



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

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# Memorandum

Subject: INFORMATION: Ex Parte Communications with  
Consumer and Auto Groups on Advanced Air Bags

Date: JUL 11 2000

From: Stephen B. Kretzner, Associate Administrator  
for Safety Performance Standards

Reply to  
Attn. of:

To: Dockets 1999-6407 and 2000-7013

NHTSA 1999-6407-154  
NHTSA 2000-7013-36

Thru: Frank Seales, Jr.  
Chief Counsel

On the afternoon of December 7, 1999, I met in my office with Vann Wilber and Scott Schmidt of the Alliance of Automobile Manufacturers, and Bob Shelton, the Executive Director of NHTSA. In this meeting, the Alliance representatives brought forward a group of issues they were struggling with internally in preparing comments. Most of the meeting was spent on two issues. The first issue was a separation between the high end of the low-speed risk requirements and the low end of the high-speed barrier crash test. No separation was proposed in the SNPRM, and the Alliance felt that some separation was necessary. Some Alliance members wanted a 10 mph separation (risk tests end at 15 mph and barrier crash starts at 25 mph). I asked the Alliance to carefully consider and justify whatever separation range they asked for in their comments, because the agency had to move quickly from the comments to preparing a final rule. I explained that NHTSA would not have time to come back for any further clarification of their comments. The other issue was the maximum test speeds for the belted and unbelted rigid barrier tests. The Alliance representatives indicated they were likely to support a final rule with a maximum speed of 25 mph for the unbelted barrier crash test and a maximum speed of 30 mph for the belted barrier crash test. I suggested that such a position was not consistent with the three major options that NHTSA had outlined in the Supplemental Notice of Proposed Rulemaking (SNPRM), and that given the time frame for completing work on the final rule, the agency was not likely to choose an option other than one of the three covered in the SNPRM. This meeting lasted approximately one hour.

On December 15, 1999, I met in my office with a group of consumer and insurance group representatives. Those present included Joan Claybrook (President, Public Citizen), Cathy Chapman (Public Citizen), Jackie Gillan and Henry Jasny (Advocates for Highway and Auto Safety), and David Snyder (American Insurance Association). These consumer representatives brought a list of questions and issues that they



wanted to discuss so that they could prepare the most effective comments.

Ms. Claybrook asked about NHTSA's test results and I directed her to the appropriate docket. She expressed doubts about the manufacturers' position favoring a 25 mph unbelted test speed when our tests showed the overwhelming majority of vehicles still met 30 mph requirements. I agreed that her observation was correct for the 50<sup>th</sup> percentile male dummy, but suggested it was not as clear for the 5<sup>th</sup> percentile female dummy. Ms. Claybrook expressed her belief that dual-inflation air bag technology should allow manufacturers to meet a 30 mph unbelted test for both a 5<sup>th</sup> percentile female dummy and a 50<sup>th</sup> percentile male dummy. I advised her to state that clearly and to provide all the substantiation she could for that belief in her comments.

Ms. Claybrook then asked if any vehicles met all our proposed requirements. I told her that our docket showed the 1999 Saturn met the crash test requirements for both the 50<sup>th</sup> percentile male and for the 5<sup>th</sup> percentile female, but that we had not run all the proposed low risk tests for that vehicle. Mr. Jasny noted that the warning label proposed in the SNPRM seemed to reflect an agency view that was directly contradictory to the agency view that was expressed in denying an Advocates' petition for changes to the air bag warning label in the mid-90's. I asked Mr. Jasny to please state that in his comments. If he did, I promised that we would specifically study that point in developing the warning label requirements in the final rule. This meeting lasted approximately one hour and 15 minutes.

These two meetings, as well as a December 21, 1999 meeting with the Insurance Institute for Highway Safety described in Docket 1999-6407-039, were intended to facilitate well-reasoned comments and positions by all the major interests in this rulemaking that reflected all of the information in a large and technically complex public record. Given NHTSA's need to move expeditiously to meet the March 1, 2000 statutory deadline for the final rule, it was essential that the major interests put forward their best cases for their positions in their comments on the SNPRM.

On February 7, 2000, I met in the Administrator's Conference Room in Room 5220 with Mr. Robert Sanders of Parents for Safer Air Bags, along with other officials of Parents for Safer Air Bags, and people who themselves or whose relatives had been seriously injured or killed by an air bag. Other NHTSA officials who were present included Rosalyn Millman (Deputy Administrator), L. Robert Shelton (Executive Director), Kenneth Weinstein (NSA), Delmas Johnson (NPP), Frank Seales (Chief Counsel), Ray Owings (NRD), and Rae Tyson (Office of Public Affairs). The representatives of Parents for Safer Air Bags introduced themselves and then told their personal tales of loss. At the end of these presentations, Mr. Sanders summarized the views of his group and said that Parents for Safer Air Bags believed that on-off switches for air bags should remain available as an option, that the warning label in the SNPRM had to be strengthened, because it did not convey any sense of urgency as to the hazards of air bags, and that the group supported a 30 mph maximum speed for the unbelted barrier test. This meeting lasted approximately one hour and 15 minutes.