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Consumer Safety - Airbags

cust pro - air bags

Lisa M. Jones
08/28/98 03:29:26 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Victoria Wassmer/OMB/EOP
Subject: Advanced Airbags proposed rule Heads-up

August 28, 1998

MEMORANDUM FOR ERSKINE BOWLES

THROUGH: Jack Lew
FROM: Donald Arbuckle
SUBJECT: Heads-up -- Department of Transportation's proposed rule on Advanced Airbags

We have just received the Department of Transportation's National Highway Traffic Administration's (NHTSA) proposed rule that requires the development of advanced airbag technology and their introduction in vehicles over a phase in period from MY 2003-MY 2006. This rule is part of the long-term solution NHTSA has designed to address the adverse side effects of airbag technology. Although airbags have saved 3,148 lives since their introduction in 1986, they have also caused 105 known fatalities. The proposed advanced airbag standard is flexible and allows auto manufactures a broad range of technological possibilities, from weight sensors to dual-stage airbags, which are estimated to cost between \$4-\$162 per vehicle. The preliminary analysis indicates that the significant cost of the rule, up to \$2.5 billion annually (based on predicted costs of the high cost technological option and annual sales of 15.5 million vehicles) is balanced by substantial benefits - - the avoidance of fatalities to the high risk population -- infants, children under the age of 12, and small stature adults - - and the avoidance of property damage expenses due to unnecessary airbag deployment.

The proposal also includes other noteworthy provisions that require auto manufacturers to: test using a 5th percentile (small stature) adult female, 12-month old infant, and 3 and 6-year old dummies, in addition to the 50th percentile male dummy currently required; add several new crash tests, including a choice among three low-speed tests and a dynamic offset crash test; and, sunset the sled test option after advanced airbags are introduced by the industry. These new provisions should not surprise the interested public; in fact the American Automobile Manufacturers Association petitioned NHTSA to include additional dummies in the test requirements. However, sunsetting the sled test is controversial. The auto companies favor the sled test because it is cheap, repeatable, and as opposed to the barrier crash test, a vehicle is not destroyed. NHTSA is fearful that the safety benefits of airbags are compromised by the sled test because the test is a simulation of a crash, not an actual crash; and, as manufactures change their airbag design to optimize for the sled test, the consequence could be smaller bags that protect less surface area.

NHTSA is anxious for the rule to be published to meet the September 1st statutory deadline. We believe the agency has written a technology forcing proposed rule that is focused on the problems with current airbag technology and, at this proposed stage, maintains a great

deal of flexibility for new developments in technology.

Message Sent To:

Maria Echaveste/WHO/EOP
Rahm I. Emanuel/WHO/EOP
Lawrence J. Stein/WHO/EOP
Ron Klain/OVP @ OVP
Thurgood Marshall Jr/WHO/EOP
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Michael Waldman/WHO/EOP
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Consumer pro -
air bags



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 14, 1997

ADMINISTRATOR
OFFICE OF
INFORMATION AND
REGULATORY AFFAIRS

MEMORANDUM FOR ERSKINE BOWLES

THROUGH: Franklin D. Raines 

FROM: Sally Katzen 

SUBJECT: Heads Up on DOT's Airbag Cutoff Switch Final Rule

On October 6, 1997, we sent you a heads-up memo on a DOT **final** rule allowing individuals to obtain on/off switches for airbags in existing vehicles. Since then, DOT has given further thought to its role as "gatekeeper" and redrafted the final regulation to provide that individuals who want to have an on/off switch are to send the form to the government before the switch is installed. We are now ready to go and we understand that DOT will announce the rule next Tuesday. I have attached a copy of our October 6 heads-up memo to refresh your memory on the substance. Please give me a call if you have questions.

cc: Maria Echaveste
Rahm Emanuel
John Hilley
Ann Lewis
Thurgood Marshall, Jr.
Sylvia Mathews
Bruce Reed
Gene Sperling
Elena Kagan
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Michael Waldman
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Larry Haas



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 6, 1997

ADMINISTRATOR
OFFICE OF
INFORMATION AND
REGULATORY AFFAIRS

MEMORANDUM FOR ERSKINE BOWLES

THROUGH: Franklin D. Raines *FDR*

FROM: Sally Katzen *S Katzen*

SUBJECT: Heads Up on DOT's Airbag Cutoff Switch Final Rule

We expect to conclude review of the DOT final rule allowing dealers and repair shops to install on/off switches for airbags in existing vehicles. You may recall that this was one piece of the four-part approach announced by the President last December (the other pieces, all well received, included warning labels, depowering, and extending authorization for on/off switches for the front passenger seat in new vehicles that do not have back seats). The rule we are about to clear has already been the subject of several critical news stories, and will be a major news event when it is published.

This rule is in response to the fact that while airbags save lives, there is a real risk of serious injuries and fatalities in low-speed crashes where the drivers are short-statured people sitting too close to the steering wheel and/or the passengers are unbelted children riding in the front seat (instead of being belted in the back seat). Everyone agrees that the at-risk group (which also includes infants (under 1 year old) in rear-facing seats who must ride in the front seat and individuals with certain medical conditions) should be allowed to turn off their airbags. The issue has been whether others should be allowed to deactivate their airbags and the role that DOT would play as a gatekeeper. A coalition of auto manufacturers, insurance companies, and safety advocates has opposed any form of broad-based deactivation of airbags (by which they mean if there is not prior approval by DOT to install the switches). DOT, on the other hand, claims it cannot process all of the applications it will receive, and it would not want to be responsible if there were an accident while an application was pending.

The DOT rule would require the vehicle owner to sign a form certifying (under penalty of law) that at least one occupant in his/her vehicle falls into one of the risk categories. It would expressly state that the dealer's only responsibility is to see that the form is filled out, not to verify the appropriateness of the box checked. It would be accompanied by an education campaign to seek and minimize misuse (i.e. do not turn off if you are not at risk). This is important because the rule is calculated to save the lives of approximately 11 drivers and 44 passengers each year over the next four years; however, if there is as little as one percent misuse (i.e., drivers turning off the switch if they are not at risk) it will offset all of the benefits to drivers.

The message on roll-out (which we recommend be low key and at the Department level) is important because this is an interim step -- the real solution lies in smart airbags for which an NPRM is being prepared. Please let me know if you have any questions.

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Summer protection -
air bags



Bruce N. Reed
11/07/97 03:40:44 PM

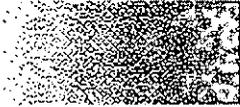
Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: FYI.. Air Bags

----- Forwarded by Bruce N. Reed/OPD/EOP on 11/07/97 03:40 PM -----



Jerold R. Mande

11/07/97 03:32:47 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc: Dorothy Robyn/OPD/EOP

Subject: FYI.. Air Bags

Slater, McCain, and Kempthorne finished work on a deal yesterday. However, it won't move until next year when Congress takes up surface transportation again.

WASHINGTON (AP) An agreement between the Clinton administration and key senators Thursday should allow consumers to have less forceful air bags until more advanced air bags are available in the next century.

The agreement also sets a timetable for requiring advanced air bag technology to better protect all occupants from the potentially deadly force of a deploying air bag.

It requires the Transportation Department to issue a proposed standard in mid-1998 for more sophisticated air bag testing that would spur the more advanced air bags. The new standard would then be phased in starting with model year 2001 and ending with model year 2005.

"We want to continue to experience the benefits of air bags but minimize the injury and deaths they will cause," said Transportation Secretary Rodney Slater. "We believe this agreement will help us do that."

Air bags deploying at up to 200 mph have been blamed for the deaths of 49 children and 38 adults particularly smaller women in low-speed accidents they otherwise should have survived.

In response to a public outcry over the deaths, federal regulators in March allowed automakers to install air bags that

were 20 percent to 35 percent less powerful.

However, the rule allowing less forceful air bags was to expire in 2001. The agreement would allow for less forceful air bags past that date.

In September, Sen. Dirk Kempthorne, R-Idaho, proposed an amendment that would have forced federal regulators to permanently drop a test requiring automakers to design air bags that cushioned an unbelted male dummy in a 30 mph crash.

Kempthorne and other safety experts argued that the test required too much force for an air bag deployment, leading to accidental deaths especially among children. They said air bags are a supplementary safety device and should be designed first for people wearing seat belts and for children.

Slater has agreed to suspend that test until it is replaced with the more sophisticated government air bag testing involving all types of dummies, including those representing children and small women.

"We had a crisis. It was just not conceivable that Congress could sit by and watch this body count of killed precious children," said Kempthorne. "We are doing something for the future, for the children, and we are doing it now."

Slater has the right to restore the test if he gives Congress notice. In the meantime, a less rigorous test that was started in March and allowed less forceful air bags remains in effect.

The agreement must be approved by Congress to take effect. Taking part in the agreement, aside from Kempthorne and Slater, were senators on the Senate Commerce, Science and Transportation Committee, including its chairman, Sen. John McCain, R-Ariz.

Cons pro-air bags



EXECUTIVE OFFICE OF THE PRESIDENT
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WASHINGTON, D. C. 20503

October 6, 1997

ADMINISTRATOR
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REGULATORY AFFAIRS

MEMORANDUM FOR ERSKINE BOWLES

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FROM: Sally Katzen *S Katzen*

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Consumer protection -
air bags

Date: 08/05/97 Time: 08:47

Industry says deactivating air bags would increase crash deaths

WASHINGTON (AP) A government plan to allow motorists to deactivate air bags could cost hundreds more lives each year in crashes, auto industry and consumer groups claim.

The groups told Transportation Secretary Rodney Slater in a letter that his department "may be poised to issue a rule change that could actually increase automobile injuries and fatalities."

The letter, released Monday, was signed by the heads of trade groups representing domestic and foreign automakers, air bag suppliers, dealers, insurers and two consumer groups.

But Dr. Ricardo Martinez, head of the National Highway Traffic Safety Administration, said the government would adopt a final rule "that is part of our comprehensive plan to retain the benefits of air bags while minimizing the risks."

The highway safety agency proposed the change in the wake of a public outcry over air bag deaths. Air bags have been blamed for the deaths of 77 people including 43 children and infants in low-speed accidents they otherwise should have survived.

The industry and consumer groups have been vigorously lobbying the Clinton administration to avert the plan, proposed in January. It would allow motorists the option of getting an air bag deactivated by a mechanic. The final version of the plan is expected soon.

In their letter, the groups said an analysis commissioned by TRW Inc., the largest air bag manufacturer, showed that hundreds of lives could be lost in crashes if the devices were deactivated.

The report says if the deactivation policy had been in effect last year, 82 people saved by an air bag instead would have died because the device was turned off.

With 1 million more air bags on the road in new cars each month, the analysis projects that 406 more people would die annually by 2000.

The report, prepared by Multinational Business Services Inc., assumes 10 million people would have disconnected air bags in 1996 if they had been allowed to do so. There were about 50 million vehicles with air bags on the road that year.

The government experts doubt that millions of Americans will pull the plug on their air bags. The National Highway Traffic Safety Administration has estimated the total who would choose to disconnect the bags would be closer to 1,000.

Motorists would be required to read a notice about the risks associated with disconnecting an air bag. Agency officials have said once people are informed of the risks and benefits of air bags, the vast majority would opt to keep them.

APNP-08-05-97 0846EDT

Consumer safety -
airbags

Deactivation Rule: Content and Status

1. Current Situation

--Illegal for dealers and mechanics to disconnect air bags. However, under its prosecutorial discretion, NHTSA is approving individual disconnection requests where applicant demonstrates medical need or need to put infant in front seat.

--To date, about 7600 requests received, mostly from short stature and older drivers. About 2300 requests granted.

2. Rulemaking Proposal

--On January 6, 1997, NHTSA proposed to allow air bag deactivation/disconnection upon written authorization of any vehicle owner. To ensure informed decision-making, owners required to receive NHTSA information sheet re pros and cons of disconnection and certify in authorization form that they had read it before authorization deactivation. Dealer/mechanic required to affix warning labels in vehicle to notify occupants of deactivation, and to send copy of authorization form to manufacturers for record keeping purposes.

3. DOT Recommendation re Final Rule

--Final rule would permit deactivation only by way of cutoff switch. (Reason: manufacturers now maintain that switches can be made available in matter of months; switches more "surgical" solution than complete deactivation.) Switches must meet specifications currently required for switches installed in vehicles with no or inadequate rear seat--i.e., switches must be activated by key and have telltale amber warning light. Switches can be dual mode for driver and passenger bags, or single mode for only one bag.

--Switches would be available to any owner (or lessee, if allowed under lease agreement) on informed decision-making basis. Owner required to obtain and certify receipt and review of NHTSA information sheet as part of written authorization process. Dealer/mechanic performing work required to keep authorization form for one year. No requirement to send to manufacturer.

--NHTSA expects most manufacturers to make switches available. For those that do not, NHTSA to continue to process individual requests for deactivation on same basis as currently--i.e., medical justification, need to transport infant in front.

--Effective date to be 60-90 days in future to allow manufacturers to obtain switches and establish programs at dealerships. In meantime, NHTSA to conduct aggressive public information and education campaign to convey message that switches are unnecessary for vast majority of drivers and occupants--that drivers can eliminate risk by sitting 10" from air bag, and that passenger side risk for children can be eliminated by having children sit in back.

--Switches to be available for all existing and new vehicles, including those with depowered bags, but only on a "retrofit" basis. Switches not to be available as factory-installed new vehicle equipment. Also, switches not to be available on vehicles with advanced, i.e., "smart", air bags.

--Switches expected to cost \$51-124 per switch. Consumers to bear cost.

4. Status of Rule

--NHTSA currently conducting focus groups (last ones are tonight) to refine information sheet messages and format. Key issue is extent to which NHTSA gives definitive advice whether drivers who cannot maintain 10" distance from bag and parents who must transport children in front should get switch; also, extent to which public should be directed to consult with vehicle manufacturer for advice re particular vehicle. Anticipate completion of work on information sheet in next 5-10 days.

Consumer safety -
airbags



Elizabeth Drye

06/10/97 07:49:11 PM



Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Air bags

Here's what's happening w/air bags. A couple of events have put them in the news. Leonard Evans -- GM's top research guy said in a Monday Wash. Times article that the gov't's estimate of lives saved is speculative and has been stated over-confidently. CBS did piece last night on this. National Transportation Safety Board met today and made a number of recommendations on seatbelt use and airbags that are consistent with our agenda (e.g. states should pass laws requiring kids 12 and under in back seat; NHTSA should publish a final rule on on/off switches). NTSB also recommended putting black boxes in cars to get better info on nature of crashes to improve car safety design -- don't think we have a position on that yet.

More to come soon. DOT is wrapping up work on the on/off switch rule (right now DOT thinks it will allow cutoff switches on a retrofit basis). NHTSA told press today they expect to issue the final rule in a matter of weeks not months, and that we will come in well under our average rulemaking time. The rule is at OMB on an informal basis; NHTSA anticipates getting it over to OMB formally late this week early next week. We should start a discussion soon w/ DOT about how to roll it out.