

**RELIANCE ON VOLUNTARY SAFETY STANDARDS PROVIDES  
NO ASSURANCE OF SAFETY AND IS ANTI-DEMOCRATIC**



*Give us a "Commitment" Instead of a Rule*

In December 2003, automakers announced a voluntary initiative to address incompatibility and aggressivity. The plan, currently to be phased-in on *most* vehicles by September 2009, would gradually increase the numbers of side impact air bags in vehicle and lower the bumpers of SUVs or add a barrier to prevent them from riding over cars.

Yet the Alliance made no specific or time-bound commitments to redesign these stiff vehicles to protect consumers, despite the fact that light trucks act as battering rams in crashes, and that the height and stiffness of SUVs makes them devastating on the highway.

*Moreover, there is no requirement that all vehicles become compliant with the plan, and no outside body will verify vehicle compliance.* While the commitment may increase occupant protection, it does little to address the violence that will be inflicted by the striking vehicle in crashes, ignoring the need to reduce stiffness and address ever-larger vehicle weights.

A voluntary "commitment" is a particularly inapt solution where, as here, thousands of lives are at stake. 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.<sup>1</sup>*

The 1966 Congressional legislators were right. The historical path of automakers' voluntary efforts is paved with broken promises.

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of their widely publicized 2001 promises to voluntarily improve the fuel economy of their light trucks by 25 percent (withdrawn after the threat of Congressional action on fuel economy receded), "voluntary" is often just another name for tactical maneuvering and delay.

Moreover, government reliance on voluntary "commitments" violates core principles of democratic accountability and transparency, because such voluntary agreements:

- **Contain no mechanisms for accountability:** If the program proves dangerously deficient, 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 development of the proposal, which is in secret by industry working groups not subject to oversight, compliance with statutory requirements, a responsibility to explaining their decisions, or judicial review of 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 gets no verification that a particular vehicle complies with the voluntary tests, unlike a government standards;

- **Lack a baseline for safety:** High-income purchasers, who can afford safety extras may be protected, but low-income purchasers remain vulnerable to cost-related decisions by manufacturers;
- **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 be or remain in compliance, so companies may change their minds at will and withdraw any protection offered;
- **Are replete with exemptions and limited remedies:** Voluntary “commitments” usually have exemption clauses permitting manufacturers to opt out of “compliance” because of marketing considerations, costs, or for other reasons. Voluntary “fixes” also do not help many drivers. For example, the Ford Explorer 2-door “Sport” was never re-designed to lower its rollover propensity, although it is more popular and more rollover-prone than the 4-door model which was subject to a well-publicized re-design.
- **Undermine the efforts of regulatory agencies:** Voluntary efforts often sideline agency involvement and research into safety policy by allowing willing agencies to defer or avoid regulation in a timely and vigorous manner.

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While automakers have spoken ominously about delay in their voluntary “commitments” if standards are enacted, **withdrawing safety protections from consumers, once they have been made available, would be both unwise and uncompetitive, in view of the strong consumer demand for safety technologies.**

In addition, Title 4 asks NHTSA to handle related vehicle safety issues as a package, and outlines a vigorous rulemaking schedule, to ensure that there will be little delay in achieving these crucial steps forward in safety.

### SUV Owners Speak Out

**Casey Ryan of Widlomar, CA  
father of 3 and driver of a 2003  
Land Rover Discover:**

If Americans can put a man on the moon during in the 60's and develop abstract topics like artificial intelligence, computer science, bioinformatics and genomics, then Americans can do anything they put their minds to. We need to be putting those minds to work for something that affects Americans on a daily basis; more relevant and practical for those who pay taxes and work hard like myself: Build a better SUV. We are the customers. They are the servers. Let's see some real customer service.

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<sup>1</sup> Committee Report on S. 3005, The Traffic Safety Act of 1966, June 23, 1966, at 271, 273, 274.