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NHTSA 00-7013-32

# Parents for Safer Air Bags

DEPT. OF TRANSPORTATION

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July 5, 2000

**VIA FAX AND US MAIL**

The Honorable Rosalyn Millman  
Acting Administrator  
National Highway Traffic Safety Administration  
400 Seventh Street, SW  
Washington, DC 20590

Re: Occupant Crash Protection Final Rule; 49 CFR Parts 552, 571, 585 and 595; Docket No. NHTSA No. NHTSA-00-7013 (fed. Reg. 30680; May 12, 2000)

**RESPONSE OF PARENTS FOR SAFER AIR BAGS TO ALLIANCE OF  
AUTOMOBILE MANUFACTURERS' PETITION FOR  
RECONSIDERATION OF FINAL ADVANCED AIR BAG RULE**

On June 26, 2000, the Alliance of Automobile Manufacturers (Alliance) submitted a petition for reconsideration of NHTSA's Final Advanced Air Bag Rule.

Parents for Safer Air Bags (PSAB) takes strong exception to the Alliance's petition to the extent that it seeks amendment to the rule that would prohibit the posting of supplemental air bag warning labels in the vehicle cabin other than the label mandated by NHTSA for the sunvisor.

The Alliance's petition is premised on a fundamental misunderstanding of NHTSA's 1993 final rule that, for the first time, mandated a sunvisor label with information about seat and air bags. The Alliance states, in Attachment A to its petition, that "the Alliance is very concerned to see the discussion in the Advanced Air Bag Final Rule preamble suggesting that the current rule's prohibition of additional in-car air bag warnings was being changed." In

fact, *there has never been a prohibition of additional in-car air bag warnings.* When NHTSA mandated the first sunvisor label in 1993, it expressly stated that vehicle manufacturers were free to provide additional information about their air bag systems "elsewhere," that is, other than on the sunvisor. Indeed, many vehicle manufacturers (including Volvo, Mercedes and Saab) supplemented the NHTSA mandated sunvisor label with additional labels in the occupant compartment regarding their vehicles' air bag systems.

Any question on the authority of a vehicle manufacturer to post additional air bag warning labels in the occupant compartment was definitively put to rest by an interpretive letter issued by NHTSA Chief Counsel Frank Seales, Jr. on November 12, 1998 (copy attached).

In its petition, the Alliance states that NHTSA should "clarify on reconsideration that it is retaining the restriction on additional labeling, and that any additional warnings and information about air bag performance should be located in the owner's manual." Again, this request reveals the Alliance's misunderstanding. There is no restriction on additional labeling and never was.

The Alliance's misunderstanding of NHTSA's position requires that the agency clearly state, both in the preamble and in the final rule, that "vehicle manufacturers are not prohibited from posting additional warnings and information in the occupant compartment, above and beyond the warnings and information contained in the sunvisor label mandated by the agency."

PSAB respectfully requests that the agency include the clarification proposed above in the final rule and in its preamble.

Very truly yours,



Robert C. Sanders

cc: L. Robert Shelton, Executive Director  
Stephen R. Kratzke, Associate Administrator for Safety Performance Standards



U.S. Department  
of Transportation  
**National Highway  
Traffic Safety  
Administration**

400 Seventh Street, S.W.  
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Robert C. Sanders, Esq.  
Director and General Counsel  
Parents for Safer Air Bags  
Suite 300, 1250 24th Street, NW  
Washington, DC 20037

Dear Mr. Sanders:

This responds to your letter of September 23, 1998 requesting an interpretation of Federal Motor Vehicle Safety Standard No. 208, Occupant Crash Protection. You asked about the labeling requirements for air-bag equipped vehicles which were established in a final rule published in the **Federal Register** (58 FR 46551) on September 2, 1993. These requirements applied to vehicles manufactured from September 1, 1994 until the present sun visor labeling requirements became effective on February 25, 1997.<sup>1</sup> The question you ask is responded to below.

By way of background information, the September 2, 1993 final rule required a warning label bearing specified information about safe conduct around air bags to be located on both sun visors. (S4.5.1(b)(1).) The rule provided further that "(n)o other information shall appear on the same side of the sun visor to which the label is affixed," and that "(e)xcept for an air bag alert label placed on the visor pursuant to S4.5.1(c) of this standard, no other information about air bags or the need to wear seat belts shall appear anywhere on the sun visor." (S4.5.1(b)(2).)

You asked whether this final rule<sup>2</sup> precluded automobile manufacturers from placing air bag information labels elsewhere

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<sup>1</sup> The final rule establishing the current labeling requirements was published in the **Federal Register** (61 FR 60206) on November 27, 1996. The rule applied to vehicles manufactured on or after February 25, 1997. It provided that manufacturers were permitted to voluntarily substitute the new labels for the earlier labels prior to that date.

<sup>2</sup> The agency later made minor amendments to S4.5.1(b), prior to the final rule establishing the current labeling requirements. However, these amendments do not affect the answer to your question.



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in the vehicle (i.e., other than on the sun visor) with a text different than that of the sun visor label.

The answer is no. S4.5.1(b)(1) of Standard No. 208 specified the precise information concerning air bags that was required to be placed on the sun visor, and S4.5.1(b)(2) specified that "no other information concerning air bags or seat belts shall appear anywhere on the sun visor." (Emphasis added.) The standard did not prohibit vehicle manufacturers from placing other accurate information concerning air bags or seat belts in locations in the vehicle other than the sun visor.

If you have any further questions, please feel free to call Edward Glancy of my staff at (202) 366-2992.

Sincerely,



Frank Seales, Jr.  
Chief Counsel