percent use the lower attachments to secure the child safety seat to the vehicle.
- 81 percent of upper tether users and 74 percent of lower attachments users said upper tether and/or lower attachments were easy to use.
- 75 percent preferred lower attachments over seat belts of those with experience using both lower attachments and seat belts.
- 61 percent of upper tether non-users and 55 percent of lower attachments non-users cited their lack of knowledge—not knowing what they were, that they were available in the vehicle, the importance of using them, or how to properly use them—as the reason for not using them.

On February 8, 2007, NHTSA held a meeting to give the public an opportunity to discuss their experiences using LATCH. Consumers Union tests over 80 vehicles each year. We ask our engineers to fit car seats—infant, toddler and booster seats—into a wide variety of cars and light trucks, using both the LATCH system and seatbelts and comparing the ease of use and other factors between cars and car seats. We report the results to our readers, raising concerns about LATCH systems that are particularly difficult to use or belts that could be better designed. Consumers Union's Jennifer Stockburger, an automotive engineer and mother of young children, made a presentation at the February meeting in Washington, D.C., and that Power Point presentation is attached.

LATCH Ease of Use

Items that Potentially Discourage LATCH use from Consumer Reports New Vehicle Tests

Jennifer Stockburger
Sr. Automotive Test Engineer
Consumer Reports Auto Test Center

February 8, 2007

LATCH Areas of Concern:

- Infant Seat / Seatbelt incompatibility
- Top tether accessibility
- Clearance – both lower and upper anchors
- LATCH restrictions on other seats

In addition to more common issues of:

- Lack of lower anchors in center seats.
- Lower anchors hard to see / find.

Infant Seats offer the best benefits for LATCH use:

Infant seat and seatbelt incompatibility eliminated with LATCH use

-Infant base tilt with 3-point belts

-More common as 3-point belts extend to center rear seats.

-Inability to secure infant seat bases with belt anchors or buckles forward of seatback.

2007 Subaru Forester

2007 Honda Accord

Cite improved installation as well as ease-of-use in future education on LATCH in particular for rear facing infant seat bases!

Improve top tether access and visibility

- Some top tether anchors not visible in normal seat orientations.
- Top tethers more difficult to route under improved head restraints designs.
- Temptation is to eliminate use of top tether.
- Both lower and upper anchors are obscured in many cases.

2007 Toyota RAV4

2007 Nissan Quest

Improve top tether access and visibility (cont.):

Improve Lower and Upper Anchor Clearance

-Not enough to move lower anchors forward in seat bite.

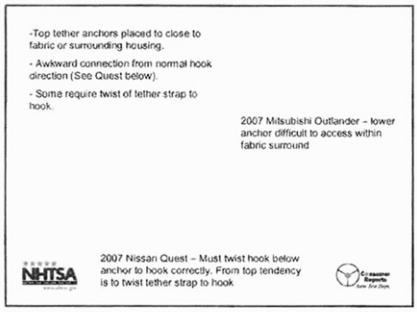
-Hard to locate lower anchors imbedded into seatback foam.

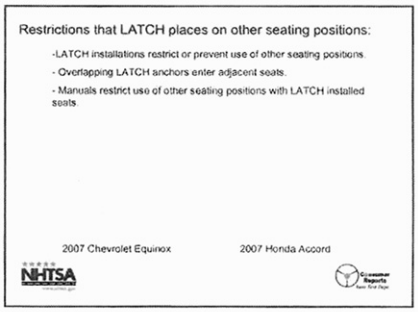
- Very difficult to attach and detach lower latch hooks and semi-rigid triggers against surrounding cushions. Particularly when cushion foam is "firm".

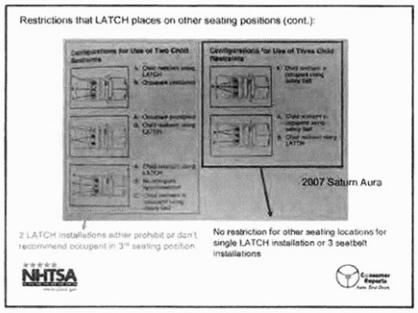
2007 Nissan Quest

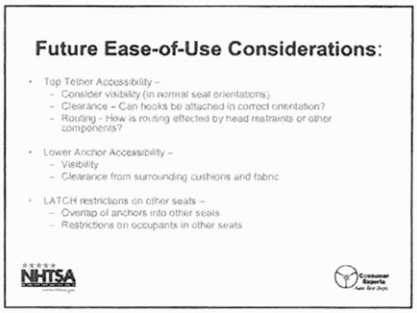
2007 Ford Edge

2007 Lexus ES350









LATCH EFFECTIVENESS

CU's concerns about the ease of use and operation of LATCH is discussed below in the August 2005 issue of CR, accompanied by photos:

The Reality of Latch

CHEVROLET AVALANCHE—Where do you put the child seat while securing the tether? The Avalanche illustrates the potential challenge in securing a low tether anchor.

Unfortunately, there are factors that can make installation of LATCH-equipped seats difficult or, in some cases, impossible.

Typically, the safest spot to install a child seat is in the center position of the rear seat. That positions the child farthest from danger in an impact. Unfortunately, most vehicles don't equip their vehicles with lower anchors in the center seats. Chrysler Group and General Motors are good at providing three sets of attachments in their larger vehicles, and Ford owner's manuals often allow for child seats to be positioned in the middle using the inner anchors from the left and right side LATCH anchors.

Access to the lower anchors varies from vehicle to vehicle; the best anchors allow the seat to quickly click or be hooked into place, while others make it awkward to attach and/or detach. Some vehicles have very firm seat cushions, making it difficult to fit your hand in to find and access the anchor. Other vehicles have soft cushions, but the anchor is recessed so far back that it's difficult to reach. Optimally located lower anchors provide enough space for an adult hand to easily access them.

Getting to the top tethers can also be a difficult and frustrating process. Many vehicles have well-positioned anchors that are readily accessible; parents can simply run the top tether under the head restraint and clip it into the top tether anchor. Never run the tether over a removable or adjustable head restraint because the soft material in the head restraint can compress and create slack in the tether strap. It is better to remove or raise the restraint and run the tether over the seatback.

Of all vehicle types, sedans generally have tether anchors that are easiest to reach, located on the rear deck behind the seats, typically set inside a small, covered recess. Wagons, SUVs, and hatchbacks with good tether anchors have them positioned midway up the back of the seats, sometimes with plastic covers that snap in place when they aren't being used. Ideal setups provide one top tether anchor for each seat location, so the straps are anchored straight back without twisting.

But many wagons and hatchbacks also have less-friendly tether anchor locations. Some place the anchors at the base of the seat where it folds. These can be a full arm's-length away, making them already difficult to reach. To access this anchor from within the cabin, it may be necessary to tilt the seatback forward—a challenging maneuver if a large child seat is already on the vehicle's seat. Other models place the tether anchors beneath carpet or covers in the cargo floor.

Hatchbacks and wagons also often have a cargo cover that protects luggage from the sun or the prying eyes of thieves. But the space between the cargo cover and the seatback is often very narrow, making it impossible to fit the tether strap through. The cover must be removed to access and install the tether strap, which is just another annoyance to deal with and adds to the potential for parents or caregivers to opt out of a crucial step.

TOYOTA RAV4—Even SUVs marketed to families can present challenges to child-safety-seat installation, especially when attaching the lower tether anchor. Be sure to try installing a seat before buying a vehicle.

CU's Recommendations for Improving LATCH Usability & Effectiveness:

- LATCH anchors should be required in center rear seats.
- Improve top tether access and visibility.
- Improve lower and upper anchor clearance so they can be reached easily.
- Ensure that routing for top tethers isn't impaired by head restraints or other vehicle components.
- Ensure top tethers on the seats are lengthy enough (CR found they were sometimes too short to reach the tether anchor in the vehicle).

Power Window Hazards

NHTSA estimated in a 1997 study that 499 people each year visit emergency rooms due to power window injuries, almost ⅓ of those under the age of 6, another

nearly ⅓ between the age of 6 and 15. Since 1971,[5] at least 59 children have been strangled to death and thousands more children and adults injured by power windows.[6]

When the Senate Commerce Committee enacted SAFETEA–LU in 2005, it included a critically important provision to prevent young children from accidentally closing power windows on their necks, causing strangulation. Section 258 of SAFETEA–LU[7] called for the elimination of hazardous armrest rocker switches, requiring the safer pull-up or pull-out switches; NHTSA then published rules requiring safer switches on all new passenger vehicles manufactured after October 1, 2008.[8] We have been pleased to see that Model Year 2007 vehicles, with only a few exceptions, now employ the safer switches. There remains some unfinished business, however.

While getting rid of dangerous switches is a big leap forward, and should prevent most of the accidental strangulations by children who are leaning on a switch with their heads in the window path, nonfatal injuries are still a major safety hazard. Injuries inflicted by power windows have a very long history—and power windows have enormous force: they will literally slice a cucumber or green pepper in two. The injuries that occur when another person inadvertently closes the power window on a child's fingers or hand or arm are often gruesome.

And yet there is an easy fix for this hazard—auto-reverse or anti-trap technology that is commonly used in Europe should also be the standard here. Like garage or elevator door sensors that open the door if they detect an obstruction, this technology sends a window down if it meets with an obstacle in its path. Such technology would have saved the many lives of children strangled by power windows or are missing fingers or pieces of fingers that were amputated by a power window.

None of this information will come as a surprise to NHTSA—or the auto industry. Consumers Union has copies of hundreds of reports sent over the past 4 decades to both the automakers and NHTSA with heartbreaking stories of small children with amputated fingers or broken arms and worst of all, strangulations of children because another child or adult didn't realize she or he was in the path of the window. The history of the government's failure to require safe power window designs—and the industry's failure to address the hazard—when the technology is readily available and the cost is modest, is difficult to understand.

At least 80 percent of the European car market has vehicles with anti-trap windows—they have become custom there. An effective anti-trap voluntary standard was adopted by the European parliament and the Council of the European Union in February of 2000,[9] Since that time, no power window fatalities have been recorded in any vehicle meeting European standards—and so, though voluntary, nearly every European automakers has adopted this technology.[10]

By contrast, only 15–20 percent of U.S. vehicles have this technology. The same models of cars equipped with auto-reverse power windows in Europe do not have that technology in their U.S. version, even as an option—the Ford Focus is one example. The estimated cost of making all windows "anti-trap" is, according to NHTSA, $8–$12 per window for a grand total of less than $50.00 per car.[11]

Legislation introduced by Senators Clinton and Sununu, the Cameron Gulbransen Kids and Cars Safety Act of 2007 (S. 1948, 109th Congress) addresses the hazard by requiring auto-reverse or "anti-trap" technology in all cars by a specific date:

> (a) POWER WINDOW SAFETY—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation (referred to in this Act as the 'Secretary') shall issue regulations, applicable to all passenger motor vehicles, to ensure that power windows and panels automatically reverse direction when they detect an obstruction to prevent children from being trapped, injured, or killed.

---

[5] Feb. 1, 1971, Federal Motor Vehicle Safety Standard 118, regulating power windows, was adopted by NHTSA setting minimal safety standards.

[6] The number of power windows has increased dramatically over the past three decades. In 1973, only 1.9 million new vehicles in North America had power windows. By 1994 that number was 68.1 percent for passenger cars and 55.3 percent for light trucks.

[7] *www.consumersunion.org/pub/1205%20Alliance%20rebuttal.pdf.*

[8] NPR story on the new requirement *http://216.35.221.77/templates/story/story.php?storyId=3915926.*

[9] See Petition, Center for Auto Safety, Filed with NHTSA August 19, 2003, page 2. *www.autosafety.org.*

[10] *Id.*

[11] *Id.*

Previous NHTSA Proposals on Power Windows

In 1969 the government proposed auto-reverse technology for all power windows—the automotive industry unanimously opposed this measure and it was dropped.[12] The resulting standard imposed minimal performance requirements for power operated windows. Again in 1996 NHTSA proposed a rulemaking to remedy the hazards from power windows but took no further action.

We urge Members of this Subcommittee on Consumer Affairs, Insurance, and Automotive Safety to support the Cameron Gulbransen Kids and Cars Safety Act of 2007, which will require auto-reverse or anti-trap technology and address once and for all the hazards to children and others from power windows.

Brake Shift Interlock

Introduction

Technology to prevent vehicles from inadvertently being put into gear by children or anyone else when the vehicle is in the "Park" position is known as Brake-Transmission Shift Interlock or BTSI. It is an essential safety technology that requires depressing the brake pedal to move the gear shift out of park. Since children typically cannot reach the brake pedal, if BTSI is in place, they cannot place the car into gear by themselves.

One of the witnesses at today's hearing, Packy Campbell from New Hampshire, lost his 21 month old son Ian when Ian's brother set his father's truck into motion and Ian was unable to move out of the way when the truck suddenly started rolling in reverse. This is not an isolated circumstance. KIDS AND CARS estimates that over 100 children have died since 1998 by placing a vehicle into motion. The government does not track these statistics because they typically do not occur on public roadways and have not been officially part of the government database.[13]

S. 1948, introduced in October of 2005 as the Cameron Gulbransen Kids and Cars Safety Act, included a provision calling for brake shift interlock in all vehicles within 18 months after enactment.[14] The provision is below:

NHTSA announced on August 17, 2006 that the Alliance of Automobile Manufacturers and the Association of International Automobile Manufacturers were entering into a voluntary agreement to ensure that all vehicles sold in the U.S. with automatic transmissions will be equipped with "brake transmission system interlocks" to prevent children from moving the shift mechanisms out of park.[15] Automakers included in this agreement have agreed to comply by September 1, 2010.[16]

According to NHTSA, approximately *80 percent* of MY 2006 motor vehicles are equipped with an automatic transmission control system designed in accordance with the requirements of this agreement. More than *98 percent* of MY 2009 motor vehicles to be produced are forecasted to be equipped with an automatic transmission control system designed in accordance with this agreement.

While Consumers Union appreciates that automakers embrace the importance of having BTSI on all vehicles, CU believes that voluntary agreements are insufficient to ensure across-the-board compliance with an important safety standard. Voluntary agreements are just that, voluntary, and they don't bind the whole industry the way a mandatory safety standard does. Indeed, a handful of automakers, are not bound by the agreement because they are not members of the associations that were signatories to the agreement, though they may well chose to comply.

Below is the list of automakers that are part of the voluntary agreement.

Participating Automakers:

Aston Martin
BMW Group
Ford Motor Company

---

[12] *Id.*

[13] Section 255 of SAFETEA, enacted by Congress in 2005, now requires that the government begin keeping track of injuries and deaths involving automobiles even if they do not occur on public roadways.

[14] S. 1948, 109th Congress, pertinent section: (c) PREVENTING VEHICLES FROM ROLLING AWAY—Not later than 18 months after the date of enactment of this Act, the Secretary shall issue regulations, applicable to all passenger motor vehicles, requiring the vehicle service brake to be engaged in all key positions and while the key is out of the ignition, before starting the engine or engaging the transmission in order to prevent accidents resulting from vehicles accidentally or unintentionally rolling away.

[15] See this site for information on BTSI:
http://dms.dot.gov/search/searchResultsSimple.cfm?numberValue=25669&searchType=docket.

[16] The agreement says that "any vehicle under 10,000 pounds produced for the United States market, with an automatic transmission that includes a 'Park' position shall have a system that requires that the *service brake* be depressed before the transmission can be shifted out of 'Park'."

Hyundai Motor
Maserati
Nissan
Suzuki
DaimlerChrysler Corporation
General Motors
Isuzu Motors
Mazda
Porsche
Toyota
Ferrari
Honda
Kia Motors
Mitsubishi Motors
Subaru
Volkswagen Group

The bill introduced on February 27, 2007 codifies the voluntary agreement and makes it law, thus bringing all auto manufacturers under the requirement to implement BTSI, but maintaining the same generous timelines for compliance.

This is the bill's language on BTSI:

PREVENTING VEHICLES FROM ROLLING AWAY.—

(1) IN GENERAL.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall issue regulations to require light motor vehicles that are equipped with an automatic transmission that includes a "Park" position to have a system that requires the service brake to be de-pressed before the transmission can be shifted out of "Park". This system shall function in any starting system key position in which the transmission can be shifted out of "Park".

(2) APPLICABILITY.—The regulation issued under paragraph (1) shall apply to light motor vehicles manufactured on or after September 1, 2010.

The following is a list of Model Year 2007 vehicles that *are not* equipped with *Brake-Transmission Shift Interlock (BTSI)* technology as reported to NHTSA by the vehicle manufacturers:

Audi: A4/S4, A4/S4 Avant, A4/S4 Cabriolet

BMW: X3, Z4

Buick: Rendezvous

Cadillac: CTS

Chevrolet: Equinox, Express 1500, Express 15-Passenger Van, Silverado Classic

Ford: E–150, E–350 15-Passenger Van, Freestar, Ranger

GMC: Savana, Savana 15-Passenger Van, Sierra Classic

Honda: S2000

Hummer: H2

Isuzu: Ascender 7

Jeep: Liberty, Patriot

Mazda: B-Series

Mercury: Monterey

Pontiac: Torrent

Saturn: Ion, VUE

Volkswagen: New Beetle

Conclusion

Consumer advocates working on product safety believe that if a product hazard can be fixed for a reasonable cost, it should be done. This is especially true with hazards to children. We don't believe in playing the blame game—blaming parents for being careless or not conscientious when a product harms or kill their children is counterproductive and cruel. If we had played the blame game with safety caps on medicines or poisons, on garage doors or cigarette lighters, all of which have been redesigned for a reasonable cost with children's safety in mind—we would have many more children lost to injury or death.

Whenever we can, we should fix safety hazards for everyone, but especially when they put our children at risk. We think this bill—which addresses the hazards of back-over, power windows and brake shift interlock, provides Members of Congress with a unique opportunity to fix hazards to children at a reasonable cost.

We urge members of the Senate Commerce, Science, and Transportation Committee to support the Cameron Gulbransen Kids and Cars Safety Act and thank you for your time and consideration of these vitally important issues.

Consumer Reports—October 2003

DRIVING BLIND

Every year, children are injured and killed because drivers don't see them while backing up.

According to KIDS AND CARS, a nonprofit group that wants to improve child safety around cars, back-over incidents last year killed at least 58 children.

A contributing factor is that consumers continue to buy larger vehicles—minivans, pickups, and sport-utility vehicles—with larger blind spots. A blind spot is the area behind a vehicle that the driver can't see.

To help drivers back up, carmakers and aftermarket companies offer two types of devices for vehicles: sensors and rear cameras. The cameras are marketed as safety devices; the sensors, as parking assists. KIDS AND CARS has called for vehicles to come equipped with such systems. Now, sensors are optional in many larger vehicles; cameras are optional in some higher-priced models.

We tested several aftermarket sensors and cameras that can be installed on any vehicle, comparing them with original-equipment versions.

The bottom line: Your first line of defense against back-over accidents is to get out of your car and check behind it just before you back up.

Rear-mounted video cameras also help prevent back-over accidents because they let you see much of the area that's usually hidden in the blind spot. But they tend to be expensive, from $400 to $900, not including the cost of professional installation, which is recommended.

A plastic fish-eye lens that adheres to a rear window can provide almost as much help as a video camera on certain vehicles and costs only about $20.

The sensor systems in our tests, which cost $130 to $500 not including professional installation costs, worked well for parking but they aren't sensitive enough to be a reliable safety aid.

****

CR Quick Take

The best way to prevent so-called back-over accidents is to walk behind your car and check for obstructions.

If you want an extra margin of safety, first try the $20 Rear View Safety Lens, which works on vertical rear windows like those in many SUVs and minivans.

Camera systems provide a clearer picture and will work on any vehicle, but they are expensive.

Rear sensor systems can help you park, but they aren't reliable safety devices.

****

The Problem of Rear Blind Spots

Back-over accidents usually occur when a person, often a child, is hidden in a vehicle's rear blind spot. The longer the vehicle and the higher the rear window, the bigger the blind spot and the more difficult it is to see a child or object on the ground behind the vehicle.

To illustrate that point, we measured the blind-spot area of a sedan, a minivan, an SUV, and a pickup truck. We placed a 28-inch-high traffic cone at varying dis-

tances behind the vehicle to measure how far back it would have to be before a driver of average stature (5 feet 8 inches) and one of short stature (5 feet 1 inch) could see it.

We found that a Honda Accord sedan has a blind spot of roughly 12 feet for an average-height driver. That is, the driver may not see a small object up to 12 feet behind the bumper. The blind spot for a short driver in the Accord is 17 feet.

The Dodge Grand Caravan minivan has a blind spot of 13 feet for the average-height driver and 23 feet for the short driver. The Toyota Sequoia SUV is slightly worse: 14.5 feet for an average-height driver; 24.5 feet for a short driver.

By far the biggest blind spot, however, occurred with a Chevrolet Avalanche pickup: 30 feet for an average-sized driver, 51 feet for a short driver.

Your Choices

Camera systems. When the vehicle is shifted into reverse, a camera sends a wide-angle view of the area behind the vehicle to a monitor near the driver.

- Best for seeing small children or objects in a vehicle's blind spot. Camera systems also work as parking aids.
- But neither model in our tests emits an audible alert when you approach an object. These systems are expensive.
- Details: To use the HitchCAM, your vehicle must have a tow hitch; the camera is mounted in the trailer-hitch receiver and broadcasts to a video screen attached to the inside of the windshield. The camera for the Magna Donnelly Video Mirror mounts to the rear of your vehicle and sends the image to a small flip-down screen below the rear-view mirror.

Because it looks straight out the back, the HitchCAM shows more area. The Video Mirror, which looks downward, displays less area overall—about 4 feet behind the rear bumper—but enough to help prevent a back-over accident. This view works better as a parking aid. The Video Mirror also helped us back up to a trailer. (You must remove the HitchCAM from the trailer hitch when connecting a trailer.) But the Video Mirror was much less effective at night than the HitchCAM.

With both systems, image clarity and screen size didn't match those of factory-installed cameras in the Acura MDX and the Lexus RX330. But they provide a reasonable image.

Both systems worked well even when splashed with muddy water.

Wide-angle lens. The plastic lens sticks to the rear window and allows you to see a wide-angle rear view.

- Best for seeing objects in the blind spot, parking.
- But the lens works only with vertical rear windows, such as those in many SUVs, minivans, and wagons. It may interfere with normal rear visibility. Backseat passengers or cargo may block the view, and the lens is subject to reflections. You must keep it free from smudges.

The model we tested, the Elite Enterprises Rear View Safety Lens, *www .rearlens.com,* is 6 x 8 inches and made of plastic. Because the lens is small, details are hard to see. But the lens significantly reduced the blind spot on most vehicles from 15 or more feet to about 2 feet.

Sensor systems. Using ultrasonic or microwave energy, sensors detect objects within about 6 feet behind the vehicle and alert the driver via a beep and/or a lighted display.

- Best for a parking aid to help drivers avoid dinging fenders and bumpers. Models in our tests detected large stationary objects. For example, they generally picked up a 3-inch-wide pole when it was 3 to 4 feet away from the vehicle.
- But most could not detect objects low to the ground, such as a bicycle or basketball, or a small moving object.

False signals can also be a problem. They were often caused by dips in the road and surface changes. Systems with sensors near the rounded edge of the bumper can pick up the sides of a garage and emit a false warning. In time, these "false positives" may lull drivers into ignoring the warnings.

All require professional installation.

The Rostra model may require cutting and bending the license plate and could interfere with the tailgate latch. It might also prevent the license-plate lights from illuminating the plate. The Guardian Alert requires a 2-inch receiver tow hitch and 5-pin trailer wiring socket, but is the only model that didn't require drilling into the vehicle. All aftermarket systems performed about the same as factory-installed sensors.

****

CR Quick Recommendations

If you want an aid for parking, any of these products can help. To help prevent a back-over accident, however, only the rear-mounted video cameras and Rear View Safety Lens are reliable.

Of the two camera systems we tested, the HitchCAM provides the larger and better-quality video display, but requires a 2-inch receiver tow hitch and 5-pin trailer wiring socket for mounting. For half the price, the Donnelly Video Mirror can be mounted on any vehicle with a rear hatch.

Among sensor systems, the Rostra system is the most sensitive. For half the price, the ReverseGuard provides good sensitivity but no visual alert.

****

Ratings—Backup Aids (Availability—Most models at retail stores through 2003.)

Cameras—In order of display clarity.

Brand	Price ($)	Clarity of display	Screen size (in.)
HitchCAM HC–001	900	Good	2.75x2
Magna Donnelly Video Mirror Reverse Aid 22336	400	Fair	2x1.5

Sensors—In order of sensitivity.

Brand	Price ($)	Sensitivity	Features		
			No. of sensors	Audio alert	Visual alert
Rostra Obstacle Sensing System 250–1594	350	Very Good	2	Yes	Yes
ReverseGuard Classic RA10	200	Good	4	Yes	No
Echomaster EM–PV	130	Fair	2 or 4	Yes	Yes
Guardian Alert Hitch Receiver	500	Poor	1	Yes	Yes

Availability: Most models at retail stores through 2003.

****

How To Avoid a Backover Accident—What You Can do

If children play in your driveway, park your car at the end of the driveway close to the street.

Show your children how hard it is to see out the back of your car. Let them see you disappear into the blind spot.

Just before backing up your vehicle, walk behind it to make sure your path is clear. Be sure children are not so close as to be able to dart behind you.

Look in your mirrors before you put the car in reverse to monitor the rear area.

Look around while backing up, using all mirrors and looking over both shoulders.

Back up slowly.

If you have a backup aid, pay attention to its audible or visual warnings but don't rely solely on the aid.

Consumer Reports—August 2003

WHICH POWER-WINDOW SWITCHES ARE SAFER?

At least 25 children have died during the past decade from injuries involving power windows in cars, according to KIDS AND CARS, a nonprofit group that tracks auto-safety issues involving children. Typically, the child has his or her head

out the window of a parked car and accidentally leans on the window switch. The glass moves up forcefully, choking the child.

Two types of switches are inherently riskier than others if they're mounted horizontally on the door's armrest:

Rocker switches move the glass up when you press one end of the switch, down when you press the other.

Toggle switches work when pushed forward or pulled back.

A third type, the *lever* switch, is safer because it makes it harder to raise the window accidentally. Lever switches must be pulled up to raise the glass. They generally have not been implicated in fatal injuries, according to KIDS AND CARS. Switches of any design mounted vertically or on an upswept armrest are harder to activate by accident.

Lever switches and auto-reverse sensors are common in Europe. But auto-reverse is required in the U.S. only in vehicles with auto/one-touch-up windows and remotely controlled windows. (BMW is recalling some vehicles because of problems with the autoreverse mechanism.)

Clarence Ditlow, director of the Center for Auto Safety (and a member of Consumers Union's board of directors), says, "If garage doors can have a reversing sensor, power windows should." His organization has petitioned the government for upgraded safety standards.

In response to a petition by safety groups including Consumers Union, in April 2006, the National Highway Traffic Safety Administration (NHTSA) decided to ban power window rocker and toggle switches from U.S. manufactured vehicles. Car makers will install recessed or lever switches instead. They have until Oct. 1, 2008 to do so.

The Big Three automakers say they abide by the safety standards in place wherever their cars are sold. For example, Kristen Kinley, a spokeswoman for Ford Motor Co., says its power windows meet and in some cases exceed Federal standards.

KIDS AND CARS is working with Consumer Union for legislation requiring a national performance standard for power windows.

****

What You Can do

Never leave children alone in a car or the keys in the car when kids are nearby. Pay close attention to the design and location of window switches when shopping for a new car. Here's a basic rundown for the vehicles we've reviewed:

Horizontal rocker switches. Most vehicles from Ford, Lincoln, Mercury, Chevrolet, Buick, Cadillac, GMC, Oldsmobile, and Pontiac, and the Saturn Ion.

Horizontal toggle switches. Some vehicles from Chrysler including the Dodge Neon, Stratus, and Intrepid, and Dodge trucks.

Lever switches, the safer type. Acura, Audi, BMW, Chrysler Pacifica, Honda, Hyundai, Infiniti, most Isuzu models, Jaguar, Kia, Lexus, most Mazda models, Mercedes-Benz, Mitsubishi, Nissan, Saturn L and Vue, current Saab models, Subaru, Toyota, Volkswagen, and Volvo.

PREPARED STATEMENT OF JANETTE E. FENNELL, PRESIDENT, KIDS AND CARS

Child safety and health is purported to be a top priority in this country. Both the National Highway Traffic Safety Administration (NHTSA) and the Alliance of Automobile Manufacturers (Alliance) have stated that safety is their top priority. Nevertheless, certain common design features and equipment built into motor vehicles still place children at risk of serious, even fatal, injuries in and around motor vehicles.

In many ways, the development of motor vehicle technology has improved safety and convenience. However, potential safety hazards have accompanied the development of some technologies. Power windows are a case in point. This technology was added as a convenience, but it has also added new hazards. Power windows pose a serious threat of death and injury to children when they are trapped by the window as it rises. This danger has been documented for decades, since power windows first became popular.[1] Nothing has been done because the deaths and injuries are not reported as part of the national traffic safety statistics. In the 110th Congress,

[1] Ralph Nader, May 1968 letter warning about the dangers of power windows.

we have not only the opportunity but the obligation to finally eradicate power window strangulation as a cause of death and serious injury to children.

Congress recently forced NHTSA to address one aspect of the risk posed by power windows. In the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), Congress required all power window systems in motor vehicles to have "pull-up or out" switch designs which are safer than the rocker or toggle switch designs. Rocker and toggle switches are known to be dangerous because they can be pressed by accident, as when a child unknowingly leans an elbow on a rocker switch, inadvertently closing one or all of the power windows. "Pull-up" or "pull-out" switch designs are not prone to this problem. This change is an important safety advance but addresses only a portion of the injury problem.

Even with safer window switches, passengers are still in danger if someone else in the vehicle intentionally closes a power window without realizing that fingers or hands are in the way of the rising window. Children continue to be killed and maimed by power windows. In December of 2006, a Detroit, MI child was strangled to death by a power window. The Detroit incident is particularly noteworthy because the vehicle involved was a Pontiac Vibe, which has the safer power window switches.

To prevent these tragic injuries and deaths auto-reverse technology is needed in all power windows. When a power window rises with 40–80 pounds of pressure and meets an obstruction, auto-reverse technology would ensure that power windows would immediately reverse direction. Eighty percent of vehicles sold in Europe already come equipped with this simple, lifesaving technology. U.S. children deserve this same protection.

In the U.S., auto manufacturers provide "obstacle detections devices for sliding doors and automatic liftgates."[2] The industry protects us from these moving door panels; but ignores power windows. What's the difference? Children are just as likely to be injured by power windows as they are by sliding minivan doors and power liftgates. The industry needs to simply provide the same technology they already utilize on doors and liftgates to power windows.

The American public, lawyers and safety advocates understand the danger posed by power windows and that there is an available technological solution. Safety advocates have been calling for an improvement in power window safety for decades. Yet, NHTSA has denied no less than 5 petitions requesting that auto-reverse technology be added to power windows. NHTSA's reasons for denying the petitions are the supposed lack of data and cost.

Current cost estimates are between $8–$10 per window. If this technology becomes standard equipment on all vehicles the true cost will range between $5–$7 per window or possibly lower. Even at current cost estimates, this safety technology is far less expensive than many optional convenience and entertainment features the manufacturers include in their motor vehicles.

With regard to the lack of data, there is actually an abundance of information about the issue. NHTSA estimates that there could be 499 hospitalizations annually (NHTSA Research Note, May 1997); small children are often victims, losing fingers and even limbs. Ten year-old data shows we have a problem.

NHTSA reviewed 1997 and 1998 death certificates and located at least 4 deaths for each of those years. NHTSA is aware of the 8 fatalities that occurred in 2004;[3] yet they continue to state that "based on all available evidence the agency expects, on average, at least one child fatality, and at least one serious injury (*e.g.,* amputation, brain damage from near suffocation) per year could be prevented by the requirements of the final rule."[4] This simply is not the case.

KIDS AND CARS collects data about non-traffic incidents involving children under the age of fourteen. Enclosed are two spreadsheets containing information KIDS AND CARS has compiled about power incidents where people were injured, killed or requested something be done about these "guillotines on wheels."

Utilizing methods anyone interested in locating data has at their disposal, we compiled the spreadsheets that contain information about children being strangled to death by power windows and others injuries such as fingers amputations, broken wrists, *etc.* Though NHTSA and the Alliance continue to deny that power windows

---

[2] Testimony of the Alliance of Automobile Manufacturers (Alliance testimony), page 4, presented at the hearing on Vehicle Safety for Children, before the Subcommittee on Consumer Affairs, Insurance, and Automotive Safety, Senate Committee on Commerce, Science, and Transportation, February 28, 2007.

[3] NHTSA press event, Children's Hospital, Columbus, OH, September 2004.

[4] Final Rule, Response to Petitions for Reconsideration, Power-Operated Window, Partition, and Roof Panel Systems, 71 FR 18673, 18680 (Apr. 12, 2006).

represent a significant risk to all passengers in vehicles, *it was information that had been reported to them that we used to compile the Spreadsheet #1.*

Spreadsheet #1 contains information compiled from NHTSA Office of Defect Investigations (ODI) reports, Vehicle Owner Questionnaires (VOQ) reports, letters written to alert or complain about the dangers of power windows to Ford, *etc.* The list contains over 140 incidents where people have taken the time to alert auto makers and NHTSA about these dangers and provide information about injuries and deaths. We simply took the information NHTSA already has and are reporting it back to you in a spreadsheet format. We do not understand why NHTSA has never included this information in any of their reports or studies about power windows. Though far from comprehensive, (not even the tip of the tip of the iceberg) it does provide information about the dangers of power windows. It is important to note that drivers do not have the ability to see young children seated directly behind them before raising power windows. They can alert children that windows are being put up; but do not have the ability to visually monitor them while driving.

Spreadsheet #2 contains information compiled by KIDS AND CARS involving children injured or killed by power windows from our database.

We know there are hundreds if not thousands of power window injuries and deaths that have been reported to auto manufacturers but we do not have access to their data, nor is it contained in the enclosed spreadsheets. We feel the information provided is compelling enough for Congress to act. But, if the Committee determines more data is needed to act, we suggest that the Subcommittee use its subpoena powers to request the relevant records from all auto manufacturers including complaints, injuries, fatalities and lawsuits filed regarding power window injuries and deaths. This information is not being supplied, yet the Alliance notes "that auto-reverse was denied because the petitioners did not provide data regarding the need."[5] Why are they not providing the data that is available at their finger tips?

We know that hundreds (most probably thousands) of reports have been made to auto makers about these injuries and fatalities. The industry has withheld this information for decades; yet place the burden on nonprofit agencies to inform NHTSA and the general public about these dangers.

The combination of NHTSA's 1997 power window injury study, our spreadsheets and the subpoenaed records of auto makers will finally put to rest the fact that auto-reverse is a necessary safety feature. We encourage and trust that you will act with the information provided.

During the last 10 years KIDS AND CARS has advocated for non-traffic motor vehicle safety for children. During that time we have tried to persuade NHTSA to collect data about non-traffic incidents and bring awareness to the dangers children face in and around "parked" vehicles. NHTSA freely states that non-traffic incidents are clearly under their purview;[6] [7] but they have resisted getting involved except when mandated by Congress to act.

Again, we need Congress to help save the lives of young children from these predictable and preventable situations. We have provided data that for some reason has been ignored by the Federal agency in charge of keeping us safe in and around our motor vehicles. We know that the costs are minimal; especially in contrast to the life of even one child. We know the industry is already using the auto-reverse technology on many if not most vehicles in Europe, and in door panels and liftgates and on power windows for high-end models in the U.S. Safety should not be a luxury only for those who can afford it.

To honor the 60+ children who have lost their lives since this problem was first brought to the NHTSA's attention, we implore you to act swiftly and with resolve to stop power window deaths and injuries, reverse the history of regulatory delay and indifference, and ensure that power windows will no longer kill or seriously injure another innocent child.

Attachments to this prepared statement have been retained in Committee files.

[5] Alliance testimony, op. cit. note 1, page 11.

[6] "NHTSA is also responsible for motor vehicle safety when there is not a crash or the event occurs off the public traffic way. When the agency tries to quantify safety problems associated with non-traffic or non-crash situations it often finds that it has little or no data and must rely on the data gathering, efforts of others." *Data Collection Study: Deaths and Injuries Resulting from Certain Non-Traffic and Non-Crash Events*, May 2004, page 3.

[7] "NHTSA is responsible for reducing deaths and injuries associated with motor vehicle crashes and non-crashes." *Interim Status Report, NHTSA Pilot Study, Non-Traffic Motor Vehicle Safety Issues*, July 2001, page 1.