

February 16, 2000

The Honorable Rodney E. Slater  
Secretary  
U.S. Department of Transportation  
400 Seventh Street S.W.  
Washington, D.C. 20590

Dear Secretary Slater:

In the near future, the Office of the Secretary is due to finalize rulemaking on a series of amendments to Federal Motor Vehicle Safety Standard 208. The goal of this rulemaking is to minimize airbag risks while preserving their benefits. With one exception, there appears to be remarkable agreement among the automakers and much of the safety community that these amendments will enhance airbag protection, even though meeting the new requirements will not be easy or simple.

There remains major disagreement about the possible mandatory return to 30 mph rigid-barrier crash tests to assess unbelted occupant protection. Current evidence indicates that rigid-barrier testing at 30 mph with unbelted dummies will not improve the protection for unbelted people, and there are sound reasons to believe it would degrade overall protection.

On February 10, 2000, representatives of the Insurance Institute for Highway Safety, National Safety Council, American Automobile Association, and American Trauma Society along with representatives of automobile manufacturers and the Automotive Occupant Restraints Council met with representatives of the National Transportation Safety Board to discuss our concerns about these 30 mph tests. Specifically, we believe that such tests would result in some vehicles' airbag inflator power returning to levels that have caused occupant deaths and injuries without increasing the benefits to unbelted occupants in crashes at higher speeds.

Support for 30 mph tests is derived from the National Highway Traffic Safety Administration's (NHTSA) Preliminary Economic Assessment, which suggested that, without testing at higher speeds with unbelted dummies, airbags would provide reduced protection for unbelted occupants in high-speed crashes. The analysis concluded that 214-397 lives might be lost because of depowered airbags. These analyses rely on numerous assumptions, many of which are fundamentally flawed and do not take into account what is happening in real-world crashes.

Depowered airbags have been in millions of vehicles for more than two years, and NHTSA has yet to provide documentation of a single case in which an occupant died because an airbag provided insufficient protection. Furthermore, the agency admits that the new generation of depowered airbags has been successful. The number of reported deaths

is down, while airbags continue to save the lives of both belted and unbelted occupants in high-speed crashes.

Detailed crash investigations reveal that unbelted people are not dying in high-speed crashes because of inadequate airbag performance, as NHTSA's analyses assumed. Instead they are dying because of overwhelming intrusion of vehicle structure into occupant compartments, or because they were ejected from their vehicles, or by injuries caused by the airbags to occupants who are out of position.

Airbags designed to meet requirements in 30 mph crash tests with unbelted dummies cannot prevent deaths caused by intrusion or ejection. Even the most advanced airbag technology will not prevent such deaths. But if airbags are increased in power then they would cause more lives to be lost.

The National Transportation Safety Board, American Trauma Society, Insurance Institute for Highway Safety, National Safety Council, American Automobile Association, and the National Association of Governors' Highway Safety Representatives strongly oppose a mandatory return to 30 mph rigid-barrier tests with unbelted dummies at this time. There is no justification for reinstating such tests.

Instead the solution would be to adopt 25 mph rigid-barrier testing with unbelted dummies in the current rulemaking and to defer any future consideration of 30 mph rigid-barrier tests to a separate rulemaking, should scientific evidence indicate that the 25 mph tests are resulting in inadequate protection.

Therefore, we make the following recommendations:

- The current rulemaking should include a 25 mph barrier test for unbelted dummies to meet the TEA-21 requirement along with a 35 mph barrier test for belted dummies. Auto manufacturers have already expressed their support for this option (specifically they support a 35 mph belted test with the 50th percentile male dummy to be phased in later).
- Any future decision to reconsider 30 mph barrier tests should be addressed in a separate rulemaking, if and when there is evidence from real-world crashes that airbags are not providing adequate protection to unbelted occupants in high-speed crashes.
- NHTSA should expedite a focused examination of frontal crashes with fatalities to determine, for vehicles with depowered airbags and the latest generation of advanced airbags, how people are dying in these crashes. This would require additional resources beyond those currently dedicated to such investigations. Automobile manufacturers should show their commitment by providing additional resources to collect and analyze real-world crash data.

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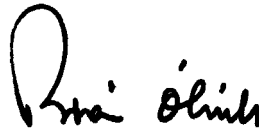
- When sufficient real-world data are gathered, an evaluation of such data should be conducted by a panel of experts representing government, industry, safety groups, and other relevant organizations to determine whether new rulemaking is appropriate to reassess the unbelted crash test requirements.

Thank you for considering these recommendations. Following them will ensure widespread support for NHTSA's rulemaking to minimize airbag risks while preserving the lifesaving benefits airbags continue to provide.

Sincerely,




James E. Hall  
Chairman  
National Transportation  
Safety Board



Brian O'Neill  
President  
Insurance Institute for  
Highway Safety



Susan G. Pikrallidas  
Vice President, Public and  
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Charles A. Hurley  
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K. Craig Allred  
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National Association of  
Governors' Highway Safety  
Representatives

cc: Hon. Mortimer L. Downey, Deputy Secretary  
U.S. Department of Transportation

Ms. Rosalyn Millman, Acting Administrator  
National Highway Traffic Safety Administration