



**Oral Statement<sup>1</sup>**

**R. David Pittle, Ph.D.  
Senior Vice-President, Technical Policy  
CONSUMERS UNION**

**before the  
Subcommittee on Commerce, Trade And Consumer Protection  
of the  
House Committee on Energy and Commerce**

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<sup>1</sup> Oral delivery may vary slightly from written text.

Mr. Chairman, members of the Subcommittee, Good Morning. My name is David Pittle, I am Senior Vice-President for Technical Policy at Consumers Union<sup>2</sup> (CU), the publisher of *Consumer Reports*. With me this morning is Sally Greenberg, CU's Senior Product Safety Counsel here in Washington. Consumers Union greatly appreciates the opportunity to be here this morning to express our views on the reauthorization of the National Highway Traffic Safety Administration (NHTSA).

Consumer Reports has been testing and rating cars since 1936, the year our magazine was first published. We have always made safety a top priority in both our product tests and our published ratings. CU has a long history of speaking out on matters of auto safety and of working with NHTSA and Congress to 1) press for improvements in automobile safety, 2) identify safety priorities, and 3) insure that NHTSA is fulfilling the mandate on which so many consumers depend.

To ensure the most effective reauthorization of the NHTSA, we recommend that the House join the Senate in adopting the safety provisions in S. 1072, which will first and foremost save lives and reduce injuries, bring about badly needed safety improvements in auto design, and give NHTSA the mandates it needs to address serious safety problems that have languished within the agency for too many years. We have worked actively with Senators on both sides of the aisle to ensure that this is an effective bill, and we look forward to doing the same here in the House of Representatives.

The U.S. Department of Transportation (DOT) data on traffic fatalities for the year 2002 was very discouraging. Overall, there were 42,815 deaths in 2002 compared to 42,196 in 2001, an increase of 619 deaths. This is the highest number of motor vehicle fatalities in over a decade. And though nearly 95 percent of all transportation-related fatalities are the result of motor vehicle crashes, NHTSA's budget is less than one percent of the entire DOT budget.

The current authorization funding level for NHTSA's motor vehicle safety and consumer information programs is only \$107.9 million. Since 1980, the agency has been playing a losing game of catch-up. Today, funding levels for motor vehicle safety and traffic safety programs are not much higher than 1980 funding levels in current dollars.

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<sup>2</sup> Consumers Union is a nonprofit membership organization chartered in 1936 under the laws of the state of New York to provide consumers with information, education and counsel about goods, services, health and personal finance, and to initiate and cooperate with individual and group efforts to maintain and enhance the quality of life for consumers. Consumers Union's income is solely derived from the sale of *Consumer Reports*, its other publications and from noncommercial contributions, grants and fees. In addition to reports on Consumers Union's own product testing, *Consumer Reports* with more than 4 million paid circulation, regularly, carries articles on health, product safety, marketplace economics and legislative, judicial and regulatory actions which affect consumer welfare. Consumers Union's publications carry no advertising and receive no commercial support.

Though other witnesses testifying before you this morning will paint S. 1072 as too ambitious, or too expensive, or requiring too much research, we take serious issue with such characterizations. Dr. Runge himself said in a speech to the American Public Health Association last November, "There is a public health epidemic of highway death in this country," and "Traffic crashes are the leading killer of children starting at age 2. This is what is killing our young people, killing our children, this is the 3<sup>rd</sup> leading cause of years of potential life lost for all ages combined." We agree with that assessment.

The safety measures contained in S. 1072 will prevent thousands of deaths and serious injuries. Moreover, many of the issues addressed in this bill have been under study and discussion within NHTSA for decades. NHTSA first adopted tire standards in 1970, lower side impact protection in the 1970s, seatbelts have been required in cars since 1968 and the means for getting people to use them has been studied throughout, roof crush has been under discussion since 1971, and a standard for door lock and occupant retention was adopted in 1968.

But technology has changed and injury patterns have changed. We desperately need improvements in these areas. In fact, the theme that comes through most profoundly as you read the safety provisions in S. 1072 is that this bill is a serious effort to address the list of auto safety hazards that cost society thousands of lives each year. These problems have languished within NHTSA far too long. We need Congress to press the agency into action.

And this is not an extreme bill. Indeed, Senators McCain (R-AZ), Hollings (D-SC), Snowe (R-ME), and DeWine (R-OH) each have championed safety provisions in this legislation, and the bill passed the Republican-majority Senate Energy and Commerce Committee unanimously.

Four years ago this Committee held extensive hearings on the Ford/Firestone related fatalities. Out of those hearings Congress enacted the landmark auto safety legislation known as TREAD, Transportation Recall Enhancement, Accountability, and Documentation Act of 2000. TREAD directed NHTSA to address many important safety issues that the agency had put off for too long, and mandated dynamic rollover testing for a consumer information program, upgrading federal tire standards, requiring tire pressure monitors, and developing an early warning system within NHTSA to flag safety defects before they become crises.

To NHTSA's credit, four years later the agency has completed most of TREAD's ambitious list of Congressional mandates, though some rulemakings were unnecessarily weakened. But the major vehicle safety issues—SUV rollover crash protection, roof crush, ejection, etc.—weak design areas that actually caused those Ford/Firestone deaths and injuries remained unaddressed. In short, there is much more to be done, and S. 1072 tackles many of those issues head-on.

Our written statement contains the details of why we support the various provisions of S. 1072. Here are a few highlights:

## **Vehicle Rollover**

Rollover crashes result in a tragedy of massive proportions, with more than 10,000 deaths and hundreds of thousands of serious or crippling injuries to Americans each year. Rollover crashes represent only 3 percent of all crashes but account for 32 percent of all occupant fatalities. SUVs and pickups, because of their higher stance, have a higher center of gravity and, as a class, are more prone to rolling over than passenger cars.

The proliferation of SUVs on our roads since the start of the 1990s, with their numbers actually more than doubling during this period, has been accompanied by a doubling of fatal rollover crashes.

S. 1072 requires issuance of a rollover resistance standard that includes improvements on the basic design characteristics of passenger vehicles to reduce rollover, and requires NHTSA to consider additional technologies to improve vehicle handling including electronic stability control systems.

## **Vehicle Crash Ejection Prevention**

According to NHTSA, about 7,300 people are killed each year and tens of thousands are injured, nearly 8,000 suffering severe injuries, because of partial or complete ejection through passenger vehicle doors, windows, and even sun roofs.

S. 1072 will require a rule to reduce occupant ejection from passenger vehicles and require the agency to consider ejection mitigation capabilities of safety technologies such as advanced side glazing, side curtains, and side impact air bags.

## **Roof Crush Standard**

NHTSA has estimated that 1,339 serious or fatal injuries caused by roof crush intrusion are suffered by belted occupants each year. The *Detroit News* in a 2003 series "Deadly Driving" highlighted the failure of NHTSA to upgrade its roof strength standard and noted that 1,400 deaths and 2,300 serious injuries could be prevented if the standard were improved. NHTSA is finally considering an upgrade, but considering how very long this issue has languished, it is necessary that it be included in S. 1072.

S. 1072 addresses this issue by *requiring NHTSA to issue a rollover crashworthiness standard and requiring consideration of a roof strength standard based on a dynamic test, and improvements in seat structure and safety belt design (including seat belt pretensioners and load limiters), side impact head protection airbags, and roof injury protection measures.*

## **Aggressivity And Vehicle Compatibility**

Much as been written about vehicle incompatibility. In 2002, a NHTSA contractor published a report, *Vehicle Design versus Aggressivity*, finding that more than 445 people died in 1996 in collisions with light trucks who would not have died if the other vehicle in the collision was a car of the same weight, rather than a truck. This strongly suggests that the hazards posed by SUVs and pickups to other drivers are a matter of

vehicle design, which must be fixed. S. 1072 addresses incompatibility in the following ways:

*Requires NHTSA to issue a safety standard to reduce vehicle incompatibility/aggressivity and requires development of a public information program including ratings based on risk to vehicle occupants and risk to occupants of other vehicles.*

### **Kids, Cars, and Safety**

NHTSA must put into place a final rule to ensure that power windows include a safer design; five children have been strangled to death in the last two years because of window switches that permit inadvertent operation of power windows while the child was partially out of the window.

At least 72 children were backed over and killed last year, and similarly at least 58 deaths the year before, generally by a parent in their own driveway, because the child was hidden behind the vehicle in its blindspot. NHTSA must begin to collect and maintain data on non-crash, non-traffic incidents, which the agency now neglects—including power window injuries, crashes on the shoulders of roadways, and backover incidents.

NHTSA will be required to test backup warning devices and cameras and report to Congress on which are most effective in detecting objects behind the vehicle.

I would like to step back and take a somewhat larger view of these provisions. They attempt to treat current auto safety hazards as part of a system, as an integrated whole. Roof crush, for example, is closely related to both occupant ejection and rollover crashworthiness. Side glazing, roof strength, and head airbags, therefore, should be considered simultaneously. Their roles are all interdependent, and, therefore, we believe that NHTSA needs to address them as a whole system. Otherwise, we could have a change here or a change there that might impede a safety fix in a related area. S. 1072 directs NHTSA to take such a comprehensive approach.

I would like to end my remarks with one final thought, which I shared with the Senate Commerce Committee as well. We seriously question the wisdom of NHTSA's heavy reliance on the industry to self-regulate by setting its own voluntary commitments on some of these critical and life threatening issues. While we recognize some of the past benefits of voluntary programs, in this case we believe it would be misguided and inappropriate—and worse, not likely to bring about the level of change needed to reduce the hazards in a timely manner. Such commitments are politically and economically precarious creatures of convenience, and are not enforceable, are subject to exemptions at the whim of the industry, and are the product of closed-door meetings. They are no substitute for a public and democratic process.

Solving broad and serious safety problems is the fundamental reason why NHTSA exists in the first place. This is one of its core responsibilities. We all must be

very cautious before we agree to let this key safety agency simply step aside and defer responsibility to the industry. NHTSA should act boldly to improve auto safety, and do so in a manner that is accountable to the Congress, to the courts, and to consumers.

Mr. Chairman, Dr. Runge and the NHTSA staff need from you and this committee a reasonable but firm and unambiguous message about the importance of its consumer-safety-focused mission and your intention to vigorously oversee their progress. You did exactly that in the Ford/Firestone safety crisis, and it was a success. Lives were saved as a result of your decisive action. Here, in light of the serious, ongoing, and rapidly increasing pattern of death and injury, we call upon you for action once again. We urge this committee to reject NHTSA's relying heavily on voluntary action by the industry. We urge you, instead, to direct NHTSA to step up to the plate and take the lead to act decisively and promptly to protect the public from these preventable risks.

Thank you.