



A Fuel Economy Canard: **The Auto Industry's History of Obstructions** **On the Road to Safety**

The authority to set federal motor vehicle safety standards was given to the National Highway Traffic Safety Administration (NHTSA) by Congress in 1966. Since 1968, federal vehicle safety standards have saved hundreds of thousands of lives and prevented or mitigated millions of injuries:

- The fatality rate per hundred million vehicle miles traveled has dropped from 5.70 in 1966 to 1.60 in 2001.
- Traffic fatalities totaled 53,041 in 1966 – this number has declined to 43,000, despite nearly 130 million additional vehicles and nearly 90 million additional drivers.

NHTSA has managed to bring about these improvements despite suffering from a tiny budget that severely limits its ability to crash test cars, initiate accident investigations and collect complex benefit data needed to justify new safety standards. These savings in life and limb were also achieved despite the persistent and powerful opposition of the auto industry to almost every federal vehicle safety standard proposed or issued by NHTSA. In many cases, the industry's on-the-record opposition to rulemakings resulted in watered down standards or long delays in effective dates for new safety protections.

Now, the industry would have Congress believe that its opposition to improved fuel economy is out of a genuine concern for safety. In fact, no evidence establishes a clear correlation between vehicle weight and increased fatalities – some heavier cars are far more dangerous to both their occupants and to others on the highway than are lighter ones. What matters most for safety are the crashworthiness protections and the compatibility designed and built into vehicles, and these must be enhanced by a comprehensive highway safety and fuel economy program.

The use of this time-worn safety canard by industry is a cynical attempt to frighten consumers and Congress in order to sidetrack the debate, and appears most appallingly hypocritical when we consider that the same industry tries to obstruct safety improvements whenever possible. The following are merely a few of many examples in the automotive industry's long history of standing in the way of readily available lifesaving technologies.

A LIFE-SAVING FEATURE LONG DELAYED AND POORLY EXECUTED: AIR BAGS

ISSUE:

Congress and the Department of Transportation have sought to require air bags for passenger vehicles for 30 years, due to the overwhelming evidence that they would save thousands of lives. Air bags have saved well over 6,000 lives thus far.¹

INDUSTRY POSITION:

- Auto manufacturers fought a long and desperate war against air bags from 1969 until 1988, despite evidence that they were technically feasible and would save thousands of lives. The Supreme Court found in a 1983 suit over the Reagan administration's revocation of the air bag standard that "*the automobile industry waged the regulatory equivalent of war against the air bag and lost - the inflatable restraint was proven sufficiently effective... the industry was not sufficiently responsive to safety concerns.*"
- The auto industry claimed that air bags were "dangerous," that they would be impossible to test in time to implement, and that inadvertent deployment of the bags could occur. A Ford advertisement raised the prospect of "driving along at 60 m.p.h. and suddenly having an enormous pillow thrust in your face," a possibility that NHTSA said had never occurred after millions of miles of testing.
- The industry even tried to claim that there was a concern about "the noise generated by air bag inflation" as a way of stalling air bag standards.
- A GM memo to OMB stated their position that "consumer resistance will be so great and the use of the restraints will be so low that the safety benefits will not justify the costs of this controversial regulation."
- Finally, once the industry was forced to put air bags in cars, they callously used outdated systems that killed over 200 smaller individuals, including children.
- A 1998 law is forcing the industry to use safer "advanced" air bags, a rulemaking that the industry has since tried relentlessly to further water down. Through the course of the rulemaking, the industry has won the elimination of many safety tests from the rule, including some that would offer more protection for children and small-statured women.

STATUS:

The industry is currently trying to block a safety standard requiring side curtain air bags, which would protect passengers from head injury in the event of a rollover or side impact crash.

1. According to the Insurance Institute for Highway Safety, NHTSA records show that air bags saved 6,377 lives through Dec. 2000.

10,000 DEATHS PER YEAR, WITH NO STANDARD: ROLLOVER PREVENTION IS SORELY NEEDED

ISSUE:

Although over 10,000 people are killed year and many thousands more are injured in rollover crashes, which is a highly survivable type of crash, there is no vehicle design standard to minimize a vehicle's propensity to roll over.

INDUSTRY POSITION:

- In the 1980's Congressman Timothy Wirth, Chair of the Subcommittee overseeing NHTSA, petitioned the agency to issue a rollover prevention safety standard that would require widening the track width and lowering the center of gravity.
- The industry opposed his proposal, and, despite support for it among NHTSA's top staff, the Reagan Administration would not issue a standard. The stated reason for the agency's refusal to issue a standard was based upon late-1980s data on the vehicle fleet which showed that only a small percentage of vehicles on the road at that time were highly rollover-prone sports utility vehicles (SUVs); thus, the agency shortsightedly reasoned, the number of lives saved by a standard would also be small.
- In 1991, Congress required NHTSA to conduct a rulemaking on a rollover prevention standard. The industry blocked a requirement that would have required the agency actually issue a standard.
- In 1994, when terminating rulemaking on a standard, the agency promised to develop a meaningful consumer information program on rollover and to implement a variety of rollover crashworthiness requirements, to compensate for the lack of a standard.
- The proposed consumer information program was stopped by the Gingrich Congress, which required yet more study of the issue by the National Academy of Sciences, a common industry delaying tactic.
- The *New York Times* reported in September 2000 that "regulators have been studying rollovers for 27 years, but industry lobbyists have appealed to members of Congress from auto-producing states to block periodic efforts to adopt rules that would address the problem."²
- The Transportation, Recall Enhancement, Accountability and Documentation (TREAD) Act, enacted in the wake of the Ford/Firestone tragedy, requires development of a consumer information program for a dynamic test, but does not require a safety standard.

STATUS:

In 2000, NHTSA issued a static test for agency tests of rollover propensity, for use in a consumer information program on the NHTSA Web site. Industry at last withdrew its opposition to this consumer information program in the face of publicity about the Ford Explorer/Firestone

² Keith Bradsher, "Auto Industry May Ease Safety Ratings' Stance," *The New York Times*, Sept. 19, 2000.

tire scandal. The long-promised rollover crashworthiness standards have never even been proposed by the agency, despite the massive increase in the number of rollover-prone SUVs on the highway.

NEEDLESS LOSS OF LIFE: THE BATTLE FOR A ROOF CRUSH STANDARD THAT PROTECTS THE PUBLIC

ISSUE:

The existing roof crush standard issued in 1973 is useless, as evidenced by the numbers of people who die in rollover accidents. The agency's static standard does not measure the area of greatest vulnerability on roofs and measures roof strength with the windshield intact, despite the fact that windshields almost always shatter on the first roll. Roofs that collapse under the weight of vehicles as they roll in real-world crashes also consistently pass the agency's weak, outdated static test. For example:

- A Suburban lowered gently onto its roof will suffer a crushed roof despite the fact that it passes the current standard.
- Research undertaken for litigation shows that, during a rollover, the roof of a rollover-prone Ford Explorer without its windshield crushes quickly like a pancake to inflict devastating head and spinal cord injuries on occupants.
- In rollover crashes, the person fatally injured or brain-damaged is, predictably, the person sitting where the roof crushed in. Others involved in the same crash who were sitting in an area where the roof did not crush often survive, with far milder injuries.
- The agency's current static test only measures a vehicle roof's ability to hold up under one and a half times its own weight, which fails to take meaningful account of the lateral (sliding) forces in a crash, of the lack of strength after the windshield shatters, or of the additional dynamic forces present in a crash.

INDUSTRY POSITION:

- The auto industry consistently denies or obscures the problem of roof crush, claiming that the roof doesn't actually crush. The industry has stated, by way of "clarification," that the roof stays in the same place as the vehicle falls toward it.
- Preventing significant roof crush and padding the roof interior are simple steps the auto industry has not taken voluntarily despite thousands of fatalities and horrible spinal injuries to vehicle occupants.
- The industry has also opposed, on the rulemaking record, an upgrade of the roof crush standard (FMVSS 216), arguing that occupants "dive into" the roofs, causing their injuries, rather than being harmed by the crushing of the roof.
- NHTSA has at last taken a baby step in issuing a "request for comments" – not even a preliminary rulemaking step — and the industry has again mobilized its tired arguments to stop any progress by the agency.
- In comments to the docket of December 3, 2001, DaimlerChrysler stated that "real world injury is not likely to be enhanced as a result of additional roof crush requirements."
- The Alliance of Automobile Manufacturers stated that "any incremental increase in roof crush resistance is unlikely to significantly reduce the neck injury potential of rollover

events.”

STATUS:

NHTSA is currently reviewing comments, outside the context of any concrete plans for an upgrade of the standard or for a dynamic standard. Safety experts estimate that the cost of a stronger roof is minimal per vehicle in production for both design and materials, and that new high-strength materials could be used to create stronger roofs with minimal increases in vehicle weight.

**LOBBYING HARD FOR INADEQUATE TECHNOLOGY,
IN SPITE OF SAFETY:
A PRACTICALLY USELESS NEW
TIRE INFLATION WARNING SYSTEM**

ISSUE:

Proper tire inflation is critical to vehicle performance and fuel efficiency, yet surveys by NHTSA show that most drivers are unaware of their vehicle's tire pressure, partly because most gas stations do not have pressure gauges or have broken gauges.

One hotly contested issue in the Ford/Firestone tragedy was whether Ford Motor Company had made a grave mistake in recommending a tire pressure with very little margin of safety, as tires with too little air pressure build up heat and are far more prone to tread separations, which can lead to rollovers and other problems in controlling the vehicle.

As part of NHTSA's new public awareness campaign consumer information on the importance of tire pressure, the agency released a pamphlet entitled, "Tire Safety: Everything Rides on it," emphasizing the importance of knowing your tire pressure to protect yourself from fatal accidents.

INDUSTRY POSITION:

- Following the 1978 Firestone 500 controversial tire recall, the agency began work on a standard to require a tire inflation warning system on the dashboard. The Reagan Administration stopped all work on the standard.
- In the Transportation, Recall Enhancement, Accountability and Documentation (TREAD) Act passed in the wake of the Firestone tire/Ford Explorer disaster Congress directed NHTSA to issue a tire pressure monitoring standard that would inform consumers of the inflation pressure in their tires while on the highway.
- NHTSA's rulemaking considered two options, a "direct system" that measures the inflation of all four tires, and a highly inadequate, "indirect" system that merely measures one or two of the tires on the vehicle with dubious accuracy.

STATUS:

While the agency was inclined to require the far more effective four-tire system, the industry howled about the cost and lead-time for the new systems, and filled the agency's docket with objections.

In addition, they went to the White House Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA). OIRA Administrator John Graham held a meeting on October 26, 2002, with manufacturers' representatives about the tire pressure monitoring

system. Attending the October meeting were Graham, OIRA staff, and NHTSA personnel, three representatives of the Alliance of Auto Manufacturers (Alliance), as well as lobbyists for Toyota, Ford, DaimlerChrysler and Volkswagen of America.³

The problem of underinflated tires is a serious one, recently highlighted by NHTSA's new safety campaign, and may result in hundreds of unnecessary fatalities and thousands of uncounted injuries every year. Yet all indications are that, due to pressure from OMB, the agency is likely to choose to require only an "indirect" tire pressure monitoring system that will be an inaccurate joke to consumers and will fail to provide the crucial safety information on tire inflation that Congress intended when it passed the TREAD Act.

As a side note, the Harvard Center for Risk Analysis, which Graham directed prior to becoming Administrator of OIRA, received unrestricted funding during his tenure in undisclosed amounts from Ford, General Motors, and the American Automobile Manufacturers Association, the predecessor of the Alliance.

³ According to comments filed to the docket, the present membership of the Alliance includes DaimlerChrysler, Ford, Volvo, the BMW Group, Fiat, Ford, General Motors, Isuzu, Mazda, Mitsubishi Motors, Nissan, Porsche, Toyota, Volkswagen and Volvo.