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# CENTER FOR AUTO SAFETY

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August 4, 2016

Mr. Paul Hemmersbaugh, Chief Counsel  
National Highway Traffic Safety Administration (NHTSA)  
1200 New Jersey Avenue SE  
West Building, W12-140  
Washington, DC 20590

Dear Mr. Hemmersbaugh:

The Center for Auto Safety (“CAS”) [filed a petition for rulemaking](#) on March 9, 2016, requesting action by NHTSA to warn of the dangers of seat back collapse killing children in rear-impact crashes by requiring an 8-word warning label on child seats and warnings in owner manuals. On September 28, 2015, Alan Cantor of ARCCA, Inc. filed a petition to improve FMVSS 207 seat performance and warn drivers of the potential danger to rear seat occupants.

NHTSA bases its 50 year history of failing to upgrade FMVSS 207 on lack of data. There are extensive data as CAS and ARCCA pointed out in their Petitions to upgrade FMVSS 207, based on an examination of seat back collapse lawsuits and accompanying police reports, that far exceed anything NHTSA has ever done to gather data to support improvements to FMVSS 207.

CAS recently completed an analysis of another data source of seat failure that NHTSA has failed to examine for seat back collapse crashes. CAS analysed all of NHTSA Early Warning Reporting (“EWR”) data filed by twelve major manufacturers, BMW, Chrysler, Ford, General Motors, Honda, Hyundai, Kia, Mazda, Nissan, Subaru, Toyota, and Volkswagen/Audi. All EWR Death and Injury reports that cited “seat” as a contributing component were placed in Excel spreadsheets, and are available via the Center’s website at the URL’s found in Attachment 1 to this letter.

From the third reporting quarter of 2003 through the first quarter of 2016, these ten manufacturers reported 327 deaths and 3278 injuries in crashes where seats were a contributing component. Attachment 2 contains a summary breakdown of reports by manufacturer. As EWR data are notoriously short on detail, we request that the agency follow up on each of these reports by submitting Death and Injury Inquiries on each EWR report to determine whether seat failures contributed to the deaths and injuries involved. Additionally, we ask that NHTSA place this information in the petition files and consider these data in support of both the CAS and ARCCA petitions.

Furthermore, we note that the agency has exceeded the 120 day statutory deadline under 49 USC § 30162(d) for responding to both the CAS and ARCCA petitions. Given that the agency has had over ten months to respond to the ARCCA petition and five months on the CAS petition, when can we expect a response?

Sincerely,

A handwritten signature in black ink, appearing to read 'm/b', written in a cursive style.

Michael Brooks  
Staff Attorney  
On Behalf of the Center for Auto Safety and ARCCA, Inc.

Attachment(s): 2

## Attachment 1

# NHTSA EWR Excel Spreadsheets - Deaths & Injuries with Seat as Contributing Component

[Total Reported Deaths and Injuries with Seat as Contributing Component](#) -

<http://www.autosafety.org/wp-content/uploads/2016/03/EWR-Seats-12-Manufacturers.pdf>

[BMW](#) - <http://www.autosafety.org/wp-content/uploads/2016/03/BMW-EWR-2003-2016-Q1-Seats.xlsx>

[Chrysler](#) - <http://www.autosafety.org/wp-content/uploads/2016/03/Chrysler-EWR-2003-2016-Q1-Seats.xlsx>

[Ford](#) - <http://www.autosafety.org/wp-content/uploads/2016/03/Ford-EWR-2003-2016-Q1-Seats.xlsx>

[General Motors](#) - <http://www.autosafety.org/wp-content/uploads/2016/03/GM-EWR-2003-2016-Q1-Seats.xlsx>

[Honda](#) - <http://www.autosafety.org/wp-content/uploads/2016/03/Honda-EWR-2003-2016-Q1-Seats.xlsx>

[Hyundai](#) - <http://www.autosafety.org/wp-content/uploads/2016/03/Hyundai-EWR-2003-2016-Q1-Seats.xlsx>

[Kia](#) - <http://www.autosafety.org/wp-content/uploads/2016/03/Kia-EWR-2003-2016-Q1-Seats.xlsx>

[Mazda](#) - <http://www.autosafety.org/wp-content/uploads/2016/03/Mazda-EWR-2003-Q3-2016-Q1-Seats.xlsx>

[Nissan](#) - <http://www.autosafety.org/wp-content/uploads/2016/03/Nissan-EWR-2003-2016-Q1-Seats.xlsx>

[Subaru](#) - <http://www.autosafety.org/wp-content/uploads/2016/03/Subaru-EWR-2003-Q3-2016-Q1-Seats.xlsx>

[Toyota](#) - <http://www.autosafety.org/wp-content/uploads/2016/03/Toyota-EWR-2003-2016-Q1-Seats.xlsx>

[Volkswagen/Audi](#) - <http://www.autosafety.org/wp-content/uploads/2016/03/VW-Audi-EWR-2003-2016-Q1-Seats.xlsx>

## Attachment 2

### Early Warning Reporting - Deaths and Injuries with Seat as Contributing Component, 2003 Q3 – 2016 Q1

<b><u>Manufacturer</u></b>	<b><u>Deaths</u></b>	<b><u>Injuries</u></b>
<b>BMW</b>	1	43
<b>Chrysler</b>	55	383
<b>Ford</b>	119	858
<b>General Motors</b>	68	985
<b>Honda</b>	15	240
<b>Hyundai</b>	2	47
<b>Kia</b>	11	82
<b>Mazda</b>	5	57
<b>Nissan</b>	18	113
<b>Subaru</b>	1	35
<b>Toyota</b>	28	402
<b>Volkswagen/Audi</b>	4	33
<b>Total</b>	<b>327</b>	<b>3278</b>