

# Air bag injuries to passengers bedevil Nissan

## Automaker denies responsibility; safety groups, victims press issue

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*Los Angeles Times*

Ali Warsome is blind. This is how it happened:

In April, he was riding in a car that hit a divider on a road in Washington, D.C. It wasn't much of a wreck; the '94 Nissan Altima didn't even need a tow.

But the air bag struck his face with such force that Warsome's battered left eye had to be removed. Surgeons were unable to restore the vision in his right eye because "the retina was completely shredded," according to his medical records.

"I cannot see the sky anymore," said Warsome, 74, an immigrant from Somalia, speaking through an interpreter. "I cannot cook. I cannot walk. I cannot help my grandchildren. . . . I don't know what to do."

To do their job properly, air bags must inflate at lightning speed, so there always is a chance that they can cause injury.

But safety groups and alleged victims say the passenger-side air bags in certain Altimas — the 1994 and early '95 models — can inflict a terrible sort of damage.

They say the air bags are responsible for at least 40 cases of severe eye injury, including permanent blindness in one or both eyes in some instances. Often, these injuries to passengers have

occurred in crashes so minor that the drivers of the cars were unharmed.

Nissan staunchly denies that the air bags are defective, saying the frequency and severity of eye injuries from them are similar to those in other cars. "We know it's a high-quality bag," said Scott Vazin, a spokesman for Torrance, Calif.-based Nissan North America Inc.

But consumer groups are pressing the matter hard. "People should not lose their vision because a driver hits a curb or has a fender-bender," asserted Joan Claybrook, president of Public Citizen, which has demanded a recall.

Added Clarence Ditlow, who heads the Center for Auto Safety, a consumer group based in Washington: "I've never seen a defect like this, which has such a singular injury mode — which is physically blinding someone."

The air bags are the focus of a long-running investigation by the National Highway Traffic Safety Administration, which could demand a recall of nearly 200,000 cars if it finds they are defective.

Nissan switched to a new air bag design midway through the '95 model year. Consumer groups claim this was a quiet decision to scrap an air bag the company knew was unsafe.

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## Nissan denies responsibility

But Bob Yakushi, Nissan's senior manager of auto safety engineering, said the design change had long been in the works and was not prompted by safety concerns.

Clouding the debate is the lack of widely accepted data on rates of air bag-related injuries in different models of cars and trucks. However, information gathered by NHTSA in the investigation does suggest Altimas are different.

The agency asked Nissan and 12 other manufacturers to disclose the number of reports of eye or facial injuries from passenger-side air bags.

There were 75 such reports involving the nearly 249,000 Altimas produced in '94 and early '95.

There were 57 complaints for about 3.5 million vehicles produced by other manufacturers.

For each 100,000 vehicles, there were 30 reports of Altima

injuries and 1.5 for the other vehicles — a ratio of 20 to 1.

But in a case of dueling statistics, Nissan has cited a New York state database that it says shows the Altima with an above-average record of avoiding air bag injuries to the face and eyes. Opponents contend the database is too vague and incomplete to allow useful comparisons.

Though Nissan maintains that the air bags are as safe as those in other cars, documents show that the company began developing a replacement two years ago — before federal authorities began their investigation.

According to a Nissan memo to the government, the company has ordered and tested several of the potential substitute air bags but has no plans to offer them to car owners.

The papers show "there is a viable recall remedy . . . to put in the vehicles to save people from being blinded," said Ditlow.

Ditlow's safety group obtained the documents from the National Highway Traffic Safety Administration after filing a public records lawsuit against the agency. "There's a fix, and it's being withheld," Ditlow said.

NHTSA officials declined to

comment.

According to a memo filed with NHTSA, Nissan began the work after being approached by a news organization for what the company assumed would be "a sensationalized television show about the air bag."

Nissan representatives were "informed that the theory of the story would be that the . . . Altima air bag was too 'aggressive' or too 'powerful.' . . . Consideration was given to possible consumer dissatisfaction with the early Altima air bag in the event of a sensationalized television broadcast critical of the . . . Altima air bag's energy level," the memo to NHTSA said.

In the meantime, according to the memo, Nissan immediately sought help from air bag maker Takata to design a substitute. A chronology contained in the memo shows that Nissan approved a final design in April 2001, and weeks later received sample air bags for testing.

At least 30 people have sued Nissan, claiming severe eye injuries from the air bags.

But the company says the bags have been unfairly attacked because of plaintiffs' lawyers fanning erroneous news reports.

Nissan decided to design a substitute "when we were confronted with the sensationalistic and erroneous information by the plaintiffs' attorneys," said Kyle Bazemore, a spokesman for Nissan North America. "We requested to develop a de-powered air bag simply as a proactive measure in case it was needed for customer satisfaction."

Lawrence Baron, a Portland, Ore., lawyer who has sued Nissan on behalf of more than a dozen people, said the company's explanation was "kind of bizarre."

"This is an admission, in my mind, that they knew in November of 2000" that the air bag was defective, Baron said. "It's inexcusable that they would continue to let the air bag blind people when they have a fix."

The Nissan memo, dated Aug. 9, 2002, was one of a number of documents NHTSA provided to the Center for Auto Safety. Earlier the center sued NHTSA under the Freedom of Information Act, claiming the agency had illegally withheld records pertaining to a meeting June 28 between Nissan and NHTSA officials at which the air-bag replacement was discussed.