AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: The purpose of this notice is to amend Federal Motor Vehicle Safety Standard No. 208, Occupant Crash Protection, to rescind the requirements for installation of automatic restraints in the front seating positions of passenger cars. Those requirements were scheduled to become effective for large and mid-size cars on September 1, 1982, and for small cars on September 1, 1983.

The automatic restraint requirements are being rescinded because of uncertainty about the public acceptability and probable usage rate of the type of automatic restraint which the car manufacturers planned to make available to most new car buyers. This uncertainty and the relatively substantial cost of automatic restraints preclude the agency from determining that the standard is at this time reasonable and practicable. The reasonableness of the automatic restraint requirements is further called into question by the fact that all new car buyers would be required to pay for automatic belt systems that may induce only a few additional people to take advantage of the benefits of occupant restraints.

The agency is also seriously concerned about the possibility that adverse public reaction to the cost and presence of automatic restraints could have a significant adverse effect on present and future public acceptance of highway safety efforts.

Under the amended standard, car manufacturers will continue to have the current option of providing either automatic or manual occupant restraints.

DATES: The rescission of the automatic restraint requirements of Standard No. 208 is effective December 8, 1981. Any petitions for reconsideration must be received by the agency not later than December 3, 1981.

ADDRESS: Any petitions for reconsideration should refer to the docket number and notice number of this notice and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION: On April 9, 1981, the Department of Transportation published a notice of proposed rulemaking (NPRM) setting forth alternative amendments to the automatic restraint requirements of Standard No. 208 (46 FR 21205). The purpose of proposing the alternatives was to ensure that Standard No. 208 reflects the changes in circumstances since the automatic restraint requirements were issued (42 FR 34289; July 5, 1977) and to ensure that the standard meets the requirements of the National Traffic and Motor Vehicle Safety Act of 1966 and Executive Order 12291, “Federal Regulations” (February 17, 1981).

Background and NPRM

The automatic restraint requirements were adopted in 1977 in response to the high number of passenger car occupants killed annually in crashes and to the persistent low usage rate of manual belts. The manual belt is the type of belt which is found in most cars today and which the occupant must place around himself or herself and buckle in order to gain its protection. Then, as now, there were two types of automatic restraints, i.e., restraints that require no action by vehicle occupants, such as buckling a belt, in order to be effective. One type is the air cushion restraint (air bag) and the other is the automatic belt (a belt which automatically envelopes an occupant when the occupant enters a vehicle and closes the door).

In view of the greater experience with air bags in large cars and to spread out capital investments, the Department established a large-to-small car compliance schedule. Under that schedule, large cars were required to begin compliance on September 1, 1981, mid-size cars on September 1, 1982, and small cars on September 1, 1983.

On April 6, 1981, after providing notice and opportunity for comment, the Department delayed the compliance date for large cars from September 1, 1981, to September 1, 1982. As explained in the April 6, final rule, that delay was adopted . . . because of the effects of implementation in model year 1982 on large car manufacturers, because of the added significance which those effects assume due to the change in economic circumstances since the schedule was adopted in 1977, and because of the undermining by subsequent events of the rationale underlying the original phase-in schedule.

Simultaneous with publishing the one-year delay in the effective date for large cars, the Department also issued a proposal for making further changes in the automatic restraint requirements. This action was taken in response to a variety of factors that raised questions whether the automatic restraint requirements represented the most reasonable and effective approach to the problem of the low usage of safety belts. Among these factors were the uncertainty about public acceptability of automatic restraints in view of the absence of any significant choice between automatic belts and air bags and the nature of the automatic belt designs planned by the car manufacturers, the consequent uncertainties about the rate of usage of automatic restraints, and the substantial costs of air bags even if produced in large volumes.

The three principal proposals were reversal of phase-in sequence, simultaneous compliance, and rescission. The reversal proposal would have changed the large-to-small car order of compliance to a requirement that small cars commence compliance on September 1, 1982, mid-size cars on September 1, 1983, and large cars on September 1, 1984. The proposal for simultaneous compliance would have required all size classes to begin
compliance on the same date, March 1, 1983. The rescission proposal would have retained the manufacturers' current option of equipping their cars with either manual or automatic restraints.

In addition, the Department proposed that, under both the first and second alternatives, the automatic restraint requirements be amended so that such restraints would not be required in the front center seating position.

Following the close of the period for written comments on the April NPRM, NHTSA decided, in its discretion, to hold a public meeting on the alternatives. The purpose of the meeting was to permit interested parties to present their views and arguments orally before the Administrator and ensure that all available data were submitted to the agency. The notice announcing the meeting indicated that participants at the hearing would be permitted to supplement their previous comments. The notice also urged participants to consider the issues raised in former Secretary Coleman’s June 14, 1976 proposal regarding occupant restraints and in former Secretary Adams’ March 24, 1977 proposal regarding automatic restraints.

Rationale for Agency Decision

The decision to rescind the automatic restraint requirements was difficult for the agency to make. NHTSA has long pursued the goal of achieving substantial increases in the usage of safety belts and other types of occupant restraints. Former Secretary Adams clearly believed that he had ensured the achievement of that goal in July 1977 when he promulgated the automatic restraint requirements. Now that goal appears as elusive as ever. Instead of being equipped with automatic restraints that will protect substantially greater numbers of persons than current manual belts, most new cars would have had a type of automatic belt that might not have been any more acceptable to the public than manual belts. The usage of those automatic belts might, therefore, have been only slightly higher than that of manual belts. While most of the anticipated benefits have virtually disappeared, the costs have not. Vehicle price increases would have amounted to approximately $1 billion per year.

This turn of events may in part reflect the failure of the Department in the years following 1977 to conduct a long term effort to educate the public about the various types of restraints and the need to use them. The need for such an undertaking was seen by former Secretary Coleman in announcing his decision in 1976 to conduct an automatic restraint demonstration project prior to deciding whether to mandate automatic restraints. His instruction that NHTSA undertake significant new steps to promote safety belt usage was never effectively carried out. The result of such an effort could have been that a substantial portion of the public would have been receptive to a variety of automatic restraint designs. As a result of concern over public acceptance, manufacturers have designed their automatic restraints to avoid creating a significant adverse reaction. Unfortunately, the elements of design intended to minimize adverse reaction would also minimize the previously anticipated increases in belt usage and safety benefits of requiring new cars to have automatic restraints instead of manual belts.

The uncertainty regarding the usage of the predominant type of planned automatic restraint has profound implications for the determinations which NHTSA must make regarding a standard under the National Traffic and Motor Vehicle Safety Act. NHTSA has a duty under the Vehicle Safety Act and E.O. 12291 to review the automatic restraint requirements in light of changing events and to ensure that the requirements continue to meet the criteria which each Federal Motor Vehicle Safety Standard must satisfy. If the criteria cannot be satisfied, the agency must make whatever changes in the standard are warranted. The agency must also have the flexibility to modify its standards and programs in its efforts to find effective methods for accomplishing its safety mission.

The agency believes that the post-1977 events have rendered it incapable of finding now, as it was able to do in 1977, that the automatic restraint requirements would meet all of the applicable criteria in the Vehicle Safety
Act. Section 103(a) of the Vehicle Safety Act requires that each Federal Motor Vehicle Safety Standard meet the need for safety and be practicable and objective. Each standard must also be reasonable, practicable and appropriate for each type of vehicle or equipment to which it applies (Section 103(f)(3). To meet the need for safety, a standard must be reasonably likely to reduce deaths and injuries. To be found practicable, the agency must conclude that the public will in fact avail themselves of the safety devices installed pursuant to the standard. (Pacific Legal Foundation v. Department of Transportation, 593 F. 2d 1338, at 1345–6 (D.C. Cir. 1979). To be reasonable and practicable, a standard must be economically and technologically feasible, and the costs of implementation must be reasonable. (S. Rep. No. 1301, 89th Cong., 2d Sess. 6 (1966).)

In reaching the decision announced by this notice, NHTSA has reviewed the enormous record compiled by this agency over the past decade on automatic restraints. Particular attention was paid to the information and issues relating to the notices which the Agency or Department has issued regarding automatic restraints since 1976. All comments submitted in response to the April 1981 proposal by proponents and opponents of the automatic restraint requirements have been thoroughly considered. A summary of the major comments is included as an appendix to this notice. The agency's analysis of those comments may be found in this notice and the final regulatory impact analysis. A copy of the analysis has been placed in the public docket.

Usage of automatic restraints and safety benefits. As in the case of the comments submitted concerning the one-year delay in automatic restraint requirements for large cars, the commenters on the April 1981 proposal expressed sharply divergent views and arguments and reached widely differing conclusions concerning the likely usage rates and benefits of the automatic restraints planned for installation in response to the automatic restraint requirements. The wide distance between the positions of the proponents and opponents of these requirements stems primarily from the lack of any directly relevant data on the most important issue, i.e., the public reaction to and usage rate of detachable automatic belts. These disagreements once again demonstrate the difficulty in reaching reliable conclusions due to the uncertainty created by the lack of adequate data.

In issuing the automatic restraint requirements in 1977, NHTSA assumed that the implementation of those requirements would produce substantial benefits. According to the analysis which NHTSA performed in that year, automatic restraints were expected to prevent 9,000 deaths and 65,000 serious injuries once all cars on the road were equipped with those devices. That prediction was premised on several critical assumptions. Most important among the assumptions were those concerning the safety benefits of automatic restraints—reductions in death and injury—which in turn are a function of the types of automatic restraints to be placed in each year's production of new cars.

The agency assumed that the combination of air bags and lap belts would be approximately 66 percent effective in preventing fatalities and that automatic belts would have a 50% level of effectiveness. The agency assumed also that air bags would be placed in more than 60 percent of new cars and that automatic belts would be placed in the remaining approximately 40 percent. The agency's analysis predicted that air bags would provide protection in virtually all crashes of sufficient severity to cause deployment of the air bags. It was further assumed that the automatic belts would be used by 60 to 70 percent of the occupants of those cars.

As to public reaction, the agency anticipated that the public would, as a whole, accept automatic restraints because it could choose between the two types of those restraints. Those not wanting automatic belts would select an air bag. Partly as a function of the expected large volume of air bag installation, the agency projected that the cost of air bags would be only slightly more than $100 (in 1977 dollars) more than manual belts.
As part of its efforts to monitor and facilitate implementation of the automatic restraint requirements, the agency continued its gathering of data about the use and effectiveness of air bags and of automatic belts with use-inducing features, the only type of automatic belt available to the public. With respect to automatic belts, this effort was carried out through a contract with Opinion Research Corporation. Under that contract, observations were made of seat belt usage during the two year period beginning November 1977. These observations provided data on usage of manual and automatic belts in model year 1975–79 VW Rabbits and of manual belts in model year 1978–79 GM Chevettes. As a result of voluntary decisions by VW and GM, a number of the Rabbits and Chevettes were equipped with automatic belts. The observation data showed usage rates of about 36 percent for manual belts and about 81 percent for automatic belts in the Rabbits. The observed rate of manual belt usage in Chevettes was 11 percent. There were insufficient numbers of model year 1978–79 Chevettes equipped with automatic belts to develop reliable usage figures.

Several telephone surveys were also made under contract with Opinion Research. The first survey involved owners of model year 1979 VW Rabbits and GM Chevettes equipped with automatic belts and was conducted during 1979. This survey showed that 89 percent of Rabbit owners and 72 percent of Chevette owners said that they used their automatic belts. A second survey was conducted in late 1979 and early 1980. It covered owners of model year 1980 Rabbits and Chevettes. The usage rates found by the second survey were almost identical to those in the first survey.

Now, however, the validity of the benefit predictions in 1977 and the relevancy of the extensive data gathered by NHTSA on air bags and on automatic belts with use-inducing features have been substantially if not wholly undermined by drastic changes in the types of automatic restraints that would have been installed under the automatic restraint requirements. Instead of installing air bags in approximately 60 percent of new cars, the manufacturers apparently planned to install them in less than 1 percent of new cars. Thus, automatic belts would have been the predominant means of compliance, and installed in approximately 99% of new cars. Thus, the assumed life-saving potential of air bags would not have been realized.

Manufacturers have stated that they chose belt systems for compliance because of the competitive disadvantage of offering the relatively expensive, inadequately understood air bag when other manufacturers would have been providing automatic belts. These explanations seem credible.

The other drastic change concerns the type of automatic belt to be installed. Although some aspects of the car manufacturers’ automatic belt plans are still tentative, it now appears reasonably certain that if the automatic restraint requirements were implemented, the overwhelming majority of new cars would be equipped with automatic belts that are detachable, unlike the automatic belts in Rabbits and Chevettes. Most planned automatic belts would be like today's manual lap and shoulder belts in that they can be easily detached and left that way permanently.

Again, this design choice would appear to have arisen out of concern that without such features emergency exit could be inhibited, and, in part as a result of a perception of this fact, public refusal to accept new designs would be widespread. The agency shares this concern, and has since 1977 required that all such belts provide for emergency exit. Agency concerns on this point have been validated by recent related attitudinal research, discussed below.

In its final rule delaying the initial effective date of the automatic restraint requirements, the April 1981 proposal and the associated documents analyzing the impacts of those actions, NHTSA expressly confronted the lack of
usage data directly relevant to the type of automatic belts now planned to be installed in most new cars. The agency stated that there were several reasons why the available data was of limited utility in attempting to make any reliable predictions about the usage of easily detachable automatic belts. The most important reason, which has already been noted, is that the predominant type of planned automatic belt would not have had features to ensure that these belts are not detached.

Second, all of the available data relate to only two subcompacts, the Rabbit and the Chevette. Due to a combination of owner demographics and a correlation between driver perception of risk and the size of the car being driven, belt usage rates are typically higher in small cars than in larger ones. Therefore, the usage rates for the two subcompacts cannot simply be adopted as the usage rates for automatic belts in all car size classes.

Third, most of the Rabbit and Chevette owners knew that their new car would come with an automatic belt and had it demonstrated for them, even if many state that they did not consciously choose that type of belt. Having voluntarily invested in automatic restraints, they are more likely to use those restraints than someone who is compelled to buy them.

The significance of the fundamental difference between the nondetachable and detachable automatic belt bears further discussion. The Rabbit automatic belts are, as a practical matter, not permanently detachable since they are equipped with an ignition interlock. If the belt is disconnected, the interlock prevents the starting of the car. Each successive use would therefore require re-connection before engine start. The Chevette automatic belts also were initially equipped with an ignition interlock. Beginning in model year 1980, the Chevette belts were made both practically and literally nondetachable. They consist of a continuous, nondetachable shoulder belt. Additional webbing can be played out to produce slack in the belt; however, the belt remains attached at both ends.

By contrast, the automatic belts now planned for most cars do not have any effect on the starting of the cars and are easily detachable. Some belt designs may be detached and permanently stowed as readily as the current manual lap and shoulder belts. Once a detachable automatic belt is detached, it becomes identical to a manual belt. Contrary to assertions of some supporters of the standard, its use thereafter requires the same type of affirmative action that is the stumbling block to obtaining high usage levels of manual belts. If the car owners perceive the belts as simply a different configuration of the current manual belts, this stumbling block is likely to remain. They may treat the belt as a manual one and thus never develop the habit of simply leaving the belt attached so that it can act as an automatic belt.

The agency recognizes the possibility that the exposure of some new car purchasers to attached automatic belts may convert some previously occasional users of manual belts to full time belt users. Present attitudinal survey data clearly establish the existence of a population of such occupants who could be influenced by some external factor to convert to relatively constant users. However, the agency believes that many purchasers of new cars having detachable automatic belts would not experience the potential use-inducing character of attached automatic belts *53422 unless they had taken the initiative themselves to attach the belts.

Thus, the change in car manufacturers' plans has left the agency without any factual basis for reliably predicting the likely usage increases due to detachable automatic belts, or for even predicting the likelihood of any increase at all. The only tentative conclusion that can be drawn from available data is that the installation of nondetachable automatic belts in other subcompacts could result in usage rates near those found in Rabbits and Chevettes. Even that use of the Rabbit and Chevette data may be questionable, however, given the element of voluntarism.
in the purchase of automatic belts by many of the Rabbit and Chevette owners. Thus, the data on automatic belt use in Rabbits and Chevettes may do little more than confirm the lesson of the model year 1974–75 cars equipped with manual belts and ignition interlocks, i.e., that the addition to a belt system of a feature that makes the belt nondetachable or necessitates its attachment before a car can be started can substantially increase the rate of belt usage.

In estimating automatic belt usage rates for the purposes of the April final rule and proposal, the agency recognized the substantial uncertainty regarding the effects of easily detachable automatic belts on belt usage. NHTSA attempted to compensate for the lack of directly relevant data by using two different techniques to predict a potential range of usage.

One technique was to assume a consistent multiplier effect, whereby belt usage in cars of all size classes would be assumed to be more than slightly double as it had in Rabbits. A doubling of the current 10–11 percent manual belt usage rate projected over the general car fleet would mean a 22 percent rate could be achieved with the installation of automatic belts. The other technique was to assume that there would be a consistent additive effect, whereby the same absolute percentage point increase in belt usage would occur as there had been in the case with Rabbits. Use of this method would result in a predicted 50 percentage point increase in belt usage, over the entire fleet, from the current 10–11 percent to approximately 60 percent.

The agency used the results of these two techniques in an attempt to construct a range of possible increases in belt usage. Thus, a range of 15 to 60 percent was used in both the final regulatory impact analysis for the April rulemaking to defer the effective date for one year and the preliminary analysis for the current action. The figure of 15 percent was derived by doubling the observed 7 percent usage levels in the large type cars affected by the deferral. A figure of 22 percent would have been more appropriate as the low end of the range for the current action, since it would represent a doubling of the current usage rate of the car fleet as a whole. This latter figure has been used in addressing this question in the current final regulatory analysis.

Although the agency had no definitive way of resolving the uncertainty about the usage of detachable automatic belts, the agency estimated that belt usage with automatic belts would most likely fall near the lower end of either range. This estimate was based on a variety of factors. Most relate to the previously discussed limitations in the relevancy of the observations and surveys of Rabbit and Chevette owners. In addition, those data were on their face inconsistent with data regarding automatic belt usage in crashes involving Rabbits. Those crash data indicated a usage rate of 55–57 percent instead of the better than 80 percent rate indicated by the observation study and telephone surveys.

Thus, the agency made the preliminary judgment in its impact analyses that the switch from manual belts to detachable automatic belts could approximately double belt usage. However, the April 1981 final rule noted that the actual belt usage might be lower, even substantially so. With respect to cars with current low usage rates, that notice stated that the usage rate of detachable automatic belts might only approach levels similar to those currently achieved with manual belts.

The commenters on the April 1981 NPRM did not present any new factual data that could have reduced the substantial uncertainty confronting the agency. Instead, the commenters relied on the same data examined by the agency in its impact analyses.

The commenters were sharply divided on the question of usage rates. Proponents of the automatic restraint requirements did not in their analyses address the significance of the use-inducing nature of the nondetachable
automatic belts in the Rabbits and Chevettes or the demographic factors relating to those car purchasers. Instead, they asserted that the usage rates achieved in Rabbits and Chevettes would, with slight adjustments, also be achieved in other car size classes. In reaching this conclusion, they asserted that the usage rate increases of automatic belts shown by Rabbit and Chevette owners were the same regardless of whether the automatic belts were purchased knowingly or unknowingly. There was an exception to this pattern of comment among the proponents. One public spokesperson for an interest group acknowledged that automatic belts could be designed in a way that they so closely resembled manual belts that their usage rates would be the same.

Opponents of the automatic restraint requirements, relying on the similarity of detachable automatic belts to manual belts, predicted that the automatic belts would not have any substantial effect on belt usage. The opponents of the requirements also dismissed the experience of the Rabbit and Chevette owners on the grounds that the automatic belts in those cars had been voluntarily purchased and were nondetachable.

While the public comments did not provide the agency with any different or more certain basis for estimating belt usage than it already had, they did induce the agency to reexamine its assumption about the possible automatic belt usage rates. Although it is nearly impossible to sort out with precision the individual contributions made by nondetachability, interlocks, car size, demographics and other factors, NHTSA believes that the usage of automatic belts in Rabbits and Chevettes would have been substantially lower if the automatic belts in those cars were not equipped with a use-inducing device inhibiting detachment.

In the agency's judgment, there is a reasonable basis for believing that most of the increase in automatic belt Rabbits and Chevettes is due to the nondetachability feature, whether an interlock or other design feature, of their belt systems. Necessitating the attachment of belts by the addition of interlocks to 1974–75 cars resulted in an increase in manual belt usage by as much as 40 percent in cars subject to that requirement. A similar effect in the case of the Rabbit would account for four-fifths of the increase observed in the automatic belt vehicles. A significant portion of the remaining increase could in fact be attributable to the fact many owners of automatic belt Rabbits and Chevettes knowingly and voluntarily bought the automatic belts. By the principle of self-selection, these people would be more inclined to use their belts than the purchasers of 1974–75 Rabbits who did not have any choice regarding the purchase of a manual belt equipped with an interlock. This factor would not, of course, be present in the fleet subject to the standard.

*53423 The most appropriate way of accounting for the detachability problem and other limitations on the validity of that Rabbit and Chevette data would be to recognize that the levels of usage resulting from both the point estimates are based on uncertain conclusion and adjust each appropriately. The agency's estimate in the final regulatory impact analysis for the April 1981 final rule that usage would likely fall near the lower end of the range had the effect of substantially adjusting downward the usage rate (60 percent) produced by the technique relying on the absolute percentage point increase (50 percentage points) in belt usage in automatic belt Rabbits and Chevettes. A similar adjustment could also be made in the usage rate (15 percent) indicated by the multiplier technique.

Throughout these sequential analyses, the agency has examined the extremely sparse factual data, applied those factors which are known to externally affect usage rates, and defined for analytical purposes the magnitude of potential safety effects. Aside from the initial data points, all such analyses in all cases necessarily involve exercises of discretion and informed judgment. Resultant conclusions are indications of probable usage which always have been and always must be relied upon by the agency in the absence of additional objective data.
The agency believes that the results produced by both techniques must be adjusted to account for the effects of detachability and the other factors affecting usage rates. Therefore, as the April 1981 final rule recognized, the incremental usage attributable to the automatic aspect of the subject belts may be substantially less than 11 percent.

The agency’s analysis of the public comments and other available information leads it to conclude that it cannot reliably predict even a 5 percentage point increase as the minimum level of expected usage increase. The adoption of a few percentage points increase as the minimum would, in the agency’s judgment, be more consistent with the substantial uncertainty about the usage rate of detachable automatic belts. Based on the data available to it, NHTSA is unable to assess the probability that the actual incremental usage would fall nearer a 0 percentage point increase or nearer some higher value like a 5 or 10 percentage point increase.

Thus, the agency concludes that the data on automatic belt usage in Rabbits and Chevettes does not provide a sufficient basis for reliably extrapolating the likely range of usage of detachable automatic belts by the general motoring public in all car size classes. Those data are not even sufficient for demonstrating the likelihood that those belts would be used in perceptibly greater numbers than the current manual belts. If the percentage increase is zero or extremely small due to the substantial similarity of the design and methods of using detachable automatic belts and manual belts, then the data regarding manual belt usage would be as reliable a guide to the effects of detachable automatic belts on belt usage as data regarding usage of nondetachable automatic belts. Indeed, the manual belt data may even be a more reliable guide since the data are based on usage by the general motoring public in cars from all size and demographic classes.

In view of the uncertainty about the incremental safety benefits of detachable automatic belts, it is difficult for the agency to determine that the automatic restraint requirements in their present form meet the need for safety.

In concluding that for this reason detachable automatic belts may contribute little to achieving higher belt usage rates, the question then arises whether the agency should amend the standard to require that automatic belts have a use-inducing feature like that of the Rabbit and Chevette automatic belts. NHTSA believes that such features would increase belt usage. The agency does not, however, believe that such devices should be mandated, for the reasons discussed in detail below.

Costs of automatic restraints. In view of the possibly minimal safety benefits and substantial costs of implementing the automatic restraint requirements, the agency is unable to conclude that the incremental costs of the requirements are reasonable. The requirements are, in that respect, impracticable. While the car manufacturers have already made some of the capital expenditures necessary to comply with the automatic restraint requirements, they still face substantial, recurring variable costs. The average price increase per car is estimated to be $89. The costs of air bags and some designs of automatic belts would be substantially higher. With a total annual production of more than 10 million cars for sale in this country, there would be a price effect of approximately $1 billion.

While the car manufacturers might be able to pass along some or all of their costs to consumers, the necessary price increases would reduce sales. There might not be any net revenue loss since the extra revenue from the higher prices could offset the revenue loss from the lower volume of sales. However, those sale losses would cause net employment losses. Additional sales losses might occur due to consumer uncertainty about or antipathy toward the detachable automatic belts which do not stow so unobtrusively as current manual lap and shoulder belts.
Consumers would probably not be able to recoup their loss of disposable income due to the higher car prices. There does not appear to be any certainty that owners of cars with detachable automatic belts would receive offsetting discounts in insurance costs. Testimony and written comments submitted to the agency indicate premium reductions generally are available only to owners of cars equipped with air bags, not automatic belts. Some large insurance companies do not now offer discounts to any automatic restraint-equipped cars, even those with air bags. If insurance cost discounts were to be given owners of cars having detachable automatic belts, such discounts would be given only after the automatic belts had produced significant increases in belt usage, and in turn significant decreases in deaths and serious injuries. The apparent improbability of any economic effect approaching the magnitude of the consumer cost means that the discounts would not likely materialize on a general basis.

Insurance company statements at the August 1981 public meeting reaffirmed this belief as they state that they could not now assure reductions in insurance premiums but would have to first collect a considerable amount of claim data.

Finally, the weight added to cars by the installation of automatic belts would cause either increased fuel costs for consumers or further new car price increases to cover the incorporation of offsetting fuel economy improvements.

The agency does not believe that it would be reasonable to require car manufacturers or consumers to bear such substantial costs without more adequate assurance that they will produce benefits. Given the plans of the car manufacturers to rely primarily on detachable automatic belts and the absence of relevant data to resolve the usage question, implementation of the automatic restraint requirements amounts to an expensive federal regulatory risk. The result if the detachable automatic belts fail to achieve significant increases in belt usage could be a substantial waste of resources.

The agency believes that the costs are particularly unreasonable in view of the likelihood that other alternatives available to the agency, the states and the private sector could accomplish the goal of the automatic restraint requirements at greatly reduced cost. Like those requirements, the agency's planned educational campaign is addressed primarily to the substantial portion of the motoring public who are currently occasional users of manual belts.

Effect on public attitude toward safety. Although the issue of public acceptance of automatic restraints has already been discussed as it relates to the usage rate of detachable automatic restraints, there remains the question of the effect of automatic restraints on the public attitude toward safety regulation in general. Whether or not there would be more than minimal safety benefits, implementation of the automatic restraint requirements might cause significant long run harm to the safety program.

No regulatory policy is of lasting value if it ultimately proves unacceptable to the public. Public acceptability is at issue in any vehicle safety rulemaking proceeding in which the required safety equipment would be obtrusive, relatively expensive and beneficial only to the extent that significant portions of the motoring public will cooperate and use it. Automatic belt requirements exhibit all of those characteristics. The agency has given the need for public acceptability of automatic restraints substantial weight since it will clearly determine not only the level of safety benefits but also the general public attitude toward related safety initiatives by the government or the private sector.

As noted above, detachable automatic belts may not be any more acceptable to the public than manual belts at
any given point in time. If the detachable automatic belts do not produce more than negligible safety benefits, then regardless of the benefits attributable to the small number of other types of automatic restraints planned to be installed, the public may resent being required to pay substantially more for the automatic systems. Many if not most consumers could well conclude that the automatic belts would in fact provide them with no different freedom of choice about usage or levels of protection than manual belts currently offer. As a result, it is not unreasonable to conclude that the public may regard the automatic restraint requirements as an expensive example of ineffective regulation.

Thus, whether or not the detachable automatic belts might have been successful in achieving higher belt usage rates, mandates requiring such belts could well adversely affect public attitude toward the automatic restraint requirements in particular and safety measures in general. As noted in more detail in the 1976 Decision of Secretary Coleman.

Rejection by the public would lead to administrative or Congressional reversal of a passive restraint requirement that could result in hundreds of millions of dollars of wasted resources, severe damage to the nation's economy, and, equally important, a poisoning of popular sentiment toward efforts to improve occupant restraint systems in the future.

It can only be concluded that the public attitude described by the Secretary at that time is at least as prevalent today. The public might ultimately have sought the legislative rescission of the requirements. Action-forcing safety measures have twice before been overturned by Congress. In the mid-1970's, Congress rescinded the ignition interlock provision and provided that agency could not require the States to adopt and enforce motorcycle helmet use laws. Some people might also have cut the automatic belts out of their cars, thus depriving subsequent owners of the cars of the protection of any occupant restraint system. These are serious concerns for an agency charged by statute with taking steps appropriate for addressing safety problems that arise not only in the short term but also the long term. The agency must be able to react effectively to the expected increases in vehicle deaths and injuries during the 1980's.

Equity. Another relevant factor affecting the reasonableness of the automatic restraint requirements and of their costs is the equity of the distribution of such costs among the affected consumers. Responsible regulatory policy should generally strive to ensure that the beneficiaries of regulation bear the principal costs of that regulation. The higher the costs of a given regulation, the more serious the potential equity problem. The automatic restraint requirements of the standard would have required the current regular user of manual belts not only to pay himself for a system that affords him no additional safety protection, but in part to subsidize the current nonuser of belts who may or may not be induced by the automatic restraints to commence regular restraint usage.

Option of Adopting Use-Compelling Features. As noted above, some commenters have suggested that the only safety belts which are truly “passive” are those with use-compelling features. Such commenters have recommended that the agency amend the standard so as to require such features. For example, an ignition interlock which prohibits the car from starting unless the belt is secured is a use-compelling feature. Another example is a passive belt design which is simply not detachable, because no buckle and latch release mechanism is provided. While NHTSA agrees that such use-compelling features could significantly increase usage of passive belts, NHTSA cannot agree that use-compelling features could be required consistent with the interests of safety. In the case of the ignition interlock, NHTSA clearly has no authority to require such a use-compelling feature. The history of the Congressional action which removed this authority from NHTSA suggests that Congress would look with some disfavor upon any similar attempt to impose a use-compelling feature on a belt system.
But, even if NHTSA were to require that passive belts contain use-compelling features, the agency believes that the requirement could be counterproductive. Recent attitudinal research conducted by NHTSA confirms a widespread, latent and irrational fear in many members of the public that they could be trapped by the seat belt after a crash. Such apprehensions may well be contributing factors in decisions by many people not to wear a seat belt at all. This apprehension is clearly a question which can be addressed through education, but pending its substantial reduction, it would be highly inappropriate to impose a technology which by its very nature could heighten or trigger that concern.

In addition, the agency believes there are compelling safety reasons why it should not mandate use-compelling features on passive belts. In the event of accident, occupants wearing belts suffer significantly reduced risk of loss of consciousness, and are commonly able to extricate themselves with relative ease. However, the agency would be unable to find the cause of safety served by imposing any requirement which would further complicate the extrication of any occupant from his or her car, as some use-compelling features would. NHTSA's regulations properly recognize the need for all safety belts to have some kind of release mechanism, either a buckle and latch mechanism or a spool-out release which feeds a length of belt long enough to extricate a car occupant.

Alternative methods of increasing restraint usage. Finally, the agency believes that it is possible to induce increased belt usage, and enhance public understanding and awareness of belt mechanisms in general, by means that are at least as effective but much less costly than the installation of millions of detachable automatic belts.

In the decision noted above, Secretary Coleman noted the obligation of the Department of Transportation to undertake efforts to encourage the public to use occupant restraints, active or passive. Toward this point, Secretary Coleman directed the Administrator of NHTSA to undertake significant new steps to promote seat belt usage during the demonstration program. This instruction of the Secretary was not effectively carried out and, unfortunately, we do not enjoy today the benefits of a prolonged Departmental campaign to encourage seat belt usage. Had such a program been successfully carried out, increased seat belt usage could have saved many lives each year, beginning in 1977.

Rather than allowing the Coleman demonstration program and its accompanying education effort to come to fruition, the Department reconsidered Secretary Coleman's 1976 decision during 1977. At the conclusion of the reconsideration period, the Department reversed that decision, and amended the standard to require the provision of automatic restraints in new passenger cars, in accordance with a phased-in schedule.

The benefits of any such belt use enhancement efforts could have already substantially exceeded those projected for the automatic restraint requirements of this standard. Over the next ten years, the requirements of the standard would have addressed primarily those occasional belt users amenable to change who buy new cars during the mid and late 1980's.

Prior to the initiation of rulemaking in February of this year, the Department had resolved to undertake a major educational effort to enhance voluntary belt usage levels. Such efforts will be closely coordinated with new and preexisting major initiatives at the State level and in the private sector, many of which were discussed at the public meeting on the present rulemaking. These efforts will address not only those users/purchasers amenable to change, but also those currently driving and riding in cars, multipurpose passenger vehicles and trucks on the road today. The potential for immediate impact is thus many times greater. Further, with the much greater number of persons directly impacted, educational efforts would need to raise safety belt usage in the vehicles on the
road during the 1980's by only a few percentage points to achieve far greater safety benefits than the automatic 
restraint requirements could have achieved during the same time period.

This is in no sense to argue or suggest that nonregulatory alternatives are or should be considered in all cases ap-
propriate to limit Federal regulation. However, the existence of such efforts, and their relevance to calculations 
of benefits in the present case, must be and has been considered to the extent discussed herein.

Summary of Agency Conclusion

As originally conceived, the automatic restraint requirement was a far reaching technology forcing regulation 
that could have resulted in a substantial reduction in injuries and loss of life on our highways.

As it would be implemented in the mid-1980's, however, the requirement has turned into a billion dollar Federal 
effort whose main technological advance would be to require seat belts that are anchored to the vehicle door 
rather than the vehicle body, permitting these belts to be used either as conventional active belts or as automatic 
belts.

To gain this advantage, under the standard as drafted, consumers would see the end of the six passenger car and 
an average vehicle price increase on the order of $89 per car. The almost certain benefits that had been anticip-
ated as a result of the use of air bag technology have been replaced by the gravely uncertain benefit estimates as-
associated with belt systems that differ little from existing manual belts.

In fact, with the change in manufacturers' plans that in essence replaced air bags with automatic belts, the central 
issue in this proceeding has become whether automatic belts would induce higher belt usage rates than are oc-
curring with manual belts.

Many of the comments in the course of this rulemaking were directed specifically at the question of belt use. 
Most addressed themselves to the information in the docket on the usage witnessed in the VW Rabbit and 
Chevette equipped with automatic belts.

The Agency's own analysis of the available information concludes that it is virtually impossible to develop an 
accurate and supportable estimate of future belt use increases based upon the Rabbit and Chevette automatic belt 
observations. The Agency further believes that it is impossible to disaggregate the roles that demographics, use 
inducing devices, and automatic aspects of the belt played in the observed increases.

Faced with this level of uncertainty, and the wide margins of possible error, the agency is simply unable to com-
ply with its statutory mandate to consider and conclude that the automatic restraint requirements are at this time 
practicable or reasonable within the meaning of the Vehicle Safety Act. On the other hand, the agency is not 
able to agree with assertions that there will be absolutely no increase in belt use as a result of automatic belts. 
Certainly, while a large portion of the population appears to find safety belts uncomfortable or refuses to wear 
them for other reasons, there is a sizeable segment of the population that finds belts acceptable but still does not 
use them. It is plausible to assume that some people in this group who would not otherwise use manual belts 
would not disconnect automatic belts.

It is this same population that will generate all of the benefits that result directly and solely from this regulation. 
This is a population that can also be reached in other ways. The Agency, state governments and the private sec-
tor are in the process of expanding and initiating major national belt use educational programs of unprecedented
scale. While undertaken entirely apart from the pending proceeding, the fact remains that this effort will pre-
dominantly affect the same population that the automatic belts would be aimed at.

On the one hand, it could be argued that, the success of any belt use program would only be enhanced by the in-
stallation of automatic belts. Individuals who can be convinced of the utility of safety belts would presumably
have an easier time accepting an automatic belt. On the other hand, there is little evidence that the standard itself
will materially increase usage levels above those otherwise achievable.

However, the agency is not merely faced with uncertainty as to the actual benefits that would result from detach-
able automatic safety belts. When the uncertain nature of the benefits is considered together with the risk of ad-
verse safety consequences that might result from the maintenance of this regulation, the agency must conclude
that such retention would not be reasonable, and would not meet the need for motor vehicle safety.

It is useful to summarize precisely what the agency believes these risks might be. The principal risk is that ad-
verse public reaction could undermine the effectiveness of both the standard itself and future or related efforts.

The agency also concludes, however, that retention would present serious risk of jeopardizing other separate ef-
forts to increase manual belt usage by the Federal government, States and the private sector. A public that be-
lieves it is the victim of too much government regulation by virtue of the standard might well resist such par-
allel efforts to enhance voluntary belt usage. Further, to the extent that States begin to consider belt use laws
as an option, a Federal regulation addressing the same issue could undermine those attempts as well.

While one cannot be certain of the adverse effects on net belt usage increases, it would be irresponsibie to fail to
consider them. A decision to retain the regulation under any of the schedules now being considered would not
get automatic belts on the road until 1983 and would not apply to the entire fleet of new cars until 1984. By the
end of the 1984 model year, under most options, there would have been fewer than 20 million vehicles equipped
with automatic belts on the road.

By the same time, however, there will be upward of 150 million vehicles equipped with only manual belts,
drivers and occupants of which will have been exposed to interim belt usage encouragement efforts.

Agency analysis indicates that external efforts of whatever kind that increase usage by only 5 percent, will save
more than 1300 lives per year beginning in 1983. Installation of automatic belts could save an equal number of
lives in 1983 only with 95 percent belt usage.

Further, even if one is convinced that automatic belts can double belt usage and alternative efforts would only
increase usage by 5 percent, it would not be until 1989 that total life savings attributable to automatic belts in-
stalled under the automatic restraint requirements would reach the total life savings achieved through such other
efforts.

NHTSA fully recognizes that neither outcome is a certainty. Much closer to the truth is that both outcomes are
uncertain. However, neither is significantly more likely than the other. That being the case, to impose the $1 bil-
don cost on the public does not appear to be reasonable.

It is particularly unreasonable in light of the fact that the rescission does not foreclose the option to again reopen
rulemaking if enhanced usage levels of both manual and automatic belts do not materialize. Long before there
would have been any substantial number of vehicles on the road mandatorily equipped with automatic belts as a
result of this standard, NHTSA will conclusively know whether other efforts to increase belt use have succeeded either in achieving acceptable usage levels or in increased public understanding and acceptance of the need for further use-inducing or automatic protection alternatives. If so obviously no further action would be needed. If such is not the case, rulemaking would again be a possibility. Any such rulemaking, following even partially successful efforts to increase belt use, would be much less likely to face public rejection.

It has been said that the Vehicle Safety Act is a “technology-forcing” statute. The agency concurs completely.

However, the issue of automatic restraints now before the agency is not a “technology-forcing” issue. The manual seat belt available in every car sold today offers the same, or more, protection than either the automatic seat belt or the air bag. Instead, the agency today faces a decision to force people to accept protection that they do not choose for themselves. It is difficult to conclude that the Vehicle Safety Act is, or in light of past experience could become, a “people-forcing” statute.

NHTSA cannot find that the automatic restraint requirements meet the need for motor vehicle safety by offering any greater protection than is already available.

After 12 years of rulemaking, NHTSA has not yet succeeded in its original intent, the widespread offering of automatic crash protection that will produce substantial benefits. The agency is still committed to this goal and intends immediately to initiate efforts with automobile manufacturers to ensure that the public will have such types of technology available. If this does not succeed, the agency will consider regulatory action to assure that the last decade's enormous advances in crash protection technology will not be lost.

Impact Analyses

NHTSA has considered the impacts of this final rule and determined that it is a major rulemaking within the meaning of E.O. 12291 and a significant rule within the meaning of the Department of Transportation regulatory policies and procedures. A final regulatory impact analysis is being placed in the public docket simultaneously with the publication of this notice. A copy of the analysis may be obtained by writing to: National Highway Traffic Safety Administration, Docket Section, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590.

The agency's determination that the rule is major and significant is based primarily upon the substantial savings in variable manufacturing costs and in consumer costs that result from the rescission of the automatic restraint requirements. These costs would have amounted to approximately $1 billion once all new cars became subject to the requirements. The costs would have recurred annually as long as the requirements remained in effect. There is also a recurring savings in fuel costs of approximately $150 million annually. Implementation of the automatic restraint requirements would have increased the weight of cars and reduced their fuel economy. In addition, the car manufacturers will be able to reallocate $400 million in capital investment that they would have had to allocate for the purpose of completing their efforts to comply with the automatic restraint requirements.

The agency finds it difficult to provide a reliable estimate of any adverse safety effects of rescinding the automatic restraint requirements. There might have been significant safety loss if the installation of detachable automatic belts resulted in a doubling of belt usage and if the question were simply one of the implementation or rescission of the automatic restraint requirements. The April 1981 NPRM provided estimates of the additional deaths that might occur as a result of rescission. However, those estimates included carefully drafted caveats. The notice expressly stated that the impacts of rescission would depend upon the usage rate of automatic belts and of the effectiveness of the agency’s educational campaign. The agency has now determined that there is no
certainty that the detachable automatic belts would produce more than a several percentage point increase in usage. The small number of cars that would have been equipped with automatic belts having use-inducing features or with air bags would not have added more than several more percentage points to that amount. Further, any potential safety losses associated with the rescission must be balanced against the expected results of the agency's planned educational program about safety belts. That campaign will be addressed to the type of person who might be induced by the detachable automatic belts to begin regular safety belt usage, i.e., the occasional user of manual belts. Since that campaign will affect occasional users in all vehicles on the road today instead of only those in new cars, the campaign can yield substantially greater benefits than the detachable automatic belts even with a much lower effectiveness level.

The agency has also considered the impact of this action on automatic restraint suppliers, new car dealers and small organizations and governmental units. Since the agency certifies that the rescission would not have a significant effect on a substantial number of small entities, a final regulatory flexibility analysis has not been prepared. However, the impacts of the rescission on the suppliers, dealers and other entities are discussed in the final Regulatory Impact Analysis.

The impact on air bag manufacturers is likely to be minimal. Earlier this year, General Motors, Ford and most other manufacturers cancelled their air bag programs for economic reasons. These manufacturers planned instead to rely almost wholly on detachable automatic belts. Therefore, it is not accurate to say, as some commenters did, that rescission of the automatic restraint requirements will "kill" the air bag. Rescission will not affect the air bag manufacturers to any significant degree. Further, the agency plans to undertake new steps to promote the continued development and production of air bags.

The suppliers of automatic belts are generally the same firms that supply manual belts. Thus, the volume of sales of these firms is not expected to be affected by the rescission. However, there will be some loss of economic activity that would have been associated with developing and producing the more sophisticated automatic belts.

The effects of the rescission on new car dealers would be positive. Due to reduced new car purchase prices and more favorable reaction to manual belts than to automatic belts, sales increases of 395,000 cars were estimated by GM and 235,000 cars by Ford. While these figures appear to be overstated, the agency agrees that rescission will increase new car sales.

Small organizations and governmental units would be benefited by the reduced cost of purchasing and operating new cars. Given the indeterminacy of the usage rate that detachable automatic belts would have achieved, it is not possible to estimate the effects, if any, of the rescission on the safety of persons employed by these groups.

In accordance with the National Environmental Policy Act of 1969, NHTSA has considered the environmental impacts of the rescission and the alternatives proposed in the April 1981 NPRM. The option selected is disclosed by the analysis to result in the largest reductions in the consumption of plastics, steel, glass and fuel/energy. A Final Environmental Impact Statement is being placed in the public docket simultaneously with the publication of this notice.

This amendment is being made effective in less than 180 days because the date on which the car manufacturers would have to make expenditure commitments to meet the automatic restraint requirements for model year 1983 falls within that 180-day period.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS 49 CFR § 571.208
In consideration of the foregoing, Federal Motor Vehicle Safety Standard No. 208, Occupant Crash Protection (49 CFR 571.208), is amended as set forth below.

49 CFR § 571.208

§ 571.208 [Amended]

1. S4.1.2 is amended by revising it to read:

S4.1.2 Passenger cars manufactured on or after September 1, 1973. Each passenger car manufactured on or after September 1, 1973, shall meet the requirements of S4.1.2.1, S4.1.2.2 or S4.1.2.3. A protection system that meets the requirements of S4.1.2.1 or S4.1.2.2 may be installed at one or more designated seating positions of a vehicle that otherwise meets the requirements of S4.1.2.3.

2. The heading of S4.1.2.1 is amended by revising it to read:

S4.1.2.1 First option—Frontal/Angular Automatic protection system.

* * * * *

S4.1.3 [Removed]

3. S4.1.3. is removed.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 Stat. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on October 23, 1981.

Raymond A. Peck, Jr.,
Administrator.

Appendix

Editorial

Note.—This appendix will not appear in the Code of Federal Regulations.

Following is a summary of the major comments submitted in response to the April 9, 1981 notice of proposed rulemaking. A more detailed summary of comments has been placed in NHTSA Docket No. 74–14; Notice 22. This summary is organized in broad terms according to the interest groups from which the comments were received.

Insurance Companies

All commenting insurance companies strongly favored retention of the automatic restraint requirements. Many favored maintaining the present implementation schedule (i.e., September 1, 1982, for large and medium-sized cars and September 1, 1983, for small cars), although several companies stated they would support a change to require that small cars are phased in first or a simultaneous implementation date. Several insurance companies stated that air bags offer the best technology for saving lives and reducing injuries. These companies pointed out
that repeated surveys have indicated that consumers appear to favor air bags, even if higher costs are likely. Several insurers argued that a retreat from the standard represents a breach of the Secretary's statutory obligation to reduce traffic accidents and deaths and injuries which result from them. One company argued that a delay in the standard (i.e., the delay and reversal alternative) would produce no measurable economic benefit to car makers and might possibly result in an economic loss to them. Nearly all the companies argued that the standard is cost-beneficial and represents the optimum approach to resolving this country's most pressing public health problem. Many companies stated that reduced insurance premiums resulting from the lives saved and injuries prevented by automatic restraints would help offset the cost of those systems to consumers.

A majority of the insurance companies argued that seat belt use campaigns will not be effective in raising the current use rate of manual belts significantly. The companies pointed to the failures of all past campaigns to have any substantial impact on use rates. On the other hand, these companies believe that the use rate of automatic belts will be significant. The companies point to the current use data for automatic belts on VW Rabbits and Chevettes as evidence that automatic belt use will be significant. The companies believe that seat belt use campaigns should only be complimentary to automatic restraints, not a substitute.

Several insurance companies pointed to the huge economic losses resulting from traffic accidents. One company stated that these losses mount to over 1 billion dollars per year and result in recurring costs because of continuing medical problems such as epilepsy and quadriplegia. One company cited Professor William Nordhaus's analysis of the consequences of rescinding the standard as being equivalent to society's loss if the tuberculosis vaccine had not been developed, or if Congress repealed the Clean Air Act. In his submission on behalf of the insurance companies, Professor Nordhaus stated that fatalities will increase by 6,400 each year and injuries by 120,000 if the standard is rescinded. One company argued that the standard is cost-beneficial if automatic belt use rates increase usage only 5 percent. However, this company stated that use rates as high as 70 percent could be expected, and that the costs of rescinding the standard could reach as much as 2 billion dollars per year. This company also argued that the economic condition of the vehicle industry is no excuse for any delay in the standard and is not a statutorily justified reason for rescinding the standard.

Consumer Groups and Health Organizations

There were many consumer groups and health-related organizations which strongly urged that the automatic restraint requirements be maintained and that there be no further delays in the implementation schedule. Most of these groups argued that the cost of both air bags and automatic belts are greatly exaggerated by vehicle manufacturers. One group stated that the three alternative proposals are “naive and exhibit a callous disregard for human lives that flouts the agency's mandated safety mission.” This group argued that a worst alternative is to rescind the standard and rely on education programs to increase the use of manual belts, since seat belt campaigns have failed repeatedly in this country. The group stated that the simultaneous implementation alternative in March 1983 ignores the industry's background of introducing safety changes only at the beginning of a new model year. Regarding a reversed phase-in schedule, the group stated that the requirement that small cars have automatic restraints by September 1, 1982, would not likely provide sufficient lead time for small car manufacturers. Additionally, with approximately 2 to 1 difference in seat belt use in small cars versus larger cars, it is not at all clear that the proposed reversal would make up for the delay in implementation in the larger cars in terms of lives saved. The group argued that the best alternative is to maintain the existing implementation schedule.

Several consumer groups argued that the center seating position should not be eliminated from the requirements
for several reasons. First, they argued, this position is likely to be occupied by children. Second, the center seat requirement is one factor that will lead to the installation of air bags in some vehicles since current automatic belt designs cannot be applied to the center seat. Nearly all consumer groups argued that benefits of the automatic restraint standard far outweigh the costs.

One association stated that the air bag supplier industry could be forced out of business if substantial modifications and further delays are made to the standard. This would mean, the association argued, that the life-saving air bag technology could be lost forever. The association would support some modifications to the standard if there were some clear commitment by the Department that some car models would be required to offer the consumer the choice of air bags. The group noted that air bag suppliers have indicated that a sufficient production volume would result in air bag systems priced in the 200 to 300 dollar range.

Various health groups and medical experts argued that the pain and suffering resulting from epilepsy and paraplegia, as well as mental suffering and physical disfigurement, could be greatly reduced by the automatic restraint standard. These persons argued that the standard should be implemented as soon as possible.

One consumer oriented group did not support the automatic restraint standard. That foundation argued that the standard is not justified, particularly if it is complied with by means of air bags. The group stated that air bag effectiveness is overestimated since the agency does not include non-frontal crashes in its statistics. The organization argued that in many situations air bags are actually unsafe. This group also argued that the public acceptability of automatic seat belts is uncertain, and that a well-founded finding of additional safety benefits by the Department is required in order to justify retention of the standard.

Vehicle Manufacturers

The vehicle manufacturers, both foreign and domestic, were unanimously opposed to retention of the automatic restraint standard. Most manufacturers stated the predominate means of complying with the standard would be with automatic belts, and that such belts are not likely to increase usage substantially. This is because most automatic belts will be designed to be easily detachable because of emergency egress considerations and to avoid a potential backlash by consumers that would be counterproductive to the cause of motor vehicle safety. The domestic manufacturers argued that the public would not accept coercive automatic belts (i.e., automatic belts with interlocks or some other use-inducing feature). Eliminating any coercive element produces, in effect, a manual belt, which will be used no more than existing manual systems.

The domestic manufacturers also argued that air bags would not be economically practicable and would, therefore, be unacceptable to the public. One manufacturer noted that current belt users will object strenuously to paying additional money for automatic belts that will not offer any more protection than their existing belts.

One manufacturer argued that the injury criteria specified in the standard is not representative of real injuries and should be replaced with only static test requirements for belt systems. The company argued that there are many problems with test repeatability under the 208 requirements.

All manufacturers of small cars stated that it would be impossible for them to comply with the standard by September 1, 1982, i.e., under the reversal proposal. These manufacturers stated that there is insufficient lead time to install automatic restraints in small cars by that date, and several foreign manufacturers stated they would not be able to sell their vehicles in that model year if the schedule is reversed. Most of the manufacturers, both domestic and foreign, stated that it is also too late to install automatic restraints in their small cars even six
months earlier than the existing schedule, i.e., under the March 1983 simultaneous implementation proposal. Many manufacturers supported a simultaneous implementation if the standard is not rescinded, but requested that the effective date be September 1, 1983, or later. The manufacturers argued that an effective date for small cars prior to September 1, 1983, would not allow enough time to develop acceptable, reliable and high quality automatic belts.

Nearly all vehicle manufacturers believe that an intensive seat belt education campaign can be just as effective as automatic restraints and without the attendant high costs of automatic restraints. Additionally, most foreign manufacturers recommended that mandatory seat belt use laws be enacted in lieu of automatic restraints.

One foreign manufacturer requested that any effective date for automatic restraints be “September 1 or the date of production start of the new model year if this date falls between September 1 and December 31”. The company stated that this would allow manufacturers to continue production for several months of models that would then be phased out of production. However, a domestic vehicle manufacturer argued that this would give foreign manufacturers an unfair competitive advantage, and that current practice of September 1 effective dates should be retained.

Most manufacturers supported the proposal to exclude the center seating position from the automatic restraint requirements, in order to give manufacturers more design flexibility. *53429 However, the two domestic manufacturers which would be most affected by such an exception stated that it is too late for them to make use of such an exception for 1983 models. The two companies stated that such an exception would have benefits in the long run, however, and would allow them to continue production of six-seat passenger cars in the mid-1980's.

Suppliers and Trade Groups

Suppliers of air bag system components supported continuation of the automatic restraint requirements. One commenter stated that having to buckle-up is an act which requires a series of psychological and physical reactions which are responsible for the low rate of manual seat belts. Also, this company stated that educational campaigns to increase belt use will not work.

One motor vehicle trade group stated that a study by the Canadian government has established the superiority of manual seat belt systems. This group argued that the automatic restraint requirements cannot be justified because any expected benefits are speculative.

One trade group voiced its concern about sodium azide (an air bag propellant) as it pertains to possible hazards posed to the scrap processing industry.

A group representing seat belt manufacturers stated that the most effective way of guaranteeing belt use is through mandatory seat belt use laws. That group believes that belt usage can be increased through public education, and that simple, easy to use automatic belts such as are currently on the VW Rabbit will also increase belt usage. This group did not support a simultaneous implementation date for automatic restraints, stating that this could put a severe strain on the supplier industry. The group did support elimination of the automatic restraint requirements for center seating positions.

An automobile association recommended equipping small cars with automatic restraints first. The association stated that a reversed phase-in schedule would protect a significantly large segment of the public at an earlier date, would reduce a foreign competitive advantage (under the existing schedule), and would give needed eco-
nomic relief to large car manufacturers. This organization also recommended that, as an alternative, automatic restraints be required only at the driver's position. This would achieve three-quarters of the reductions in deaths and serious injuries now projected for full-front seat systems, yet cost only half as much.

Congressional comments

Mr. Timothy E. Wirth, Chairman of the House Subcommittee on Telecommunications, Consumer Protection and Finance, made the following comments:

—The automatic restraint requirements would produce benefits to society far in excess of costs.

—The Committee findings strongly point to the necessity of requiring the installation of automatic crash protection systems, at a minimum, on a substantial portion of the new car fleet at the earliest possible date. Mr. Wirth suggested that the effective date for small cars be September 1, 1982, and for intermediate and large cars September 1, 1983.

—The economic conditions of the automobile industry should not be relevant to the NHTSA's decision on matters of safety. NHTSA's decision must be guided solely by safety-related concerns.

—The agency should not discount its own findings indicating high use of automatic belts (referring to the existing VW and Chevette automatic belt use data).

In a joint letter to the Secretary, eighteen Congressmen urged that the automatic restraint requirements be maintained. This letter noted that over 50,000 people are killed each year on the highways and stated: “While the tragedy of their deaths cannot be measured in economic terms, the tragedy of their serious injuries cost all of us billions of dollars each year in higher insurance costs, increased welfare payments, unemployment and social security payments and rehabilitation costs paid to support the injured and the families of those who have been killed.” The letter stressed the Congressmen's belief that the automatic crash protection standard would produce benefits to society far in excess of its cost.

In a letter addressed to Administrator Peck, fifty-nine Congressmen urged that the automatic restraint standard be rescinded. That letter stated: “The 208 standard persists as one of the more controversial federal regulations to be forced on the automobile industry. . . . The industry continues to spend hundreds of thousands of dollars every day in order to meet this standard, despite considerable evidence that any safety benefits realized by enforcing the standard would be minimal.”

Private Citizens

In addition to comments from the above groups and organizations, the agency also received general comments from numerous private citizens. These comments were almost equally divided in their support or opposition to the automatic restraint standard.

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